

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

**Section 901: Intent and Purpose**

The Township recognizes that with increased suburbanization and population growth come increased demands for well-organized residential areas which take into account unique natural features, contemporary land use concepts, and a balanced residential environment. The Planned Residential District is intended to promote flexibility of land development for residential purposes while still preserving and enhancing the public health, safety, morals, and general welfare of the inhabitants of the Township. Such developments shall be based upon a unified development plan conceived and carried out for the entire site.

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

**Section 902: Contiguity of Land and Project Ownership**

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

**Section 903: General Requirements**

- 903.01 The provisions of this Article shall apply to all lands zoned in the Planned Residential District (PRD). Only parcels of at least twenty-five (25) acres in size or under application for Rezoning to PRD that collectively sum twenty-five (25) acres or more shall be considered for Planned Residential District zoning (PRD).
  - A) Any Lot or Tract depicted on the Zoning Map as being wholly or partially within the Hoover Reservoir Watershed shall also be subject to the additional provisions established within Article 7 of this Zoning Resolution, the Hoover Watershed Overlay District (HOD). Should these two articles conflict with one another, the requirements of Article 7 shall apply unless otherwise expressly stated within this Resolution.
- 903.02 Unless otherwise permitted via a Divergence that has been reviewed and approved in accordance with the standards set forth in Section 2707 of this Resolution, the Density of land use within a Planned Residential District shall not exceed:

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- A) 1.0 Dwellings per Net Developable Acre when Conservation Development Standards are not utilized.
  - B) 1.25 Dwellings per Net Developable Acre when Conservation Development Standards are utilized.
- 903.03 Open Space areas shall be provided around the entire perimeter of a Tract. Such areas shall count towards the Planned Development's required Open Space acreage.
- A) The required widths of said area shall be:
    - 1) Fifty (50) feet from any Lot within a Planned Residential Zoning District.
    - 2) One hundred (100) feet from any Lot located within a Residential or Non-Residential Zoning District.
    - 3) One hundred (100) feet from the Right-of-Way line of any Street that is not classified as an Arterial or Collector Street.
    - 4) One hundred seventy (170) feet from the Right-of-Way line of any Arterial or Collector Street.
  - B) The perimeter of said area shall be planted with two (2) evergreen trees and three (3) deciduous trees for every fifty (50) feet of site perimeter.
    - 1) Required plantings shall be planted in staggered rows or groupings to create a natural looking landscape buffer but shall still generally cover the entire linear perimeter of the Tract.
    - 2) Required plantings shall adhere to the size requirements found in Section 2006.
    - 3) In sections where existing woody vegetation, which is healthy, mature, and abundant enough to serve as a visual screen, occurs along the perimeter of the Tract, said vegetation may be credited towards the above planting requirements.
  - C) No Building or Structure shall be permitted within said area unless approved as part of the Planned Development's Common Open Space as further regulated in Section 911.
  - D) No Limited Common Element Area shall be permitted within said area.
- 903.04 Critical Resource Protection
- A) All Buildings, Structures, Streets, and Lot Lines shall be set back at least twenty (20) feet from any Primary Conservation Area(s).
- 903.05 Access
- A) All Planned Developments within this District shall have at least one (1) direct vehicular access point to an Arterial or Collector Street.
  - B) Planned Developments consisting of more than thirty (30) Lots or Building Envelopes shall have a second vehicular access point to a Street of any type. Open Space Lots and other similar types of Lots not containing any Buildings shall not count towards the aforementioned standard.
    - 1) Such access may be achieved by providing a vehicular connection to an existing Street within an adjacent Planned Development with its own direct vehicular access point. Drives restricted to emergency and/or maintenance vehicles only shall not count towards this requirement.
    - 2) A second vehicular access point shall not be required if all the Dwellings within a Planned Development contain residential sprinkler systems.
- 903.06 Reserved.

903.07 Storm Water Management

A) Setbacks.

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

903.08 Parking and Loading Areas

A) Reserved.

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

903.09 Streets

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

903.10 Sidewalks, Multi-Use Paths, and Trails

A) Sidewalks along Streets.

