

**ZONING RESOLUTION  
OF  
CROSBY TOWNSHIP**

**ZONING RESOLUTION  
FOR THE  
UNINCORPORATED TERRITORY  
OF  
CROSBY TOWNSHIP,  
HAMILTON COUNTY, OH**

**ADOPTED  
BY  
THE TRUSTEES  
OF  
CROSBY TOWNSHIP  
ON  
NOVEMBER 23, 1974**

**WITH  
SUBSEQUENT REVISIONS  
THROUGH  
2021**

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**ZONING RESOLUTION  
FOR THE  
UNINCORPORATED TERRITORY  
OF  
CROSBY TOWNSHIP, HAMILTON COUNTY, OHIO**

Whereas, by the provisions of Chapter 519 of the Ohio Revised Code, the Board of Township Trustees of Crosby Township, Hamilton County, Ohio, is empowered to provide and enforce regulations of the progress and development of said township; and

Whereas, all provisions of the Ohio law governing township zoning have been complied with in setting up a plan to facilitate township zoning.

Now, therefore, be it resolved by the Board of Township Trustees of Crosby Township, Hamilton County, Ohio, as follows:

<b>ARTICLE 1</b>
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**PURPOSE**

**Sec. 1.0** For the purpose of promoting public health, safety, morals, comfort, or general welfare; to conserve and protect property and property values, to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with the provisions of Chapter 519 of Ohio Revised Code, it is hereby provided as follows:

**ARTICLE 2**

**TITLE**

**Sec. 2.0** This Resolution shall be known and may be cited as the CROSBY TOWNSHIP ZONING RESOLUTION.

## ARTICLE 3

### TERRITORIAL LIMITS

**Sec. 3.0** The territory zoned herein comprises that portion of Hamilton County, which is known and designated as the unincorporated territory of Crosby Township.

## ARTICLE 4

### DEFINITIONS

**Sec. 4.0 DEFINITIONS GENERALLY:** Words, terms, and phrases not otherwise defined in the Article shall have, for the purpose of this Resolution, the meaning or meanings attributed to them in terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “building” shall include the word “structure” and the word “shall” is mandatory and not directory.

**Sec. 4.1 ADDITIONAL DEFINITIONS:** Additional definitions relating to specific portions of this Resolution are found in Article 31 (Signs).

**Sec. 4.2 DEFINITIONS:** For the purposes of this Resolution, the following terms shall have the following meanings:

**ACCESSORY BUILDING:** A subordinate building or a portion of the main building; the use of which is incidental to that of the main building or to the premises. Examples include, but are not limited to: garage, sheds, stable, utility buildings, greenhouses and kennels. It does not include tents, portable structures, pods, converted trailers or shipping containers.

**AGRICULTURE, RURAL** (1) Farming, ranching or pasturage; (2) Agriculture, aquaculture and fishing lakes, horticulture, ornamental horticulture, floriculture, viticulture and wine-making, olericulture, pomiculture; (3) Production or cultivation of land for mushrooms, timber, nursery stock, sod, tobacco, field crops, and without limitation, other such agricultural and horticultural commodities; (4) Dairying, and dairy production; (5) Animal or poultry husbandry, and the production of poultry and poultry products, livestock, equine or forbearing animals, and wildlife native to this state, including breeding, raising, shearing, grazing or other feeding; (6) Beekeeping and related apiarian activities and the production of honey, beeswax, honeycomb, and related products; (7) Any activities listed in (1)-(6) above when carried on by agriculturally oriented groups such as 4-H Clubs, Future Farmers of America; (8) On-site storing, handling, and processing incidental to the production of the foregoing agricultural or horticultural products or commodities; (9) Accessory uses and activities directly related to any of the activities listed in (1)-(8) above including wholesale selling of products, commodities and animals; (10) Farm markets where fifty per cent or more of the gross market income is derived from produce raised on farm(s) owned or operated by the market owner, in a normal crop year. The term "rural agriculture" shall not include suburban agriculture.

**AGRICULTURE, SUBURBAN** (1) Farming, pasturage, horticulture, floriculture, or viticulture on lots of one acre or less in platted subdivisions, or in unplatted subdivisions with 15 or more lots that are contiguous or separated only by right-of-way, where at least 35% of the lots are developed; or (2) dairying, and animal or poultry husbandry on lots of five acres or less in any platted subdivision, or in any unplatted subdivision resulting in 15 or more lots, each smaller than five acres and contiguous or separated only by right-of-way, where at least 35% of the lots are developed.

**ALLEY:** A public or private thoroughfare, which affords on a secondary means of access to abutting property.

**APARTMENT:** A room or suite of rooms in a dwelling intended or designed for use as a residence.

**APARTMENT, EFFECIENCY:** An apartment in a multiple dwelling, consisting of not more than one (1) habitable room designed for living and sleeping purposes, together with kitchen or kitchenette and sanitary facilities.

**APARTMENT HOUSE:** See Dwelling, Multiple.

**ATTACHED:** Permanent structural part of building which connects main structure with garage or addition. The structure must consist of a poured concrete foundation with floor, walls, and a roof to match architectural style of main structure.

**BASEMENT:** A story having part but not more than (1/2) its height below grade. A basement is counted as a story for the purpose of height regulation.

**BILLBOARDS:** Any structure or portion thereof on which lettered, figures or pictorial matter is displayed for advertising purposes other than the name or other designation of the occupant of the premises or the nature of the business, services, or products conducted, sold, or produced thereon.

**BOARD:** The Crosby Township Board of Zoning Appeals as created by this Resolution.

**BOARDING HOUSE:** A building other than a hotel wherefore compensation, meals, or lodging and meals, are provided for three (3) but not more than twenty (20) persons.

**BUFFER OR BUFFERYARD:** An area of healthy and viable vegetation, natural or planted, adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening and softening the effects of the land use. No part of this buffer is to be used for active recreation, parking, or interior access drives. A buffer may include a wall, fence or berm, underground utilities and permitted signage as provided in accordance with the provisions of Article 30-A or any other related Article.

**BUFFER, BOUNDARY:** A linear area adjacent to the side and/or rear property line that is set aside to separate, screen, and soften the detrimental impacts of different uses or intensities upon one another and upon the surrounding neighborhood.

**BUFFER, STREETScape:** A linear area adjacent to the front property line extending from side lot-line to side lot-line that is set aside to shield or enhance views into the parking lot, establish coordination among diverse buildings, setbacks and uses, to define the street and access points, to retain the quality of the environment by providing appropriate vertical mass in keeping with dimensions of horizontal voids, and to diminish the presence of wires/poles, lights and other clutter along the public right-of-way.



**BUILDING:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**BUILDING LINE:** The line indicating the minimum horizontal distance required between the street right-of-way lien and the building of any projection thereof other than a step or uncovered porch.

**BUILDING, HEIGHT OF:** The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

**CELLAR:** A story having more than one-half (1/2) of its height below grade. A cellar is counted as a story for the purpose of height regulation only if used for dwelling purposes other than by a janitor employed on the premises.

**CLUB:** Building and facilities owned or operated by a corporation, associated, person or persons for a social, educational or recreational purpose, but not primarily for profit, which inures to any individual and not primarily to render a service, which is customarily carried on a business.

**CLUSTER HOUSING:** A zoning technique which maintains the approved ratio of housing units to acreage on a parcel of land, but clusters these units on undersized lots for the purpose of maintaining an area of permanent open space.

**COMMERCIAL:** Any activity made or done primarily for profit.

**COMMISSION:** The Crosby Township Zoning Commission. The Commission's function is to review, revise and recommend changes of the Crosby Zoning Resolution as necessary, and to carry out such other functions as authorized by law.

**COUNTY:** Hamilton County, Ohio

**DEVELOPMENT:** Any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**DEVELOPMENT PLAN:** A plan for the development and use of a specific parcel or tract of real estate, illustrated by a plat showing the boundaries of such parcel or tract, the location, size, height, and use of all structures, all vehicular and pedestrian ways and parking areas, both public and private, and all landscaped areas to be erected and maintained thereon, and further explained by such specifications, conditions and limitations as may be imprinted on the plat, or contained in the Amendment or Supplement to the Resolution incorporating the development plan as an integral part of the zoning regulations applicable to the real estate.

**DISTRICT:** A section or sections of the unincorporated territory of Crosby Township, for which the regulations governing the use of buildings and premises, the height of buildings, size of yards and the area of lots are uniform.

**DWELLING:** Any building or portion thereof designed or intended to be used exclusively for residence purposes, but not including a tent, cabin, trailer or trailer coach.

**DWELLING, SINGLE-FAMILY:** A building designed for or occupied exclusively by one family.

**DWELLING, TWO-FAMILY:** A building designed for or occupied exclusively by two families.

**DWELLING, MULTIPLE:** A building for or occupied by more than two families.

**FAMILY:** Any person or group of persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.

**FLOOD PLAIN:** That area designated as FLOOD PLAIN DISTRICT by Article 22 of this Resolution and on the CROSBY TOWNSHIP zoning map (see Appendix A).

**FRONTAGE:** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

**GARAGE, PRIVATE:** A building housing no more than four (4) motor vehicles, one of which may be a commercial vehicle not exceeding 19,500 GVW capacity, owned or normally operated by a resident of the premises, and two of which may be passenger automobiles owned by non-residents of the premises.

**GARAGE, STORAGE:** A building or premises used for housing only, of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not hired or sold.

**GRADE:**

- a.) For buildings having walls adjoining one street only, the elevation of the roadway or sidewalk at the center of the wall adjoining the street.
- b.) For buildings having walls adjoining more than one street, the average of the elevation of the roadway or sidewalk at the centers of all walls adjoining the streets.
- c.) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
- d.) Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

**GREENHOUSE:** A glassed or translucent enclosure used for cultivation or protection of plants.

**HIGHWAY, MAJOR OR SECONDARY:** An officially designated state or federal numbered highway or other road designated as a major street on the official Thoroughfare Plan of Hamilton County

**HOME OCCUPATION:** Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a name plate not more than two (2) square feet in area, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling, there is no commodity sold upon the premises; or any type of pick-up station or similar commercial activities.

**HOTEL OR MOTEL:** A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or lodging house.

**IMPERVIOUS SURFACE:** Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks and paved recreational facilities.

**IMPERVIOUS SURFACE RATIO (ISR):** An intensity calculation measured by the total area of impervious surfaces divided by the net area (excluding right-of-way) of the lot. For the purposes of determining development intensity, pervious pavements and gravel areas shall be calculated as an impervious surface.

**INDUSTRIAL, HEAVY:** The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards, or that otherwise do not constitute "light industrial," or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the property.. "Heavy Industrial" shall include, but not be limited to, the production of alcohol, vinegar, pickles, alcoholic beverages, corrosive acids or alkalis, explosive or corrosive gasses, turpentine or thinner, asphalt bleaching agents, ammonia, clay products, glass, textiles, paint, enamel, shellac or varnish, rubber products, plastics, pesticides, fertilizer, soap, stone products, oils, motor vehicles, engines, trailers, fiberglass, and heating, ventilation and air conditional equipment.

**INDUSTRIAL, LIGHT:** The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot which such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed twenty-five percent (25%) of the floor area of all buildings on the property. Light Industrial shall not include any of the uses listed in Section 20.1.

**INDUSTRIALIZED UNIT:** A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially sufficient as a unit or as a part of a greater structure and that requires transportation to the site of intended use. Industrialized unit

includes units installed on the site as independent units as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Industrialized unit does not include a manufactured or mobile home as defined herein.

**INSTITUTION:** A public or quasi-public establishment serving a non-profit purpose, as for a religious, educational, or charitable use.

**KENNEL, COMMERCIAL:** A structure or premises used for the housing, grooming, breeding, boarding, training, selling, or other animal husbandry activities for dogs, cats, or other animals for financial or other compensation.

**KENNEL, PRIVATE:** The home and premise of a hobby breeder. Private kennels, on lots provided that any exterior enclosure (including fences) in which household pets are kept shall be located in the rear yard and at least twenty (20) feet from every property line of adjacent parcels.

**LANDSCAPE PLAN:** A plan for landscaping prepared by a licensed Landscape Architect or Certified Horticulturist in accordance with the specifications contained in Article 30-A.

**LANDSCAPING:** The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

**LIGHT, CUTOFF:** An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

**LIGHT, NON-CUTOFF:** An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground, as illustrated in Section 30.7.

**LIGHTING, OUTDOOR:** Any source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public streets by a government agency or public utility.

**LIVESTOCK:** Hoofed animals, including but not limited to horses, cattle, sheep, swine, goats, llamas, domestic fowl, and game birds, and other species typically raised for food, fiber, or draft.

**LODGE HOUSE:** A building where lodging only is provided for compensation to three (3) or more but not more than twenty (20) persons.

**LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this Resolution and the open spaces required by this Resolution and having its principal frontage upon a street or place.

**LOT, CORNER:** A lot abutting upon two (2) or more streets at their intersection of upon two parts of the same street, and in either case forming an interior angle of less than one hundred and thirty-five (135) degrees.

**LOT, DEPTH OF:** The mean horizontal distance between the front and rear lot lines.

**LOT, DOUBLE FRONTAGE:** A lot having a frontage on two (2) non-intersection streets, as distinguished from a corner lot.

**LOT OF RECORD:** A lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Hamilton County; or a parcel of land, the deed to which was of record on or prior to the effective date of this Resolution. For the purpose of these regulations, any preliminary plan of the subdivision which has been approved by official action of the Regional Planning Commission of Hamilton County, and prior to November 23, 1974, shall have the same status as if the Official action of the Regional Planning Commission of Hamilton County, subdivision plan was officially recorded in the office of the Recorder of Hamilton County; provided that such preliminary plan of a subdivision so approved, must have been started within two (2) years of such approval, and the streets, sidewalk and public utilities must be in being and in place within two (2) years of said approval.

**MANUFACTURED HOME/OFFICE:** A factory-built dwelling, other than an industrialized unit (modular home), that is manufactured or constructed in an off-side manufacturing facility, transportable in one or more sections, which in the traveling mode is at least eight (8) body feet in width and at least forty (40) body feet in length, or, when erected on site is at least 320 square feet, which bears a seal certifying that it was built in compliance with the standards established by the Federal Manufacturing Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401 et seq., and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**MICRO WIND SYSTEM:** A building mounted WECS that has a nameplate capacity (manufacturer's rating) of ten (10) kilowatts or less, and projects no more than fifteen (15) feet above the highest point of the roof. These WECS are designed primarily to reduce onsite consumption of electrical power.

**MOBILE HOME:** A transportable factory-built dwelling, other than a manufactured home or a modular home, which will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other foundation and used or so construed as to permit its being used as conveyance upon the public streets and highways. Most significantly the term mobile home designates those units not in compliance with Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. Seq.)

**MODULAR UNITS:** See Industrialized Unit.

**NON-CONFORMING USE:** Any building or land lawfully occupied by a use on the effective date of this Resolution or any amendment or supplement thereto, which does not conform, with the Use Regulations of the District in which it is situated.

**PARK:** Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

**PARKING LOT:** An area of land devoted to non-enclosed parking spaces for five (5) or more vehicles.

**PARKING SPACE:** A permanently surfaced area either within a structure or in the open, exclusive of driveways and access drives, permanently reserved for the parking of motor vehicles.

**PET:** A domesticated animal kept for pleasure rather than for agricultural use.

**PLACE:** An open unoccupied space at least forty (40) feet wide, other than a street or alley, permanently reserved as the principal means of access to abutting property.

**PLANNING COMMISSION:** Hamilton County Regional Planning Commission.

**PLANNED UNIT DEVELOPMENT (PUD):** A type of development that enables residential, commercial, industrial or any other uses to be developed alone or in combination under one unified plan of development under more flexible standards pursuant to the standards and procedures set forth in Article 33 of this Resolution.

For the purposes of this Zoning Resolution, a PUD shall include a plan which is submitted to the Township Zoning Commission within the established PUD Overlay District for administrative approval. The administrative approval creates an alternative set of overlay regulations, available at the election of the property owner, for a specific development plan but does not preclude the development of the property for other uses permitted in an underlying non-PUD district.

**RECREATIONAL VEHICLE:** Any towed or self-propelled vehicle constructed, reconstructed, or added to by means of accessories in such a manner designed primarily for the purpose of personal recreation, pleasure, or travel, as will permit the use and/or temporary occupancy for travel, recreation, vacation or other primarily transient purposes, as opposed to a mobile home or office/construction trailer as defined in this Resolution. Recreational vehicles may include, but are not limited to off-road vehicles, truck campers, pop-up campers, boats, jet skis, personal watercraft, snowmobiles, camping trailers, and self-propelled campers.

**RETAINING WALL/TURNDOWN SLAB:** A structure that holds back fill (earth, sand, water, gravel, etc.)

**RIGHT-OF-WAY (R.O.W):** A strip of land dedicated by recorded instrument occupied or intended to be occupied by a public street or railroad and within which may be located electric, transmission lines, gas line, water mains, sanitary sewers or storm sewers.

**SIGNS:** A public display board, placard, etc, bearing some information or advertisement.

**SMALL WIND FARM:** A Wind Energy Conversion System (WECS) with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five (5) megawatts.

**SOLAR PANEL (PV):** A single photovoltaic panel or group of photovoltaic panels that convert solar energy to electricity or other energy source for consumer or commercial consumption.

**STORY:** That portion of a building, other than a cellar as defined herein, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it (see Appendix “C”).

**STORY, HALF:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use (see Appendix “C”).

**STREET:** All property dedicated or intended for public or private street, highway, freeway, or roadway purposes or subject to public easements.

**STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground, including, but not limited to, advertising signs, areas improved for parking, driveways, billboards, back stops for tennis courts, retaining walls and pergolas.

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of the building.

**TRAILER:** A structure standing on wheels or meant to stand on wheels that is towed or hauled by another vehicle. For the purpose of this Resolution, the term “trailer” shall include utility, livestock, and construction trailers.

**TRAILER, LIVESTOCK:** Any towed vehicles that are attached to an automobile or truck for the sole purpose of transporting goods or farm animals.

**TRAILER, OFFICE/CONSTRUCTION:** A vehicular type portable structure, without permanent foundation, primarily designed to be used as an on-site construction office and to store or haul construction machinery, tools and equipment that will not permit temporary human habitation or other transient purposes.

**TRAILER, UTILITY:** Any towed vehicle, open or enclosed, intended or designed for public roadway travel for the purpose of transporting equipment, tools, supplies, materials or goods of a similar nature that will not permit temporary human habitation for travel, recreation, vacation or other transient purposes.

**TRUSTEES:** Board of Township Trustees of Crosby Township, Hamilton County, Ohio.

**UTILITY SCALE (LARGE) WIND FARM:** Wind Energy Conversion System (WECS) installations with a total generating capacity over 5 megawatts which are subject to certification by the Ohio Power Sitting Board.

**WILDLIFE, EXOTIC:** Indigenous or non-indigenous wildlife, including those animals that could be considered dangerous, including but not limited to lions, tiger, ocelots, jaguars, leopards, mountain lions, cheetahs, lynx, bobcats, jaguarondi, bears, hyenas, wolves, or coyotes, or any life-threatening reptiles and arachnids, including but not limited to crocodilians and poisonous reptiles and tarantulas.

**WIND ENERGY CONVERSION SYSTEM:** (WECS) means an aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires, and accessory equipment such as utility interconnections, battery banks, etc. in such a configuration as necessary to convert the power of wind into mechanical or electrical energy. WECS are also known as wind chargers, windmills, or wind turbines.

**WIND TURBINE:** A machine that converts the wind's kinetic energy into rotary mechanical energy, which is then used to do work.

**YARD:** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the nearest portion of the main building shall be used.

**YARD, FRONT:** A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the right-of-way and the main building or any projection thereof, other than the projection of the usual steps or entrance-way.

**YARD, REAR:** A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any projection thereof, other than steps, non-enclosed balconies or non-enclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension unless the building is so arranged and designed as to face the other street and to provide the front and rear yards in relation to said side street, that would otherwise be required if the building faced the street upon which the lot has its least dimension.

**YARD, SIDE:** A yard between the main building and the sideline of the lot and extending from the front yard to the rear yard.

**ZONING COMMISSION:** Crosby Township Zoning Commission.



## ARTICLE 5

### ZONING CERTIFICATES

**Sec. 5.0** Except as provided in Article 10, no building shall hereafter be located, constructed, reconstructed, enlarged or structurally altered nor shall any work be started upon same until a zoning certificate for same has been issued by the Township Zoning Inspector which certificate shall state that the proposed building and use comply with all provision of this Resolution.

**Sec. 5.1** Except as provided in Article 10, no land shall be occupied or used; and no building hereafter located, constructed, reconstructed, enlarged or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever until a zoning certificate is issued by the Township Zoning Inspector, stating that the building and use comply with the provision of this Resolution. No change of use shall be made in any building or part thereof, now or hereafter located, constructed, reconstructed, enlarged or structurally altered, except for single-family dwelling purposes, without a zoning certificate being issued therefore by the Township Zoning Inspector. No zoning certificate shall be issued to make a change unless the changes are in conformity with the provision of the Resolution.

**Sec. 5.2** Nothing in the Article shall prevent the continuance of a non-conforming use as herein before authorized unless a discontinuance is necessary for the safety of life or property.

**Sec. 5.3** A zoning certificate shall be applied for prior to or coincidentally with the application for a construction permit. A record of all zoning certificates shall be kept on file in the office of the Township Zoning Inspector.

**Sec. 5.4** A zoning certificate shall be required of all Non-Conforming Uses. Application for the zoning certificate for Non-Conforming Uses shall be filed within twelve (12) months from the effective date of this Resolution.

**Sec. 5.5** A list of home improvements not requiring a zoning certificate:

- a. roofing repairs;
- b. chimney repairs;
- c. installation of siding;
- d. installation of air conditioning;
- e. heating plants or units (major);
- f. general repairs that do no require structure alterations or additions;
- g. fences to include yard, garden or decorative in compliance with Sec. 34.19;
- h. retaining walls not to exceed four (4) feet in height;
- i. accessory building not to exceed 200 square feet in size;

**Sec. 5.6** Crosby Township, and State approved Schools are exempt from requiring a zoning certificate fee.

**Sec. 5.7** Fees, as established by the Crosby Township Trustees, are contained in Appendix E of this Resolution.

## ARTICLE 6

### PLATS

**Sec. 6.0** Each application for a zoning certificate shall be accompanied by a plat and plan in triplicate, drawn to scale showing the actual shape and dimension of the lot to be built upon or used, the exact size and location on the lot of the buildings, structures and accessory buildings existing, and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of the each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Resolution. One (1) copy of such plats and plans shall be returned to the Applicant when such plats and plans shall have been approved by the Township Zoning Inspector. All dimensions shown on these plats and plans relating to the location and size of the lot to be built upon shall be based on an actual survey. The lot and location of the building or structure thereon shall be staked out on the ground before construction is started.

## ARTICLE 7

### INTERPRETATION, PURPOSE AND CONFLICT

**Sec. 7.0** In interpreting and applying the provision of this Resolution, they shall be held to be in the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare. Wherever the regulations of this Resolution require a greater width or size of yards or other open spaces or require a lower height of building or less number of stories or require greater percentage of lot to be left unoccupied or require a lower density of population, or require a more restricted use of land, or impose other higher standards than are required in any other resolution or regulation, private deed restrictions or private convenience, these regulations shall govern, but if the requirements of the other resolution, regulation, private deed restriction or private convenient is the more restrictive, then those requirements shall govern.

**Sec. 7.1** Whenever a court declares by a judgment or decree that is final (whether because no appeal is taken or no further appeal can be taken from such judgment or decree), that the zoning of a specific lot or tract is unconstitutional or unreasonable because it is too restrictive, the property affected shall there upon be subject to the next less restrictive District; provided, however that where the court in such judgment or decree, declares that the property may be used for a particular use or uses on the property, then such property shall be subject to the regulations applicable to the most restrictive District in which the particular use or uses, declared proper by the court, are permitted.

## ARTICLE 8

### DISTRICTS AND BOUNDARIES THEREOF

**Sec. 8.0** For the purpose of this Zoning Resolution and regulations, the territory of Article 3 is divided into nineteen (19) Districts, as follows:

“A-5”	Residence District
“A-A”	Residence District
“A”	Residence District
“A-2”	Residence District
“D”	Residence District
“DD”	Planned Multiple Residence District
“O”	Office District
“OO”	Planned Office District
“P”	Park, Green Space District
“E”	Retail Business District
“EE”	Planned Business District
“F”	Light Industrial District
“FF”	Planned Light Industrial District
“G”	Heavy Industrial District
“GG”	Planned Heavy Industrial District
“H”	Flood Plain District
“HG”	Industry Flood Plain District
“CUP”	Community Unit Plan Overlay District
“PUD”	Planned Unit Development Overlay District

**Sec. 8.1** The boundaries of these Districts are indicated upon the District Map, which is hereby made a part of this Resolution. The said District Map (see Appendix “A”) and all the notation, references and other matters shown thereon shall be as much a part of this Resolution as if they were all fully described herein; which District Map (see Appendix “A”) is properly attested and is on file in the Office of the Board of Township Trustees of Crosby Township, Hamilton County, Ohio.

**Sec. 8.2** Whenever any street, alley or other public way is vacated by official action of the Commissioners, the Zoning Districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended Districts

**Sec. 8.3 Establishment of Planned Unit Development (PUD) Overlay District:** The Planned Unit Development (PUD) Overlay District as provided for in Article 33 is hereby adopted as a zoning district map amendment to the official zoning map and is applicable to all land zoned “O” Office, “E” Retail, “F” Light Industrial and “G” Heavy Industrial within the jurisdiction of these regulations in accordance with the provisions of Article 33 and all applicable provisions of this Resolution.

## ARTICLE 9

### BOUNDARIES OF DISTRICTS

**Sec. 9.0 RULES WHERE UNCERTAINTY MAY ARISE:** Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning Map (see Appendix “A”) accompanying and made a part of this Resolution, the following rules apply:

**9.0.1** The District boundaries are the center lines of the streets or alleys, unless otherwise shown, and where the Districts designated on the Map (see appendix “A”) accompanying and made a part of this Resolution are bounded approximately by street or alley center lines, such center lines shall be construed to be the boundary of the Districts.

**9.0.2** Where the District boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the District boundaries shall be construed to be the lot lines, and where the Districts designated on the Map accompanying and made a part of this Resolution are construed to be the boundary of the Districts unless the boundaries are otherwise indicated on the Map.

**9.0.3** In subdivided property, the District boundary lines on the Map (see Appendix “A”) accompanying and made a part of this Resolution shall be determined by dimensions or the use of the scale appearing on the map.

## ARTICLE 10

### GENERAL PROVISIONS

**Sec. 10.0** Except as hereinafter provided:

**Sec. 10.1** No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this Resolution for the District in which the building or land is located.

Temporary tents used for wedding events, parties, shows, etc. shall be allowed for a period of not to exceed 14 days. Temporary tents that do not require a building permit are permitted without a zoning certificate. Regardless, tents used for commercial use will require a zoning certificate and the tent shall not exceed duration of 30 days maximum.

