

ARTICLE 27: PLANNED DEVELOPMENT ADMINISTRATION AND PROCEDURES

Section 2701: General Requirements

- 2701.01 Unless otherwise specified within this Zoning Resolution, Planned Developments shall require a two-step zoning review process. Each step shall be considered independent from one another and shall not run concurrently.
- A) The first step shall consist of the filing of a Zoning Map Amendment application to re-zone a Tract to the desired Planned Development District in accordance with Sections 2702, 2703, and 2704 of this Zoning Resolution, as well as ORC 519.12, as may be amended. Said application shall also include a Preliminary Development Plan.
 - B) The second step shall consist of the filing of a Final Development Plan application in accordance with Sections 2705 and 2706 of this Zoning Resolution.
 - C) Revisions to an approved Final Development 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

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otherwise specified herein. Similarly, notices do not have to be re-mailed to neighboring property owners as otherwise specified herein.

- B) Applicants may request a tabling of their application to an uncertain date, time, and/or place at any time during the Township's review process. Such a request shall be submitted in writing at any time or made verbally during the public hearing for said application. Applications which are tabled to an uncertain date, time, and/or place shall be re-advertised in the newspaper in accordance with the applicable provisions herein. Similarly, new notices shall also be mailed to neighboring property owners in accordance with the applicable provisions herein.
 - 1) In order to un-table an application, a request to do so must be made by the applicant and delivered to the Zoning Inspector.
 - 2) A fee in accordance with an adopted fee schedule may be charged to un-table an application.
 - 3) The hearing for an un-tabled application may be scheduled in accordance with a pre-determined zoning application and meeting schedule as detailed in Section 2701.03.
- C) Applicants wishing to withdraw their application shall submit their request in writing to the Zoning Inspector. Upon receipt, the Zoning Inspector or their designee shall inform the Zoning Commission and/or Township Trustees that the application has been withdrawn. Refunding of fees shall only be permitted in accordance with a separate schedule of fees adopted by the Township Trustees.

Section 2702: Pre-Application Process for Planned Residential Districts (PRD)

2702.01 The following sequence of actions herein prescribed shall be followed solely when applying for a change in zoning to the Planned Residential District (PRD) classification. These steps should be followed sequentially.

- A) Pre-application Discussion. A pre-application discussion is required between the potential applicant and administrative staff. The purpose of this meeting is to introduce the applicant and their representatives to Township policies, regulations, procedures, and conservation concepts, and to discuss the potential applicant's intentions. A representative of the Zoning Commission may attend such meeting; however, in no instance shall a quorum of the Zoning Commission be present.
- B) On-Site Walkabout. A potential applicant may request to walk a tract with the Zoning Commission prior to applying for development plan approval so that the Zoning Commission 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.
 - 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) of the affected Lot(s) within the Tract;
- B) The name(s), address(es), and contact information of the property owner(s) of record, as listed on the tax list of the Delaware County Auditor at the time of submission;
- C) The name(s), address(es), and contact information of the applicant(s) of record, if different than that of the property owner;
- D) The name(s), address(es), and contact information of any engineers, architect(s), attorneys, and/or consultants of record, if any.
- E) Exact acreage of the Tract;
- F) The present Use(s) of the subject Tract;
- G) The present Zoning District(s) comprising the subject Tract;
- H) Proposed Use(s) for the subject Tract;
- I) Proposed Zoning District(s) for the subject Tract;
- J) Proposed unit count and Density of the Planned Development, if applicable.
- K) Any additional information which may be requested on the official application form.

2703.02 Documentation and Studies:

- A) A legal description of the Tract;
- B) A complete list of all parcel identification numbers within the Tract;
- C) A Vicinity Map, on a sheet of paper no larger than 11" x 17", illustrating the size and location of the proposed Planned Development, existing Lot Lines, acreage, parcel identification numbers, existing streets, existing Structures and Signs on or within five hundred (500) feet of the property's boundary, existing Zoning District classifications and boundaries, and other such items;
- D) If the applicant is not the current property owner of record, a letter from the property owner(s) authorizing the applicant to submit the subject application on their behalf and/or proof that the applicant has a legal interest in the property in the form of an executed sales agreement, option, transfer, or other similar type of legal instrument.
- E) Letters from public utility providers confirming the availability of services;
- F) A traffic study, analysis, or memo, as required by Delaware County, examining the impact of the development on existing infrastructure, modifications required to handle the increased traffic, and the mechanism(s) proposed to complete the necessary improvements. Genoa Township reserves the right to request a traffic study, analysis, or memo during its review of the application even if one is not required by Delaware County;
- G) Any other materials proving that all other required permits, licenses, or approvals issued by a non-Township entity have been obtained, if applicable.
- H) A list of all property owners within five hundred (500) feet of, Contiguous to, and directly across the street from, the Tract, and others that may have a legitimate, legal interest in the case, as they appear on the tax list of the Delaware County Auditor at the time of submission.
 - 1) The applicant shall provide one (1) set of pre-addressed, stamped business-size envelopes with postage sufficient to send a notice via first class mail for each property owner listed.

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- 2) A second set of envelopes shall be provided for the Township Trustees hearing once the Zoning Commission has voted on their recommendation.