- 1) New Streets. Sidewalks and/or Multi-Use Paths shall be provided along both sides of any new public or private Street.
- 2) Existing Streets. Sidewalks and/or Multi-Use Paths shall be provided along any existing public or private Street within, abutting, or adjacent to a Planned Development.
- 3) Whether a sidewalk or Multi-Use Path is installed shall be determined upon the context of the surrounding area. Consistency in the type (sidewalk or Multi-Use Path) with neighboring properties and/or with a pedestrian network already established along the subject Street corridor shall be maintained and continued whenever possible and logical to do so.
- 4) Pedestrian Easement Option. When location of sidewalks and/or Multi-Use Paths is not possible or is not logical due to the lack of connections at both ends of the required improvement, easements, where necessary, allowing for future construction by the

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Township, or its assignee, and public pedestrian access shall be provided in lieu of the above.

- a) The width of said easement shall be at least fifteen (15) feet.
- b) Easements shall be recorded prior to the issuance of any Zoning Permit for Buildings within the Planned Development.
- B) Sidewalks shall be at least four (4) feet wide and constructed of concrete or another similar type of surface.
- C) Multi-Use Paths shall be at least ten (10) feet wide and constructed of asphalt or another similar type of surface.
- D) Trails, where provided, shall be at least four (4) feet wide and may be paved or unpaved but must be visually delineated in some fashion.

**903.11 Trees**

- A) The clearing of land shall be kept to a minimum to help preserve the existing natural conditions.
- B) No land shall be cleared of trees more than fifteen (15) feet from the foundation of a proposed Building. An exception to this requirement shall be granted in the case of those trees that should be removed due to malformation, disease, safety hazards, or to the general benefit of surrounding trees. The foregoing shall be considered as a guideline for preservation of the natural environment.
- C) No trees shall be cleared further than five (5) feet from curbs of a parking lot. The foregoing shall be considered as a guideline for preservation of the natural environment.

**903.12 Landscaping**

- A) All yards, front, side, and rear shall be landscaped, and all nonresidential Use areas shall be landscaped. The developer shall submit a conceptual landscaping plan to be reviewed as part of the development plan. Each platted Lot shall be seeded or sodded in accordance with the approved development plan before a Certificate of Zoning Compliance is issued.
- B) Street Trees shall comply with Section 2005.
- C) All required landscaping in the Final Development Plan shall be maintained. Dead and dying plants shall be replaced with a plant of a similar type no later than the subsequent planting season.

**903.13** Trash, Junk, and litter shall be controlled and stored in containers. Dumpsters, and other similar types of large waste containers which are typically not moved by Manual means, and which are not considered to be a Portable Storage Unit, shall not be permitted in a required Front Yard and shall be enclosed and screened in accordance with Section 2003.

**Section 904: Permitted Principal Uses**

**904.01 Permitted Uses without Conservation Development Standards**

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

- A) Single-family detached Dwellings.
- B) Single-family zero Lot line units, attached twin singles, townhouses, or other forms of residential development.
- C) Common Wall Single Family Attached Dwellings.

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- D) Nonresidential Uses of a cultural, educational, or recreational nature or character to the extent they are designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located with direct access to Arterial or Collector Streets so as to permit access without burdening residential Streets.
- E) Forest and wildlife preserves.
- F) Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- G) Religious Establishments as regulated by Section 1706.
- H) Agriculture exempted from zoning by the Ohio Revised Code per Section 1714.
- I) Agritourism exempted from zoning by the Ohio Revised Code per Section 1715.
- J) Farm Markets exempted from zoning by the Ohio Revised Code and as regulated by Section 1716.
- K) Public and private utilities as regulated by Section 102.06 and Article 22.
- L) Governmental Facilities as regulated by Section 102.07.
- M) Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.
- N) Residential Care Facilities for five (5) or fewer residents (excluding caregivers) as regulated by Section 1704.
- O) Open Space, Common Open Space, and Improved Common Open Space.

904.02 Permitted Uses with Conservation Development Standards

- A) Single-Family detached Dwellings.
- B) Single-family zero Lot line units, attached twin singles, townhouses, or other forms of residential development.
- C) Common Wall Single-Family Attached Dwellings.
- D) Multi-Family Buildings.
- E) Nonresidential Uses of a cultural, educational, or recreational nature or character. Said facilities must be located with direct access to an Arterial or Collector Street so as to permit access without burdening residential Streets.
- F) Forest and wildlife preserves.
- G) Projects specifically designed for watershed protection, conservation of soil or water or flood control.
- H) Religious Establishments as regulated by Section 1706.
- I) Agriculture exempted from zoning by the Ohio Revised Code per Section 1714.
- J) Agritourism exempted from zoning by the Ohio Revised Code per Section 1715.
- K) Farm Markets exempted from zoning by the Ohio Revised Code per Section 1716.
- L) Public and private utilities as regulated by Section 102.06 and Article 22.
- M) Governmental Facilities as regulated by Section 102.07.
- N) Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.
- O) Residential Care Facilities for five (5) or fewer residents (excluding caregivers) as regulated by Section 1704.