**Sec. 10.2** In any Residential, Office, or Retail Districts, placing a utility, recreational vehicle or trailer shall be prohibited, except that utility, recreational vehicle, or trailers may be parked or stored in a garage or other accessory building or no more than three (3) may be parked openly in a rear yard or side yard. No recreational vehicle shall be used for habitation or business except for a grace period for any visitors not to exceed seven (7) days per year. Any recreational vehicle stored outside must be in the side or rear yard, no closer than ten (10) feet to any lot line, have current vehicle license, must be owned by a resident of the property, and is maintained in good condition. A recreational vehicle may be parked in the front yard no more than 3 days in a single month for loading and unloading.

**Sec. 10.3** In any Residence, Office, Business and/or Industrial District, the wheels or any similar transporting devices of any trailer or mobile home shall not be removed nor shall such trailer be otherwise temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location on the ground by any person, firm or corporation in any manner. Modular units are allowed in office, business, and/or industrial districts.

**Sec. 10.4** The minimum yards and other open spaces, including the density of population provisions contained in this Resolution for each and every building existing on the effective date of this Resolution, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements or density or population requirements for any other building.

**Sec. 10.5** Every building thereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one main building on a lot, except as specifically provided herein in Section 34.15.

**Sec. 10.6** Outdoor Billboard signs shall be classified as a business use and shall be permitted in all Districts zoned for industries, business, trade or lands actively used for agriculture and shall comply with the regulations contained in Section 31.9.5 of this Resolution.

**Sec. 10.7** Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use for enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business.

**Sec. 10.8** A mobile home in use prior to November 23, 1974, for which a non-conforming permit has been issued and being used as rental property or residence by the owner and which becomes damaged by less than sixty percent (60%), the owner may replace it without procedure set forth in Article 32, Section 32.0. A mobile home may be replaced with another mobile home providing that the mobile home site use has not been discontinued for a period of two (2) years or more as set forth Article 32, Section 32.2.

**Sec. 10.9** Nothing contained in this Resolution shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given; and on-sight construction under such permit or approval shall have been started at least nine (9) months after issuance of such valid permit or approval, or nine (9) months after the effective date of the Resolution, whichever is later, and completed with two (2) years of issuance of such valid permit.

**Sec. 10.10** In any residential area, the offering of items for sale shall be limited to two (2) items at any one time, except during a garage sale, as per Section 14.1.16. Only one vehicle requiring a license plate shall be offered for sale at any one time. Any vehicle requiring a license plate that is offered for sale must be owned by the resident, a child of the resident, sibling or parent of the resident.

**Sec. 10.11** Cluster housing shall be permitted in all residential districts where preservation of green space, hillsides, etc. is pursued, and water, sewage, and other utilities permit such arrangements. The green space shall be deeded to a homeowners association, or if agreeable to all parties, to the Township, for maintenance of green space. In any cluster arrangement, the green space shall be no less than twenty percent (20%) of the total area developed, with a minimum of two (2) acres in the green space area. Cluster housing will be addressed as a Community Unit Plan in Article 24.

**Sec. 10.12** Any driveway or roadway that services two (2) or more residences, whether in a panhandle lot situation or not, shall be paved with asphalt or made of concrete, and serviced with a homeowners association.

**Sec. 10.13 AGRICULTURE REGULATIONS** - Nothing contained in this Resolution shall regulate the use of any land for agricultural purposes or the construction or use of building or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any building or structure used for agriculture except provided in this Section. Further, this section confers no power on the township to regulate agriculture, buildings or structures used in agriculture, and dairying and animal and poultry husbandry on lots greater than five (5) acres.

**10.13.1** The township may in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen (15) or more lots approved under section 711.131 (711.13.1) of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

**10.13.1.1** Agriculture on lots of one acre or less;

**10.13.1.2** Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by; set back building lines; height; and size;

**10.13.1.3** Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure or improvement that is subject to real property taxation. After thirty-five percent (35%) of the lots are so developed, dairying and animal and poultry husbandry shall be considered non-conforming use of land buildings or structures pursuant to section 519.19 of the Revised Code.

**10.13.2** The township may not prohibit in a district zoned for agricultural, industrial, residential or commercial uses, the use of any land for a farm market where fifty percent or more of the of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, the township may regulate such factors pertaining to farm markets as the size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.

**10.13.3** The following regulations shall govern agricultural uses as provided for in Section 10.13.1 and 10.13.2:

**10.13.3.1 Agricultural Setback:** All buildings, structures, exterior storage, refuse, or supplies shall be at least sixty (60) feet from every property line of adjacent parcels in residence or office districts.

**10.13.3.2 Agricultural Accessory Uses:** Roadside stands and farm markets on lots where fifty percent (50%) or more of the gross income received from the market is derived form produce raised on farms owned or operated by the market operator in normal crop year and provided that the structure shall not exceed eight hundred (800) square feet and such structure and parking area shall be at least sixty (60) feet from every property line of adjacent parcels in Residence Districts.

**10.13.3.3 Dairying, Animal and Poultry Husbandry Uses:** Buildings or premises shall be used only in accordance with the following requirements:

**10.13.3.3.1 Veterinary Facilities and Animal Care:** Veterinary facilities, riding stables or commercial kennels for the boarding of animals, dairying and other animal and poultry husbandry activities located on a lot that is greater than one (1) acre and further provided that floor area shall not exceed three thousand (3,000) square feet and that buildings and enclosures (including fencing) for animals and manure piles, pits or bins, or other outdoor storage, and parking areas for five or more vehicles shall be at least one hundred (100) feet from every property line of adjacent parcels in residence or office districts.



**10.13.3.3.2 Veterinary Facilities in Office Districts:** In the “O” Office District, veterinary facilities are permitted only without outside runs.

**10.13.3.3.3 Veterinary Facilities in Retail Districts:** In the “E” Retail Business District, veterinary facilities or other animal care facilities, including livery stables, riding academies, and grooming parlors are permitted if any outside animal enclosure or outside run is at least one hundred (100) feet to any property line of adjacent parcels in residence or office districts.

**10.13.3.3.4 Household Pet Enclosures:** Exterior enclosures for household pets shall be located in the rear yard and such enclosure (except property line fences) shall be at least twenty (20) feet from every property line.

**10.13.3.3.5 Livestock Enclosures:** Livestock enclosures, including accessory buildings and all fences, for such animals or fowl, other than household pets, shall be at least one hundred (100) feet from every property line.

**10.13.3.3.5 Private Kennel Enclosures:** Exterior enclosures for private kennels, including fences constructed solely for the purpose of confining animals, in which household pets are kept shall be located in the rear yard and at least twenty (20) feet from every property line of adjacent parcels.

**10.13.3.3 Greenhouse Setback:** Greenhouses shall be at least sixty (60) feet from every property line of adjacent parcels in residence or office districts, provided any exterior storage or refuse or supplies and the heating plant shall be at least one hundred (100) feet from every property line of adjacent parcels in residence districts.

#### **10.14.1 Outdoor Furnaces Standards:**

- a) Any outdoor furnace must also comply with any state or federal guidelines (emissions).
- b) The location of said structures shall be situated in the rear yard according to the following:
  - 1) If located 50 feet or less to any residence not served by the furnace, the stack must be 2 feet higher than the eave line of that residence.
  - 2) If located more than 50 feet but no more than 100 feet to any residence not served by the furnace, the stack must be at least 75% of the height of the eave line of that residence, plus an additional 5 feet.
  - 3) If located 100 feet to 150 feet to any residence not served by the furnace, the stack must be at least 50% of the height of the eave line of that residence, plus an additional 5 feet.
  - 4) If located 150 feet to 200 feet to any residence not served by the furnace, the stack must be at least 25% of the height of the eave line of that residence, plus an additional 5 feet.

- 5) The average maximum height for the furnace self-contained enclosure shall not exceed 10 feet.
- 6) If the furnace is not sheltered by a structure, then a solid fence or walled enclosure as high as the furnace shall be required.
- 7) A zoning certificate is required.

## ARTICLE 11

### ADULT ENTERTAINMENT FACILITIES

**Sec. 11.0 PURPOSE** – The purpose of this section of the Crosby Township Zoning Resolution is:

**11.0.1** To define and regulate Adult Entertainment Facilities so as to minimize the undesirable secondary effects of such uses.

**11.0.2** To provide legally required areas on Crosby Township, under the Township's zoning jurisdiction, for the location of Adult Entertainment Facilities.

**11.0.3** To prevent the location of Adult Entertainment Facilities near residential uses, hospitals, daycare centers, social services facilities, neighborhood center, schools, churches, libraries and parks.

**11.0.4** To encourage compatibility between different proposed land uses in the Township and to protect the character of existing residential, office, commercial and industrial development areas of the Township from the encroachment of incompatible uses.

**11.0.5** To conserve and protect property and property values.

**11.0.6** To promote the public health, safety, morals and welfare of the Township.

**Sec. 11.1 DEFINITIONS** – The following definitions shall apply to adult only entertainment uses:

**11.1.1 Adult Bookstore** – Adult bookstore means an establishment deriving a majority of its gross income from the sale or rental of, or having a majority of its stock in trade in books, magazines or other periodicals, films, or mechanical or non-mechanical devices, which constitute adult materials.

**11.2.1 Adult Entertainment Facility** – Adult Entertainment Facility includes, but is not limited to, adult bookstores, adult motion picture theaters, and adult only entertainment establishments as defined herein.

**11.1.3 Adult Material** – Adult material means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, photographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch and:

**11.1.3.1** Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or

**11.1.3.2** Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

**11.1.4** Adult Motion Picture Theater – Adult motion picture thereafter means an enclosed motion picture theater or motion picture drive-in theater used for presenting, and deriving a majority of its gross income from adult material for observation by patrons therein.

**11.1.5** Adult Only Entertainment Establishment – Adult only entertainment establishment means an establishment which features services which constitute adult material, or which features exhibitions of person totally nude, or topless, bottomless, strippers, male or female impersonators, or similar entertainment which constitute adult material.

**11.1.6** Bottomless – Bottomless means less than full opaque covering of male or female genitals, pubic area or buttocks.

**11.1.7** Nude (Nudity) – Nude means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast with less than full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

**11.1.8** Sexual Activity – Sexual activity means sexual conduct or sexual contact, or both.

**11.1.9** Sexual Conduct – Sexual conduct means bestiality, vaginal intercourse between a male and female, and anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

**11.1.10** Sexual Contact – Sexual contact means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

**11.1.11** Sexual Excitement – Sexual excitement means the condition of human male or female genitals, when in a state of sexual stimulation or arousal.

**11.1.12** Topless – Topless means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

## **Sec. 11.2 REGULATIONS**

**11.2.1** Adult entertainment facilities are hereby prohibited in any zoning district other than the “G” heavy industrial district;

**11.2.2** No adult entertainment facility shall be permitted in a location, which is within 1,500 feet of the property line of another adult entertainment facility;

**11.2.3** No adult entertainment facility shall be permitted in a location which is within two thousand (2,000) feet of the property of any church, any private or public school, any park, any playground, any social services facility, neighborhood center, hospital, daycare center or library.

**11.2.4** No adult entertainment facility shall be permitted in a location, which is within 1,000 feet of the property of any residence or boundary of any residential district.

**11.2.5** No adult entertainment facility shall be permitted in a location, which is within five hundred (500) feet of any boundary of any residential district in a local unit of government abutting the township.

**11.2.6** No adult entertainment facility may remain open at any time between the hours of one o'clock a.m. and eight o'clock a.m. on weekdays and Saturdays and one o'clock a.m. and noon p.m. on Sundays.

**11.2.7** All building openings, entries and window for an adult entertainment facility shall be located, covered, or otherwise arranged in such a manner to prevent a view into the interior of the use. No screen, stages, loudspeakers or other sound systems shall be seen or discerned from the exterior of an adult entertainment facility.

**11.2.8** No signage, pictures, photos, or any other sexual activity shall be displayed externally from an adult entertainment facility, or any other display, which depicts any activity conducted on the premises.

## ARTICLE 12

### TELECOMMUNICATION TOWERS

**Sec. 12.0 DEFINITIONS:** Telecommunications Tower – As used herein, “telecommunications tower” means any freestanding structure, or any structure to be attached to a means any freestanding structure, or any structure that meets all of the following criteria:

**12.0.1** The freestanding or attached structure is proposed to be constructed on or after the effective date of this amendment.

**12.0.2** The freestanding or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.

**12.0.3** The freestanding or attached structure is proposed to be located in an area zoned for residential use.

- i) The freestanding structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in this zoning resolution, or the maximum allowable height of such a freestanding structure as set forth in this zoning resolution in effect immediately prior to the effective date of this amendment or as this zoning resolution subsequently is amended.
- ii) The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in this Zoning Resolution in effect immediately prior to the effective date of this amendment or as this zoning resolution subsequently is amended.

**12.0.4** The freestanding or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

**Sec. 12.1 REGULATIONS:**

**12.1.1** Except as provided in Ohio Revised Code Section 519.211, and this zoning Resolution, nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance removal, use or enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business.

**12.1.2** In the case of a public utility that plans to construct, locate, erect, reconstruct, change, alter, use or enlarge a telecommunication tower in the

Township in an area zoned for residential use that is to be used in telecommunications, the public utility shall:

- i) Provide evidence satisfactory to the Crosby Township Board of Trustees concerning compliance with the notice provisions of Ohio Revised Code Section 519.211 (B); and
- ii) Comply with all application and submission requirements to obtain a special zoning certificate pursuant to Section 12.3 of this Resolution in the event the Crosby Township Board of Trustees shall receive a timely notice from any person entitled to object to the location under Ohio Revised Code section 519.211 (B), or if a Township Trustee has an objection as provided in Ohio Revised Code Section 519.211 (B), following receipt of the required notice from the Township Clerk.

**Sec. 12.2** In the case any other person or entity plans to construct, locate, erect, reconstruct, change, alter, use or enlarge a telecommunications tower in the Township in an area zoned for residential use that is to be used for telecommunications, such person or entity shall fully comply with and satisfy all requirements herein made binding on a public utility applicant pursuant to Section 12.3.1 of this Resolution.

**Sec. 12.3** The construction, location, erection, alteration, change, use or enlargement of a telecommunication tower, upon application and compliance with Ohio Revised Code Section 519.211 and this Resolution, may be authorized by special zoning certificate granted by the Board of Zoning Appeals, in its discretion if the Board finds that the applicant has satisfied all of the following standards:

**12.3.1** Proof shall be provided by the applicant in a form satisfactory to the Board that the proposal has been approved by all agencies and governmental entities with jurisdiction, including but not limited to the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communication Commission, or the successors to their respective functions.

**12.3.2** The applicant shall demonstrate by clear and convincing evidence that its telecommunication tower or facility in the vicinity, and that all reasonable means have been undertaken to avoid any undue negative impact caused by the “clustering” of towers within an area. In the event of the construction of new facilities by the applicant, the applicant shall agree to use of such facilities by other telecommunication companies, telephone, radio, television companies, etc., upon payment of reasonable fees for such use.

**12.3.3** An application shall be disapproved unless the applicant demonstrates that technically suitable and feasible sites are not available in a non-residential district and that the site is located in the least restrictive district that includes a technically suitable and feasible site.

**12.3.4** The applicant shall demonstrate that the proposed telecommunication tower is the least aesthetically intrusive facility for the neighborhood and

function. Monopole installations are recommended. All buildings and structures shall be architecturally compatible with the architecture of the adjacent buildings and structures.

**12.3.5** Pole, telecommunication tower and/or structure placement shall be set only on a lot meeting not less than the square footage requirements of the district located within, and a minimum of one hundred feet from every property line.

**12.3.6** For reasons of aesthetics and public safety, such facilities shall be effectively screened on each side, which adjoins premises in any residence zone district. Screening shall consist of a solid masonry wall or solid fence, not less than four or more than six (6) feet in height, a tight screen of hardy evergreen shrubbery, or natural or exiting screening not less than four feet in height. The use of razor or barbed wire shall be prohibited. Screening walls and fences shall be located not less than thirty feet from each property line. Spaces between any screening device and adjacent property lines shall be buffered by use of landscape plant materials including, but not limited to, grass, hardy shrubs, evergreen ground cover, etc. All screening devices and landscape materials shall be maintained in good condition.

**12.3.7** The applicant (or its successors) shall, within thirty days (30) of ceasing operation at the site of a telecommunications service tower, give notice of such ceasing of operation to the Crosby Township Zoning Inspector. Facilities shall be removed from the site within twelve (12) months of ceasing operations. Resale or renting of facilities is permissible only to other telecommunication systems subject to the obtaining a zoning certificate from the Crosby Township Zoning Inspector.

**12.3.8** Any special zoning certificate issued under this section shall be revocable and may be revoked after notice and hearing if any continuing condition of the certificate has been violated and is not remedied within thirty days of written notice from the Zoning Inspector.

#### **Sec. 12.4 ABANDONMENT OF TOWERS:**

**12.4.1** All providers utilizing towers shall present a report to Crosby Township notifying it of any tower facility located in Crosby Township whose use will be discontinued and the date this use will cease. Such report shall be filed with Crosby Township thirty (30) days prior to the cessation date. If at any time the use of the facility is discontinued for one hundred and eighty (180) days, the Zoning Inspector may declare the facility abandoned. The one hundred and eighty (180) day period excludes any dormancy period between construction and the initial use of the facility. The owner and operator of the facility and the owner of the real estate where the tower is located will receive written notice from the Zoning Inspector and be instructed to either reactivate use of the facility within one hundred and eighty (180) days, or dismantle and remove the facility. If reactivation or dismantling does not occur, Crosby Township will either remove the facility or will contract to have the facility removed and assess the owner and



operator of the facility and the owner of real estate where the tower is located for all cost.

**12.4.2** Crosby Township must provide the tower owner/operator and the owner of the real estate where the tower is located a thirty (30) day notice and an opportunity to be heard before the Board of Zoning Appeals before initiating such action. After such notice has been provided, Crosby Township shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the current fair market value at the time, or in the alternative, order the demolition of the tower and all appurtenances. The owner of the real estate and the operator where the tower is located shall bear the cost of demolition and removal of the tower.

**12.4.3** Crosby Township shall provide the tower owner/operator and the owner of the real estate where the tower is located the right to a public hearing before the Board of Zoning Appeals. The public hearing shall follow the thirty-day (30) notice required in Section 12.4.2 above. All interested parties shall be allowed an opportunity to be heard at the public hearing.

**12.4.4** After a public hearing is held pursuant to Section 12.4 above, Crosby Township may order the abolition or demolition of the tower as provided herein.

**Sec. 12.5** Lights, beacons or strobes shall not be permitted on any tower authorized hereunder unless required by the Federal Aviation Administration.

**Sec. 12.6** No advertising is permitted anywhere upon or attached to any tower erected pursuant to the provision of this section.

## ARTICLE 13

### “A-5” FIVE-ACRE RESIDENCE DISTRICT

**Sec. 13.0** The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the District regulations in the “A-5” Residence District.

**Sec. 13.1 USE REGULATIONS:** A building or premises shall be used only for the following purposes.

**13.1.1** Agricultural uses located on parcels five acres or more in size are exempt, however roadside stands and farm markets must comply with the regulations outlined in Section 10.13.3.2.

**13.1.2** Single-family dwellings

**13.1.2.1** Home occupations

**13.1.2.2** Accessory buildings as permitted in Article 34

**Sec. 13.2 HEIGHT REGULATIONS:** No building shall exceed two and one half (2 ½) stories or thirty-five feet (35’) in height, except as herein provided in Article 34.

**Sec. 13.3 AREA REGULATIONS:**

**13.3.1 Front Yard:** There shall be a front yard having a depth of not less than one hundred feet (100’) from the road right-of-way or any adjoining property line.

**13.3.2 Side Yard:** Except as provided in Article 34, there shall be a side yard of at least fifty feet (50’).

**13.3.3 Rear Yard:** Except as provided in Article 34, there shall be a rear yard of at least one hundred feet (100’).

**13.3.4 Intensity of Use:** Except as provided in Article 34, every lot or tract of land shall have a minimum width of two hundred feet (200’) at the building line and an area of not less than five (5) acres.

**Sec. 13.4 SIGNS:** All signs shall comply with Article 31 of this Resolution.

## ARTICLE 14

### “A-A”RESIDENCE DISTRICT REGULATIONS

**Sec. 14.0** The regulations set forth in this Article, or set forth elsewhere in this resolution, when referred to in this Article, are the District Regulations in the “A-A” Residence District.

**Sec. 14.1 USE REGULATIONS:** A building or premises shall be used only for the following purposes:

**14.1.1** Agricultural uses as regulated by Section 10.13.

**14.1.2** Cemeteries, including mausoleums; provided that any mausoleum shall be at least one hundred (100) feet from every property line and provided further that any new cemetery shall contain an area of twenty (20) acres or more.

**14.1.3** Church, Sunday School and other place of worship.

**14.1.4** Country clubs, swimming and tennis clubs; provided that any structures, except fences, and any parking areas necessary to the operation shall be at least one hundred (100) feet from every property line.

**14.1.5** Community or privately owned non-profit firehouse.

**14.1.6** Golf courses, except miniatures courses and practice driving tees; including such building and uses necessary for its operation except those the chief activity of which is a service customarily carried on as a businesses provided the site on which the course is located shall contain at least fifty 50 acres.

**14.1.7** Hospitals and institutions of an educational religious, charitable, philanthropic nature provided the site; upon which such uses are located shall contain at least five acres and that such buildings shall not occupy over ten (10) percent of the total area of the size.

**14.1.8** Township owned or operated properties including parks, playgrounds and community centers not to exceed twenty (20) acres.

**14.1.9** Rest home or convalescent home provided that such buildings shall be located upon a site of five (5) acres or more and shall not occupy more than 10 percent of the total site area.

**14.1.10** Schools, public and private, having a curriculum equivalent to that ordinarily given in public elementary and high schools, provided no rooms are regularly used for housekeeping or sleeping rooms.

**14.1.11** Single Family dwellings.

**14.1.12** A private garage or parking spaces, provided that the section shall not be deemed to permit parking on the premises of a truck or other commercial vehicle not to exceed 19,500 GVW other than as defined in Section 4.2.

**14.1.13** Home occupations.

**14.1.14** Temporary buildings, portable offices, incidental to construction shall be removed upon the completion or abandonment of the construction work..

**14.1.15** Basement, Garage, Porch or Yard Sales: Temporary basement, garage, porch or yard sales may be permitted subject to the following provisions:

- a) An approved permit must be obtained from the Township Zoning Inspector at least three (3) days before said sale is to take place. This permit shall be free of charge.
- b) Such sales are limited to three days duration, and two (2) such sales per year on any individual location.

**14.1.16** Accessory buildings as permitted in Article 34

**Sec. 14.2 HEIGHT REGULATIONS:** No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, except as herein above provided in Article 34.

**Sec. 14.3 AREA REGULATIONS:**

**14.3.1 FRONT YARD:**

**14.3.1.1** There shall be a front yard having a depth of not less than fifty (50) feet from the right-of way, provided, however, no alignment setbacks or front yard depth shall be required to exceed the average minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

**14.3.1.2** Where lots have a double frontage, the required front yard shall be provided on both streets.

**14.3.1.3** Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side or a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty feet (40'). No accessory building shall project beyond the front yard on either street.

**Sec. 14.4 SIDE YARD:** Except as hereinafter provided in Article 34, there shall be a side yard on each side of a building which yard shall have a width of not less than twenty-five (25) feet.

**Sec. 14.5 REAR YARD:** Except as hereinafter provided in Article 34, there shall be a rear yard having a depth of not less than sixty (60) feet.

**Sec. 14.6 INTENSITY OF USE:** Except as hereinafter provided in Article 34, every lot or tract of land shall have a minimum width of one hundred-fifty (150) feet at the building line and an area of not less than one (1) acre.

**Sec. 14.7 SIGNS:** All signs shall comply with Article 31 of this Resolution.

## ARTICLE 15

### “A” RESIDENCE DISTRICT REGULATIONS

**Sec. 15.0** The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulation in the “A” Residence District.

**Sec. 15.1 USE REGULATIONS:** A building or premises shall be used only for purposes permitted in “A-A” Residence District, Article 14.

**Sec. 15.3 AREA REGULATIONS:**

**15.3.1 FRONT YARD:**

**15.3.1.1** There shall be a front yard having a depth of not less than fifty (50) feet from the right-of-way, provided, however no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

**15.3.1.2** Where lots have a double frontage, the required front yard shall be provided on both streets.

**15.3.1.3** Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.

**Sec. 15.4 SIDE YARD:** Except as hereinafter provided in Article 34, there shall be a side yard on each side of a building which yard shall have a width of not less than fifteen (15) feet.

**Sec. 15.5 REAR YARD:** Except as hereinafter provided in Article 34, there shall be a rear yard having a depth of not less than thirty-five (35) feet.

**Sec. 15.6 INTENSITY OF USE:** Except as hereinafter provided in Article 34, every lot or tract of land shall have a minimum width of one hundred (100) feet at the building line and an area of not less than twenty-thousand (20,000) feet.

**Sec. 15.7 SIGNS:** All signs shall comply with Article 31 of this Resolution.

## ARTICLE 16

### “A-2” RESIDENCE DISTRICT RELATIONS

**Sec. 16.0** The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “A-2” Residence District.

**Sec. 16.1 USE REGULATIONS:** A building or premises shall be used only for purposes permitted in “A-A” Residence District, Article 14.

**Sec. 16.2 HEIGHT REGULATIONS:** The height regulations are the same as those in the “A-A” Residence District.

**Sec. 16.3 AREA REGULATIONS:**

#### 16.3.1 FRONT YARD

**16.3.1.1** There shall be a front yard having a depth of not less than forty (40) feet from the right-of-way, provided, however, no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

**16.3.1.2** Where lots have a double frontage, the required front yard shall be provided on both streets.

**16.3.1.3** Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.

**Sec. 16.4 SIDE YARD:** Except as hereinafter provided in Article 34, there shall be a side yard on each side of a building, which yard shall have a width of not less than ten (10) feet.

**Sec. 16.5 REAR YARD:** Except as hereinafter provided in Article 34, there shall be a rear yard having a depth of not less than thirty-five (35) feet.

**Sec. 16.6 INTENSITY OF USE:** Except as hereinafter provided in Article 34, every lot or tract of land shall have a minimum width of eighty (80) feet at the building line and an area of not less than fourteen-thousand (14,000) square feet.

**Sec. 16.7 SIGNS:** All signs shall comply with Article 31 of this Resolution.

## ARTICLE 17

### “D” RESIDENCE DISTRICT REGULATIONS

**Sec. 17.0** The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “D” Residence District.

**Sec. 17.1 USE REGULATIONS:**

**17.1.1** Any use permitted in the “A-A” Residence District.

**17.1.2** Agricultural uses as regulated by Section 10.13.

**17.1.3** Single and two-family dwellings

**17.1.4** Multiple dwellings.

**17.1.5** Board and lodging dwellings.

**17.1.6** Clubs.

**17.1.7** Community or privately owned firehouse.

**17.1.8** Fraternities, sororities, dormitories, and lodges, except those the chief activity of which is a service customarily carried on as a business.