2703.03 Zoning Map Amendment/Preliminary Development Plan Text – A written document containing the following:

- A) A narrative describing the proposed Zoning Map Amendment and Planned Development, including all the information listed in Section 2703.01, as well as:
 - 1) The relationship and compatibility of the proposed Planned Development to existing and probable Uses of surrounding areas during the development timetable;
 - 2) The proposed, non-binding time schedule for development of the site including Streets, Buildings, utilities, and other facilities;
 - a) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first shall be fully described to provide township officials guidelines for approval of future phases.
- B) A review of the requested Planned Development District requirements and other applicable portions of the Zoning Resolution, including, but not necessarily limited to: Article 16 (General Development Standards), Article 17 (Special and Miscellaneous Uses), Article 18 (Sign Standards), Article 19 (Parking Standards), Article 20 (Landscaping Standards), and Article 21 (Lighting Standards); with detailed responses explaining how the proposal complies with each standard;
- C) Calculations demonstrating compliance with any required Density or Open Space provisions for the Planned Development.
- D) Limitations and controls being established to regulate the development, Uses, Open Space management, and architecture. The text shall specify any controls which are to be administered by a private organization;
- E) A specific list of all Divergences being requested, if any. Said list shall be itemized in numerical order and shall cite the specific section number(s) of the Zoning Resolution from which relief is desired, the verbatim requirement of said section, what is being proposed in lieu of said requirement, and the applicant's justification for said request, citing the standards found within Section 2707;
- F) A review of the Genoa Township Comprehensive Plan with a detailed analysis of how the proposal adheres to the recommendations of said Plan. Should the proposal deviate from, or be inconsistent with, the Plan, an explanation as to why such a deviation is warranted shall be provided. Deviations from the Comprehensive Plan shall not be considered Divergences as defined within this Resolution and shall not be subject to the provisions of Section 2707; and
- G) Any other pertinent information.

2703.04 Zoning Map Amendment/Preliminary Development Plan Drawings – The Zoning Map Amendment/Preliminary Development Plan set of drawings shall visually demonstrate compliance with the Zoning Resolution and shall include the drawings listed below on both 11" x 17" (or smaller) and 24" x 36" sheets of paper. Two or more drawings may be combined into a single sheet so long as the features and information on said drawing are legible and discernible from one another. Phasing lines, if proposed, shall appear on each applicable drawing. The following shall be required as part of a formal submittal:

- A) An existing features plan-drawing which illustrates the following items within the Tract unless otherwise specified:
 - 1) Tract boundaries and acreage;
 - 2) Contours based upon the most recent U.S. Geological Survey;

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- 3) Primary Conservation Areas and Secondary Conservation Areas;
 - 4) Soil boundaries as shown on USDA Natural Resource Conservation Service maps;
 - 5) Streams, wetlands, and other similar types of natural water features on the Tract or within five hundred (500) feet of the Tract;
 - 6) Schools, parks, and other community facilities on the Tract or within five hundred (500) feet of the Tract;
 - 7) Historic and/or cultural features on the Tract or within five hundred (500) feet of the Tract;
 - 8) Buildings, Structures, or Signs on the Tract or within five hundred (500) feet of the Tract;
 - 9) Thoroughfares and/or rail tracks on the Tract or within five hundred (500) feet of the Tract;
 - 10) Sidewalks, Multi-Use Paths, or Trails on the Tract or within five hundred (500) feet of the Tract;
 - 11) Right-of-Ways and/or easements on the Tract or adjacent to the Tract; and
 - 12) An aerial photograph with USGS contours of the Tract and immediately surrounding area.
- B) A tree inventory plan-drawing identifying the locations, size, and type of each existing tree, 3-inches or larger in caliper, on the Tract and whether said tree will be preserved or removed as a result of the Planned Development;
- C) A grading plan-drawing illustrating conceptual grades, elevations, and stormwater management facilities; pending approval by Delaware County;
- D) A general site plan-drawing which clearly illustrates:
- 1) The boundaries and Frontage(s) of the Tract;
 - 2) Conceptual location, dimensions, and sizes of all proposed Lots.
 - 3) All Setbacks, buffers, and conservation areas;
 - 4) The locations, dimensions, and, if applicable, intended Uses, of all proposed Buildings, and/or Structures;
 - 5) The locations and dimensions of all proposed Signs, parking lots, pavement markings, landscape areas, Open Spaces, pedestrian/bicycle amenities, stormwater management facilities, and other such site improvements;
 - 6) Clearly illustrated and labeled phasing lines, if applicable; and
 - 7) A table comparing applicable zoning requirements, including Density, to those which are proposed.
 - a) Calculations supporting the data in the table shall be provided.
 - b) Phased developments shall contain a column for each phase as well as for the development as a whole; and
 - 8) A list of all requested Divergences.
- E) A utility plan-drawing illustrating the preliminary locations of all utilities and easements;
- F) A lighting plan-drawing illustrating the preliminary locations of all proposed light fixtures, both freestanding and those mounted to a Building, Structure, or Sign;
- G) A signage plan-drawing illustrating all potential Sign locations and conceptual designs;
- H) An Open Space plan-drawing clearly identifying all areas to be designated as Common Open Space or Improved Common Open Space;