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

**Section 905: Permitted Accessory Uses**

- 905.01 Accessory Buildings and Structures as regulated by Section 1609.
- 905.02 Portable Storage Units as regulated by Section 1707.
- 905.03 Fences, Accessory Walls, and Retaining Walls as regulated by Article 20.
- 905.04 Entry Features as regulated by Section 1605.
- 905.05 Accessory storage of recreational vehicles, boats, motor homes, equipment, trailers, and other vehicles other than passenger cars as regulated by Section 1906.
- 905.06 Private Swimming Pools together with game courts for the use of occupants and their guests as regulated by Section 1709.
- 905.07 Golf courses, as regulated by Section 1710, provided that such courses are subsidiary to the primary residential Use of the property.
- 905.08 Private Recreational Facilities, as regulated by Section 1711, provided that such facilities are subsidiary to the primary residential Use of the property.
- 905.09 A clubhouse and/or multipurpose Building shall be allowed as an Accessory Use on those properties where a golf course is provided, as specified in Section 905.05. Such clubhouse and/or multipurpose Building may contain a restaurant catering primarily to golf club members and their guests.
- 905.10 Home Occupations conducted by the owner in residence of a permitted Dwelling as regulated by Section 1708.
- 905.11 Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to the residents of the subdivision served.
- 905.12 Aerial Antennas and Satellite Dish Antennas as regulated by Section 2203.
- 905.13 Wind turbines as regulated by Section 2205.
- 905.14 Temporary Uses and Special Events as regulated by Section 1702.
- 905.15 Agriculture exempted from zoning by the Ohio Revised Code per Section 1714.
- 905.16 Agritourism exempted from zoning by the Ohio Revised Code per Section 1715.
- 905.17 Farm Markets exempted from zoning by the Ohio Revised Code per Section 1716.
- 905.18 Public and private utilities as regulated by Section 102.06 and Article 22.
- 905.19 Governmental Facilities as regulated by Section 102.07.
- 905.20 Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.

**Section 906: Prohibited Uses**

- 906.01 All Uses not specifically authorized as a permitted or conditionally permitted Use by the express terms of this Section of the Zoning Resolution are hereby prohibited.
- 906.02 Outdoor Storage of inoperable, unlicensed, or unused motor vehicles for a period exceeding seven (7) days is prohibited. Such vehicles, if stored on the premises, shall be enclosed within a Building so as not to be visible from any adjoining property or public road.
- 906.03 Except as may be specifically permitted by Section 1702, no Mobile Home or mobile office shall be placed or occupied in this District.
- 906.04 Sexually Oriented Businesses.

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- 906.05 Residential Care Facilities for six (6) or more residents, excluding care givers.
- 906.06 Hotels.
- 906.07 Except as specifically permitted by Article 22, no telecommunications tower as defined in Ohio Revised Code Section 519.211(B)(1) shall be allowed in this District.
- 906.08 Any commercial or business use of a Lot in this District shall be prohibited unless it complies with Section 1708, Home Occupations, of this code. This shall include but is not limited to parking of vehicles or equipment used in a business or the operation of a Service Business where no work actually takes place on the site such as roofing, excavating or lawn maintenance, plumbing and other similar type operations.
- 906.09 Agriculture, Agritourism, and Farm Markets not otherwise exempted from zoning by the Ohio Revised Code, unless incorporated into an approved Planned Development as either a permitted Use and/or designated Open Space. Such Use and/or designation, where expressly authorized, shall be intended solely for the operation, use, and enjoyment of residents within said Planned Development and subject to Sections 1714, 1715, and 1716, respectively.

**Section 907: Residential Driveway Setback Requirements**

- 907.01 All driveways or pavement shall have a Setback of no less than two (2) feet from the Lot Line.
- 907.02 All side load garages shall have a turning pad of no less than twenty-four (24) feet.
- 907.03 No driveway shall be located so it enters a public road within forty (40) feet of the intersection of the edge of the Contiguous Right-of-Way of any two (2) public roads.
- 907.04 All driveways and parking areas shall be hard-surfaced with asphaltic concrete, Portland cement concrete, permeable pavers, or another similar type of hard, non-gravel surface.