**17.1.9** Golf course, including miniature courses and practice tees, including such buildings and uses necessary for its operation except those the chief activity of which is a service customarily carried on as a business.

**17.1.10** Hospitals, except animal hospitals, and institutions of an education, religious, charitable, philanthropic nature.

**17.1.11** Rest home and convalescent home.

**17.1.12** Schools, public and private; having a curriculum equivalent to that ordinarily given in public elementary and high schools.

**17.1.13** Accessory buildings and uses customarily incident to any of the above uses, including:

**17.1.13.1** Private garage.

**17.1.13.2** Storage garages where the lot is occupied by a multiple dwelling, hospital or institutional building



**17.1.13.3** Temporary buildings and portable buildings incidental to construction shall be removed upon the completion or abandonment of the construction work.

**Sec. 17.2 HEIGHT REGULATIONS:** No building shall exceed three (3) stories or forty-five (45) feet in height, except as hereinafter provided in Article 34.

**Sec. 17.3 AREA REGULATIONS:**

**17.3.1 FRONT YARD**

**17.3.1.1** There shall be a front yard having a depth of not less than thirty (30) feet from the right-of-way, provided, however, no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent to each side, if each of such lots are within the same block and within one hundred (100) feet.

**17.3.1.2** Where lots have a double frontage, the required front yard shall be provided on both streets.

**17.3.1.3** Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than thirty-two (32) feet. No accessory building shall project beyond the front yard line on either street.

**17.3.2 SIDE YARD:**

**17.3.2.1** Except as hereinafter provided in Article 34, there shall be a side yard on each side of buildings not exceeding two and one-half (2 ½) stories in height, which yard shall have a width of not less than five (5) feet.

**17.3.2.2** Except as hereinafter provided in Article 34, there shall be a side yard on each side of a three (3) story buildings which and shall have a width of not less than ten (10) feet.

**17.3.3 REAR YARD:**

**17.3.3.1** Except as hereinafter provided in Article 34, there shall be a rear yard for buildings not exceeding two and one-half (2 ½) stories in height, which yard shall have a depth of not less than thirty (30) feet.

**17.3.3.2** Except as hereinafter provided in Article 34, a three-story building shall have a rear yard of not less than forty (40) feet in depth.

**17.3.4 INTENSITY OF USE:**

**17.3.4.1** Every lot or tract of land on which there is erected a single-family dwelling, shall have a minimum width of fifty (50) feet at the building line and an area of not less than five-thousand (5,000) square feet.

**17.3.4.2** Every lot or tract of land on which there is erected a two-family dwelling or multiple dwelling shall have a minimum width of fifty (50) feet at the building line and an area of not less than three- thousand (3,000) square feet per family, except that the area regulation shall not apply to dormitories, fraternities, or sororities where no cooking is done in individual rooms or apartments.

**17.3.4.3** Every lot on which there is erected a building for any other use permitted in the “D” Residence District shall have a minimum width of sixty (60’) feet and a minimum area of ten thousand (10,000) square feet.

**17.3.4.4** Where a lot or tract of land has less width or area than herein required and was of record on the effective date of this Resolution, that lot or tract of land may be used only for single-family dwelling purposes, or for any other non-dwelling use permitted in this Article.

**Sec. 17.4 SIGNS:** All signs shall comply with Article 31 of this Resolution.

**Sec. 17.5 SCREENING OF MECHANICAL EQUIPMENT:** All ground level and roof top mechanical equipment visible from public streets shall be screened.

**Sec. 17.6 BUFFERYARDS, SCREENING AND LANDSCAPING:** The use shall comply with all applicable landscaping requirements as stipulated in Section 30.6 and Article 30-A.

## ARTICLE 18

### “O” OFFICE DISTRICT REGULATIONS

**Sec. 18.0** The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “O” Office District.

**Sec. 18.1 USE REGULATIONS:** A building or premises shall be used only for the following purposes:

**18.1.1** Hotels and motels including a restaurant, provided that such restarant is subordinate and incident to the hotel or motel, and provided further that the area of the restaurant does not exceed twenty-five percent (25%) of the floor area of the hotel or motel.

**18.1.2** Office buildings devoted exclusively to professional services, banking and other similar financial services, the management of the commercial, industrial, religious, public instituions. The uses permitted by this subordinate section shall not inlcude the manufacture or sale of commodities, unless such sale is incidental and subsidiary to the principal service rendered, but may include the display or storage of commodities incidental to the principal use, provided that the gross floor area of any one tenant or occupant devoted to such display or storage and shall not exceed 10% of the total floor area occupied by such tenant or occupant, and provided further that no display or commodities shall be visible from the exterior of the building.

**18.1.3** Restaurants, pharmacies and other accessory services subordinate and incident to the printipal uses permitted by Sec. 18.1.2, when conducted and entered only from within the principal building, and where there is not display or advertising pertainign to such accessory service visible from the exterior of the building

**18.1.4** Funeral homes, including the display or storage of incidental commodities, provided that the gross floor area devoted to such display or storage shall not exceed 10% of the total floor area occupied by the principal use.

**18.1.5** Studios for the broadcasting of radio, facsimile, and television, including rooms and spaces. Aerials incident to the operation of such studios must meet requirements of Article 12.

**18.1.6** All signs shall comply with Article 31 of this Resolution.

**18.1.7** Accessory buildings devoted to uses customarily incident to the use of the principal buildings, when located on the same lot as the principal building and prohibits the sale, display or storage of commodities.

**Sec. 18.2 HEIGHT REGULATIONS:** No building shall exceed three (3) stories or forty-five (45) feet in height, except as hereinafter provided in Article 34.

**Sec. 18.3 AREA REGULATIONS:**

**18.3.1 FRONT YARD:** The minimum front yard setback for principal and accessory structures in the “O” Office District shall be 40 feet.

**18.3.1.1** Where lots have a double frontage, the required front yard shall be provided on both streets.

**18.3.1.2** Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot.

**18.3.2 SIDE YARD:** The minimum side yard setback for principal and accessory structures in the “O” Office District shall be 10 feet.

**18.3.3 REAR YARD:** The minimum rear yard setback for principal and accessory structures in the “O” Office District shall be 20 feet.

**18.3.4 INTENSITY OF USE:** All uses in the “O” District shall have a maximum impervious surface ratio (ISR) of 0.60. Uses that exceed 0.60 must be reviewed as a PUD and require a public hearing and administrative approval by the Zoning Commission. The procedures and standards for PUD review are outlined in Article 33.

**Sec. 18.4 OUTDOOR STORAGE:** Outdoor storage is prohibited in the “O” District.

**Sec. 18.5 REQUIRED TRAFFIC CONNECTIONS:** All uses located in this district shall provide vehicular access easements and construct the required pavement and curbing extended to the property line such that adjacent parcels along the same road(s) can complete the vehicular connection upon development or redevelopment. The location of such easements and pavement shall be configured to provide appropriate connection points respective of topography or other natural features that may impact the ability to feasibly construct a drive.

**Sec. 18.6 REQUIRED ARCHITECTURAL CHARACTER:** The following standards for required architectural character shall apply to the facades of all new buildings that face a public street within this District:

**18.6.1 Transparency** - At least twenty percent (20%) of each floor of all building facades that face a public or private street shall be transparent.

**18.6.2 Orientation of Exterior Finish** – Exterior materials shall be designed to have a horizontal orientation (seam) rather than a vertical or slanted appearance.

**18.6.3 Architectural Projections** – Any structure have a façade length of greater than 75 feet facing a public or private street shall provide at least one façade change or wall offset for every 40 feet of building façade length. Such façade changes or wall offsets shall include recesses, projections, or other architectural features no less than one (1) foot in depth and 10 feet in width.

**18.6.3 Roof Styles** - All new buildings or building additions shall have a gabled or hipped style roof and shall be constructed with an overhang of at least eighteen inches (18") on all sides. Flat and single pitch (shed style) roofs shall be prohibited.

**Sec. 18.7 SIGNS:** All signs shall comply with Article 31 of this Resolution.

**Sec. 18.8 SCREENING OF MECHANICAL EQUIPMENT:** All ground level and roof top mechanical equipment visible from public streets and residential districts or any districts with permitted residential uses shall be screened.

**Sec. 18.9 BUFFERYARDS, SCREENING AND LANDSCAPING:** The use shall comply with all applicable landscaping requirements as stipulated in Section 30.6 and Article 30-A.

## ARTICLE 19

### “E” RETAIL BUSINESS DISTRICT REGULATIONS

**Sec. 19.0** The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “E” Retail Business District.

**Sec. 19.1 USE REGULATIONS:** A building or premises may be used for any retail purpose except the following:

**19.1.1** Any use prohibited in the “F” Light Industrial District.

**19.1.2** Animal hospitals and structures where small animals are boarded, if closer than one hundred (100) feet to any Residence District and outside runs if closer than two hundred (200) feet to any Residence District.

**19.1.3** Automobile body fender repairing, except where incidental to a garage.

**19.1.4** Automobile wrecking salvage or open storage.

**19.1.5** Bakeries, employing more than ten (10) persons on the premises.

**19.1.6** Blacksmith or horse-shoeing shops.

**19.1.7** Bottling works, brewing or distilling of liquors.

**19.1.8** Building material storage yards.

**19.1.9** Carting, express, hauling or storage yards.

**19.1.10** Contractor’s plant or storage yards.

**19.1.11** Coal, coke or wood yards.

**19.1.12** Crematories, except in a cemetery.

**19.1.13** Dyeing and cleaning works, employing more than ten (10) persons on the premises or using a cleaning fluid that has a petroleum base.

**19.1.14** Laundries, employing more than ten (10) persons on the premises.

**19.1.15** Livery stables or riding academies.

**19.1.16** Lumber yards or planing mills.

**19.1.17** Metal working or welding shops.

**19.1.18** Mild distributing stations, other than retail business conducted on the premises.

**19.1.19** Stone or monumental works, employing more than ten (10) persons on the premises.

**19.1.20** Storage, baling or treatment of junk, iron, rags, bottles, scrap paper, wood boxes or pallets.

**19.1.21** Storage warehouses.

**19.1.22** Wholesale warehouses or businesses.

**19.1.23** Any kind of manufacture or treatment other than manufacture or treatment of products clearly incident to the conduct of a retail business conducted on the premises.

**Sec. 19.2 HEIGHT REGULATIONS:** No building shall exceed three (3) stories or forty-five (45) feet in height, except as hereinafter provided in Article 34.

**Sec. 19.3 AREA REGULATIONS:**

**19.3.1 FRONT YARD:** The minimum front yard setback for principal and accessory structures in the “E” Retail District shall be 30 feet.

**19.3.1.1** Where lots have a double frontage, the required front yard shall be provided on both streets.

**19.3.1.2** Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot.

**19.3.2 SIDE YARD:** The minimum side yard setback for principal and accessory structures in the “E” Retail District shall be 10 feet.

**19.3.3 REAR YARD:** The minimum rear yard setback for principal and accessory structures in the “E” Retail District shall be 20 feet.

**19.3.4 INTENSITY OF USE:** All uses in the “E” District shall have a maximum impervious surface ratio (ISR) of 0.60. Uses that exceed 0.60 must be reviewed as a PUD and require a public hearing and administrative approval by the Zoning Commission. The procedures and standards for PUD review are outlined in Article 33.

**Sec. 19.4 SIGNS:** All signs shall comply with Article 31 of this Resolution.

**Sec. 19.5 OUTDOOR STORAGE:** Outdoor bulk storage or display areas, including truck and vehicular storage yards and seasonal items such as firewood and mulch shall be permitted only as accessory to a permitted use and shall be controlled by the following regulations:

**19.5.1** The outdoor storage area shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways. Furthermore, no outdoor storage area may occupy any required parking space.

**19.5.2** The outdoor storage area shall not be located in any required front yard or side yard setback area within the lot or any required landscape area and in no case shall an outdoor storage area be located less than 20 feet from any property line in a Residence District.

**19.5.3** The outdoor storage area shall not include the use of banners pennants, or strings of pennants.

**Sec. 19.6 REQUIRED TRAFFIC CONNECTIONS:** All uses located in this district shall provide vehicular access easements and construct the required pavement and curbing extended to the property line such that adjacent parcels along the same road(s) can complete the vehicular connection upon development or redevelopment. The location of such easements and pavement shall be configured to provide appropriate connection points respective of topography or other natural features that may impact the ability to feasibly construct a drive.

**Sec. 19.6 REQUIRED ARCHITECTURAL CHARACTER:** The following standards for required architectural character shall apply to the facades of all new buildings that face a public street within this District:

**19.6.1 Transparency** - At least twenty percent (20%) of each floor of all building facades that face a public or private street shall be transparent.

**19.6.2 Orientation of Exterior Finish** – Exterior materials shall be designed to have a horizontal orientation (seam) rather than a vertical or slanted appearance.

**19.6.3 Architectural Projections** – Any structure have a façade length of greater than 75 feet facing a public or private street shall provide at least one façade change or wall offset for every 40 feet of building façade length. Such façade changes or wall offsets shall include recesses, projections, or other architectural features no less than one (1) foot in depth and 10 feet in width.

**19.6.4 Roof Styles** - All new buildings or building additions shall have a gabled or hipped style roof and shall be constructed with an overhang of at least eighteen inches (18”) on all sides. Flat and single pitch (shed style) roofs shall be prohibited, except that if the Township Zoning Inspector, after consultation with the Building Official or by a decision of the Board of Zoning Appeals, determines that a gabled or hipped roof is economically infeasible (increased cost greater than 25 percent) to construct, flat roofs shall comply with the following standards:

**19.6.4.1** Flat roofs shall provide a parapet with a minimum height of 2 feet above the roof line of the building and shall provide one parapet height change for every 50 feet of building façade length.



**19.6.4.2** Each parapet height change shall include a minimum of 2-feet in height and 10 feet in length and shall be designed to correspond with any required façade change or wall offset location.

**Sec. 19.7 SCREENING OF MECHANICAL EQUIPMENT:** All ground level and roof top mechanical equipment visible from public streets and residential districts or any districts with permitted residential uses shall be screened.

**Sec. 19.7 BUFFERYARDS, SCREENING AND LANDSCAPING:** The use shall comply with all applicable landscaping requirements as stipulated in Section 30.6 and Article 30-A.

## ARTICLE 20

### “F” LIGHT INDUSTRIAL DISTRICT REGULATIONS

**Sec. 20.0** The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “F” Light Industrial District.

**Sec. 20.1 USE REGULATIONS:** A building or premises may be used for any light industrial purpose except the following:

- 20.1.1** Acetylene gas manufacture or storage.
- 20.1.2** Acid manufacture or wholesale storage.
- 20.1.3** Ammonia manufacture or wholesale storage
- 20.1.4** Amusement parks and fairgrounds.
- 20.1.5** Asbestos manufacture.
- 20.1.6** Asphalt manufacture or refining.
- 20.1.7** Automobile wrecking or salvage, except where the premises upon which such activities are conducted are wholly enclosed within a building or by a wooden or chain link fence not less than eight (8) feet in height and in which the openings or cracks are less than fifteen percent (15%) of the total area.
- 20.1.8** Babbitt metal manufacturer.
- 20.1.9** Bag cleaning.
- 20.1.10** Blast furnaces or cupolas.
- 20.1.11** Bleaching powder or chlorine manufacture.
- 20.1.12** Boiler works.
- 20.1.13** Brick, tile, pottery, or terracotta manufacture other than the manufacture of handicraft products only.
- 20.1.14** Bronze powder manufacture.
- 20.1.15** Carbon, lampblack or graphite manufacture.
- 20.1.16** Celluloid, or pyroxyline manufacture, explosive or flammable cellulose or pyroxyline products manufacture.
- 20.1.17** Cement, lime, gypsum or Plaster of Paris manufacture.

- 20.1.18** Coal yards of more than fifty-ton (50) capacity except where the coal is stored in dust-proof containers and the dust controlled by means of effective devices.
- 20.1.19** Coke ovens.
- 20.1.20** Composting centers.
- 20.1.21** Concrete and asphalt recycling centers.
- 20.1.22** Cooperage works.
- 20.1.23** Corrosium of aluminum, copper, iron, tin, lead or zinc.
- 20.1.24** Creosote manufacture or treatment.
- 20.1.25** Disinfectant, insecticide or poison manufacture.
- 20.1.26** Distillation of bones, coal or wood.
- 20.1.27** Dyestuff manufacture.
- 20.1.28** Electroplating, except where incidental to a permitted use.
- 20.1.29** Emery-cloth or sandpaper manufacture.
- 20.1.30** Enameling, japanning or lacquering, except where incidental to a permitted use.
- 20.1.31** Excelsior or fiber manufacture.
- 20.1.32** Explosive or fireworks manufacture or storage.
- 20.1.33** Fat-rendering, tallow, grease or lard refining or the manufacture of candles from fat.
- 20.1.34** Felt manufacture except where the dust is controlled by means of effective devices.
- 20.1.35** Fertilizer manufacture.
- 20.1.36** Flour-milling.
- 20.1.37** Forge plants.
- 20.1.38** Gas manufacture or storage.
- 20.1.39** Glue, size or gelatin manufacture

- 20.1.40** Hazardous material treatment and storage facilities.
- 20.1.41** Hazardous waste disposal facilities.
- 20.1.42** Ice plant or ice storage houses of more than five (5) five tons daily capacity.
- 20.1.43** Incinerators.
- 20.1.44** Iron, steel, brass or copper foundries.
- 20.1.45** Junk, iron or rags storage or baling, except where no power-driven devices are employed and where the premises upon which such activities are conducted are wholly enclosed within a building or by a wooden or chain link fence not less than eight feet (8') in height and in which the openings or cracks are less than fifteen percent (15%) of the total area.
- 20.1.46** Match manufacture.
- 20.1.47** Meat processing plants and slaughterhouses, except for poultry incidental to retail store.
- 20.1.48** Medical waste disposal facilities.
- 20.1.49** Mining, above or below ground, which uses blasting or fracturing.
- 20.1.50** Motorsports park.
- 20.1.51** Nitrating processes or potash refining.
- 20.1.52** Oilcloth or linoleum manufacture.
- 20.1.53** Oiled rubber goods manufacture.
- 20.1.54** Outdoor shooting ranges.
- 20.1.55** Paint, oil, shellac, size, enamel, turpentine or varnish manufacture.
- 20.1.56** Paper manufacture.
- 20.1.57** Petroleum or its products, refining or wholesale storage.
- 20.1.58** Printing ink manufacture.
- 20.1.59** Prisons and jails.
- 20.1.60** Pulp manufacture.

- 20.1.61** Radium extraction.
- 20.1.62** Recycling centers.
- 20.1.63** Rock crushing.
- 20.1.64** Rolling mills.
- 20.1.65** Rubber or gutta-percha manufacture or treatment.
- 20.1.66** Salt works.
- 20.1.67** Sand blasting or cutting, except where the dust is controlled by means of effective devices.
- 20.1.68** Sanitary landfills.
- 20.1.69** Sewage disposal plants, except those publicly owned and operated.
- 20.1.70** Shoe polish manufacture.
- 20.1.71** Smelting or reduction of ores or metallurgical products.
- 20.1.72** Soap, soda ash, caustic soda or washing compound manufacture.
- 20.1.73** Starch, dextrin or glucose manufacture.
- 20.1.74** Stockyards.
- 20.1.75** Stone-mill or quarry.
- 20.1.76** Sugar-refining.
- 20.1.77** Tanning, curing or storage of rawhides or skins.
- 20.1.78** Tar distillation or manufacture.
- 20.1.79** Tar or asphalt roofing or waterproofing manufacture.
- 20.1.80** Trailers, dwelling; except those dwellings for a watchman or operators whose continual presence is necessary on the premises, and those on farms of three (3) acres or more.
- 20.1.81** Transfer stations.
- 20.1.82** Vinegar manufacture.
- 20.1.83** Yeast plants.

**20.1.84** Process and storage of radioactive material.

**20.1.85** And in general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise, and vibrations or any nuisances that travel beyond the property line.

**Sec. 20.2 HEIGHT REGULATIONS:** No building shall exceed six (6) stories or seventy-five (75) feet in height, except as hereinafter provided in Article 34, and where a building is located on a lot abutting or adjoining a Residence District, or a publicly owned area, other than an alley or street, it shall not exceed three (3) stories or forty-five (45) feet in height unless it is set back one (1) foot from all required yard lines for each two (2) feet of additional height above forty-five (45) feet.

**Sec. 20.3 AREA REGULATIONS:**

**20.3.1 FRONT YARD:**

**20.3.1.1** There shall be a required front yard for all principal and accessory buildings having a depth of not less than fifty (50) feet from the right-of-way, which front yard shall be landscaped and properly maintained as stipulated by the streetscape provisions contained in Article 30-A.

**20.3.1.2** Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot.

**20.3.2 SIDE YARD:** The minimum side yard setback for principal and accessory structures in the "F" Light Industrial District shall be 10 feet.

**20.3.3 REAR YARD:** The minimum rear yard setback for principal and accessory structures in the "F" Light Industrial District shall be 20 feet.

**20.3.4 INTENSITY OF USE:** All uses in the "F" District shall have a maximum impervious surface ratio (ISR) of 0.60. Uses that exceed 0.60 must be reviewed as a PUD and require a public hearing and administrative approval by the Zoning Commission. The procedures and standards for PUD review are outlined in Article 33.

**Sec. 20.4 SIGNS:** All signs shall comply with Article 31 of this Resolution.

**Sec. 20.5 OUTDOOR STORAGE:** Outdoor bulk storage or display areas, including truck and vehicular storage yards and seasonal items such as firewood and mulch shall be permitted only as accessory to a permitted use and shall be controlled by the following regulations:

**20.5.1** The outdoor storage area shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways. Furthermore, no outdoor storage area may occupy any required parking space.

**20.5.2** The outdoor storage area shall not be located in any required front yard or side yard setback area within the lot or any required landscape area and in no case shall an outdoor storage area be located less than 20 feet from any property in a Residence District.

**20.5.3** The outdoor storage area shall not include the use of banners pennants, or strings of pennants.

**20.5.4** The outdoor storage area shall be required to be fully screened from view from any public street or any property located in a Residence District with an opaque fence or wall a minimum of 6 feet in height but not exceeding 8 feet in height. Chain link fencing with solid filler slats or inserts shall not be used to meet the requirements of this section.

**Sec. 20.6 SCREENING OF MECHANICAL EQUIPMENT:** All ground level and roof top mechanical equipment visible from public streets and residential districts or any districts with permitted residential uses shall be screened.

**Sec. 20.7 BUFFERYARDS, SCREENING AND LANDSCAPING:** The use shall comply with all applicable landscaping requirements as stipulated in Section 30.6 and Article 30-A.

## ARTICLE 21

### “G” HEAVY INDUSTRIAL DISTRICT REGULATIONS

**Sec. 21.0** The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “G” Heavy Industrial District.

**Sec. 21.1 USE REGULATIONS:** A building or premises may be used for any heavy industrial purpose except the following:

**21.1.1** Uses in conflict with any resolution of Crosby Township, Hamilton County, or law of the State of Ohio regulating nuisances.

**21.1.2** Trailers, Dwellings; except those dwellings for watchman or operators whose continual presence is necessary on the premises, and those on farms of three (3) acres or more.

**21.1.3** No zoning certificate shall be issued for any of the uses excluded in the Light Industrial District in Section 20.1.1 to 20.1.71 until and unless such use shall have been authorized by the Board in the manner provided in Article 35.

**Sec. 21.2 HEIGHT REGULATIONS:** The height regulations are the same as those in the “F” Light Industrial District.

**Sec. 21.3 AREA REGULATIONS:**

**21.3.1 FRONT YARD:**

**21.3.1.1** There shall be a required front yard for all principal and accessory buildings having a depth of not less than fifty (50) feet from the right-of-way, which front yard shall be landscaped and properly maintained as stipulated by the streetscape provisions contained in Article 30-A.

**21.3.1.2** Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot.

**21.3.2 SIDE YARD:** The minimum side yard setback for principal and accessory structures as well as driveways and parking spaces in the “G” Heavy Industrial District shall be 10 feet.

**21.3.3 REAR YARD:** The minimum rear yard setback for principal and accessory structures as well as driveways and parking spaces in the “G” Heavy Industrial District shall be 20 feet.

**21.3.4 INTENSITY OF USE:** All uses in the “G” District shall have a maximum impervious surface ratio (ISR) of 0.60. Uses that exceed 0.60 must be reviewed as a PUD and require a public hearing and administrative approval by



the Zoning Commission. The procedures and standards for PUD review are outlined in Article 33.

**Sec. 21.4 SIGNS:** All signs shall comply with Article 31 of this Resolution.

**Sec. 21.5 OUTDOOR STORAGE:** Outdoor bulk storage or display areas, including truck and vehicular storage yards and seasonal items such as firewood and mulch shall be permitted only as accessory to a permitted use and shall be controlled by the following regulations:

**21.5.1** The outdoor storage area shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways. Furthermore, no outdoor storage area may occupy any required parking space.

**21.5.2** The outdoor storage area shall not be located in any required front yard setback area within the lot or any required landscape area and in no case shall an outdoor storage area be located less than 20 feet from any property in a Residence District.

**21.5.3** The outdoor storage area shall not include the use of banners pennants, or strings of pennants.

**21.5.4** The outdoor storage area shall be required to be fully screened from view from any public street or any property located in a Residence District with an opaque fence or wall a minimum of 6 feet in height but not exceeding 8 feet in height. Chain link fencing with solid filler slats or inserts shall not be used to meet the requirements of this section.

**Sec. 21.6 SCREENING OF MECHANICAL EQUIPMENT:** All ground level and roof top mechanical equipment visible from public streets and residential districts or any districts with permitted residential uses shall be screened.

**Sec. 21.7 BUFFERYARDS, SCREENING AND LANDSCAPING:** The use shall comply with all applicable landscaping requirements as stipulated in Section 30.6 and Article 30-A.

## ARTICLE 22

### “H” FLOOD PLAIN DISTRICT REGULATIONS

**Sec. 22.0** The regulations set forth in this Article, or set forth elsewhere in this resolution, when referred to in this Article, are the District Regulations for the “H” Flood Plain District.

**Sec. 22.1 USE REGULATIONS:** No structure shall be erected, constructed, reconstructed, altered or moved onto a premise, except by a special zoning certificate as per Sec. 22.2 of this Article, nor shall land be used for any purpose except the following:

**22.1.1** Agricultural uses as regulated by Section 10.13.

**22.1.2** Commercial recreation area including, but no limited to, driving range, fee golf course, boat dock, fishing lake, sale of bait and the rent or leasing of recreations equipment provided any building or illuminated areas will be at least 200 feet from any residence or residential district.

**22.1.3** Kennels and riding stables provided that any building in which such animals are housed shall be at least 200 feet from any residence or residential district.