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- I) A landscape plan-drawing illustrating the general locations of all proposed plantings, buffers, and conservation areas;
 - J) A traffic control plan-drawing illustrating conceptual access points, traffic patterns, and controls; pending approval by Delaware County;
 - K) A pedestrian/bicycle circulation plan-drawing illustrating any proposed pedestrian/bicycle amenities, easements, and/or facilities, including: Sidewalks, Multi-Use Paths, Trails, and the like; and
 - L) An architecture plan-drawing illustrating all conceptual building designs.
- 2703.05 Any preliminary deed restrictions or covenants which may be part of the proposal.
- 2703.06 Any additional materials which may be required by the Delaware County Regional Planning Commission for their statutorily required review.
- 2703.07 Any other applicable documentation, studies, plans, and/or exhibits necessary to demonstrate compliance, concepts, and/or 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 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 2704: Zoning Map Amendment and Preliminary Development Plan Procedure

- 2704.01 In addition to any other procedures set out in this Resolution, all applications for amendments to the Zoning Map to Rezone a Lot or Tract to a Planned Development Zoning District, including the Preliminary Development Plan, shall follow the procedures herein and ORC 519.12, as may be amended.
- 2704.02 Within five (5) days after the filing of a complete application, by at least one (1) owner or designee, the Zoning Inspector or their designee shall transmit a copy of such application and all associated materials to the Delaware County Regional Planning Commission for a review as required by statute. The Delaware County Regional Planning Commission shall recommend the approval, denial, or modification of the application to the Zoning Commission. Such recommendation shall be presented during the public hearing held by the Zoning Commission.
- 2704.03 In the event that a proposed Zoning Map Amendment and Preliminary Development Plan are located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the Chair of the planning commission or the zoning commission of that

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jurisdiction. Any comments provided by the adjoining jurisdiction shall be presented during the public hearing of the Zoning Commission.

- 2704.04 Before any Zoning Map Amendment and Preliminary Development Plan is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector or their designee shall give notice, by registered mail to the Director of the Ohio Department of Transportation. The Zoning Commission may proceed as required by law; however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of the Ohio Department of Transportation.
- A) If the Director of the Ohio Department of Transportation notifies the Township Trustees that they shall proceed to acquire any land needed, the Township Trustees may continue the application, in accordance with the provisions herein, until the acquisition has occurred, or may deny the application.
- B) If the Director of the Ohio Department of Transportation notifies the Township Trustees that acquisition at this time is not in the public interest or upon expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Township Trustees shall proceed as required by law.
- 2704.05 The Zoning Commission shall schedule a public hearing upon the filing of an application for a Zoning Map Amendment and Preliminary Development Plan. Said hearing shall not be less than twenty (20) nor, unless permitted by the applicant, more than forty (40) days from the filing of such application.
- 2704.06 Before the required public hearing, notice shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for final consideration.
- 2704.07 If the proposed Zoning Map Amendment intends to Rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Inspector or their designee by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from such area proposed to be Rezoned or redistricted, to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this Section, shall not invalidate any application. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for final consideration.
- 2704.08 The Zoning Commission may continue a public hearing to a future meeting with consent of the applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the hearing is not required. Otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2704.06 and 2704.07.
- 2704.09 Revisions and/or supplemental materials shall be due on a date and time determined by the Zoning Commission and/or in accordance with a pre-determined schedule as authorized in Section 2701.03.
- 2704.10 Within thirty (30) days of the conclusion of the public hearing, the Zoning Commission shall:
- A) Vote, based upon findings of fact, to recommend approval or denial of the Zoning Map Amendment, including any applicable Divergences; and subsequently submit said

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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 acknowledgement of the recommendation from the Zoning Commission.
- 2704.13 Notice of the required public hearing shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the application.
- 2704.14 If the proposed amendment intends to Rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Inspector or their designee, by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from such area proposed to be Rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate the application. This notice shall set forth 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 consent of the applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the hearing is not required. Otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2704.13 and 2704.14.
- 2704.16 Revisions and/or supplemental materials shall be due on 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 Ohio Revised Code.
 - B) In a separate, non-binding resolution, vote, based upon the findings of fact, to: approve, approve with modifications, or deny the Preliminary Development Plan, including any applicable Divergences and/or conditions.

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- 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. The Township Trustees shall retain the right to expressly extend the aforementioned deadline at their discretion and without a Divergence request. Such an extension shall be expressly stated and documented in their motion of adoption.
- A) Final Development Plan submission shall not be permitted for any Tract whose Preliminary Development Plan approval has become null and void.
- B) Should a Preliminary Development Plan approval become null and void due to time expiration, a new Preliminary Development Plan approval shall be applied for and obtained in accordance with the terms of this Zoning Resolution, prior to application for the required Final Development Plan.
- C) Should a Preliminary Development Plan approval become null and void due to the coinciding Zoning Map amendment approval being overturned via referendum, new Zoning Map amendment and Preliminary Development Plan approvals shall be applied for and obtained, in accordance with the terms of this Zoning Resolution and ORC 519.12, prior to application for the required Final Development Plan.
- 2704.23 A Final Development Plan shall not be applied for until the required Zoning Map Amendment has become effective pursuant to Sections 2704.18 – 2704.22.