**Section 908: Minimum Floor Area Requirements**

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

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

**Section 909: Dimensional Requirements**

- 909.01 Dimensional Requirements without Conservation Development Standards
  - A) Minimum Lot size:
    - 1) Ten thousand (10,000) square feet or greater for any detached Dwelling situated on its own individual Lot.
    - 2) The Building Envelope of Detached Dwellings situated on land commonly owned by a condominium or other similar type of association shall be at least sixty (60) feet wide and one hundred twenty (120) feet deep.

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- B) Minimum Yard Setback requirements:
- 1) Front, Side, and Rear Yard Setbacks for detached Dwellings on Lots ten thousand (10,000) square feet or greater shall be designed so that no residential Dwelling is closer than twenty (20) feet to any other residential Dwelling. Such Dwellings shall be located no closer than thirty (30) feet to any private Street or public Right-of-Way.
  - 2) Front, Side, and Rear Yard Setbacks for detached Dwellings on land commonly owned by a condominium or other similar type of association, single-family zero Lot Line Dwellings, and Common Wall Single-Family Attached Dwellings, shall be designed so that no residential Building is closer than eleven (11) feet to any other residential Building. Such Dwellings shall be located no closer than twenty-five (25) feet to any private Street or public Right-of-Way.
  - 3) Other permitted Principal Uses not otherwise specified above shall have front, side, and rear yards each of which is at least forty (40) feet. No Buildings consisting of such Use shall be located closer than thirty (30) feet to any private Street or public Right-of-Way.
  - 4) Yard requirements for architectural projections, Accessory Buildings, and Accessory Structures shall be as established in Article 16.
  - 5) Setbacks from private Streets without defined easements or Right-of-Ways shall be measured from the backside of the Street curb. If curbs are not present, the measurement shall be taken from the Street's edge of pavement.
- C) Building Height limits: Unless otherwise permitted by this Resolution, no Building shall exceed thirty-five (35) feet in height.

**909.02 Dimensional Requirements with Conservation Development Standards**

- A) The Board of Trustees may, as a part of the PRD, with Conservation Development Standards, review process, require specific dimensional requirements that are in the best interests of the health and welfare of the general Township.
- B) The Building Envelope of Detached Dwellings situated on land commonly owned by a condominium or other similar type of association shall be at least sixty (60) feet wide and one-hundred twenty (120) feet deep.
- C) Minimum Yard Setback requirements:
- 1) Residential, excluding Multi-Family Dwellings, none.
  - 2) Other permitted Principal Uses, including Multi-Family Dwellings, shall have Front, Side, and Rear Yard Setbacks of fifty (50) feet each.
  - 3) Yard Setback requirements for architectural projections, Accessory Buildings, and Accessory Structures shall be as established in Article 16.
- D) Building Height limits: Unless otherwise permitted by this Resolution, no Building shall exceed thirty-five (35) feet in height.
- E) Setbacks from private Streets without defined easements or Right-of-Ways shall be measured from the backside of the Street curb. If curbs are not present, the measurement shall be taken from the Street's edge of pavement.

**Section 910: Open Spaces**

At least forty percent (40%) of the gross acreage within a "PRD" Planned Development, shall be reserved as Open Space. In computing the amount of gross acreage Open Space, Limited Common Element Areas, road Rights-of-Way of all types, and paved vehicular areas including parking areas and driveways shall be excluded. It shall also not include the areas of individual fee simple Lots conveyed to homeowners. The gross

acreage open space area shall be, open to all residents of the Planned Development and may be, but is not required to be, open to the general public.

The following items are a part of the computation of the gross acreage Open Space: Scenic easements, utility easements, existing lakes or ponds, and/or private and public active or passive Open Space, and including up to twenty-five percent (25%) of land area included within bounded stanchions but located between guy-wiring and stanchions Attached to a communications tower if said guy-wires and stanchions are located so as to leave said percent open to the sky. All land area located between guy-wiring and stanchions and included in an Open Space computation shall be landscaped to screen the base of the tower and all related Structures and shall not be used for active or passive recreation facilities of any kind.