**22.1.4 SIGNS:** All signs shall comply with Article 31 of this Resolution.

**22.1.5** Summer-camp, cabin group and trailer park, which provides central management and control to assure the seasonal occupancy between April 15 and October 15.

**22.1.6** Single family residence provided vehicular access to a public road and the ground level of the building site for a distance of ten (10) feet beyond the limits of any residential structure be raised not less than one foot above the 100 year flood plain as indicated by the Hamilton County Planning and Development Storm Water Division. For an existing house a special zoning certificate is not required for the addition of awnings, decks and porches under two hundred (200) square feet in area, any fence that is at least seventy-five (75%) open, any accessory building not to exceed eighty (80) square feet in area, above-ground pools that are four feet (4') or less in depth, in-ground pools, flag pole and private radio and/or TV antennas.

**Sec. 22.2 SPECIAL ZONING CERTIFICATE:** Prior to construction of any building or structure or the commencement of the use of any land for purposes other than agricultural use, the applicant or applicants shall apply to the Board of Zoning Appeals for a special zoning certificate. Upon receipt of such a request, the Secretary of the Board shall secure a written statement from the Crosby Township Zoning Commission and the Hamilton County Planning and Development, Storm Water Division, setting the necessary standards and conditions for the proper operation of the proposed use. Upon receipt of the request, the Board will schedule a public hearing. The Board may grant or deny the certificate. If the Board grants the certificate, it may specify guarantees and assurances with which the applicant must comply. In determining

what action is in the public interest in passing upon such applications, the Board shall consider all relevant factors, including but not limited to the following:

**22.2.1** The danger to life and property due to increased flood heights or velocities caused by encroachments.

**22.2.2** The danger that materials may be swept on to other lands or downstream to the injury of others.

**22.2.3** The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

**22.2.4** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

**22.2.5** The importance of the services provided by the proposed facility to the community.

**22.2.6** The requirements of the facility for a waterfront location.

**22.2.7** The availability of alternative locations not subject to flooding for the proposed use.

**22.2.8** The safety of access to the property in times of flood for ordinary and emergency vehicles.

**22.2.9** The expected heights, velocity, duration, rate of rise and sediments transport of the floodwaters expected at the site.

**22.2.10** Such other factors, which are relevant to the purposes of this zoning resolution. Under no circumstances shall the fact that an applicant's proposed use is a permitted use; there under be deemed to entitle one to a certificate.

In the event that such guarantee and assurances as may be specified or agreed upon by applicant and the Board are not fully complied with, the Board shall immediately direct the Township Zoning Inspector to execute orders to cause immediate closing of the operation.

**Sec. 22.3 HEIGHT REGULATIONS:** The height regulations are the same as those in "A-A" Residence District.

**Sec. 22.4 AREA REGULATIONS:** All of the area regulations, including front, side and rear yards and the intensity of use are the same as those in the "A" Residence District.

## ARTICLE 22-A

### “HG” INDUSTRY IN THE FLOOD PLAIN DISTRICT REGULATIONS

**Sec. 22-A.0** The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the District Regulations in the “HG” Industry in the Flood Plain District.

**Sec. 22-A.1 USE REGULATIONS:** No structure shall be erected, constructed, reconstructed, altered, or moved onto a premises except by a Special Zoning Certificate as per Sec. 22-A.2 of this Article, nor shall land be used for any purpose except the following:

**22-A.1.1** Agricultural uses as regulated by Section 10.13.

**22-A.1.2** Heavy and light industry as permitted in Section 22-A.2.

**22-A.1.3** All signs shall comply with Article 31 of this Resolution.

**Sec. 22-A.2 Special Zoning Certificate:** Prior to the construction of any building or structure, or the commencement of the use of any land for purposes other than agriculture, the applicant(s) shall apply to the Board of Zoning Appeals for a special zoning certificate. Upon receipt of such a request, the Secretary of the Board shall secure a written statement from the Crosby Zoning Commission and the Hamilton County Planning and Development, Storm Water Division, setting the necessary standards and conditions for the proper operation of the proposed use. Upon receipt of the foregoing, the Board will schedule a public meeting upon the request. The board may grant or deny the certificate. If the Board grants the certificate, it may specify guarantees and assurances with which the applicant(s) must comply. In determining what action is in the public interest in passing such applications, the Board shall consider all relevant factors, including but not limited to the following:

**22-A.2.1** Consideration should be given to whether the use will have an impact on the aquifer below the property. A clean use is preferred in this area, with no contamination seeping into the soil surface area.

**22-A.2.2** The use would blend in with the residents in the area and not be an irritant to them.

**22-A.2.3** It will benefit the township and its residents.

**22-A.2.4** The applicant(s) realizes that this is a flood plain and a flood is possible.

**Sec. 22-A.3** Under no circumstance shall the fact that an applicant’s proposed use is a permitted use; there under be deemed to entitle one to a certificate. In the event that such guarantees and assurances as may be specified or agreed upon by the applicant and the Board are not fully complied with, the Board shall immediately direct the Township Zoning Inspector to execute orders to cause immediate closing of the operation.

**Sec. 22-A.4 Height Regulations:** Same as in “G” Heavy Industry District.

**Sec. 22-A.5 Area Regulations:** Same as in “G” Heavy Industry District.

**ARTICLE 23**

## **“P” PARK, GREEN SPACE DISTRICT REGULATIONS**

**Sec. 23.0** The regulations set forth in the Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “P” Park, Green Space District

**Sec. 23.1 USE REGULATIONS:** A building or premises shall be used only for the following purposes:

**23.1.1** Public forests, wildlife refuges, and green space.

**23.1.2** Public parks, playgrounds, riding stables, campground, and structures that support the above uses, (e.g., toilet facilities, nature centers, shelters, and visitor centers), except that any proposed project that would adversely affect the surrounding township area next to the park or green space shall require a special zoning certificate as per Section 23.2.

**Sec. 23.2 Special Zoning Certificate for “P” District:** Prior to the construction of any project that would have an adverse effect on the surrounding property values, traffic, or township services as determined by the Township Zoning Inspector, the applicant or applicants shall apply for a Special Zoning Certificate from the Board of Zoning Appeals. Upon receipt of such a request, the secretary of the Board shall secure a written statement from the Crosby Township Zoning Commission setting the necessary standards and conditions for the proper operation of the proposed use in the township. Upon receipt of the forgoing, the Board will schedule a public hearing upon the request. The Board may grant or deny the certificate. If the Board grants the certificate, it may specify guarantees and assurances with which the applicant(s) must comply. In determining what action is in the public interest, the Board shall consider all relevant factors, including but not limited to the following:

- 1) The adverse effect of increased traffic to the Township;
- 2) The effect on property values surrounding the proposed use;
- 3) The effect on Township services, i.e. fire, emergency, etc.;
- 4) The importance of the use to the Township;
- 5) Consistency with the Township land use plan.

## ARTICLE 24

### “CUP” COMMUNITY UNIT PLAN OVERLAY DISTRICT

**Sec. 24.0** The regulations set forth in the Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “CUP” Community Unit Plan Overlay District. It is the purpose of this district to provide sites for the uses permitted herein at the appropriate locations in relation to the existing and potential development of their surroundings to afford an attractive setting for such uses and to harmonize with the surroundings.

**Sec. 24.1 PROCEDURE:** The owner or owners of a tract of land comprising an area of ten (10) acres or more of adjoining a similarly or less restricted district, may submit a plan for the use and development of such tract for the purposes of and meeting the requirements set forth in this Article and approved in accordance with the provisions of Article 29, General Development Plan Provisions. The plan shall indicate the prescribed details contained in the definition of “Development Plan” in Section 4.2 in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping, in relation to abutting land uses for a harmonious relationship with the surrounding property and the protection thereof.

**Sec. 24.1.1** The development plan shall be referred to the Regional Planning Commission for study, report and public hearing. If the Regional Planning Commission approved the development plan, the plan, together with the recommendations of the Regional Planning Commission, shall be accompanied by a report stating the reasons for approval of the plan and shall include specific evidence and facts showing the proposed community unit plan meets the following conditions:

**Sec. 24.1.1.1** That the property adjacent to the area included in the plan will not be adversely affected.

**Sec. 24.1.1.2** That the plan is consistent with the intent and purpose of this Resolution to promote public health, safety morals and general welfare.

**Sec. 24.1.1.3** That the buildings shall be used only for single-family dwellings and; such accessory buildings and uses customarily incident to such use.

**Sec. 24.1.1.4** That the average lot area per family contained in the site, excluding streets, will not be less than the lot area required in the District in which the development is located, except in Clustered Housing per Section 10.11.

**Sec. 24.1.1.5** If the Trustees approve the plan, then zoning certificates may be issued even though the use of land, the location of the buildings to be erected in the area, and the yards and open spaces contemplated by the plan do not conform in all respects to the District Regulations of the

District in which it is located. The Trustees may also by the same procedure, authorize the revision or remodeling of any existing community unit plan that does not conform in all respects with the District Regulations of the Resolution.

**Sec. 24.1.1.6** No building permit shall be issued for actual construction of any development that does not conform in all respects with the rules and regulations of the Regional Planning Commission for subdivision of land and the underlying residence district regulations in which the site is located until and unless variations of said regulations are granted as part of a development plan as defined in Section 4.2 and that a Final Development Plan shall have been reviewed and approved by the Crosby Township Zoning Commission with a determination that such plan is consistent with the approved development plan and the purposes and intent of the Article. The Crosby Township Zoning Commission may approve variations in the Final Development Plan not in violation of any standards and requirements prescribed in this Article, and provided that the variations remain completely in harmony with the approved plan and within the spirit of the Resolution.

**Sec. 24.1.1.7** In the event that a development and/or preliminary plan of a subdivision which has been approved by official action of the Regional Planning Commission, and/or the Board of Township Trustees of Crosby Township on or after November 23, 1974, but which was voluntarily discontinued, or upon which, on site construction of streets, sidewalks and utilities was not begun, and is not visible within two (2) years of such approval, then such development and/or preliminary plan shall be reviewed by the Crosby Township Zoning Commission as a new Final Development Plan before commencement of construction.



## ARTICLE 24-A

### “DD” PLANNED MULTIPLE RESIDENCE DISTRICT REGULATIONS

**Sec. 24-A.0** The regulations set forth in the Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “DD” Planned Multiple Residence District. It is the purpose of this district to provide sites for the uses permitted herein at the appropriate locations in relation to the existing and potential development of their surroundings to afford an attractive setting for such uses and to harmonize with the surroundings.

**Sec. 24-A.1 USE REGULATIONS:** Any use permitted in the “D” Residence District may be permitted in the “DD” Planned Multiple Residence District provided, however, that the district shall be laid out and developed as a unit according to an approved development plan as defined in Section 4.2 in order that the specific use or uses may be properly integrated with the surrounding area, and provided further, that a service establishment such as a restaurant, a bar, barber shop, beauty shop, and the like, principally serving the residents and having no entrance except within the building may be permitted after review by the Crosby Township Zoning Commission and found to be warranted by the size of the development.

**Sec. 24-A.2 PROCEDURE:** The owner or owners of a tract of land comprising an area of two (2) acres or more of adjoining a similarly or less restricted district, may submit a plan for the use and development of such tract for the purposes of and meeting the requirements set forth in this Article and approved in accordance with the provisions of Article 29, General Development Plan Provisions. The plan shall indicate the prescribed details contained in the definition of “Development Plan” in Section 4.2 in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping, in relation to abutting land uses for a harmonious relationship with the surrounding property and the protection thereof.

#### **Sec. 24-A.3 HEIGHT AREA REQUIREMENTS:**

**24-A.3.1** No building shall exceed three (3) stories or forty (40) feet in height unless such building is set back from the street line a distance of not less than its height and is set back from all other property lines a distance of thirty (30) feet plus two (2) feet for each foot of height in excess of forty (40) feet.

**24-A.3.2** No building shall be closer than forty (40) feet to any front or rear lot line, or closer than fifteen (15) feet in the case of a one or two-story building, or closer than thirty (30) feet in the case of a three-story building to any side line.

**24-A.3.3** The lot area per apartment shall not be less than: twenty-five hundred (2500) square feet for an apartment of two bedrooms or more; two thousand (2000) square feet for one-bedroom apartment and fifteen hundred (1500) square feet for an efficiency apartment.

Where part or all of the off-street parking spaces required for a multi-family dwelling are provided within the principal building, the minimum lot area per

dwelling unit specified in the section may be reduced by a maximum of twenty percent (20%), the accordance with the following formula:

(a) divided by (b) times 20% where (a) = the number of spaces provided within the multi-family dwelling, and (b) = the number of spaces required for the multi-family dwelling.

**Sec. 24-A.4 PARKING REQUIREMENTS:** Off-street parking and loading spaces shall be provided in accordance with the requirements of Article 30.

**Sec. 24-A.5 GENERAL REQUIREMENTS:**

**24-A.5.1** The size and location of the tract in relation to surrounding property shall be such that the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood.

**24-A.5.2** In furthering this objective, the location and arrangement of buildings, parking structures and area walks, lighting, and appurtenant facilities shall be adjusted to the surrounding land uses, and any part of the site not used for buildings for other structures, or for parking, loading or access-ways shall be landscaped with grass, trees and shrubs or pedestrian walks as prescribed in Article 30-A.

**24-A.5.3** In general, the development shall be related to major or secondary highways, and to this end, no “DD” Planned Multiple Residence District shall be located where the main vehicular approach thereto is over a private street or a roadway with a right-of-way of less than sixty (60) feet in width. If the main vehicular approach is located on a major or secondary highway, an approach lane must be provided. This approach lane shall be of sufficient length and width so as to allow any vehicle, such as a private automobile, delivery truck, or construction truck to be completely off of the main roadway prior to turning into the residential complex and shall be subjected to approval of the County Engineer.

**24-A.5.4** Ingress and egress to the development and the location and arrangement of buildings, parking areas, walks, lighting and appurtenant facilities shall be adjusted to the surrounding land uses.

No part of any parking and loading areas and access drives thereto shall be located within fifty (50) feet of any “AA”, “A” or “A-2” Residence District and no parking or loading area shall be closer than fifty (50) feet to any street line. All drives, parking areas, loading areas, and walks shall be paved with hard surface material.

**24-A.5.6** Reasonable additional requirements as to landscaping, lighting, screening, access ways and building setbacks may be imposed by the Crosby Township Zoning Commission for the protections of adjacent property.

**Sec. 24-A.6 VIOLATION OF PLAN:** The development plan approved in accordance with this Article and Article 29 shall be an integral part of the Zoning Resolution and any departure from this plan or any modification thereof, shall be a violation of said Zoning Resolution and shall be subject to the provision and penalties prescribed therefore in Article 41.

## ARTICLE 25

### “OO” PLANNED OFFICE DISTRICT REGULATIONS

**Sec. 25.0** The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “OO” Planned Office District. It is the purpose of this district to provide sites for uses permitted herein at appropriate locations in relation to the existing and potential development of their surroundings to afford an attractive setting for such uses and to harmonize with the surroundings.

**Sec. 25.1 USE REGULATIONS:** The use regulations in the “OO” Planned Office District shall be the same as those in the “O” Office District, provided, however, that the district shall be laid out and developed as a unit according to an approved development plan, as defined in Sec. 4.2 in order that the use may be property integrated with the surrounding area.

**Sec. 25.2 PROCEDURE:** The owner or owners of a tract of land comprising an area of two (2) acres or more, or adjoining a similarly or less restricted district, may submit a plan for the use and development of such tract for the purpose of and meeting the requirements set forth in this Article and approved in accordance with the provisions of Article 29, General Development Plan Provisions. The plan shall indicate the prescribed details contained in the definition of “Development Plan” in Section 4.2 in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping, in relation to abutting land uses for a harmonious relationship with the surrounding property and the protection thereof.

#### **Sec. 25.3 HEIGHT AND AREA REQUIREMENTS:**

**25.3.1** No building shall exceed thirty-five (35) feet in height unless such building is set back from the street line a distance of not less than one half (1/2) its height and is set back from all other property lines a distance of ten (10) feet, plus two (2) feet for each foot of height in excess of thirty-five (35) feet.

**25.3.2** No building shall be closer than forty feet (40') of any front or rear lot line, or closer than ten (10) feet to any side lot line.

**Sec. 25.4 PARKING AND LOADING REQUIREMENTS:** Off-street parking and loading spaces shall be provided in accordance with the requirements of Article 30.

#### **Sec. 25.5 GENERAL REQUIREMENTS:**

**25.5.1** The size and location of the tract in relation to surrounding property shall be such that the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood.

**25.5.2** In furthering this objective, the location and arrangement of buildings, parking structures and area walks, lighting, and appurtenant facilities shall be adjusted to the surrounding land uses, and any part of the site not used for

buildings or other structures, or for parking, loading for access ways shall be landscaped with grass, trees an shrubs or pedestrian walks as prescribed in Article 30-A.

**25.5.3 TRAFFIC AND ACCESS:** In general, the development shall be related to major or secondary highways, and to this end, no “OO” Planned Office District shall be located where the main vehicular approach thereto is over a private street or a roadway less than sixty (60) feet width. If the main vehicular approach is located on a major or secondary highway, an approach lane must be provided. This approach lane shall be of sufficient length and width so as to allow any vehicle, such as a private automobile, delivery truck, or construction truck to be completely off of the main roadway prior to turning into the office complex and shall be subjected to approval of the County Engineer.

**25.5.4** Ingress and egress to the development and the location and arrangement of buildings, parking areas, walks, lighting and appurtenant facilities shall be adjusted to the surrounding land uses. No part of any parking and loading areas and access drives thereto shall be located within fifty (50) feet to any Residence District, and no parking or loading area shall be closer than 50ft. to any street line. All drives, parking areas, loading areas, and walks shall be paved with hard surface material.

**25.5.5** Signs shall comply with Article 31 of this Resolution.

**25.5.6** Reasonable additional requirements as to landscaping, lighting, screening, access ways and building setbacks may be imposed by the Crosby Township Zoning Commission for the protection of adjacent property.

**Sec. 25.6 VIOLATION OF PLAN:** The development plan approved in accordance with this Article and Article 29 shall be an integral part of the Zoning Resolution and any departure from this plan or any modification thereof shall be a violation of said Zoning Resolution and shall be subject to the provisions and penalties prescribed therefore in Article 41.

## ARTICLE 26

### “EE” PLANNED BUSINESS DISTRICT REGULATIONS

**Sec. 26.0** The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “EE” Planned Business District. It is the purpose of this district to provide sites for retail business uses at appropriate locations for service and in appropriate relation to their surroundings to afford an attractive setting in harmony with the environs.

**Sec. 26.1 USE REGULATIONS:** The use regulation in the “EE” Planned Business District, shall be the same as those in the “E” Retail Business District, provided, however, that the district shall be laid out and developed as a unit according to an approved development plan; as defined in Section 4.2, in order to provide for business and retail shopping facilities properly integrated with the surrounding area and at appropriate locations for service.

**Sec. 26.2 PROCEDURE:** The owner or owners of a tract of land comprising an area of three (3) acres or more, or adjoining a similarly or less restricted district may submit a plan for the use and development of such tract for the purpose of, and meeting the requirements set forth in this Article and approved in accordance with the provisions of Article 29, General Development Plan Provisions. The plan shall indicate the prescribed details contained in the definition of “Development Plan” in Section 4.2 in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping, in relation to abutting land uses for a harmonious relationship with the surrounding property and the protection thereof.

#### **Sec. 26.3 HEIGHT AND AREA REQUIREMENTS:**

**26.3.1** No building shall exceed thirty-five (35) feet in height, unless such building is located at a distance of not less than its height from all side and rear lot lines, and occupies no more than ten (10) percent of the total area of the tract.

**26.3.2** No building shall be closer than fifty (50) feet to any street line or closer than thirty-five (35) feet to any other boundary line of the tract that abuts a more restricted district.

**26.3.3** The aggregate ground area occupied by all buildings shall not exceed twenty-five (25) percent of the entire area of the tract.

**Sec. 26.4 PARKING AND LOADING REQUIREMENTS:** Off-street parking and loading spaces shall be provided in accordance with the requirements of Article 30.

#### **Sec. 26.5 GENERAL REQUIREMENTS:**

**26.5.1** The size and location of the tract in relation to surrounding property shall be such that the proposed development, including landscaping and the screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood.

**26.5.2** Adequate provision shall be made for traffic circulation into and out of the development, in addition to the provision for through traffic movements on the access street or streets, and to this end, the means of location of all ingress and egress and the provision for traffic movement and circulation, including additional traffic lanes, where needed, shall be subjected to approval of the County Engineer. The installation of the additional lanes for deceleration or turning movements may be required, and traffic controls, as needed, may be imposed to provide for safe and efficient traffic circulation by and within the development.

**26.5.3** Service drives or other areas shall be provided for off-street loading in such a way that trucks will not block the passage of other vehicles or impede circulation on any other public or private drive or street.

**26.5.4** All drives, parking areas, loading areas, and walks shall be paved with hard surface material meeting the approval of the County Engineer.

**26.5.5** The location and arrangement of building, parking areas, walks, access ways, lighting and appurtenant facilities shall be adjusted to the surrounding land uses, and no part of any area for parking shall be located within twenty (20) feet of any side line of a residential lot, either existing or to be created in the future. Any part of the area not used for building or other structures or for parking, loading or access ways, shall be landscaped with grass, trees and shrubs or pedestrian walks as prescribed in Article 30-A.

**26.5.6** Signs shall comply with Article 31 of this Resolution.

**26.5.7** All mechanical equipment for heating, cooling, air conditioning or similar purposes, which may create either noise or fumes, if not within the main building shall be located at least one hundred (100) feet from all property lines within or adjacent to a Residence District.

**26.5.8** Reasonable additional requirements as to landscaping, lighting, signing, screening, access ways and building setbacks may be imposed by the Crosby Township Zoning Commission for the protection of adjacent property.

**Sec. 26.6 VIOLATION OF PLAN:** The development plan approved in accordance with this Article and Article 29 shall be an integral part of the Zoning Resolution and any departure from this plan or any modification thereof, shall be a violation of said Zoning Resolution and shall be subject to the provision and penalties prescribed therefore in Article 41.

## ARTICLE 27

### “FF” PLANNED LIGHT INDUSTRIAL DISTRICT REGULATIONS

**Sec. 27.0** The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the District regulations in the “FF” Planned Light Industrial District. It is the purpose of this district to provide space at appropriate locations for types of business and industry free of conflict with their surroundings so as to provide more attractive locations for such uses and to afford opportunities for employment closer to residence with a corresponding reduction of travel time between home and work.

**Sec. 27.1 USE REGULATIONS:** The use regulations in the “FF” Planned Light Industrial District, provided, however, that the district shall be laid out and developed as a unit according to an approved development plan as defined in Section 4.2 in order that the use may be properly integrated with the surrounding area.

**Sec. 27.2 PROCEDURE:** The owner or owners of a tract of land comprising an area of twenty (20) acres or more or adjoining an existing Industrial District may submit a plan for the use and development of such tract for the purposes of and meeting the requirements set forth in this Article and approved in accordance with the provisions of Article 29, General Development Plan Provisions. The plan shall indicate the prescribed details contained in the definition of “Development Plan” in Section 4.2 in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping in relation to abutting land uses for a harmonious relationship with the surrounding property and the protection thereof. The development plan shall be accompanied by a description of the proposed operations in sufficient detail to indicate the effect of the operations with respect to traffic congestion, noise, glare air or water pollution, and fire or safety hazards.

**Sec. 27.3 HEIGHT AND AREA REGULATIONS:**

**27.3.1** No building shall exceed thirty-five (35) feet in height, unless it is set back from all property lines a distance no less than two times the building height.

**27.3.2** No part of any building or structure shall be closer than one hundred (100) feet to any Residence District boundary or closer than fifty (50) feet to any other boundary line of the tract, other than the boundary of an existing Industrial District or to any street line.

**27.3.3** The aggregate ground area occupied by all buildings shall not exceed thirty-five (35%) percent of the entire area of the tract.

**Sec. 27.4 PARKING AND LOADING REQUIREMENTS:** Off-street parking and loading spaces shall be provided in accordance with the requirements of Article 30.

**Sec. 27.5 GENERAL REQUIREMENTS:** To accomplish the objectives of this district, the following requirements are prescribed:



**27.5.1 TRAFFIC AND ACCESS:** In general, the development shall be related to major or secondary highways or the other industrial or business districts to avoid access over residential uses, and to this end, no “FF” Planned Light Industrial District shall be located where the main vehicular approach thereto is over a residential street (not a major or secondary highway) or through a residential district, unless the character and operation of the use are such and it can be clearly demonstrated, that no more than fifty (50) vehicles in both directions combined would travel to and from the use daily.

**27.5.2** Ingress and egress to the development and the location and arrangement of building, parking areas, walks, lighting and appurtenant facilities shall be adjusted to the surrounding land uses. No part of any parking and loading areas and access drives thereto shall be located within fifty (50) feet of any Resident District, and no parking or loading area shall be closer than fifty (50) feet to any street line. All drives, parking areas, loading areas, and walks shall be paved with hard surface material, and any part of the site not used for buildings or other structures, or for parking, loading or access ways shall be landscaped with grass, trees and shrubs as prescribed in Article 30-A.

**27.5.3** No open storage of materials or equipment shall be permitted on the tract.

**27.5.4** Signs shall comply with Article 31 of this Resolution.

**27.5.5** Provision shall be made, subject to approval of the County Sanitary Engineer, for satisfactory disposal of all liquid and solid waste concomitant with the development.

**27.5.6** Reasonable additional requirements as to landscaping, lighting, screening, fencing, access ways and building setbacks may be imposed by the Crosby Township Zoning Commission for the protection adjacent property.

**Sec. 27.6 VIOLATION OF PLAN:** The development plan approved in accordance with this Article and Article 29 shall be an integral part of the Zoning Resolution and any departure from this plan or any modification thereof shall be a violation of said Zoning Resolution and shall be subject to the provisions and penalties prescribed therefore in Article 41.

## ARTICLE 28

### “GG” PLANNED HEAVY INDUSTRIAL DISTRICT REGULATIONS

**Sec. 28.0** The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “GG” Planned Heavy Industrial District. It is the purpose of this district to provide space at appropriate locations for types of business and industry that can be free of conflict with their surroundings so as to provide more attractive locations for uses and to afford opportunities for employment closer to residences with a corresponding reduction of travel time between home and work.

**Sec. 28.1 USE REGULATIONS:** Any use may be permitted except uses in conflict with any resolution of Crosby Township, Hamilton County of law of the State of Ohio regulating nuisances, and except those specifically controlled in the “GG” Heavy Industrial District and enumerated in Sec. 21.1.3 inclusive, provided however, that the operation of the use shall be controlled, and the district shall be laid out and development as a unit according to an approved development plan, as defined in Section 4.2 in order that the use may be properly integrated with the surrounding area.