Section 2705: Final Development Plan Submission Requirements

- 2705.01 Application –A fully completed, signed, and dated application which shall include, at minimum, the following information:
- A) The address(es) and parcel identification number(s) of the Tract;
 - B) The name(s), address(es), and contact information of the property owner(s) of record, as listed on the tax list of the Delaware County Auditor at the time of submission;
 - C) The name(s), address(es), and contact information of the applicant(s) of record, if different than that of the property owner;
 - D) The name(s), address(es), and contact information of any engineers, architect(s), attorneys, and/or consultants of record, if any.
 - E) Exact acreage of the Tract;
 - F) The present Use(s) of the subject Tract;
 - G) The Zoning District(s) comprising the subject Tract;
 - H) Proposed Use(s) for the subject Tract;
 - I) Proposed unit count and Density of the Planned Development, if applicable.
 - J) Any additional information which may be requested on the official application form.
- 2705.02 Documentation and Studies:
- A) A legal description of the Tract;
 - B) A complete list of all parcel identification numbers within the Tract;
 - C) A Vicinity Map, on a sheet of paper no larger than 11" x 17", illustrating the size and location of the proposed Planned Development, existing Lot Lines, acreage, parcel identification numbers, existing streets, existing Structures and Signs on or within five hundred (500) feet of the property's boundary, existing Zoning District classifications and boundaries, and other such items;
 - D) If the applicant is not the current property owner of record, a letter from the property owner(s) authorizing the applicant to submit the subject application on their behalf and/or proof that the applicant has a legal interest in the property in the form of an executed sales agreement, option, transfer, or other similar type of legal instrument.
 - E) Letters from public utility providers confirming the availability of services;
 - F) A traffic study, analysis, or memo, as required by Delaware County, examining the impact of the development on existing infrastructure, modifications required to handle the increased traffic, and the mechanism(s) proposed to complete the necessary improvements. Genoa Township reserves the right to request a traffic study, analysis, or memo during its review of the application even if one is not required by Delaware County;
 - G) Any other materials proving that all other required permits, licenses, or approvals issued by a non-Township entity have been obtained, if applicable.
 - H) Any materials previously submitted during the Zoning Map Amendment and Preliminary Development Plan approval process; updated and revised accordingly to accurately reflect the proposed Final Development Plan.
 - I) A list of all property owners within five hundred (500) feet of, Contiguous to, and directly across the street from the Tract, and others that may have a legitimate, legal interest in the case, as they appear on the tax list of the Delaware County Auditor at the time of submission.

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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 development of the site including Streets, Buildings, utilities, amenities, and other facilities;
 - a) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first shall be fully described to provide township officials guidelines for approval of future phases.
 - b) Each phase of the proposed development, as it is proposed to be completed, shall contain parking, landscaping, utilities, drainage, and stormwater management necessary for creating and sustaining a desirable and suitable environment.
 - 3) That the physical character of the site is suitable for development in the manner proposed without creating hazards to persons or property, on or off the site from probability of flooding, erosion, subsidence, or slipping of the soil or other dangers, annoyances, or inconveniences.
- B) A review of the required Planned Development District requirements and other applicable portions of the Zoning Resolution, including, but not necessarily limited to: Article 16 (General Development Standards), Article 17 (Special and Miscellaneous Uses), Article 18 (Sign Standards), Article 19 (Parking Standards), Article 20 (Landscaping Standards), and Article 21 (Lighting Standards); with detailed responses explaining how the proposal complies with each standard;
- C) Calculations demonstrating compliance with any required Density or Open Space provisions for the Planned Development.
- D) Limitations and controls being established to regulate the development, Uses, Open Space management, and architecture. The text shall specify any controls which are to be administered by a private organization;
- E) Identification of parties responsible for responsibility and maintenance of any Open Space areas, facilities, amenities, and/or other similar types of improvements within the Planned Development;
- F) A specific list of all Divergences being requested, if any. Said list shall be itemized in numerical order and shall cite the specific section number(s) of the Zoning Resolution from which relief is desired, the verbatim requirement of said section, what is being proposed in lieu of said requirement, and the applicant's justification for said request, citing the standards found within Section 2707;
- G) A review of the Genoa Township Comprehensive Plan with a detailed analysis of how the proposal adheres to the recommendations of said Plan. Should the proposal deviate from, or be inconsistent with, the Plan, an explanation as to why such a deviation is warranted shall be provided. Deviations from the Comprehensive Plan shall not be considered Divergences as defined within this Zoning Resolution and shall not be subject to the provisions of Section 2707; and

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H) Any other pertinent information.