**Section 911: Common Open Spaces**

911.01 Common Open Space requirements if Conservation Development Standards Are Not Used:

- A) A minimum of fifteen percent (15%) of the gross acreage within the Planned Development shall be required to be Common Open Space and shall be accessible to all tenants or residents within the zoning property but is not required to be open to the general public.
- B) The location, shape, size, and character of Common Open Space shall be suitable for the Planned Development in relation to the location, number, and types of Buildings it is intended to serve. In any case, it shall be highly accessible to all residents of the Planned Development. Entry features, detention and retention basins, and Limited Common Element Areas shall not be included in the area required for Common Open Space.
- C) The Common Open Space shall be used for amenity or recreational purposes. Any Uses and/or Buildings authorized for the Common Open Space must be appropriate to the scale and character of the Planned Development in relation to its size, Density, expected population, topography, and the type of Dwellings.
- D) The Common Open Space may be suitably improved for its intended Use, but Common Open Space containing natural features worthy of preservation such as slopes over twelve percent (12%) and wooded areas may be left unimproved. The Buildings, Structures, and improvements that are permitted in the Common Open Space must be appropriate to the Uses which are authorized for the Common Open Space and must conserve and enhance the amenities of the Common Open Space with regard to its topography and unimproved condition.

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

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

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(12%) and wooded areas may be left unimproved. The Buildings, Structures, and improvements, which are permitted in the Common Open Space, must be appropriate to the Uses which are authorized for the Common Open Space and must conserve and enhance the amenities of the Common Open Space with regard to its topography and unimproved condition.

**Section 912: Off-Site Common Open Spaces**

- 912.01 In lieu of the Common Open Spaces required in Section 911, Township Trustees may accept, as part of an approved Final Development Plan, Common Open Space consisting of an off-site unified area of land which is suitably located and of adequate type and size to accommodate recreational facility sites, parks and other similar types of public uses.
- 912.02 The proposed off-site Common Open Space shall be conveyed to a public authority that will agree to maintain the off-site Common Open Space and any Buildings, Structures or improvements that have been placed on it. All land conveyed to a public authority must meet the requirements of the appropriate public authority as to size, shape, location, character and the method, conditions, and timing of the transfer. Public utility or other similar easements and Right-of-Way for watercourses or other similar channels are not acceptable for off-site Common Open Space dedication unless such land or Right-of-Way is usable as a trail or other similar purpose and approved by the public authority to which land is to be transferred.
- 912.03 The off-site Common Open Space shall be used for recreational purposes, Open Space, park, school site, or other similar type of public use. Any Uses and/or Buildings authorized for the off-site Common Open Space must be appropriate in relation to the location, size, shape, and topography of the property.
- 912.04 The off-site Common Open Space may be suitably improved for its intended Use, but off-site Common Open Space containing natural features worthy of preservation such as slopes over twelve percent (12%) and wooded areas may be left unimproved. The Buildings, Structures, and improvements that are permitted in the off-site Common Open Space must be appropriate to the Uses which are authorized for the off-site Common Open Space and must conserve and enhance the amenities of the off-site Common Open Space with regard to its topography and unimproved condition.
- 912.05 The minimum size of the proposed off-site Common Open Space shall be the greater of fifteen percent (15%) of the gross acreage of the Planned Development or five (5) acres.
- 912.06 Off-site Common Open Space shall only be considered upon request of the applicant and upon a determination that Common Open Space within the development is insufficient, inappropriate and impractical for the proposed Uses and purposes and that the off-site Common Open Space is reasonably accessible to all residents and users of the Planned Development. In all cases, the benefits of a proposed off-site Common Open Space shall outweigh the benefits of providing Common Open Space within the Planned Development. Factors used in evaluating the adequacy and appropriateness of the proposed off-site Common Open Space include:
- A) The location, size, shape, and topography of the property;
  - B) The intended Use of the property and the existing and proposed amenities, improvements and facilities;
  - C) The access to and location of the property in relation to the Planned Development;
  - D) The method and degree of integration of the property with the Planned Development;
  - E) The character of the Zoning District in which the property is located, the Uses permissible within the District, and the compatibility of the proposed Uses with adjoining development and Uses; and
  - F) The availability and adequacy of essential public facilities and services.