**Sec. 28.2 PROCEDURE:** The owner or owners of a tract of land comprising an area of forty (40) acres or more or adjoining an existing industrial district, may submit a plan for the use and development of such tract for the purposes of and meeting the requirements set forth in this Article and approved in accordance with the provisions of Article 29, General Development Plan Provisions. The plan shall indicate the prescribed details contained in the definition of “Development Plan” in Section 4.2 in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping, the relation to abutting land uses for a harmonious relationship with the surrounding property and the protection thereof. The development plan shall be accompanied by a description of the proposed operations in sufficient detail to indicate the effects of the operation with respect to traffic congestion, noise, glare, air or water pollution, and fire or safety hazards.

**Sec. 28.3 HEIGHT AND AREA REQUIREMENTS:**

**28.3.1** No building shall exceed thirty-five (35) feet in height, unless it is set back from all property lines a distance not less than two times the building height.

**28.3.2** No part of any building or structure shall be closer than two hundred (200) feet to a Residence District boundary line, or closer than fifty (50) feet to any other boundary line of the tract, other than the boundary of an existing Industrial District, or to any street line.

**28.3.3** The aggregate ground area occupied by all buildings shall not exceed forty (40%) percent of the entire area of the tract.

**Sec. 28.4 PARKING AND LOADING REQUIREMENTS:** Off-street parking and loading spaces shall be provided in accordance with the requirements of Article 30.

**Sec. 28.5 GENERAL REQUIREMENTS:** To accomplish the objectives of this district, including avoidance of traffic and residence conflicts, the following requirements are prescribed:

**28.5.1** The development shall be located in relation to major or secondary highways or to other industrial or business districts in a way to provide easy access to the use and to avoid the use of residential streets, and to this end, the same specification concerning traffic and access prescribed in Sec. 27.5.1 for the “FF” Planned Light Industrial District shall apply in the “GG” District.

**28.5.2** Ingress and egress to the development and the location and arrangement of buildings, parking areas, drives, walks, lighting, and appurtenant facilities shall be adjusted to the surrounding land uses. No part of any parking and loading areas or access drives thereto shall be located within fifty (50) feet of any Residence District, and no parking or loading area shall be closer than fifty (50) feet to any street line. All drives, parking areas, loading areas, and walks shall be paved with hard surface material, and any part of the site not used for buildings or other structures, or for parking, loading or access ways shall be landscaped with grass, trees and shrubs as prescribed in Article 30-A.

**28.5.3** No open storage of materials or equipment shall be permitted within two hundred (200) feet of any Residence District; any other open storage or materials or equipment visible from any property line of the tract shall be screened by a solid masonry wall not less than eight (8) feet in height, the design of which is approved by the Crosby Township Zoning Commission.

**28.5.4** In order that the operation of the use may not have an effect on surrounding property, all odor, dust, smoke, gas, noise, or other industrial concomitants shall be so abated or the use shall be so located on the tract that such use is free from offense at all boundary lines of the tract, and evidence shall be submitted, based on testimony or certified statements by competent authorities in the fields affected to clearly demonstrate that the use will be free of offense.

**28.5.5** Provision shall be made, subject to approval of the County Sanitary Engineer for satisfactory disposal of all liquid and solid wastes concomitant with the development.

**28.5.6** Signs shall comply with Article 31 of this Resolution.

**28.5.7** Reasonable additional requirements as to landscaping, lighting, screening, fencing, access ways and building setbacks may be imposed by the Crosby Township Zoning Commission for the protection of adjacent property.

**Sec. 28.6 VIOLATION OF PLAN:** The development plan approved accordance with this Article and Article 29 shall be an integral part of the Zoning Resolution and any departure from this plan or any modifications thereof shall be a violation of said Zoning Resolution and shall be subject to the provision and penalties prescribed therefore in Article 41.

## ARTICLE 29

### GENERAL DEVELOPMENT PLAN PROVISIONS

**Sec. 29.0** In any Planned District (DD, OO, EE, FF, GG and CUP except administrative PUDs as regulated in Section 33.1), the plan for the use and development of the tract shall be illustrated by a plat showing the areas within which buildings, structures, and parking spaces may be located and the use and maximum size and height of buildings, rather than the exact location, shape, size and height and arrangement. Further, the Amendment or Supplement of this Resolution may be adopted as required by ORC 519.12, on the basis of such initial plan provided that said plan is otherwise in compliance with the development plan as defined in Section 4.2. However, no building permit shall be issued for actual construction until and unless a final Development Plan, as defined in Section 4.2 and as stipulated in Section 24.1.1 for Community Unit Plans, shall have been reviewed and approved by the Crosby Township Zoning Commission with a determination that the plan is consistent with the intent of this Resolution and that property adjacent to the area will not be adversely affected.

**Sec. 29.1** Every Amendment or Supplement to the Resolution incorporating a development plan as defined in Section 4.2 as an integral part of the zoning regulations applicable to a specific parcel or tract of real estate shall be governed by following procedures and every development plan shall comply with the following provisions:

**29.1.1** The owner of the real estate shall execute a Deed of Acceptance of the development plan and the Amendment or Supplement, and shall attach the same to the Amendment or Supplement following approval of the Final Development Plan by the Crosby Township Zoning Commission.

**29.1.2** Following adoption of the Amendment or Supplement and approval of the Final Development Plan, the Clerk of the Crosby Township Trustees shall cause such Amendment or Supplement to be recorded in the land records applicable to the real estate in the office of the Recorder of Hamilton County.

**29.1.3** The Crosby Township Zoning Commission may approve variations from the development plan not in violation of any of the standards and requirements prescribed in this Article, provided that the variations remain completely in harmony with the general purpose and intent of the development plan and this Resolution.

**29.1.4** Any application for a substantial variation from the development plan shall be treated as an Amendment or Supplement to this Resolution and shall be governed by the provisions of law and this Resolution applicable thereto.

## ARTICLE 30

### VEHICULAR USE AREAS

**Sec. 30.1 PURPOSE:** The purpose of this Article is to prevent or alleviate the congestion of the public street, to minimize any detrimental effects of vehicular use areas on adjacent properties, to enhance vehicular use areas with landscape elements for improved traffic circulation and visual amenities and to promote the safety and welfare of the public. To accomplish this purpose minimum requirements are established, while more landscaping may be included depending on site specific conditions.

**Sec. 30.2 APPLICABILITY:**

**30.2.1 New and Expanded Uses:** The off-street parking and loading requirements of this Chapter shall apply to any application for a permit for the erection of a new building. For an alteration, addition or change of use of an existing building; or for an alteration, development or change of land use that requires more parking, or for changes of the capacity of an existing parking area or parking structure the off-street parking and loading requirements of this Article shall apply only to the area of the alteration, addition or change of use.

**30.2.2 Existing Uses:** The off-street parking and loading requirements of this Article shall not apply to buildings and land uses legally in existence on the effective date of amendment of this Resolution unless modified in the manner stated in Section 30.2.1 and further provided that any parking or loading facilities now serving such buildings or uses shall not in the future be reduced below these requirements.

**30.2.3 Maintenance:** The duty to provide and maintain all such areas shall be the joint responsibilities of the owner, operator and lessee of the use for which vehicular use areas are required.

**30.2.4 Plan Review:** For any off-street parking area required under this Article, and for any other proposed parking area for five (5) or more vehicles, a plan shall be submitted with the application for a Zoning Certificate to the Township Zoning Inspector to review for compliance with these regulations and for any other applicable regulations. Any such parking plan shall show the number of parking spaces, the arrangement of parking aisles, the location of driveway entrances, provisions for vehicular and pedestrian circulation, the location or typical location of sidewalks, wheel stops, lighting and curbs on or adjacent to the property, the location of utilities, barriers, shelters, and signs, the location of landscaped areas and the types of and location of vegetation to be planted in them, typical cross section of pavement, storm water drainage facilities, and any other relevant information requested by the Township Zoning Inspector.

**Sec. 30.3 NUMBER OF OFF-STREET PARKING SPACES:** Except as otherwise provided in this Section, off-street parking spaces for each new principal use on a parcel shall be provided according to the units of measurement indicated for that use in Table 30-9, Schedule of Off-Street Parking Requirements, found at the end of this Article.

**30.3.1 Computation of Required Spaces:** The following provision shall govern the computation of the number of off-street parking spaces required.

- a) Fractions – When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction  $\frac{1}{2}$  or less shall be disregarded and any fraction over  $\frac{1}{2}$  shall require one (1) parking space.
- b) Bench Seating Calculation – In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty inches (20") of such seating facilities shall be counted as one (1) seat for the purpose of determining the requirement for off-street parking facilities.
- c) Use of Maximum – When parking spaces are required on the basis of the number of faculty, staff, students or employees, the maximum number present at any one time shall govern.
- d) Interpretation – For uses not expressly listed in Table 30.9, found at the end of this Article, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Township Zoning Inspector.

**30.3.2 Spaces for the Handicapped:** Parking spaces shall be provided in accordance with the provision of the Ohio Basic Building Code.

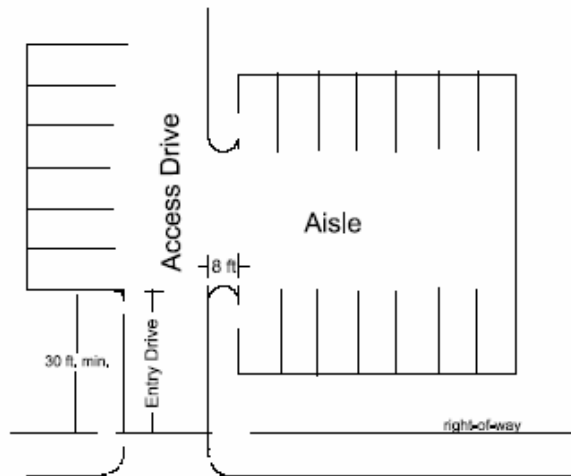
**30.3.3 Shared Parking:** Joint use of up to fifty percent (50%) of required parking spaces may be permitted for two or more uses located on the same parcel of adjacent parcels provided that the developer can demonstrate to the Township Zoning Inspector that the uses will not substantially overlap in hours of operation or in demand for the shared spaces. This shall be guaranteed by a written agreement from the Owner or between the Owners involved and all future owner or assign which shall be submitted with the required plan. Shared parking spaces shall be located no more than three hundred feet (300') from the uses they are intended to serve.

For shopping centers, parking requirements may be located on adjoining parcels if the parking requirements for the entire shopping center are met, the total number of required parking spaces are located within three hundred feet (300') from the uses they are intended to serve, and there is a recorded agreement from the Owner or between the Owners involved and all future owners or assigns which shall be submitted with the required plan.

**Sec. 30.4 DESIGN OF PARKING SPACES, AISLES and ENTRY DRIVES:** Each required parking space shall meet the minimum dimensional requirements set out in Table 30.4 and illustrated in Figure 30.4A.

**30.4.1 Aisles:** Each required parking space shall have direct and unrestricted access to an aisle of the minimum width set out in Table 30.4 and illustrated in Figure 30.4A.

**30.4.2 Access:** All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives wherever possible. Parking shall be restricted along entry drives, within thirty feet (30') of the right-of-way or easement line nor within eight feet (8') of the curb or pavement edge of such restricted entry drive area. (See diagram below.)



**30.4.3 Maneuverability Areas:** In order to promote adequate maneuverability, the following provisions shall be followed:

- a) Turn-Around Area – Where more than three (3) parking spaces are served by a single driveway, a turnaround area shall be provided, or other provision shall be made to permit cars to exit the parking lot or garage without backing onto any street or sidewalk.
- b) Back-up Area – Each parking space shall be provided with a sufficient back-up area to permit egress in one maneuver, consisting of one backward and one forward movement.

**30.4.4 Handicapped Parking Spaces:** The dimension of parking spaces serving handicapped persons shall conform to the requirements of the Ohio Basic Building Code.

**30.4.5 Surface and Drainage:** Every off-street parking lot including aisles, access drives and parking spaces shall be surfaced with an asphalt or Portland cement binder pavement providing an all-weather, durable, and dustless surface.

Pervious pavement materials, including pervious pavers, pervious concrete or asphalt, and interlocking grass pavers may be utilized as well, but shall not be permitted for use in any loading area or as part of any access drive providing access to the property or to any loading area.

Individual stalls shall be graded to drain so as to dispose of all surface water within the parking area in accordance with the regulations of the Hamilton County Department of Public Works. No surface water from parking areas shall accumulate or drain over a public sidewalk. Interior landscaped areas may be used for surface drainage when employing stormwater best practices design approved by the Hamilton County Department of Public Works.

**30.4.6 Entry Drives:** The entirety of all entry drives, extending from the right-of-way line to the parking lot shall be surfaced with an asphalt or Portland cement binder pavement providing an all-weather, durable, and dustless surface.

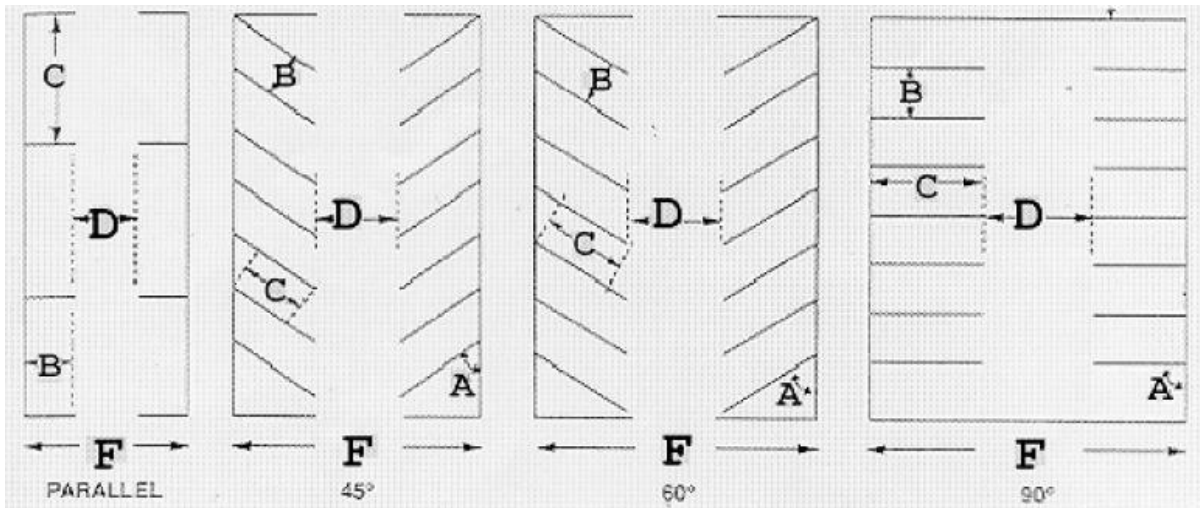
**30.4.7 Lighting:** Fixed light shall comply with the provision contained in Section 30.7 and be so arranged to prevent direct glare of beams onto any public or private property or street.

**TABLE 30.4  
PARKING STALL AND AISLE DIMENSION**

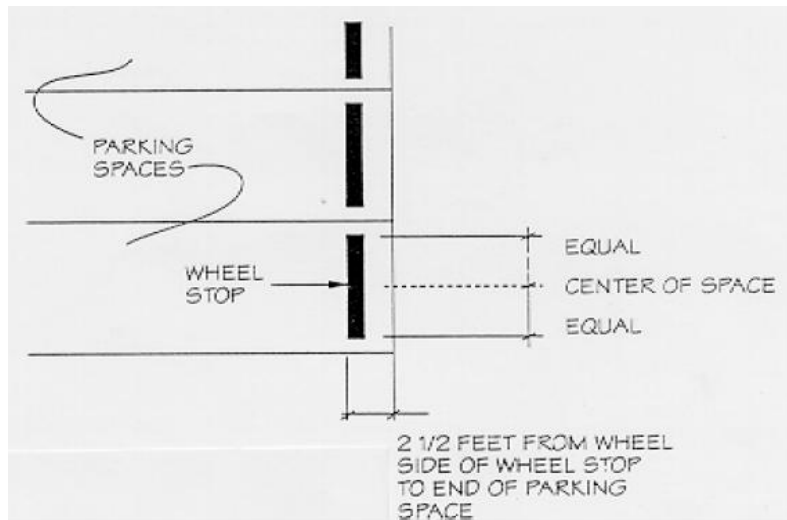
A	B	C	D		E	F	
PARKING ANGLE	STALL WIDE	LENGTH OF STALL	AISLE WIDTH		WIDTH OF ACCESS DRIVE	BAY WIDTH (CENTER TO CENTER WIDTH) OF TWO ROW BAY WITH AISLE	
			ONE WAY	TWO WAY		ONE WAY	TWO WAY
0	9 ft	23 ft	12 ft	18 ft	20 ft	24 ft	30 ft
30-53	9 ft	18 ft	13 ft	20 ft	20 ft	42 ft	49 ft
54-75	9 ft	19 ft	18 ft	22 ft	20 ft	52 ft	56 ft
76-90	9 ft	19 ft	22 ft	24 ft	20 ft	60 ft	62 ft



**FIGURE 30.4A  
PARKING STALL AND AISLE LAYOUT**



**FIGURE 30.4 B  
WHEEL STOP PLACEMENT**



**30.4.8 Wheel Stops and Continuous Curb:** Wheel stops or continuous curbs shall be provided, located, and designed to protect required screening devices and landscaping and pedestrian ways from damage or encroachment of vehicles and to provide necessary traffic control in the parking area.

- a) **Wheel Stop:** Each wheel stop shall be a singular block of reinforced concrete, stone, or other durable material six inches (6") in height, six inches (6") in width, and eight feet (8') in length. Wheel stops shall be placed as shown in Figure 30.4B and securely attached to the ground and may be used only at the end of the parking stalls.
- b) **Continuous curbs** shall be made of asphalt, concrete, or stone, and shall be a minimum of six inches (6") in height and six inches (6") in width. They

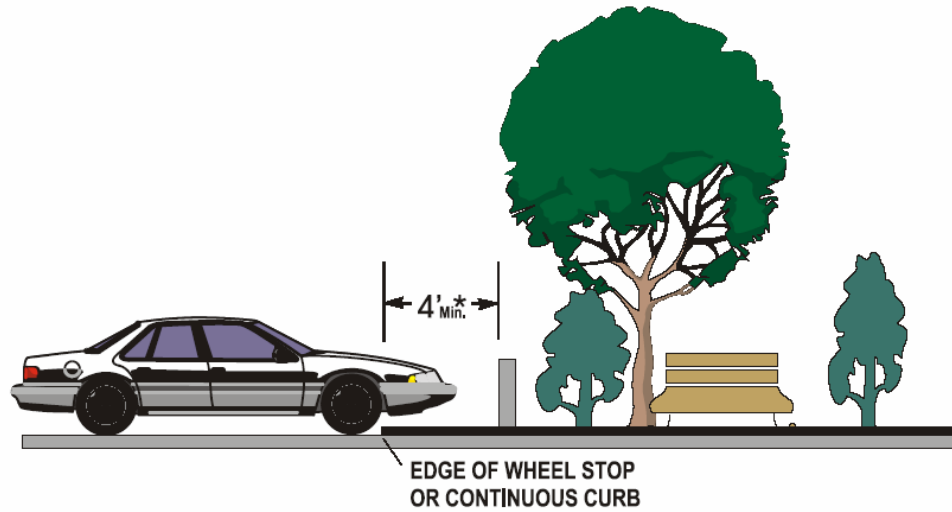
shall form a non-interrupted edge around all landscaped areas adjacent to parking and turn-around areas, which are not protected by wheel stops.

- c) Placement: The wheel stop or continuous curb shall be located a minimum of four feet (4') from any structures, buildings, walls, or plant material, excluding groundcover (as shown in Figure 30.4C) to prevent a vehicle from driving onto the landscape area or hitting any structure or plant material at the edge of the parking area. The mature size of the plant material shall be specified to determine if the landscape meets the setback requirements.
- d) Stall Dimensions: Where continuous curbs are used, the paved area of the parking stall length required in Table 30.4 and illustrated in Figure 30.4A (Dimension 'C') may be reduced by two and one-half (2 ½) feet as shown in figure 30.4D provided that the vehicle overhang will not encroach on pedestrian circulation or the required setback for desirable plant growth. Where wheel stops are used, the paved area of the parking stall length required in Table 30.4 and illustrated in Figure 30.4A (Dimension 'C') shall not be reduced.

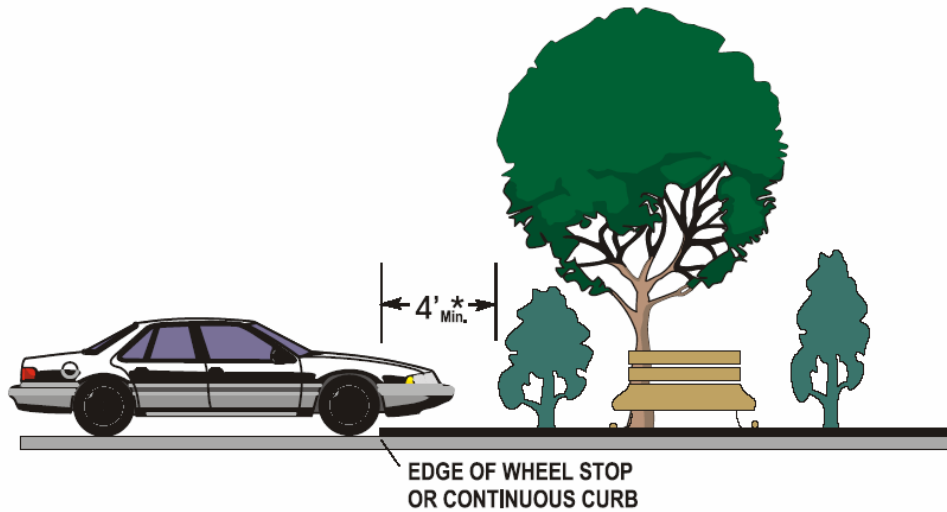
**30.4.9 Slope:** No area of any parking lot, excluding entry drives, shall have a slope in excess of seven percent (7%). Entry drives or drives that connect parking areas shall not have a slope in excess of ten percent (10%).

**30.4.10 Entry Drive Width:** Within ten feet (10') of the right-of-way, the maximum width of the entry drive shall be thirty feet (30') in any Multi-Family, Office, Retail, Industrial or other non-single family zone district.

**FIGURE 30.4C**  
**STRUCTURE AND PLANTING SETBACK REQUIREMENT**

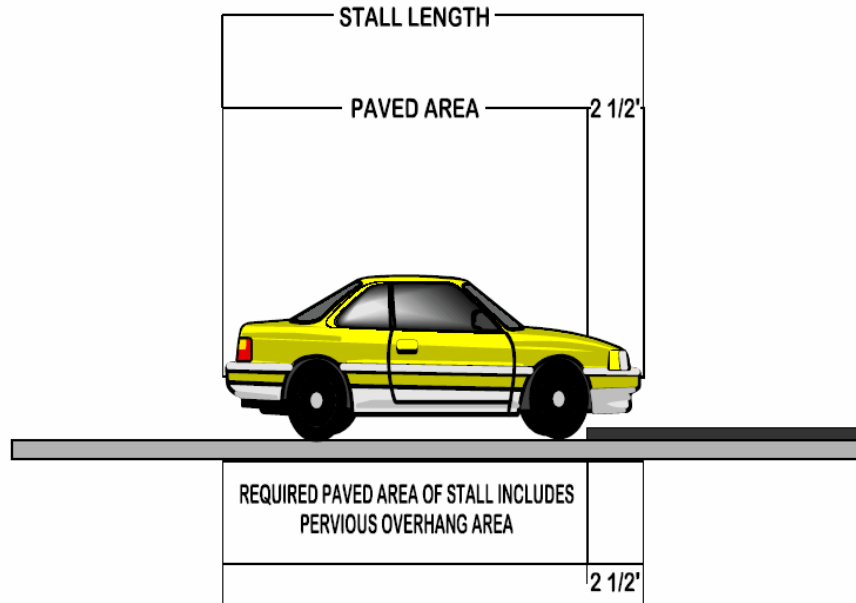


**(1) STRUCTURE SETBACK REQUIREMENTS**  
\* The minimum distance shall be 5 ½ ft. when adjacent to a sidewalk



**(2) PLANTING SETBACK REQUIREMENTS**  
\* The minimum distance shall be 5 ½ ft. when adjacent to a sidewalk

**FIGURE 30.4D  
PAVEMENT AREA ADJUSTMENT WITH CONTINUOUS CURB USAGE**



**REQUIRED STALL LENGTH AS LISTED IN TABLE 30.4A**

**Sec. 30.5 ADDITIONAL PARKING AND DRIVEWAY REGULATIONS:**

**30.5.1 Off-Street Parking:** Required off-street parking spaces for any use shall be located on the same parcel as the use they are intended to service, except where these regulations allow shared parking between uses on different lots pursuant to Section 30.3.3

**30.5.2 Residential Parking:** In any residential use parcel or residential district, no off-street parking area, maneuvering area for parking spaces, or loading area shall be located within any required front yard. This restriction shall not apply to driveways providing access from the street to the required parking area located outside of the required front yard, nor is it intended to prohibit parking of vehicles on such drive serving a detached dwelling. Within ten feet (10') of the right-of-way, the maximum width of the driveway shall be twenty-four feet (24') in any residential district. No residential parking area or garages in a residential district or on a parcel being used for residential purposes, shall be utilized for more than one (1) commercial vehicle owned or normally operated by a resident of the premises and such vehicle shall not exceed one and one-half (1 1/2) tons capacity. Such vehicle shall only be parked within the rear yard or in an enclosed garage.

**30.5.3 Parking of Boat, Trailer, Recreational Vehicle or Mobile Home:** See Article 10, General Provisions 10.2.

**30.5.4 Traffic patterns:** All parking garages and lots shall be located and designed to encourage minimal routing of traffic along public rights-of-way

contiguous to blocks that contain primary education facilities or recreation sites designed for children or which have over fifty percent (50%) of their frontage developed with single or two-family dwellings.

**30.5.5 Paving of Drives Required:** Any driveway or roadway that services two or more residences shall be paved with asphalt or be made of concrete.

## **Sec. 30.6 LANDSCAPING FOR VEHICULAR USE AREAS:**

### **30.6.1 Applicability:**

- a) **Scope:** The application of the landscape regulations established by this Section shall be limited to the same scope as defined in Sections 30.2.1 and 30.2.2 of the Article.
- b) **Exception:** Vehicular use areas containing less than five (5) parking spaces shall be exempt from the requirements of the Section 30.6.

Where the total parking provided is located in more than one location on a site and each location contains less than five (5) parking spaces, each such area shall be exempt from Section 30.6 if separated on all sides by at least twenty feet (20') of non-paved area.

- c) **Alteration or Expansion:** Where an existing vehicular use area containing less than five (5) contiguous parking spaces is expanded and thereby contains five (5) or more contiguous parking spaces, landscaping for the entire area shall be provided and not merely to the extent of its expansion.

**30.6.2 Total Landscaping Required:** The total landscaping required in vehicular use areas is 22 sq. ft. per parking and stacking space. Landscaping located in the Boundary or Streetscape Bufferyards shall not count toward this requirement.