2705.04 Final Development Plan Drawings – The Final Development Plan set of drawings shall visually demonstrate compliance with the Zoning Resolution and shall include the drawings listed below on both 11" x 17" (or smaller) and 24" x 36" sheets of paper. Two or more drawings may be combined into a single sheet so long as the features and information on said drawing are legible and discernible from one another. Phasing lines, if proposed, shall appear on each applicable drawing. The following shall be required as part of the formal submittal:

- A) An existing features plan-drawing which illustrates the following items within the Tract unless otherwise specified:
 - 1) Tract boundaries and acreage;
 - 2) One (1) foot contours based upon the nearest benchmark;
 - 3) Primary Conservation Areas and Secondary Conservation Areas;
 - 4) Soil boundaries as shown on USDA Natural Resource Conservation Service maps;
 - 5) Streams, wetlands, and other similar types of natural water features on the Tract or within five hundred (500) feet of the Tract;
 - 6) Schools, parks, and other community facilities on the Tract or within five hundred (500) feet of the Tract;
 - 7) Historic and/or cultural features on the Tract or within five hundred (500) feet of the Tract;
 - 8) Buildings, Structures, or Signs on the Tract or within five hundred (500) feet of the Tract;
 - 9) Thoroughfares and/or rail tracks on the Tract or within five hundred (500) feet of the Tract;
 - 10) Sidewalks, Multi-Use Paths, or Trails on the Tract or within five hundred (500) feet of the Tract;
 - 11) Right-of-Ways and/or easements on the Tract or adjacent to the Tract; and
 - 12) An aerial photograph with USGS contours of the Tract and immediately surrounding area.
- B) A tree inventory plan-drawing identifying the locations, size, and type of each existing tree, 3-inches or larger in caliper, on the Tract and whether said tree will be preserved or removed as a result of the Planned Development;
- C) A grading plan-drawing illustrating grades, elevations, and stormwater management facilities, pending approval by Delaware County;
- D) A general site plan-drawing which clearly illustrates:
 - 1) The boundaries and Frontage(s) of the Tract;
 - 2) The location, dimensions, and sizes of all proposed Lots.
 - 3) All Setbacks, buffers, and conservation areas;
 - 4) The locations, dimensions, and, if applicable, intended Uses, of all proposed Buildings, and/or Structures;
 - 5) The locations and dimensions of all proposed Signs, parking lots, pavement markings, landscape areas, Open Spaces, pedestrian/bicycle amenities, stormwater management facilities, and other such site improvements;
 - 6) Clearly illustrated and labeled phasing lines, if applicable;
 - 7) A table comparing applicable zoning requirements, including Density, to those which are proposed.

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- 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.
- 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.

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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 the Chair of the planning commission or the zoning commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be presented during the public hearing of the Zoning Commission.
- 2706.03 The Zoning Commission shall schedule a public hearing upon the filing of an application for a Final Development Plan. Said hearing shall not be less than twenty (20) nor, unless permitted by the applicant, more than forty (40) days from the filing of such application.
- 2706.04 Before the public hearing, notice shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for final consideration.
- 2706.05 Written notice of the hearing shall be mailed by the Zoning Inspector or their designee by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from, the Tract to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this Section, shall not invalidate any application. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for final consideration.
- 2706.06 The Zoning Commission may continue a public hearing to a future meeting with consent of the applicant. If said hearing is continued to a date, time, and certain re-advertisement of the hearing is not required. Otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2706.04 and 2706.05.
- 2706.07 Revisions and/or supplemental materials shall be due on a date and time determined by the Zoning Commission and/or in accordance with a pre-determined schedule as authorized in Section 2701.03.
- 2706.08 Within thirty (30) days of the conclusion of the public hearing, the Zoning Commission shall vote, based upon findings of fact, to recommend approval or denial of the Final Development Plan, including any applicable Divergences and/or conditions; and subsequently submit said recommendation together with the application and all associated materials to the Township Trustees for their consideration. The Zoning Commission shall be allowed to take more than thirty (30) days to make their recommendation with the applicant's consent.
- 2706.09 Following the recommendation(s) of the Zoning Commission, the Zoning Inspector, or their designee, shall forward the Commission's recommendation(s) and reasons for said recommendation(s) to the Township Trustees.
- 2706.10 The Township Trustees shall acknowledge receipt of the Zoning Commission's recommendation(s) via resolution, and shall schedule a public hearing date for the application, at the first regularly scheduled Township Trustee meeting to occur following the Zoning Commission's vote unless: said meeting is canceled, a special meeting is scheduled within the required thirty (30) day timeframe by the Township Trustees, or the initiator/applicant requests and is granted otherwise 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

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the record by the initiator/applicant, the date of said hearing shall be not more than thirty (30) days from the Township Trustees' receipt and acknowledgement of the recommendation from the Zoning Commission.

- 2706.11 Notice of the required public hearing shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the application.
- 2706.12 Written notice of the hearing shall be mailed by the Zoning Inspector or their designee, by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from the Tract to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate the application. This notice shall set forth time and place of the public hearing, and the nature of the application.
- 2706.13 The Township Trustees may continue a public hearing to a future meeting with consent of the applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the hearing is not required. Otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2706.11 and 2706.12.
- 2706.14 Revisions and/or supplemental materials shall be due on 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 type of controls or standards shall be deemed a violation of this Zoning Resolution and subject to the provisions of Section 116, as may be amended, unless otherwise approved accordance with this Resolution.
- 2706.18 In instances where the approved Final Development Plan is silent or unclear on a matter, the Zoning Resolution and/or any other existing and applicable Legal Approvals shall retain control.
- 2706.19 An approved Final Development Plan shall be valid for three (3) years from the date of approval by the Township Trustees. Should a Zoning Permit for the subject development not be issued, or at least applied for and actively pending decision, in accordance with Article 1, within the aforementioned three (3) year time period, the Final Development Plan approval shall be considered null and void. The Township Trustees shall retain the right to expressly extend the aforementioned deadline at their discretion and without a Divergence request. Such an extension shall be expressly stated and documented in their motion of adoption.
- A) Should a Final Development Plan approval become null and void due to time expiration, a new Final Development Plan approval shall be applied for and obtained in accordance with the terms of this Zoning Resolution prior to the issuance of any Zoning Permits for the Planned Development.