**Section 913: Ownership of Common Open Space**

Different ownership and management options apply to the permanently protected Common Open Space created through the development process. The Common Open Space shall remain undivided and may be owned and managed by a Homeowner's Association, the township, or a recognized land trust or conservation District (conservancy). A public land dedication, not exceeding ten percent (10%) of the total Lot size, may be required by the Township Trustees to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

- 913.01 Ownership Standards. Common Open Space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination.
- 913.02 The Township Trustees may, but are not required to, accept undivided Common Open Space provided: 1) such land is accessible to all the residents of the Township; 2) there is no cost of acquisition other than incidental costs related to the transfer of ownership; 3) the Township Trustees agree to maintain such lands. Where the Township Trustees accept dedication of Common Open Space that contains improvements, the Township Trustees may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months. Dedication shall take the form of a fee simple ownership to the Township.
- 913.03 Homeowner's Association. The undivided Common Open Space and associated facilities may be held in common ownership by a Homeowner's Association. The association shall be formed and operated under the following provisions:
- A) The developer shall provide a description of the association, including its bylaws and methods for maintaining the Common Open Space.
  - B) The association shall be organized by the developer and shall be operated by the developer, before the sale of any Lots within the development.
  - C) Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
  - D) The association shall be responsible for maintenance of insurance and taxes on the undivided Common Open Space, enforceable by liens placed by the Township Trustees on the association. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.
  - E) The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such undivided Common Open Space. Shares shall be defined within the association bylaws.
  - F) In the event of transfer, within the methods here permitted, of undivided Common Open Space land by the Homeowner's Association, or the assumption of maintenance of undivided Common Open Space land by the Township, notice of such pending action shall be given to all property owners within the development.
  - G) The association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided Common Open Space.
  - H) The Homeowner's Association may lease Common Open Space lands to any other qualified person, or corporation, for operation and maintenance of Common Open Space lands, but such a lease agreement shall provide:
    - 1) That the residents of the development shall always have access to the Common Open Space lands contained therein (except croplands during the growing season);

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- 2) That the undivided Common Open Space shall be maintained for purposes set forth in this Section; and
  - 3) That the operation of Common Open Space facilities may be for the benefit of the residents only or may be open to all residents of the township, at the election of the developer and/or Homeowner's Association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of Common Open Space within the township, all residents of the township shall have access to such identified paths/walkways.
  - l) The lease shall be subject to the approval of the Homeowner's Association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Delaware County Recorder's Office and notification shall be provided to the Township Trustees within 30 days of action by the Board.
- 913.04 Condominiums. The undivided Common Open Space and associated facilities may be controlled by condominium agreements, approved by the Township Trustees. Such agreements shall be in conformance with all applicable laws and regulations. All undivided Common Open Space land shall be held as a common element.
- 913.05 Dedication of Easements. The Township Trustees may, but shall not be required to, accept easements for public use of any portion or portions of undivided Common Open Space land, title of which is to remain in ownership by condominium or Homeowner's Association, provided:
- A) Such land is accessible to township residents;
  - B) There is no cost of acquisition other than incidental transfer of ownership costs; and
  - C) A maintenance agreement is reached between the developer, association, and the Township Trustees.
- 913.06 Transfer of Easements to a Private Conservation Organization. An owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:
- A) The organization is a bona fide conservation organization with perpetual existence;
  - B) The conveyance contains appropriate provisions for the proper reverter or retransfer should the organization become unwilling or unable to continue carrying out its function; and
  - C) A maintenance agreement is entered into by the developer and the organization.

**Section 914: Maintenance of Open Space**

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

**Section 915: Administration and Enforcement**

- 915.01 Pursuant to Ohio Revised Code Section 519.021(A), this District may be permitted upon application and approval of specific and detailed Final Development Plans and all shall require amendments to the official Zoning Map. Approval for Planned Development Rezoning applications may be granted pursuant to ORC 519.12 only when the plan for the project complies with these regulations and promotes the general public health, safety, morals, and general welfare, and

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encourages the efficient use of land and resources, promotes greater efficiency in providing public and utility services and encourages innovation in the planning and building of the development.

- 915.02 Applications and requests pertinent to the Planned Residential District, including: Zoning Map Amendments, Preliminary Development Plans, Final Development Plans, Final Development Plan amendments, Divergences, modifications/alterations, subdivisions, Zoning Permits, and Certificates of Compliance, shall be administered in accordance with Article 27 of this Resolution.
- 915.03 Enforcement shall be conducted pursuant to Section 2713.

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