**30.6.3 Interior Landscaping Standards:** Interior landscaping shall comply with the following standards:

- a) **Design:** Landscape areas shall be peninsular or island types.
- b) **Location:** All parking spaces must be at least within 100 feet of a landscaped area and when parking spaces are located adjacent to an entry drive such spaces shall be separated from the entry drive by a planting strip at least eight (8) feet in width.
- c) **Minimum Area:** The minimum landscape area shall be one hundred (100) square feet.
- d) **Surface:** Any landscape area provided under this Section shall not contain bare soil. A ground area shall be covered with stones, mulch, vegetative ground cover, or other surface permeable by water.

- e) Retention Basins: Natural or landscaped detention basins may count toward minimum square footage landscaping requirements when the basins are in the front or side yards.
- f) Traffic Visibility: No landscaping shall obscure visibility at vehicular intersections with the parking area or other area as where clear visibility is necessary to assure safe circulation. Where safe visibility is impaired, canopy trees shall have braches removed from the trunk at least five feet (5') above the ground and shrubs or ground cover shall not exceed two feet (2') in height. Evergreen trees and under story trees that would impair visibility for safe circulation shall not be planted in these areas.
- g) Minimum Width: No interior landscaping area shall be less than ten feet (10') by ten feet (10').

**30.6.4 Determination of Interior Landscape Requirements:** The Landscape Requirements shall be computed as follows:

- a) Interior Landscape Area Requirement: Determine the landscape area by multiplying the Landscape Area Requirement of 22 sq. ft. per parking and stacking space (Sec. 30.6.2) by the total number of parking spaces on the lot.
- b) Planting Requirements: To determine the minimum number of canopy trees, use the rate of one (1) canopy tree for each 10 parking spaces for retail uses and two (2) canopy trees for each 10 parking spaces for non-retail uses. Any fractional number of trees should be calculated to the next highest whole number. Up to fifty (50) percent of the required canopy trees may be substituted with understory trees at a rate of 2:1 (2 understory trees for each 10 parking spaces for retail uses and four understory trees for non-retail uses).
- c) To determine the total number of required shrubs, multiply the total number of required canopy trees by six (6). One canopy tree may substitute for 6 shrubs. Trees and shrubs do not have to be equally spaced, but may be grouped.

**30.6.5 Overlap:** When any portion of the parcel is subject to more than one set of landscape or buffer requirements as set forth in this or any other Article, the most stringent requirement shall control. The most stringent requirements shall be defined as those which require the highest fence, wall or screen or, if no fence, wall or screen is required, the requirements with the greatest quantity of landscaping.

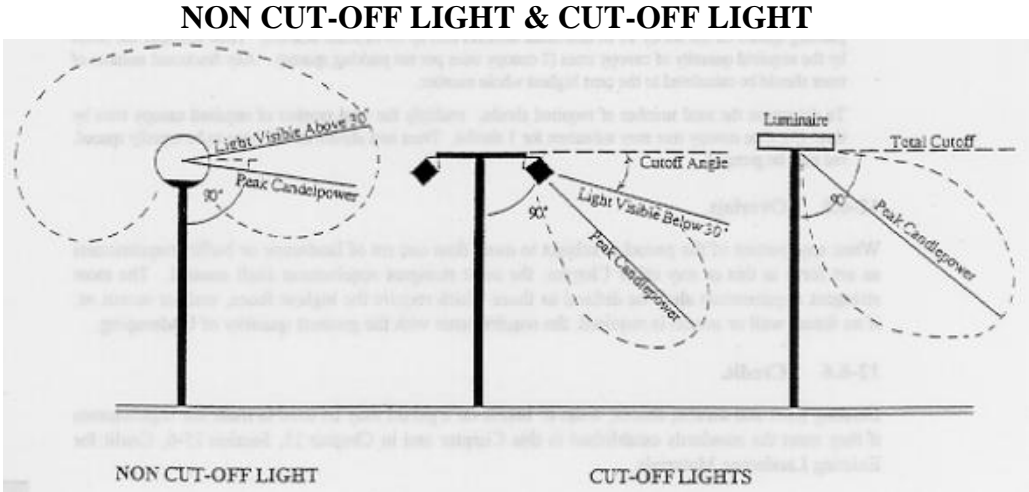
**30.6.6 Credit:** Existing trees and shrubs, fences, walls or berms on a parcel may be used to meet the requirements if they meet the stands established in this Article.

**30.6.7 Plant Installation and Maintenance Standards:** All new plant material, as part of the requirements for this Resolution, shall be in accordance with Sec. 30-A.14.

**30.6.8 Modifications:** In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the extent of expansion or redevelopment of the site or parking area is deemed to be insignificant, or the presence of existing buffers on adjacent developed property would make strict adherence to the requirements of this Article serve no meaningful purpose or would make it physically impossible to install and maintain the required landscaping, the Board of Zoning Appeals as per section 35.2 may upon proper application by the property owner, and upon making findings of fact, modify the requirements of this Article provided the existing or resulting landscape features of the development site comply with the spirit in intent of this Section, and other related Sections.

**Sec. 30.7 OUTDOOR LIGHTING:** The following restrictions shall apply to any outdoor lighting located in any district on parcels where there are parking spaces for five (5) or more vehicles.

**30.7.1 Height:** All outdoor lighting shall be designed, located, and mounted at heights no greater than sixteen feet (16') above grade for non-cutoff lights and twenty-four feet (24') above grade for cutoff lights. A greater height may be authorized in any district by a Variance approved by the Zoning Board of Appeals, pursuant to, Article 35.



**30.7.2 Illumination:** All outdoor lighting shall be designed and located with a maximum illumination of .5 foot-candles at the property line.

**30.7.3 Shielding:** All outdoor light for non-residential uses shall be located, screened, or shielded so that adjacent lots located in residential districts are not directly illuminated.

**30.7.4 Color and Glare:** No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.

**30.7.5 Luminary Type:** Outdoor light lamps shall be of types recommended in the Lighting Appendix B in this Resolution.

**30.7.6 Factors for Evaluation:** The following factors shall be considered in the evaluation of light plans:

- a) Pole Height
- b) Type of Luminary
- c) Site Coverage: average maintained
- d) Uniformity: (1) maximum: Minimum (2) Average: Minimum
- e) Intensity at Property Line

**Sec. 30.8 OFF-STREET LOADING REQUIREMENTS:**

**30.8.1 Scope of Application:** The application of the loading regulations established by this Section shall be limited to the same scope as defined in Sections 30.2.1 and 30.2.2. of this Article.

**30.8.2 Number of Off-Street Loading Spaces Required:** Off-street loading spaces shall be provided for commercial and industrial uses in accordance with the schedule set forth below. Loading spaces shall not conflict with the overlap with the area used for parking.

**SCHEDULE OF REQUIRED OFF-STREET LOADING SPACES**

<i>Gross Floor Area of Structure (square feet)</i>	<i>Number of Required Loading Spaces</i>
<b>0-10,000</b>	<b>0</b>
<b>10,001 – 50,000</b>	<b>1</b>
<b>50,001 – 100,000</b>	<b>2</b>
<b>100,001 – 200,000</b>	<b>3</b>
<b>200,001 – 400,000</b>	<b>4</b>
<b>Each additional 200,000</b>	<b>5</b>

**30.8.3 General Standards:** Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below.

- a) Location of Required Loading Spaces: Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot line of a more restrictive district while being loaded or unloaded.



- b) Dimensions: No required loading space shall be less than twelve feet (12') in width or thirty-five feet (35') in length or have a vertical clearance of less than fourteen feet (14').
- c) Access: Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. Access to and from loading spaces, shall be approved by the Township Zoning Inspector.
- d) Surface and Drainage: Every loading space shall meet the surface and drainage requirements of Section 30.4.5.

**Sec. 30.9 VEHICULAR STORAGE YARD REQUIREMENTS:**

**30.9.1 Minimum Setbacks:** Any vehicular storage yard shall be located behind the minimum building setback for the site.

**30.9.2 Screening:** All vehicular storage yards that are visible from public roads or residential districts shall be screened. The screening material shall be an opaque fence or wall a minimum of 8 feet in height but not exceeding 10 feet in height. Chain link fencing with solid filler slats or inserts shall not be used to meet the requirements of this section.

**Sec. 30.10 SIDEWALKS REQUIRED:** The following standards for required sidewalks shall apply to all non-residential development:

**30.10.1** Sidewalks designed to meet the sidewalk standards of the Hamilton County Engineer shall be constructed along all public and private street frontages.

**30.10.2** All developments shall include a minimum of one sidewalk that shall connect the main entrance to the principle structure with the existing or required sidewalk(s) along any public or private street frontage. Such pedestrian connection sidewalks shall be designed as follows:

- a. Pedestrian connection sidewalks shall be a minimum of four (4) feet in width.
- b. Pedestrian connection sidewalks shall have a minimum five (5) foot wide landscape area on any side adjacent to parking spaces or drive aisles.
- c. Any such landscape area shall include a minimum of 3 canopy or understory trees and 10 shrubs per 100 linear feet of sidewalk length. Such landscape materials may count towards the required interior vehicular use landscape materials as required by Sec. 30.6.4.
- d. Additional sidewalks within the interior of the vehicular use area shall be required as needed such that in no case shall more than four (4) parallel parking space aisles greater than 20 parking spaces in length be located side-by-side without separation by a sidewalk. Such additional sidewalks shall be designed as follows:

1. Sidewalks shall have minimum width of four (4) feet.
  2. Sidewalks shall be located between the parking spaces of the parking aisle and shall run parallel to the drive aisle for the entire length of the aisle.
  3. Sidewalks shall be designed to provide two or fewer points where pedestrians must cross vehicular traffic to gain access to the principle structure.
- e. Additional four (4) foot wide sidewalks shall be provided as needed to connect to existing sidewalks on adjacent commercial or industrial developments or constructed to the property line and designed to allow future connection.
- f. Where any sidewalk requires pedestrians to cross vehicular traffic, the crossing shall be clearly marked with alternative paving material, color, or treatment.

**TABLE 30-9  
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS**

RESIDENTIAL USES	COMMERCIAL USES
<p><b>Accessory Apartment</b> One space for apartments and two spaces for single family houses.</p> <p><b>Apartments/Attached Condominium Units</b> One and one-half spaces for each efficiency or one-bedroom unit. Two places for each unit with two or more bedrooms.</p> <p><b>Bed and Breakfast</b> Two spaces for owner + one space for each guest room.</p> <p><b>Boarding House</b> One space per bedroom + one space for each employee.</p> <p><b>Day Care, Child, Type A</b> One space per four children of licensed capacity + one space per employee.</p> <p><b>Dormitory, Fraternity, Sorority</b> One space for each three beds + one space per employee.</p> <p><b>Granny Cottage</b> One space per bedroom.</p> <p><b>Group Home</b> One space per employee on shift of maximum employment + two visitors spaces or one space per employee plus one space per two residents where residents can own vehicles.</p> <p><b>Single-Family, Two-Family Townhouse</b> One and one-half spaces for each efficiency or one-bedroom unit; two spaces for each unit with two or more bedrooms.</p> <p><b>Three-Family</b> One and one-half spaces for each efficiency or one-bedroom unit; two spaces for each unit with two or more bedrooms.</p>	<p><b>Amphitheater, Arena, Auditorium, Banquet, Exhibition or Meeting Halls, Stadium</b> One space for each three seats or one space per 50 sq. ft. of net floor area where fixed seating is not available.</p> <p><b>Amusement Park</b> One space for each three persons at capacity.</p> <p><b>Art Gallery, Antique Store, Interior Decorated Service</b> One space per 300 sq. ft. of net floor area.</p> <p><b>Automobile and Truck Rental</b> One space per 400 sq. ft. of net floor area.</p> <p><b>Automobile Sales (Accessory Service)</b> One space per 400 sq. ft. of net floor area of sales, shop or garage + one space per employee.</p> <p><b>Automobile Service</b> Two spaces per service bay (excluding the bay) + one space per employee and one space per vehicle used in operation of the service.</p> <p><b>Banking/Financial Institution Drive-in Service Window.</b> One space per 400 sq. ft. of net floor area + stacking space for drive-in service lane.</p> <p><b>Batting Cage</b> One space per cage + one space per employee.</p> <p><b>Barber Shops &amp; Beauty Salon</b> One space per 100 sq. ft. of net floor area.</p> <p><b>Billiard Parlor or Pool Room</b> One space per 100 sq. ft. of net floor area.</p> <p><b>Bowling Alley</b> Six spaces per lane.</p>

**TABLE 30-9**

**SCHEDULE OF OFF-STREET PARKING REQUIREMENTS (continued)**

COMMERCIAL USES (CONTINUED)	COMMERCIAL USES (CONTINUED)
<p><b>Building Materials, Sales and Distribution</b> One space per 400 sq. ft. of net floor area.</p>	<p><b>Golf Driving Range</b> One space for each driving tee + one per employee.</p>
<p><b>Wash, Automated</b> Five stacking spaces for each automated car wash lane.</p>	<p><b>Grocery Store</b> One space per 167 sq. ft. net floor area.</p>
<p><b>Car Wash, Self Service</b> Four stacking spaces for each stall + two drying spaces for each stall.</p>	<p><b>Heliport</b> One space for each four seats in waiting area + one space for each two employees on maximum shift.</p>
<p><b>Convenience Store (with gas pumps)</b> One space per 200 sq. ft. of net floor area + one space per pump + one space per employee.</p>	<p><b>Machinery, Boat, Truck, Farm &amp; Construction Equipment Sales, Rental &amp; Services</b> One space per 1000 sq. ft. of net floor area + one space per 2,500 sq. ft. of outdoor display area + one space per employee.</p>
<p><b>Delicatessens, Bakery Goods, Meta, Fruit &amp; Vegetable Markets</b> One space per 150 sq. ft. of net floor area.</p>	<p><b>Marina with Lounge and Restaurant</b> One space for every two wet slips, one space per every five dry storage spaces + one space per 200 sq. ft. of interior net floor area.</p>
<p><b>Drive-in or Drive-through Facility</b> One stacking space per lane + one space per employee if entirely drive-through.</p>	<p><b>Miniature Golf Course</b> Two spaces per holes + one space for each 100 sq. ft. of net floor area for other indoor game activities.</p>
<p><b>Durable Goods, Carpet, Furniture and Appliances, Sales &amp; Rental</b> One space per 400 sq. ft. of net floor area.</p>	<p><b>Motorcycle, Sales &amp; Service</b> One space per 400 sq. ft. of net floor area.</p>
<p><b>Funeral Home or Mortuary</b> One space per 75 sq. ft. of parlor or chapel space or one per five seats, whichever is greater, but not less than 20 spaces.</p>	<p><b>Motel/Hotel</b> One space per lodging unit, meeting rooms and restaurants calculated separately.</p>
<p><b>Health &amp; Fitness Facility</b> One spacer per 200 sq. ft. net floor area.</p>	<p><b>Office (excluding medical)</b> Three parking spaces for the first 1,000 sq. ft. or fraction there of, plus one space per 400 sq. ft. of net floor area in excess of 1000 ft.</p>
<p><b>Gasoline Service Station (with repair)</b> One space per pump + one space per employee + two spaces per service bay (excluding the bay space) and one space per vehicle used of the service</p>	<p><b>Office, Media/Clinic</b> Six spaces + one space per 200 sq. ft. of net floor space in excess of 1000 sq. ft.</p>

**TABLE 30-9**

**SCHEDULE OF OFF-STREET PARKING REQUIREMENTS (continued)**

COMMERCIAL USES (CONTINUED)	INDUSTRIAL USE
<p><b>Photo Lab, Picture, TV or Sound Studio</b> One space per one and one-half employees + one space per vehicle.</p>	<p><b>Airport</b> One space for each 4 seats in waiting area + 1 space for each 2 employees on maximum shift.</p>
<p><b>Recycling Drop-off Facility</b> Open space per drop-off and five stacking spaces per lane + one space per employee</p>	<p><b>Automobile Body Shop</b> Two spaces per service bay (excluding the bay) + one space per employee and one space per vehicle used in operation of the service.</p>
<p><b>Restaurant/Bar</b> One space per 100 sq. ft. net floor area.</p>	<p><b>Automobile Salvage</b> One space per employee + two spaces per acre.</p>
<p><b>Restaurant Drive-in</b> Five stacking spaces per lane.</p>	<p><b>Flammable Liquids/Gases, Heating Fuel Distribution and Storage</b> One space per employee on maximum work shift + one space per facility vehicle used in operation of the service.</p>
<p><b>Retail, Sales and Service</b> One space per 200 sq. ft. net floor area.</p>	<p><b>Laundry, Dry Cleaning, Linen, Diaper Service (plant on premises)</b> One space per two employees + one space per facility vehicle.</p>
<p><b>Service Establishments: Dry Cleaning or Laundry Pick-Up Stations, Print Shops, Tailoring, Shoe or Hat Repair</b> One space per 300 sq. ft. of net floor area.</p>	<p><b>Manufacturing, Transfer Station, Research Lab</b> One space per one and one-half employees on maximum work shift + one space per facility vehicle.</p>
<p><b>Shopping Center</b> One space per 222 sq. ft. of net floor area of general retail space + additional spaces, as required herein, for associated offices, theaters, and restaurants.</p>	<p><b>Mini-Storage Facility Outside Storage</b> Three spaced + one space per 100 individual storage units.</p>
<p><b>Skating Facility</b> One space per 250 sq. ft. of net floor area.</p>	<p><b>Outside Storage Truck Terminal, Taxicab Barn</b> Two spaces for the first 2,000 sq. ft. + one space for each additional 2,000 sq. ft.</p>
<p><b>Studio: Art, Dance, Gymnastics, Music</b> Five spaces, plus one space for each 150 sq. ft. of net floor area in excess of 500 sq. ft.</p>	<p><b>Package Delivery service, Truck</b> One space per one and one-half employees + one space per facility vehicle.</p>
<p><b>Swimming Pools, Tennis or Racquet Clubs, and Similar Recreation Open To The Public For A Fee</b> One parking space for each 50 sq. ft. of pool area; eight spaces for each indoor tennis court; five spaces for each outdoor tennis court; five spaces for each racquet ball and/or handball court.</p>	<p><b>Recycling Facility</b> One space per employee or volunteer on largest work shift + one space per collection vehicle + two drop-off spaces for each bay and/or collection vehicle and container.</p>
<p><b>Theater, Motion Picture or live Performance</b> One space per four seats.</p>	

**TABLE 30-9**

**SCHEDULE OF OFF-STREET PARKING REQUIREMENTS (continued)**

INDUSTRIAL USE (CONTINUED)	INSTITUTIONAL USES (CONTINUED)
<p><b>Vehicle Storage Yard</b> One space per employee on maximum shift + one space per facility vehicle + one space per 250 sq. ft. net floor area.</p> <p><b>Warehouse, Display Room for Wholesale Activities</b> One space per two employees on maximum work shift or for 2,000 square feet of warehouse floor read + additional space for office area as per general office requirements, whichever is greater.</p>	<p><b>School, Vocational/Professional</b> One space per employee + one space per two registered student capacity.</p> <p><b>University or College</b> One space per two employees + one space per four students.</p>
INSTITUTIONAL USES	PUBLIC SERVICE USES
<p><b>Cemetery</b> One space per employee</p> <p><b>Church or Temples</b> One space per eight seats or bench seating in the main assembly room.</p> <p><b>Day Care Center, Child, Pre-School</b> One space per employee + one space for each facility vehicle stored on the lot + one parking space for each six children.</p> <p><b>Hospital</b> One parking space per bed.</p> <p><b>Nursing, Convalescent Home &amp; Continuing Care Facility</b> One space per six residents + one space per employee</p>	<p><b>Government Buildings</b> One space per 250 sq. ft. of net floor area or one space per four patrons, whichever is greater.</p> <p><b>Government Storage Yard</b> One space per employee on maximum shift + one space per facility vehicle + one space per 25p sq. ft. net floor area.</p> <p><b>Library</b> One space per 400 sq. ft. of net floor area.</p> <p><b>Police &amp; Fire Stations</b> One space per employee on maximum shift + one space per facility vehicle + one space per 250 sq. ft. net floor area.</p> <p><b>Telecommunication Towers</b> One space</p>
<p><b>School, Elementary (K-6)</b> One space for each three seats in any auditorium or one space for each classroom, whichever is greater.</p> <p><b>School, Junior High/Middle School</b> One space for each three seats in any auditorium, or one space for each classroom, whichever is greater.</p> <p><b>School, Senior High</b> One space per employee + twelve visitor spaces, plus one space per six students.</p>	RECREATIONAL, CULTURAL & ENTERTAINMENT USES
	<p><b>Athletic/Play Field</b> Ten spaces per acre</p> <p><b>Botanical Garden</b> Four spaces per acre of ground</p> <p><b>Club, Private</b> One space for each 50 sq. ft. of net floor area used for assembly, game room, dancing or dining, plus one for each sleeping room.</p> <p><b>Community (recreation) Center</b> One space per 200 sq. ft. of net floor area.</p>

**TABLE 30-9**

**SCHEDULE OF OFF-STREET PARKING REQUIREMENTS (continued)**

<b>RECREATIONAL, CULTURAL &amp; ENTERTAINMENT USES (CONTINUED)</b>	<b>AGRICULTURE USES</b>
<p><b>Golf Course</b> Four spaces for each hole + one space for 100 sq. ft. of net floor area in any cocktail lounge, bar, or similar facility.</p> <p><b>Museum</b> One space per 400 sq. ft. of net floor area.</p> <p><b>Outdoor Drama Theater (not drive-in)</b> One space for each three seats.</p> <p><b>Parks, Playgrounds</b> Four spaces per acre.</p> <p><b>Tennis or Racquet Clubs, and Similar Recreation Facilities</b> Eight spaces for each indoor tennis court; five spaces for each outdoor tennis court; five spaces for each racquet ball and/or handball court.</p> <p><b>Recreation Center, Internal</b> One space per 25p sq. ft. of net floor area.</p> <p><b>Summer Camp</b> One space per employee + one space per each camp vehicle + one space per five users at maximum capacity.</p> <p><b>Swim Facility</b> One parking space for each 50 square feet of pool area + one per employee.</p> <p><b>Zoo</b> One space per 2000 sq. ft of land area.</p>	<p><b>Farm Market</b> One space per 150 sq. ft. of net floor area.</p> <p><b>Fishing Lake</b> One space per 150 sq. ft. of net floor area + five spaces per acre of lake</p> <p><b>Kennel, Commercial</b> One space per 1000 sq. ft. of net floor area + one space per employee + one drop-off space per twenty kennel spaces.</p> <p><b>Nursery, Greenhouse</b> One space per 250 sq. ft. of indoor net floor area + one space per 1000 sq. ft. of net outdoor sales/display area + one space for each 1.5 employees.</p> <p><b>Stable</b> One space per 4 stalls + one space per employee.</p> <p><b>Veterinarian Facility</b> Three parking spaces for the first 750 sq. ft. of fraction thereof, plus one space for each 300 sq. ft. of net floor area in excess of 750 sq. ft.</p>

## ARTICLE 30-A

### BUFFERYARDS, SCREENING AND LANDSCAPING

**Sec. 30-A.1 PURPOSE:** The purpose of this Article is to provide for attractive views from roads and adjacent properties; to separate and minimize detrimental impacts of adjacent non-compatible land uses; and to protect the general health, safety and welfare of the community through the reduction of noise, air and visual pollution, air temperature, and artificial light glare.

**Sec. 30-A.2 APPLICABILITY:** No structure on land which abuts a right-of-way or boundary between land uses shall be developed, or redeveloped, unless a buffer yard, as required by Section 30-A.6, is established in accordance with all requirements of this Article. Requirements in this Article shall apply to:

- a.) New development except for individual single and two-family dwellings;
- b.) Expansion of existing structures by five (5) percent or more, except for individual single and two-family dwellings. (Requirements apply to the entire area and not merely to the extent of its expansion);

**Sec 30-A.3 PLAN REVIEW AND APPROVAL:** For any buffer required by this Article, a plan shall be submitted with the application for zoning certificate to the Township Zoning Inspector to review for compliance with these regulations and any other applicable regulations. The plan shall show:

- (1) existing and proposed topography of the site;
- (2) location of driveway entrances;
- (3) provisions for vehicular and pedestrian circulation;
- (4) location of sidewalks on and adjacent to the property;
- (5) location of utilities, barriers, shelters, and signs;
- (6) location of landscaped areas and the types, quantity, sizes and location of vegetation to be planted and the areas of existing vegetation to be conserved; and
- (7) any other relevant information requested by the Township Zoning Inspector.

**Sec. 30-A.4 ISSUANCE OF ZONING CERTIFICATE:** No Zoning Certificate shall be issued unless a landscape plan has been submitted in compliance with the requirements of this Article.

**Sec. 30-A.5 ISSUANCE OF CERTIFICATE OF OCCUPANCY:** No Certificate of Occupancy shall be issued unless the following criteria are fully satisfied with regard to the approved landscape plan:

- (1) The landscape plan has been fully implemented on the site; or
- (2) The landscape plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the Township Zoning Inspector.



**Sec. 30-A.6 BOUNDARY BUFFERYARDS:** A boundary bufferyard is a linear area adjacent to the side and/or rear property line in which landscaping is installed to separate adjacent non-compatible land uses and screen and soften the detrimental impacts of such non-compatible uses upon one another and upon the surrounding neighborhood.

**30-A.6.1 Effect of Designation:** An established bufferyard is permanent, and shall never be used for any other purpose.

**30-A.6.2 Width Requirements:** The minimum boundary bufferyard widths are as follows:

Proposed Land Use	Abutting Use	Minimum Boundary Bufferyard Width
Office, Retail or Institutional	Multi-family residential	Twenty (20) feet
Multi-family residential, Office, Retail or Institutional	Single and two-family Residential	Twenty-five (25) feet
Industrial	Residential	Forty (40) feet
Manufacturing	Retail or institutional	Ten (10) feet

Notes:

- 1.) Boundary Bufferyards are not required between land uses that are the same.
- 2.) Determination of land use shall be based on zoning classification or existing land use, whichever provides the greatest Boundary Bufferyard shall be utilized.

**30-A.6.3 Screening Requirements:** The Boundary Bufferyard screening requirements are as follows:

- a.) One (1) canopy or evergreen tree per twenty (20) feet of Boundary Bufferyard length; and
- b.) One (1) shrub per four (4) feet of the Boundary Bufferyard length, or a solid fence or wall four (4) to six (6) feet in height, and/or an earthen mound three (3) to four (4) feet in height with a maximum slope of 3:1 running the length of the Boundary Bufferyard.
- c.) Up to fifty (50) percent of the required canopy trees may be substituted with understory trees at a rate of 2:1 (2 understory trees per twenty (20) feet of Boundary Buffer length).