Section 2707: Divergence Review and Conflicts with Other Sections

- 2707.01 Because of the special characteristics of Planned Developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other Sections of this Resolution, the provisions of this Article shall prevail. Subjects not covered by this Section shall be governed by the respective provisions found elsewhere in this Resolution. Unless formal variation from development standards is specifically approved as a Divergence, the same shall be complied with. Formal consideration must be requested by an applicant seeking approval of a Divergence to any development standards or requirements in this Zoning Resolution and no Divergence will be approved unless the provisions of this subsection are met in accordance with the terms set forth below.
- 2707.02 Uses are not subject to Divergence requests. Relief to Use prohibitions may only be sought via the Variance process outlined in Article 3. Said Variance shall be obtained prior to applying for Planned Development approvals.
- 2707.03 The Genoa Township Zoning Commission and the Township Trustees may consider Divergences requested at the time of the filing of a Planned Development application of any type, which is determined to be in compliance with all other general development standards listed in the Zoning District where the proposed development will be occurring. If a request is made, the applicant shall provide written development text, citing such requests, in accordance with this Article.
- 2707.04 Divergences may be granted “per plan” during a public hearing conducted by either the Genoa Township Zoning Commission, or the Township Trustees conducting a formal review of a development plan. The Township has discretion to determine whether requested Divergences are warranted based on the applicant’s particular case. When acting on a requested Divergence, the Zoning Commission and Township Trustees may approve a Divergence, provided they determine that the benefits, improved arrangement, and the design of the proposed development justify the deviation from any requirements of this Resolution and that the proposed Divergence is consistent with the purpose and intent of this Resolution.
- 2707.05 Divergence requests shall demonstrate how granting the request will advance public interests and the General Purposes of this Zoning Resolution, by promoting, or not having an adverse impact on, one or more of the following purposes:
- A) The conservation and protection of the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land;
 - B) The public health, safety, morals, and general welfare of the present and future inhabitants of Genoa Township;
 - C) The quality of life within Genoa Township through the protection of the total environment, the prevention of nuisances and hazards, and the provision of adequate light, air, and convenient access to property;
 - D) The assurance of the compatibility of land uses which are either adjacent or in proximity to each other;
 - E) The orderly development of all lands within the Township to its appropriate Use; and
 - F) The most appropriate use of land to facilitate and provide adequate public and private improvements.
 - 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.

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- 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 development standards is specifically approved as a Divergence, the same shall be complied with.

Section 2708: Subdivision Plat and Subdivision Regulations

- 2708.01 A Subdivision Plat of the Planned Development shall be submitted to the Delaware County Regional Planning Commission for review and approval as/if required by, and in accordance with, Delaware County's Subdivision Regulations.
- 2708.02 The uniqueness of each proposal for a Planned Development may require that there be modification from the specifications established in the Subdivision Regulations of Delaware County, Ohio. Variances for such requirements shall be obtained from the Delaware County Regional Planning Commission during the platting process.
- 2708.03 Should relief be granted by any Delaware County agency to any of their respective regulations, Final Development Plan Amendment approval may need to be sought if said relief results in a modification to the approved Final Development Plan, or an approved Final Development Plan Amendment, per Section 2710.

Section 2709: Zoning Compliance

- 2709.01 A Zoning Permit shall be required for any Planned Development subdivision or plat to confirm that it complies with its approved Final Development Plan, as may be amended pursuant to Sections 2710 - 2712. The Zoning Inspector may refuse to sign a final plat for recording until said Zoning Permit is applied for and granted.
- 2709.02 A Zoning Permit shall be required for any Building, Structure, or Sign within a Planned Development. Permits shall be applied for and processed in accordance with Article 1 of this Zoning Resolution.
- 2709.03 Unless otherwise authorized by Section 2709.04 below, no Zoning Permit shall be issued for any Structure in any portion of a Planned Development for which a plat is required by the Delaware County Subdivision Regulations unless and until:
- A) The final subdivision plat for that portion has been approved by the Delaware County Regional Planning Commission, Delaware County Commissioners, and recorded; and
 - B) A copy of the recorded final subdivision plat has been provided to the Zoning Inspector.
- 2709.04 Zoning Permits for Signs may be issued prior to actions listed in Sections 2709.03.A & B above upon payment of any required fees and submission of detailed and specific plans demonstrating compliance with the approved Final Development Plan, as may be amended pursuant to Sections 2710 - 2712.
- 2709.05 Upon completion of Sections 2709.03.A & B, the Zoning Inspector may issue Zoning Permits for Structures upon payment of any required fees and submission of detailed and specific plans demonstrating compliance with the approved Final Development Plan, as may be amended pursuant to Sections 2710 - 2712.

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2709.06 The Zoning Inspector may issue Zoning Permits for Structures within Planned Developments not requiring a plat upon payment of any required fees and submission of detailed and specific plans demonstrating compliance with the approved Final Development Plan, as may be amended pursuant to Sections 2710 - 2712.

Section 2710: Modifications and Final Development Plan Amendments

2710.01 The Zoning Inspector shall have the authority to, but is not required to, administratively approve limited revisions to the approved Final Development Plan, or an approved Final Development Plan Amendment, at their discretion so long as they are compliant with this Zoning Resolution, abide by any specific conditions of approval, do not require a Divergence or Variance, and do not deviate from the spirit and intent of the aforementioned plans. These revisions shall include, but are not necessarily limited to:

- A) Re-organization and/or re-location of approved Landscaping, including hardscapes.
- B) Supplemental Landscaping, buffering, screening, and/or improvements which is/are above and beyond what was approved as part of the approved plans.
- C) Re-organization or re-location of Open Space so long as the amount of Open Space is not decreased and is required to adhere to mandatory requirements of a recognized governmental agency.
- D) Minor or de minimis changes related to planting species, building materials, specifications, designs, and/or colors but excluding the outright removal of any such features.
- E) Any other minor revisions necessary to accommodate mandatory requirements of a recognized governmental agency.

2710.02 Should a revision(s) beyond the scope specified in Section 2710.01 be desired and not subject to Section 2710.05, or should a revision not be granted by the Zoning Inspector, a request to formally amend an approved Final Development Plan may be granted by the Zoning Commission, subject to the requirements and procedures set forth herein, so long as the Zoning Commission, after thorough examination of the proposal, determines that the request does not constitute a Major Amendment as further detailed in Section 2710.03, and thus is considered a Minor Amendment. The decision of the Zoning Commission regarding an application found to be a Minor Amendment shall be final unless an applicant exercises the provision of Section 2717.08.A.1.b herein.

2710.03 Should a Final Development Plan amendment request represent a substantial departure from the intent of the original proposal, i.e. a Major Amendment, said modification or amendment shall be subject to submission requirements and procedures set forth herein. The following shall be considered substantial departures from the original application and, following review and recommendation by the Zoning Commission, shall be subject to final consideration by the Township Trustees:

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

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- 2710.04 Major and Minor Amendment requests shall adhere to the submission and procedural requirements of Sections 2711 and 2712, respectively.
- 2710.05 A property owner wishing to deviate from the Zoning Resolution shall be permitted to apply for a Variance from the Board of Zoning Appeals and shall not be required to apply for a Final Development Plan Amendment, so long as the deviation only applies to said owner's private Lot or Building Envelope, excluding Lots designated for Open Space; and no other Lot, Building Envelope, Tract, or portion thereof, within the Planned Development. Deviations from standards specific to the Final Development Plan shall not be permitted to apply for a Variance and shall be subject to Sections 2710.01 - 2710.04.

Section 2711: Final Development Plan Amendment Submission Requirements

- 2711.01 Application - A fully completed, signed, and dated application which shall include, at minimum, the following information:
- A) The address(es) and parcel identification number(s) of the affected Lot(s) within the Tract;
 - B) The name(s), address(es), and contact information of the property owner(s) of record, as listed on the tax list of the Delaware County Auditor at the time of submission;
 - C) The name(s), address(es), and contact information of the applicant(s) of record, if different than that of the property owner;
 - D) The name(s), address(es), and contact information of any engineers, architect(s), attorneys, and/or consultants of record, if any.
 - E) Exact acreage of the Lot(s) or Tract;
 - E) The present Use(s) of the subject Tract;
 - F) The Zoning District(s) comprising the subject Tract;
 - G) Proposed Use(s) for the subject Tract;
 - I) Proposed unit count and Density of the Planned Development, if applicable.
 - J) Any additional information which may be requested on the official application form.
- 2711.02 Documentation and Studies - Updated copies of any documents or studies incorporated within the approved Final Development Plan, or any previously approved Final Development Plan Amendments, which are affected by the proposed modification(s) and incorporate any necessary revisions to reflect said modification(s).
- 2711.03 Final Development Plan Amendment Text - An updated copy of the Final Development Plan Text incorporated with the approved Final Development Plan, or any previously approved Final Development Plan Amendments, which incorporate any necessary revisions to reflect the requested modification(s). All revisions shall be visually called out utilizing underlining, a strike-thru font, highlighting, notations, and/or other similar type of formatting.
- 2711.04 A list of all property owners within five hundred (500) feet of, Contiguous to, and directly across the Street from the Tract, and others that may have a legitimate, legal interest in the case, as they appear on the tax list of the Delaware County Auditor at the time of submission.
- A) The applicant shall provide one (1) set of pre-addressed, stamped business-size envelopes with postage sufficient to send a notice via first class mail for each property owner listed.
 - B) Should a hearing with the Township Trustees be required, a second set of envelopes shall be provided for said hearing once the Zoning Commission has voted on their recommendation.
- 2711.05 Final Development Plan Amendments - Updated copies of any plans, drawings, or exhibits incorporated within the approved Final Development Plan, or any previously approved Final

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Development Plan Amendments, which are affected by the proposed modification(s) and incorporate any necessary revisions to reflect said modification(s).