**Sec. 30-A.7 STREETSCAPE BUFFERYARDS:** A streetscape bufferyard is a linear area adjacent to a public street right-of-way extending from side lot-line to side lot-line, in which landscaping is installed to shield or enhance views into the parking lot, establish coordination among diverse buildings, setbacks and uses, to define the street and access points, to retain the quality of the environment, and to diminish the presence of wires and poles.

**30-A.7.1 Effect of Designation:** An established Streetscape Bufferyard is permanent, and shall never be used for any other purpose.

**30-A.7.2 Width Requirements:** The Streetscape Buffer shall have a depth of 10 feet or greater, shall be located adjacent to the public right-of-way and private streets, and shall extend along the entire road frontage, except for the driveway area as provided in Section 30.4.9.

**30-A.7.3 Screening Requirements:** The Streetscape Bufferyard screening requirements are as follows:

- a.) One (1) canopy tree per twenty-five (25) feet of Streetscape Bufferyard length; and
- b.) One (1) shrub per five (5) feet of the Streetscape Bufferyard length, or a solid wall three (3) to four (4) feet in height, and/or an earthen mound three (3) to four (4) feet in height with a maximum slope of 3:1 running the length of the Streetscape Bufferyard.
- c.) Up to fifty (50) percent of the required canopy trees may be substituted with understory trees at a rate of 2:1 (2 understory trees per twenty-five (25) feet of Streetscape Buffer length).

**Sec. 30-A.8 Provision for Existing Conditions:** Vegetative and/or topographic conditions that provide a natural screening and buffer, if existing prior to development of properties in question, may be used to meet screening requirements. This is encouraged, unless the existing vegetation presents maintenance problems, or contains undesirable plant species (e.g. poison ivy, tree of heaven, honeysuckle, etc.).

<b>44.053</b> Screening requirements apply within the bufferyard, or streetscape
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**Sec. 30-A.9 Fence, Wall or Earthen Mound Standards:**

**30-A.9.1** Electric, barbed wire, razor, chain link, or solid concrete material shall not be permitted to be used for screening.

**30-A.9.2** Fences shall be comprised of aesthetically pleasing metal, wood, brick or stone material. Fences used to meet the requirements of screening shall be 100% opaque.

**30-A.9.3** Adequate vegetative ground cover shall be used and maintained to prevent erosion of earthen mounds.

**Sec. 30-A.10 Overlap:** When any portion of the parcel is subject to more than one set of landscape or buffer requirements as set forth in this or any other Article, the most stringent requirement shall control. The most stringent requirements shall be defined as those which require the highest fence, wall or screen or, if no fence, wall or screen is required, the requirements with the greatest quantity of landscaping.

**Sec. 30-A.11 Credit:** Existing trees and shrubs, fences, walls or berms on a parcel may be used to meet the requirements if they meet the standards established in this Article.

**Sec. 30-A.12 Plant Installation and Maintenance Standards:** All new plant material, as part of the requirements for this Resolution, shall be in accordance with Sec. 30-A.14.

**Sec. 30-A.13 Modifications:** In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the extent of expansion or redevelopment of the site or parking area is deemed to be insignificant, or the presence of existing buffers on adjacent developed property would make strict adherence to the requirements of this Article serve no meaningful purpose or would make it physically impossible to install and maintain the required landscaping, the Board of Zoning Appeals as per section 35.2 may upon proper application by the property owner, and upon making findings of fact, modify the requirements of this Article provided the existing or resulting landscape features of the development site comply with the spirit in intent of this Section, and other related Sections.

#### **Sec. 30-A.14 LANDSCAPING STANDARDS**

**30-A.14.1 General:** Landscaped areas as provided for under this Section, shall not contain bare soil, and any ground area shall be covered with vegetative ground cover or mulch, and kept free of weeds and debris. Gravel is not permitted, unless approved and maintained as an incidental decorative feature of the overall landscape design.

##### **30-A.14.2 Installation:**

**30-A.14.2.1** All plants are to be living, and on the acceptable plants list identified in Appendix D, or recommended by a licensed Landscape Architect or Certified Horticulturist.

**30-A.14.2.2** All specifications for the quality and installation of trees and shrubs shall be in accordance with the most recent edition of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

**30-A.14.2.3** All plant material shall be free from disease and damage.

**30-A.14.2.4** All plant material shall be planted in a manner that is not intrusive to utilities, pavement, pedestrian traffic or vehicular traffic.

**30-A.14.2.5** All required plant material shall be planted within one year or by the next planting season, as outlined in the latest edition of

“American Standards for Nursery Stock”, after all construction activity in the area of the new planting has ceased.

**30-A.14.2.6** Trees shall be balled and burlapped, or in containers. Shrubs can be planted as bare root as well as balled and burlapped or containers.

**30-A.14.2.7** Nursery stock identification tags shall not be removed from any plants prior to final inspection and approval.

**30-A.14.2.8 Minimum Height and Caliper of Plantings at Installation and Maturity:**

<b>Type of plant</b>	<b>Installation</b>	<b>Maturity</b>
Canopy trees	twelve (12) feet in height; or 2.5 inches caliper	sixty (60) feet in height
Understory trees	five feet (5') in height in clump form or 1-½ inches caliper in single stem form	twenty-five (25) feet in height
Evergreen trees	five (5) feet in height	
Shrubs and hedges	eighteen (18) inches in height or twenty-four (24) inch spread	All shrubs and hedges shall be planted to provide an effective dense screen at maturity.

The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.

**Sec. 30-A.15 Maintenance:**

**30-A.15.1** All landscaping materials and areas shall be maintained by the property owner, and shall be kept in a neat and orderly appearance free from refuse and debris.

**30-A.15.2** Irrigation systems shall be provided wherever necessary. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first.

**30-A.15.3** Violation of these installation and maintenance provisions shall be grounds for the Township Zoning Inspector to refuse a building occupancy permit, require replacement of the landscape material or institute legal proceedings to enforce the provisions of this Article.

**Sec. 30-A.16 Site distance and Visibility:**

**30-A.16.1** No landscaping shall obscure visibility at street or driveways, or other areas where clear visibility is necessary to assure safe circulation. Screening and

landscaping over thirty (30) inches in height at maturity shall not be installed in the triangular open space required for sight distance for vehicles entering and exiting the property.

**30-A.16.2** Where safe visibility is impaired, canopy trees, except during early growth stages, shall have branches removed from the trunk at least five (5) feet above the ground.

**30-A.16.3** Evergreen trees and understory trees that would impair visibility for safe circulation shall not be planted in these areas.

## ARTICLE 31

### SIGN REGULATIONS

**Sec. 31.0** The regulation set forth in this Article, or elsewhere in this Resolution, when referred to in this Article, are the regulations for signs in all Districts in this Resolution.

#### Section 31.1 ZONING CERTIFICATE AND PERMITS

**31.1.1 Zoning Certificate Required:** Unless expressly exempted in Section 31.1.2, no sign shall be erected, enlarged, expanded, altered (including face changes), relocated or reconstructed on private or public property unless a Zoning Certificate evidencing the compliance of such sign with the provisions of Article 13 shall have first been issued by the Township Zoning Inspector.

**31.1.2 Exemptions:** The following signs and sign-related activities shall be exempt from the provisions of Article 31 and shall not require a zoning certificate:

- a. Routine Maintenance. Routine sign maintenance including cleaning re-painting, replacing lamps and ballast and electrical components and changing of lettering or parts of signs designed to be regularly changed.
- b. Signs Permitted in all Districts. Signs permitted in all districts as listed in Section 31.6.
- c. Poster Changes. Outdoor advertising signs shall be allowed changes in the poster advertisement or reader board. Further modifications may be subject to the provisions of Sec. 31.9.5.
- d. Copy Changes. The change of a message relating to on site or off site changeable copy signs such as those displaying gasoline prices, sale items, special events or lottery information.

#### **31.1.3 Nonconforming or Noncomplying Signs**

Signs existing on or before the effective date of this resolution shall be allowed face changes provided that a zoning certificate shall be obtained except as specified in Sec. 31.1.2 (c). If the size of an existing sign face or the size of the overall structure is increased; the structure is relocated; the structure is replaced; or the structure is damaged to an extent greater than 70% of its estimated replacement value (unless damage was caused by vandalism, an act of God, or automobile or similar accident) then said sign shall be ordered removed by the Township Zoning Inspector.

**31.2 GENERAL STANDARDS:** Unless expressly exempted by Section 31.1.2 above, all signs within the Crosby Township shall conform to the following general standards.

### **31.2.1 Illumination**

- a. Location and Design of Light Source. Whenever an external artificial light source is used to illuminate a sign, such source shall be so designed, located, shielded and directed so as not to be directly visible from any public street or residence. If ground lighting is used to illuminate a sign, the receptacle or device should not protrude more than twelve (12) inches and must be fully screened from view by landscaping material.
- b. Level of Illumination. In no event shall the illumination of any outdoor billboard exceed 70 foot candles at the sign face.
- c. Flashing Lights Prohibited. Except when expressly permitted by this Article, no flashing, moving, laser generated, strobe, blinking or intermittent lights shall be permitted on or as part of any sign. This does not pertain to electronic message signs unless they negatively affect traffic safety.

### **31.2.2 Height**

- a. Height of Building Signs.
  - 1. Building Signs shall be located within the limits of the outside wall of the building.
- b. Height of Freestanding Signs.
  - 1. Freestanding signs in the Residential districts are permitted at a maximum height of 5 feet.
  - 2. Freestanding signs in the Office district are permitted at a maximum height of 4 feet.
  - 3. Freestanding signs in the Retail and Industrial districts are permitted at a maximum height of 6 feet.

**31.2.3 Minimum Setback:** All signs, or any part thereof, shall be setback a minimum of 10 feet (5 feet for directional signs) from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback, and 5 feet from all other property lines. A side yard setback adjoining a residential district shall be the same as that specified for the adjoining residential district.

**31.2.4 Obstruction of Accessways:** No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window or other required accessway.

### **31.2.5 Traffic Safety**

- a. Confusion with Traffic Signals. No sign shall be maintained at any location where by reason of its position, size, shape, content, color, or illumination it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, sign or device, or where it may interfere with, mislead or confuse traffic regardless whether or not it meets other size, location and setback requirements of this Section 31.2.

- b. Obstruction of Clear Sight Distance Triangles Prohibited. No freestanding sign, nor any part of a freestanding sign shall be located such that it would interfere with sight distance triangle as defined in Section 31.11.

**31.2.6 Signs in Rights-of-Way:** Except as otherwise authorized by the County Engineer or the State of Ohio, no sign except government signs authorized by this Article shall be placed in or extend into or over any public property or right-of-way.

**31.2.7 Sign Maintenance:** The owner of an on-site or off-site sign shall be liable to maintain such sign, including its illumination sources, in compliance with this Article and all applicable laws, in a safe and secure condition, and in a neat and orderly condition and good-working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.

**31.2.8 Sign Allotment, Maximum Size and Location:** Signs shall be located along the street frontage or building frontage from which the allotment is computed.

### **31.3 SIGN MEASUREMENT:** (See diagrams in Figure 31.3A)

**31.3.1 Area of a Freestanding Sign:** The area of a freestanding sign shall be determined by computing the visible surface display area, that is, all solid surface areas excluding air space and architectural features. If the angle separating two faces of a V-shaped sign is more than 45 degrees or 24 feet, the sign faces visible from one point are added cumulatively as one sign face.

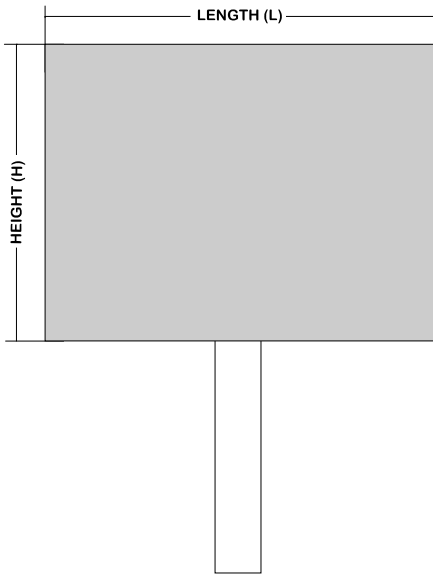
**31.3.2 Area of Building Signs:** The area of a building sign shall be determined by computing the visible surface display area, that is the words, numbers, and/or graphics which are totally enclosed by a frame or graphic design. In the case of words containing lower case letters mounted individually to the wall of the building, the area of the sign is the square footage area that is measured by taking the height of the lower case letters multiplied by the total word length.

**31.3.3 Exceptions:** In a residential development where the sign identifying the name of the development is attached to a wall or fence, the area of the sign shall be calculated as a building sign per Section 31.3.2.



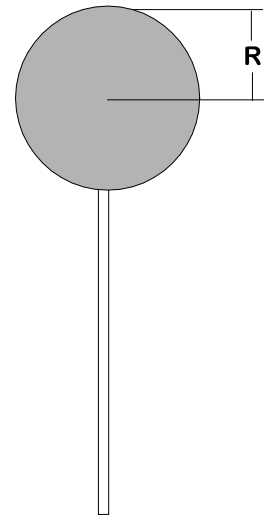
**Figure 31.3A Sign Face Area Measurement  
(Visible Surface Display Area)**

**Pole or Pylon Sign  
(Single or Multiple Support)**



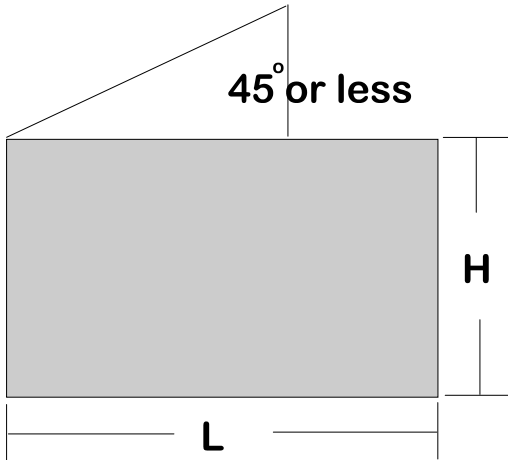
Sign Face Area = (L) X (H)

**Pole or Pylon Sign**



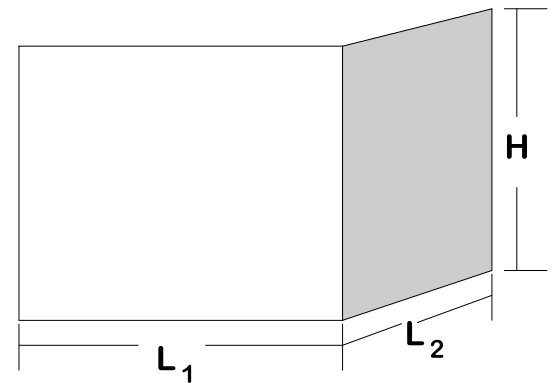
Sign Face Area = 3.14 R<sup>2</sup>

**V-Shaped Sign**



Sign Face Area = (L) x (H)

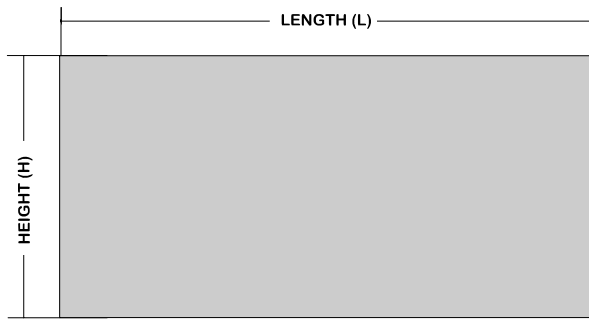
**more than 45°**



Sign Face Area = (L<sub>1</sub> + L<sub>2</sub>) x H  
(considered as one face)

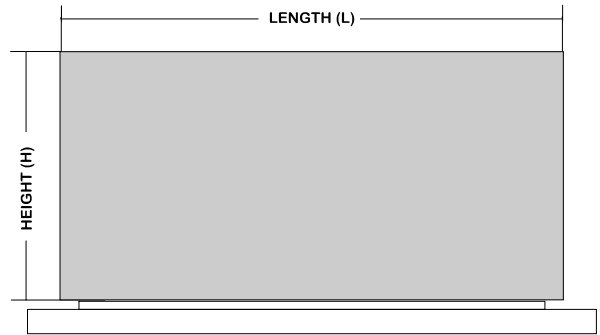
**Figure 31.3A (Continued):  
Sign Face Area Measurement**

**Ground Sign**



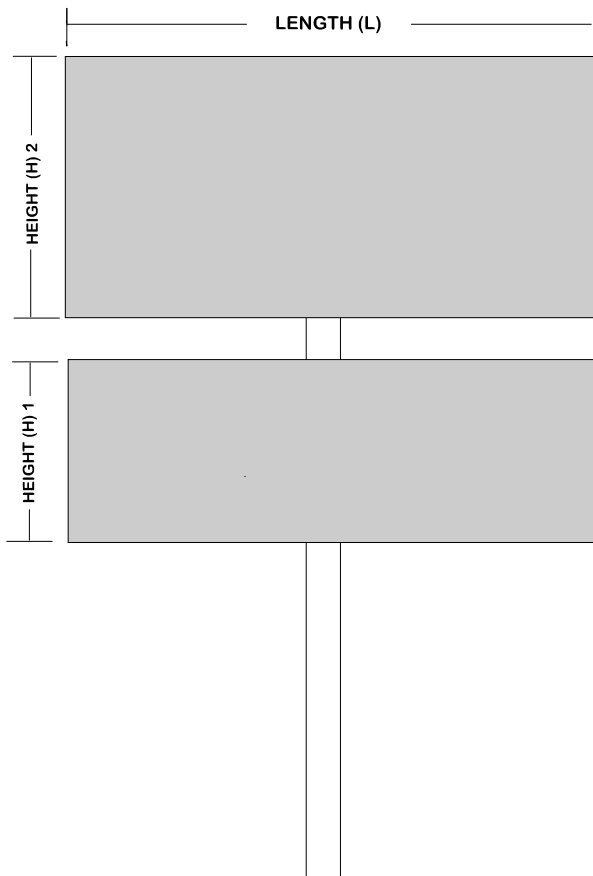
Sign Face Area = (L) X (H)

**Ground Monument Sign**



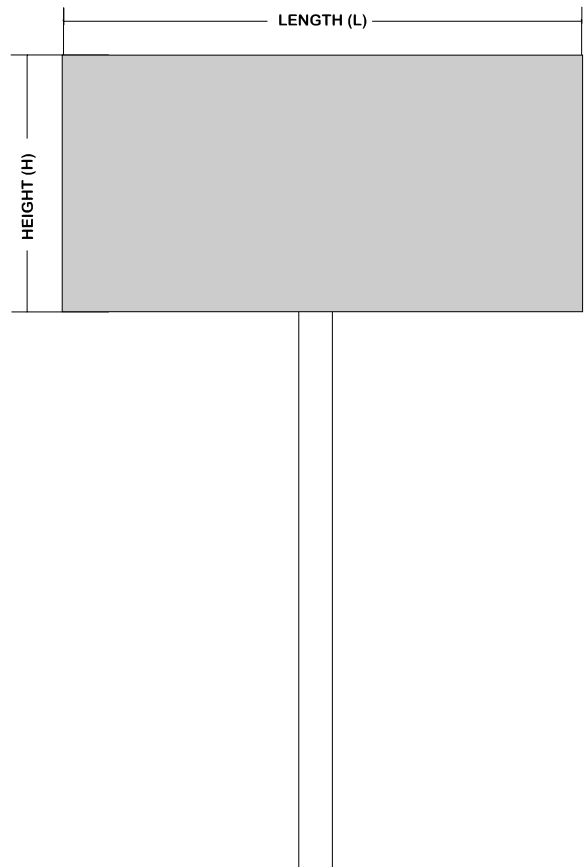
Sign Face Area = (L) X (H)

**Stacked or Decked Signage**



Sign Face Area = (L) x (H<sub>1</sub> + H<sub>2</sub>)

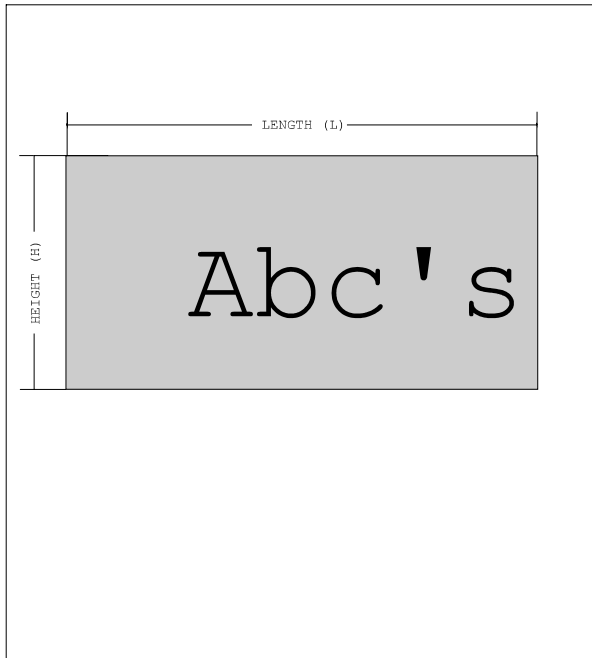
**Outdoor Advertising Sign  
(Billboard)**



Sign Face Area = (L) x (H)

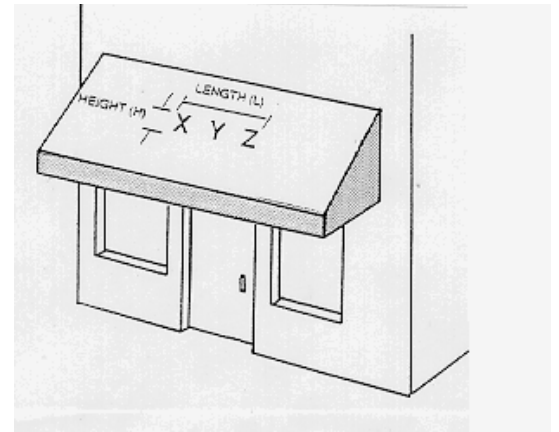
**Figure 31.3A (Continued)**  
**Sign Face Area Measurement**

**Wall Sign**  
 (with frame or graphic enclosure)



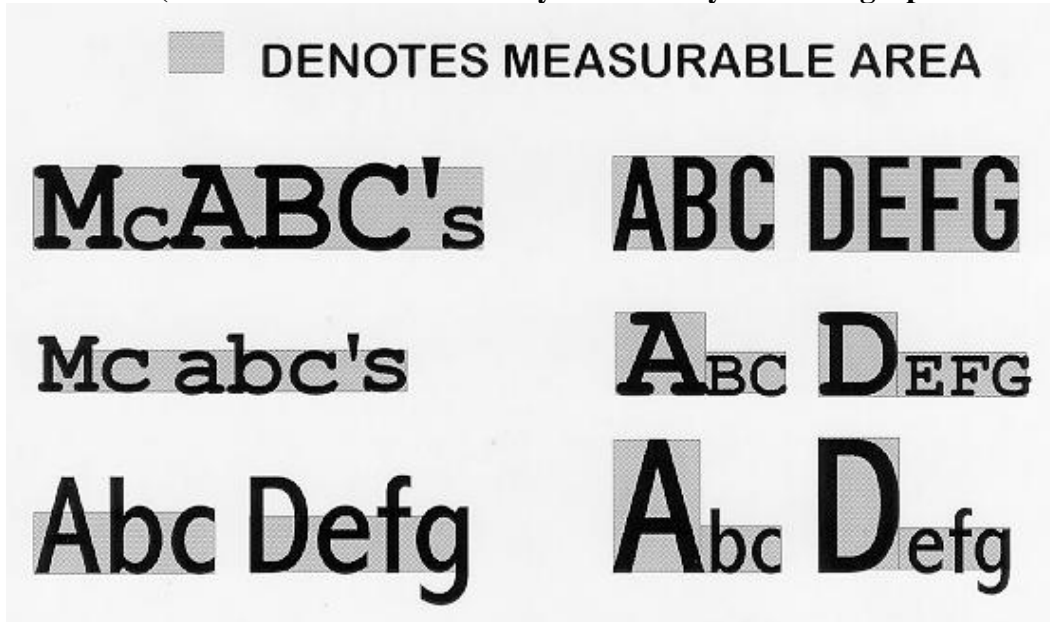
Sign Face Area = (L) X (H)

**Awning Sign**



Sign Face Area = (L) X (H)

**Wall Signs**  
 (letters mounted individually without any frame or graphic enclosure)



Sign Face Area = (L) x (H)

**31.4 SIGNS SPECIFICALLY PROHIBITED IN ALL ZONING DISTRICTS:** The following signs, in addition to all other signs not expressly permitted by this Article 31, are prohibited in all zoning districts and shall not be erected, or maintained:

- a. Roof Signs.
- b. Signs that move or give the appearance of moving, including pennants, streamers, flags in excess of sixty (60) square feet, other than government flags and other signs. (This section does not prohibit variable message signs or signs designed with periodic rotation).
- c. Flashing Signs. Signs containing any flashing or running lights or lights creating an illusion of movement, excluding holiday decorations and time and temperature devices which display time and temperature messages only.
- d. Signs which imitate or are easily confused with official traffic signs and use words such as "stop", "look", "danger", "go slow", "caution", or "warning," except where such words are part of the name of a business or are accessory to parking lots.
- e. Signs which are structurally unsafe or hazardous.
- f. Portable signs, except as permitted temporarily in Section 31.9.2.
- g. Snipe signs.
- h. Vehicular signs.

**31.5 PERMITTED SIGNS:** No Sign Zoning Certificate shall be issued unless; the type of proposed sign is permitted in the zoning district in which the sign is to be located as indicated in this Article, the sign meets the general standards in Section 31.2, the standards for off-site advertising signs set forth in Section 31.9.5 and the sign does not, by itself or cumulatively with other existing or planned signs, exceed these regulations:

**31.6 SIGNS PERMITTED IN ALL ZONING DISTRICTS AND EXEMPT FROM ZONING CERTIFICATES:** The following signs are permitted in all zoning districts without a fee and without issuance of a zoning certificate subject to the requirements stated herein. All signs in this section, unless otherwise stated below, shall be setback a minimum of 10 feet from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback, and 5 feet from all other property lines.

- a. Identification signs including house numbers legible from the street, and nameplates (fraternal, social, apartment and professional) identifying the occupant or address of a parcel of land, and not exceeding two (2) square feet in display surface area.
- b. Memorial plaques and historic markers, including those containing the names of buildings and dates of construction and not exceeding two (2) square feet in display surface area.
- c. For sale signs attached to vehicles.
- d. Flags bearing the official design of a nation, state, county, municipality, institution or organization and not exceeding 60 square feet.
- e. Traffic, or other government signs, also private traffic control signs which conform to the requirements of the Ohio Manual of Uniform Traffic Control Devices.
- f. Institutional bulletin boards located on the premises of the institution to which the sign pertains and not exceeding 20 square feet in surface display area per side, maximum of 2 sides with a maximum height of 6 feet.
- g. Park and playground signs.