- 2711.06 Any updated or revised final deed restrictions or covenants, if applicable.
- 2711.07 Any other supplemental documents, studies, plans, and/or exhibits necessary to demonstrate compliance, concepts, and/or address concerns related to the request.
- 2711.08 One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing the materials listed in Sections 2711.01 - 2711.06 in Portable Document Format (.PDF) and/or another similar type of widely-utilized, non-proprietary digital format approved by the Zoning Inspector or their designee.
- 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.

Section 2712: Final Development Plan Amendment Procedure

- 2712.01 In addition to any other procedures set out in this resolution, all applications for a Final Development Plan Amendment shall follow the procedures herein. A Final Development Plan Amendment shall only be applied for once the Final Development Plan has been approved, in accordance with Section 2706, by the Township Trustees.
- 2712.02 In the event that a Final Development Plan Amendment is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the Chair of the planning commission or the zoning commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be presented during the public hearing of the Zoning Commission.
- 2712.03 The Zoning Commission shall schedule a public hearing upon the filing of an application for a Final Development Plan Amendment. Said hearing shall not be less than twenty (20) nor, unless permitted by the applicant, more than forty (40) days from the filing of such application.
- 2712.04 Before the public hearing, notice shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing the matter may be referred to the Township Trustees for final consideration.
- 2712.05 Written notice of the hearing shall be mailed by the Zoning Inspector or their designee by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from the Tract to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this Section, shall not invalidate any application. This notice shall set forth the time and place of

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the public hearing, the nature of the application, and a statement that after the conclusion of such public hearing the matter may be referred to the Township Trustees for final consideration.

- 2712.06 The Zoning Commission may continue a public hearing to a future meeting with consent of the applicant. If said hearing is continued to a date, time, and certain re-advertisement of the hearing is not required. Otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2712.04 and 2712.05.
- 2712.07 Revisions and/or supplemental materials shall be due on a date and time determined by the Zoning Commission and/or in accordance with a pre-determined schedule as authorized in Section 2701.03.
- 2712.08 Within thirty (30) days of the conclusion of the public hearing, the Zoning Commission shall:
- 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 acknowledgement of the recommendation from the Zoning Commission.
- 2712.11 Notice of the required public hearing shall be given by the Zoning Inspector or their designee by at least one (1) publication in a newspaper of general circulation within the Township. Said notice

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shall be published at least ten (10) days before the date of the required hearing. This notice shall set forth the time and place of the public hearing and the nature of the application.

- 2712.12 Written notice of the hearing shall be mailed by the Zoning Inspector or their designee, by first class mail using pre-addressed, business-size envelopes provided by the applicant at least ten (10) days before the date of the public hearing to all owners of property within five hundred (500) feet of, Contiguous to, and directly across the Street from the Tract to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Township Trustees. The failure to deliver the notice, as provided in this Section, shall not invalidate the application. This notice shall set forth time and place of the public hearing, and the nature of the application.
- 2712.13 The Township Trustees may continue a public hearing to a future meeting with consent of the applicant. If said hearing is continued to a date, time, and place certain, re-advertisement of the hearing is not required. Otherwise, once a new meeting date, time, and place is determined, advertisement shall occur again in accordance with Sections 2712.11 and 2712.12.
- 2712.14 Revisions and/or supplemental materials shall be due on 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 type of controls or standards shall be deemed a violation of this Zoning Resolution and subject to the provisions of Section 116, as may be amended, unless otherwise approved in accordance with this Resolution.
- 2712.18 A Final Development Plan Amendment approved by the Zoning Commission or Township Trustees shall be limited to the revisions expressly detailed and incorporated within the approved application. In instances where the approved Final Development Plan Amendment is silent or unclear on a matter, the Zoning Resolution and/or any other existing and applicable Legal Approvals shall retain control.
- 2712.19 An approved Final Development Plan Amendment shall be valid for three (3) years from the date of approval by the Township Trustees. Should a Zoning Permit for the subject development not be issued, or at least applied for and actively pending decision, in accordance with Article 1, within the aforementioned three (3) year time period, the Final Development Plan Amendment approval shall be considered null and void. The Township Trustees shall retain the right to expressly extend the aforementioned deadline at their discretion and without a Divergence request. Such an extension shall be expressly stated and documented in their motion of adoption.
- A) Should a Final Development Plan Amendment approval become null and void due to time expiration, the existing Final Development Plan and any other existing and applicable Legal Approvals shall remain in effect unless or until a new Final Development Plan Amendment application is applied for and approved in accordance with this Zoning Resolution.

Section 2713: Enforcement

- 2713.01 Two (2) final, clean paper copies of any approved plans, which address any and all outstanding comments, concerns, and/or conditions cited in the approval motion for said plan, shall be submitted to, and approved by, the Zoning Inspector or their designee, prior to issuance of any Zoning Permit for the Planned Development.
- A) A response to comments letter shall be provided with the submission to identify and explain all the revisions made to the submission, and to identify how any comments, concerns, and/or conditions have been addressed.
 - B) One (1) optical disc, Universal Serial Bus (USB) flash drive, or other similar type of readable storage device, containing a complete copy of the submission in Portable Document Format (.PDF) and/or another similar type of widely-utilized, non-proprietary digital format approved by the Zoning Inspector or their designee shall also be provided.
- 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.

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