- h. Non-illuminated signs proclaiming religious or other noncommercial messages not exceeding twelve (12) square feet in surface display area in any residential district nor thirty-two (32) square feet in any other zoning district. **Exception:** Political campaign signs shall be exempt from the provisions of the Crosby Township Zoning Resolution.
- i. Non-illuminated real estate signs advertising the sale or lease of property or building where the sign is located, not exceeding one per street frontage and twelve (12) square feet of surface display area in any residential district nor thirty-two (32) square feet in any other zoning district.
- j. One temporary (not portable or moveable) sign per public street frontage subject to the following:
  - 1. Sign related to festivals or other seasonal events occurring on the institutional property.
  - 2. Total surface display area shall not exceed twelve (12) square feet in Residence Districts and thirty-two (32) square feet in all other Districts.
  - 3. Sign height shall not exceed eight (8) feet unless attached to the wall of the building.
  - 4. Placement shall be wholly within the property boundaries to which the sign pertains.
  - 5. The sign shall be located on the property for a period not to exceed twenty-one (21) days.
  - 6. Signs in residential districts shall not be illuminated.
- k. One temporary (not portable or moveable) construction sign as defined in Section 31.11, per public street frontage subject to the following:
  - 1. Total surface display area shall not exceed sixteen (16) square feet in a Residential District and thirty-two (32) square feet in all other Districts.
  - 2. Sign height shall not exceed eight (8) feet.
  - 3. Placement shall be wholly within the property boundaries to which the sign pertains.
  - 4. The sign shall not be erected prior to issuance of a building permit for the proposed construction, and shall be removed upon issuance of a Certificate of Occupancy.
- l. One temporary (not portable or moveable) construction sign related to improvement occurring on the site such as windows, siding, painting, etc. subject to the following:
  - 1. Total surface display area shall not exceed six (6) square feet.
  - 2. Sign height shall not exceed three (3) feet.
  - 3. The sign shall not be erected prior to beginning the start of the project and shall be removed within seven (7) days following completion.
- m. Trespassing, safety or caution signs, not exceeding two (2) square feet in area.
- n. On-Premises directional and informational signs not exceeding six (6) square feet for pedestrians and vehicles using such words as "Entrance," "Exit," "Parking," "One-Way" but not including any advertising message (Such signs shall be setback a

- minimum of five (5) feet from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback).
- o. On premise menu boards that display standard menu items and carry no commercial message are not regulated and shall not be measured as part of the lots sign allocation.
  - p. Gasoline pump signs appearing on legally installed pumps as purchased.
  - q. On-premises yard sale or garage sale signs not exceeding six (6) square feet provided they are erected no more than seven (7) days prior to the sale nor displayed for more than seven (7) consecutive days.
  - r. Search lights may be used on a commercial property to advertise a Grand Opening Event only, but shall not be utilized for more than 18 hours.

**31.7 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS:** The following regulations apply to those properties located in the A-5, A-A, A, A-2, and D Residence Districts. Any sign not expressly permitted by Section 31.6 or by these district regulations is prohibited. Unless otherwise stated each of the following sign type shall be constructed for on premise advertising purposes only.

**31.7.1 Building and Freestanding Signs.**

- a. Home Occupation. One (1) non-illuminated name plate not exceeding two (2) square feet in surface display area and attached flat against a building wall shall be permitted.
- b. Multi-Family Residential Uses and Other Permissible Uses:
  - 1. Building Signs. One wall sign not exceeding eight (8) square feet of sign surface area for each fifty (50) feet of building frontage shall be permitted provided the total surface area of building signs and freestanding signs as measured collectively, shall not exceed 24 square feet.
  - 2. Freestanding Signs. Uses having less than 100 feet of lot frontage shall not have a freestanding sign. Uses having at least 100 feet of lot frontage may have one freestanding sign not to exceed 24 square feet of sign surface area provided the total surface area of building and freestanding signs as measured collectively, shall not exceed 32 square feet. (See General Standards Section 31.2 for height and setback requirements).

**31.7.2 Outdoor Billboard Signs:** Unless expressly exempt, Outdoor Billboard Signs are prohibited in Residence Districts.

**31.8 SIGNS PERMITTED IN THE O OFFICE DISTRICT:** These regulations apply to those properties located in the O Office District. Any sign not expressly permitted by Section 31.6 or by these district regulations is prohibited. Unless otherwise stated each of the following signs shall be constructed for on-premise advertising purposes only.

**31.8.1 Temporary Signs:** One temporary sign for any of the following events shall be permitted on each lot, except that two such signs shall be permitted on

corner lots. Portable or moveable signs are prohibited. A temporary sign may have two faces with each sign face area as follows:

EVENT	Maximum Size	Maximum Time
Non-commercial Event	12 sq. ft.	30 consecutive days/calendar year
Commercial Event	60 sq. ft.	20 consecutive days/calendar year

**31.8.2 Freestanding Signs:** Offices and other permitted uses having street frontage of 100 linear feet or more shall be permitted one ground mounted, monument style sign with a maximum area of 24 sq. ft. The sign shall conform to the height and setback standards included in Section 31.2.

Such signs shall provide a landscape bed of at least three (3) feet in width from all sides of the sign base. The landscape bed shall consist of natural materials such as grass or mulch and shall include a minimum of 6 shrubs, having a size as stipulated by Section 30-A.14.2.8.

**31.8.3 Building Signs**

- a. Any business or other permissible use shall be permitted one (1) square foot of Building Sign surface area for each foot of building frontage that fronts the principal dedicated street, or the façade that contains the main entrance to the building.
- b. Where a building contains multiple tenants, building signs may be calculated by individual unit as measured from interior wall to interior wall of the tenant space. Each tenant shall be permitted one (1) square foot of Building Sign surface area for each foot of building frontage that fronts the principal dedicated street, or the façade that contains the main entrance to the building.

**31.8.4 Outdoor Advertising Signs:** Outdoor Billboard Signs are prohibited in the Office District.

**31.9 SIGNS PERMITTED IN E RETAIL, F LIGHT INDUSTRIAL AND G HEAVY INDUSTRIAL DISTRICTS:** The following regulations shall apply to those properties located in the E Retail, F Light Industrial or G Heavy Industrial District. Any sign not expressly permitted by Section 31.6 or by these district regulations is prohibited. Unless otherwise stated each of the following signs shall be constructed for on-premise advertising purposes only.

**31.9.1 Temporary Signs:** One temporary (not portable or moveable) sign for any of the following events shall be permitted for each business, except that two such signs shall be permitted on corner lots. Such signs may have two faces with each sign face area as follows:

EVENT	Maximum Size	Maximum Time
Non-commercial Event	12 sq. ft.	30 consecutive days

Commercial Event	60 sq. ft.	20 consecutive days/calendar year
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**31.9.2 Portable or Movable Signs:** Any free-standing sign, including but not limited to "A" frame, or inverted "T" shaped structures, including those signs mounted on wheeled trailers, shall be permitted for retail uses only in accordance with the following provisions:

- a. Portable signs are permitted for grand openings, advertising charitable or community-related events and the like. Being temporary in nature, such portable signs may be permitted for a period not to exceed twenty (20) days in a calendar year per establishment.
- b. All illuminated portable signs shall comply with the requirements of Section 31.2.1 and the National Electric Code.
- c. No portable sign shall be located closer than one-half the setback distance from the building setback, to the street right-of-way line.
- d. No portable sign shall exceed 32 square feet in surface display area.
- e. Only one portable sign shall be permitted per property.

**31.9.3 Freestanding Signs**

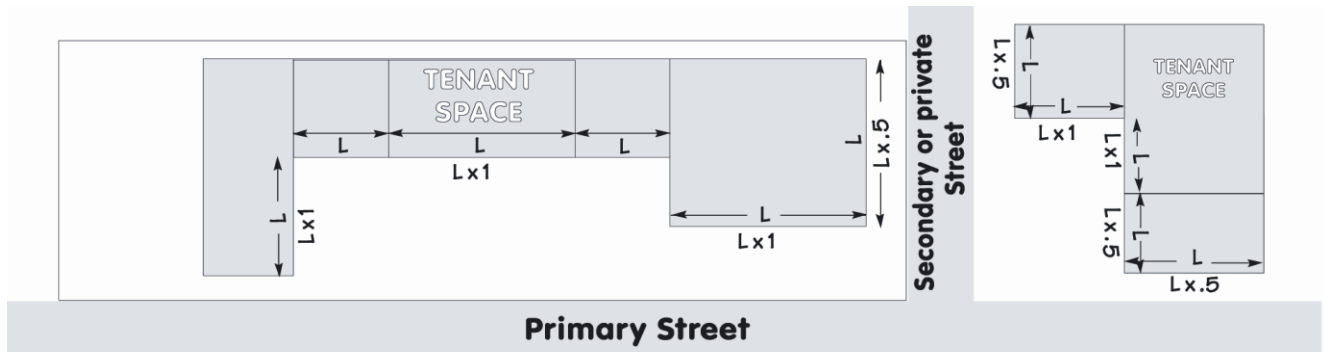
- a. Businesses and other permitted uses having less than 50 feet of lot frontage shall not have a freestanding sign.
- b. Businesses and other permitted uses having street frontage in excess of 50 linear feet shall be permitted one ground mounted, monument style sign with a maximum area of 32 sq. ft. The sign shall conform to the height and setback standards included in Section 31.2.
- c. Such signs shall provide a landscape bed of at least three (3) feet in width from all sides of the sign base. The landscape bed shall consist of natural materials such as grass or mulch and shall include a minimum of 6 shrubs, having a size as stipulated by Section 30-A.14.2.8.
- d. A shopping center (containing in excess of five (5) different tenants) shall be permitted one joint identification sign for the principal entrance which shall not exceed 75 square feet of sign area. In addition, such shopping centers that front on a second street shall be permitted a second sign (not to exceed 24 square feet) at a secondary entrance if the lot frontage on such secondary street is 500 feet or more. The sign shall conform to the height and setback standards included in Section 31.2.
- e. Businesses and other permissible uses may include variable message centers on the freestanding sign, provided that the message center does not occupy more than eighty (80) percent of the allotted sign area, that the running copy is not displayed, and that a minimum flash rate shall not be less than 10 seconds.

**31.9.4 Building Signs**

- a. Any business or other permissible use shall be permitted 1 square foot of Building Sign surface area for each foot of Building Frontage as measured along the length of the building façade that fronts the principal dedicated street, or the façade that contains the main entrance to the building. For other Building Frontage, signs may not exceed .5 square foot of sign surface area.



- b. Where a building such as a shopping center contains multiple tenants, building signs may be calculated by individual unit as measured from interior wall to interior wall of the tenant space. Each tenant shall be permitted 1.0 square foot of Building Sign surface area for each foot of building frontage that fronts the principal dedicated street, or the façade that contains the main entrance to the building. For tenant space facing another street frontage, such as a secondary public street, private street or private access drive, signs may not exceed .5 square foot of sign surface area per foot of building frontage occupied by the tenant space.
- c. In addition to wall or building signs located on the primary building, a gas station canopy shall be permitted fifteen (15) square feet of sign face area, to be located on any side of a canopy that fronts a public street right-of-way, private street or private access drive.



NOTE: The building sign surface area may be used on any facade of the tenant space

**Figure 31.9.4A**  
**Shopping Center Signage**

**31.9.5 Standards for Outdoor Billboard Signs:** Outdoor Billboard Signs are only permitted to be constructed along roadways that are identified as Major Arterials or Minor Arterials on the Hamilton County Thoroughfare Plan pursuant to the following provisions:

**31.9.5.1 Zoning Certificate Required:** Unless expressly exempted, no outdoor advertising sign shall be erected, constructed, permanently enlarged, expanded, materially altered, relocated or reconstructed unless a Sign Zoning Certificate evidencing the compliance of such sign with the provisions of this Article shall have first been issued by the Township Zoning Inspector.

**31.9.5.2 Location Standards:** No outdoor advertising sign shall be constructed:

1. as a roof sign;
2. within 20 feet of the right-of-way line of any street or highway;
3. as a ground sign more than 40 feet above the grade of the lot or location being occupied by such sign

**31.9.5.3 Size:** The maximum area of an outdoor billboard shall be 150 square feet.

**31.9.5.4 Temporary Enlargements:** The use of cut-outs, extensions and embellishments is expressly permitted provided such are a temporary addition to a sign face displayed no more than 120 days appurtenant to a particular advertising message and that same are to be limited to 25% of the size of the applicable sign face.

**31.9.5.5 Exemptions:** The following sign-related activities shall be exempt from the provisions of this Article and shall not require a zoning certificate:

- a. Nonconforming. Outdoor advertising signs existing on or before the effective date of this Resolution shall be allowed changes in the poster advertisement or reader board. Further modifications are prohibited.
- b. Routine Maintenance. Routine sign maintenance including cleaning, re-painting, replacing lamps and ballast and electrical components and changing of lettering or parts of signs designed to be regularly changed.

**31.9.6 State Permit:** In addition to the Zoning Certificate and permits required pursuant to this Section, a state permit issued by the State Director of Transportation may also be required prior to issuance of any Final Zoning Inspection Certificate for outdoor advertising signs located within 660 feet of streets that are part of the interstate or primary highway systems.

**31.9.7 General Spacing:** An affidavit certifying compliance with the spacing requirements stated below must be provided by the applicant. Measurement shall be computed along the edge of pavement of the thoroughfare from which the sign is intended to be viewed beginning at a point perpendicular to the outdoor advertising sign and measured along the edge of pavement of all intersecting thoroughfares.

No outdoor advertising sign shall be constructed within 1000 feet of any other outdoor advertising sign located on either side of the roadway and facing the same traffic flow.

**31.9.8 Buffer Spacing:** An affidavit certifying compliance with the spacing requirements stated below must be provided by the applicant. Measurement shall be computed along the edge of pavement of the thoroughfare from which the sign is intended to be viewed beginning at a point perpendicular to the off-site advertising sign and measured along the edge of pavement of all intersecting thoroughfares.

- a. **Distance from Residences:** No outdoor advertising sign shall be located within 300 feet of any parcel located in any residential district or recorded

residential subdivision including residential districts and subdivisions in adjacent jurisdictions.

- b. **Distance from Special Facilities:** No outdoor advertising sign shall be located within 500 feet of any park, natural preserve, scenic roadway, school, cemetery, historic site or area, hospital, retirement home or government building.
- c. **Distance from Scenic and Historic Areas:** No outdoor advertising sign shall be located within 200 feet of a tunnel, bridge, underpass or overpass if such structure is immediately adjacent to a Scenic Roadway or Historic Site or Area.
- d. **Location of Advertising for Tobacco and Alcohol Products:** No outdoor advertising sign advertising any tobacco product or alcoholic beverage, whether constructed prior to or since the adoption of this Resolution, shall be located within 500 feet in any direction of any school, hospital, retirement home, cemetery, religious institution or park.

**31.10 Variances:** Any party refused a zoning certificate for a sign application due to size, height or setback regulations, may appeal the decision of the Township Zoning Inspector to the Board of Zoning Appeals.

**31.11 Definitions**

<b>A. FREESTANDING SIGNS</b>	
Ground Sign	A permanent freestanding sign other than a pole or pylon sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure. Such sign may also be known as a monument sign.
<b>B. BUILDING SIGNS</b>	
Awning / Canopy Sign	A building sign that is mounted or painted on or attached to an awning or canopy and does not project vertically above or horizontally beyond the physical dimensions of such awning or canopy.
Marquee Sign	A building sign attached to a marquee, canopy or awning projecting from or supported by the building at main entrances.
Projecting Sign	A building sign which projects more than 18 inches from and is supported by a wall of a building and does not extend beyond the minimum required setback line or into and over street right-of-way, and not less than 8.5 feet at its lowest point, above sidewalk or ground level.
Wall Sign (Facia Sign)	A building sign which is attached directly to a building wall and which does not extend more than eighteen (18) inches therefrom nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall.
Window Sign	A building sign permanently affixed to, in contact with, or inside a window; installed for purposes of viewing from outside the premises. This does not include merchandise located in a window.
<b>C. TEMPORARY SIGNS</b>	
Temporary Sign	A sign which is neither permanently anchored to the ground nor permanently affixed to a structure, nor mounted on a chassis, and intended to be removed after a limited period of display.
Balloon Sign	A temporary sign on an inflated nonporous object filled with air or other gas.
Banner Sign	A temporary sign in the nature of a flag, pennant, streamer or ribbon
Construction Sign	A temporary sign located on premises, which provides information pertaining to the builder, owner, project, or the contractor constructing the development.
Development or Business, New	A temporary sign used to identify a business or development that begins commercial activity at a new location or that changes its name. Such sign shall be removed following the construction of the tenant's permanent sign.
Event Sign, Commercial	A temporary sign used to display a commercial message related to a special event, offer, service or other similar advertisement.
Event Sign, Non-Commercial	A temporary sign used to display a non-commercial message such as: Now Hiring, Now Placing, etc.

Festival Banner Sign	A temporary sign on a banner related to public festivals installed on public property or in the public right-of-way.
Festival Device Signs	A temporary sign on balloons, umbrellas and similar devices.
Flag, Pennant or Other Moving or Animated Sign	Any temporary sign or part of such sign that changes physical position by any movement or rotation of that gives the visual impression of such movement or rotation.
Political Campaign Sign	A temporary sign advertising candidates or soliciting votes in support of or against any proposition or issue at any general, primary, special, school or any other election.
Public Event Banner Sign	A temporary sign on a banner, which provides information on current or upcoming public events, attached to a facility owned or controlled by the County or any agency thereof and which is not be installed more than 2 weeks before the event.
Real Estate Sign	A temporary sign located on premises containing land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease.
<b>D. MISCELLANEOUS SIGN TERMS</b>	
Address or Building Number Sign	A freestanding or wall sign which identifies the address of the property.
Billboard Cut-out	A treatment employed to enhance the quality of a sign by removal, deletion, or omission of any portion of the sign.
Billboard Embellishment	A temporary treatment employed to enhance the quality of a sign that reflects a community design theme, an historic period or artistic style.
Billboard Extension	A treatment employed to enhance the quality of a sign by addition of a sign face area or projection thereof.
Bulletin Board, Institutional	A sign located on the property owned or operated by a public, religious, institutional, school, library, community center or similar institution which is used to identify the name of the institution or organization and the announcement of its services or activities.
Canopy	See Awning / Canopy Sign Definition
Changeable Copy Sign	An sign designed so that the characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign; also known as a reader board.
Clear Sight Distance Triangle	The triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being 20 feet from the intersecting lines. .
Clearance ( <i>of a Sign</i> )	The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade. (Compare "Height")
Directional or Informational Sign	An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, and which may include the identification of the building or use but does not include any advertising message.
Facade	That portion of an enclosed building facing the street or that wall of a building through which there is primary access for customers. Where more than one business occupies the same building the facade for each business shall be that portion of the building occupied by the business which faces the street or which provides the primary access.
Face Change	The removal or replacement of an existing surface display panel where the remaining structural frame is not changed. The changing of the copy or poster on bulletin boards and billboards is not considered a face change.
Flashing Sign	A sign that uses an intermittent, moving or flashing light source to attract attention.
Frontage, Building	Total lineal feet of enclosed building length along the facade that fronts the principal dedicated street, or the facade that contains the main entrance to the building.
Frontage, Street or Lot	Total lineal feet of right-of-way or easement of access along the front yard of a lot.
Frontage, Principal	The street which the developer selects to be the main entrance.
Frontage, Secondary	The street which the developer selects to be the secondary access to the development.
Gas Pump Signs	Informational matter appearing on gasoline pumps as purchased or installed.
Government Sign	Any temporary or permanent sign erected and maintained for any official governmental purpose.
Height ( <i>of a Sign</i> )	The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade. ( <i>Compare: "Clearance"</i> ) When base of the sign structure is below grade of street, measure height from grade of street. When base of the sign structure is above grade level of street, measure height from ground grade.
Historical Marker	A type of memorial sign limited in content to the identification of an historical building or structure or the site of an historical event.
Identification Sign	A sign giving the name, trademark of other readily recognized symbol or address, or any combination thereof, of a building, business, development or establishment on the premises where it is located.
Illuminated Sign	A sign either internally or externally illuminated.

<b>D. MISCELLANEOUS SIGN TERMS (CONTINUED)</b>	
Joint Identification Sign	A sign which serves as common or collective identification for a group of businesses operating on the same building lot. Such signs may name the businesses included but carry no other advertising.
Logo	A business trademark or symbol.
Maintenance	The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.
Marquee	Any fixed hood (other than a canopy or awning), which is supported solely by the building to which it is attached, consisting of metal or other incombustible material and which included a sign or advertising announcement. The location of marquees shall be restricted to the main entrance to a building.
Memorial Plaque	A plaque designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface.
Nonconforming Sign	Any sign which was lawfully erected in compliance with applicable regulations of the County and maintained prior to the effective date of this Zoning Resolution, and which fails to conform to all applicable standards and restrictions of this Resolution.
Off-Premises Directional Sign	A sign designed to guide vehicular and/or pedestrian traffic to places of worship, to businesses, to places that provide commodities, services, entertainment or attractions at a location other than the premises on which the sign is erected.
Outdoor Billboard (Off-Site) Advertising Sign	An advertising sign whose message relates to a business, service, commodity, or profession being conducted, sold or offered at a location other than the premises on which the sign is erected.
Official Flag or Emblem	A flag or emblem of a government or of a membership organization.
On-Premises (On-Site) Sign	A sign which directs attention to a business, commodity, service, entertainment or attraction sold or offered on the premises on which the sign is erected.
Portable Sign or Moveable Sign	A sign not permanently anchored or secured to either a building or the ground, but usually anchored or secured to a trailer, vehicle (where the primary purpose is to advertise) or frame capable of being moved from place to place.
Premises	Any tract or tracts of land which comprise a single, integrated development or use of such land. For the purpose of this Article 31, an outparcel along the perimeter of a shopping center or similar multi-tenant use, that contains a freestanding building and a parking area separate from the shopping center as indicated on an approved site plan shall be considered a premises separate from the premises of the shopping center.
Roof Sign	A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable or hip roof or the deck line of a building with a mansard roof.
Public Service Sign or Device	A sign or device displaying only the time, temperature, stock market quotations or civic messages by means of a lampbank.
Sign	Any object, device, or structure, or part thereof, situated outdoors or indoors and intended to be visible from the exterior of the structure which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem on any nation, organization or nations, state, county, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product or business logo.
Sign Graphics	Any lettering, numerals, figures, designs, symbols or other drawing or images used to create a sign.
Sign Structure or Support	Any structure that supports or is capable of supporting a sign, including decorative cover.
Snipe Sign	A sign for which a permit has not been obtained which is attached to a public utility pole, light pole, service pole or supports for another sign.
Surface Display Area	All solid surface areas of a sign, excluding air space. Structural members bearing no sign copy shall not be included
T-Frame Sign	A sign whose structure or frame is in the form of a "T" upon which one or more sign faces may be hung or otherwise attached.
Variable Message Sign	A sign containing a computer generated message such as a public service, time, temperature or date, where different copy changes of a public service or commercial nature are shown. on the same lampbank or message facility.
Vending Machine Sign	Any sign fastened to or painted on a vending machine which directly relates to the product contained in the machine.

**D. MISCELLANEOUS SIGN TERMS (CONTINUED)**

Vehicular Sign	Signs on parked vehicles or boats visible from the public right-of-way or shoreline where the primary purpose of the vehicle or boat is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purpose of this ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.
Visible	Capable of being seen, whether or not legible, without visual aid by a person of normal acuity.
Warning Sign	A sign limited in content to messages conveying warning, caution or danger.

## ARTICLE 32

### NON-CONFORMING USES

**Sec. 32.0** The lawful use of any dwelling, building or structure and any land or premises as existing and lawful as of November 23, 1974, may be continued although such use does not conform to the provisions of this Resolution or amendment. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

**Sec. 32.1** Whenever the use of any dwelling, building or structure and of any land or premises becomes non-conforming through an amendment of this Resolution or Maps, such use may be continued and, if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification.

**Sec. 32.2** In the event that a non-conforming use of any dwelling, building or structure and of any land or premises, or any development and/or preliminary plan of a subdivision which has been approved by official action of the Regional Planning Commission, and/or the Board of Township Trustees of Crosby Township on or after November 23, 1974, is voluntarily discontinued, or less than five percent (5%) completed for two (2) years or more, any future use thereof shall be in conformity with the provision of this Resolution. For purposes of this section “voluntarily discontinued” shall mean no construction, development and/or occupancy of the building or land for the non-conforming use or subdivision for a period of two (2) years or more.

**Sec. 32.3** Except as hereinafter provided in Article 35 no existing building or premises devoted to a use not permitted by this Resolution in the District in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, or structurally altered, unless the use thereof is changed to a use permitted in the District in which such building or premises is located. Provided however that in the case of an existing dwelling in the “H” Flood Plain District, this shall not prohibit normal building maintenance and repairs or the construction of a building or appendage such as a garage or storage shed, porch, fence or similar structure normally accessory thereto and not involving substantial structural alterations in the dwelling itself.

**Sec. 32.4** When a building, the use of which does not conform to the provisions of this Resolution, is damaged by fire, explosion, Act of God or the public enemy, to the extent of more than sixty percent (60%) of its reproduction value, it shall not be restored unless the relocation of such use shall have been authorized by the Board in the manner provided in Article 35. This section shall not apply to the restoration of a single-family dwelling.

## ARTICLE 33

### “PUD” PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

**Sec. 33.0** The regulations set forth in the Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the “PUD” Planned Unit Development Overlay District. It is the purpose of this district to provide sites for the uses permitted herein at the appropriate locations in relation to the existing and potential development of their surroundings to afford an attractive setting for such uses and to harmonize with the surroundings.

#### **Sec 33.1 District Designation and Applicability**

The PUD Overlay District is an overlay of alternative regulations, including procedures and standards that are applicable to all land zoned O, E, F, and G within the jurisdiction of these regulations in accordance with the provisions of this Article. The PUD Overlay District is established on the official zoning map. This overlay district enables individual property owners to request administrative approval of PUD plans on their property in accordance with the provisions of this Article.

#### **Sec. 33.2 Authority**

The Zoning Commission may, in accordance with the procedures and standards set out in this Article and other regulations applicable to the district in which the subject property is located, approve a development plan for a PUD for any use listed as a principally permitted use in the O Office, E Retail, F Light Industrial and G Heavy Industrial Districts.

##### **33.2.1 Approval of PUD Applications**

Proposed planned unit developments that exceed the intensity thresholds identified in Articles 18, 19, 20 and 21 shall require administrative approval of a PUD Plan (Planned Unit Development Plan) by the Crosby Township Zoning Commission and certification of a Final Development Plan by the Township Zoning Inspector.

##### **33.2.2 Approval of Modifications of Specific Requirements**

The specific requirements in this Resolution for lot areas, height, yards, buffers, perimeter setbacks, parking, landscaping, signs, lighting, and noise shall apply to all planned unit developments unless they are modified by the Crosby Township Zoning Commission with specific findings that the general standards in Section 33.5 will still be met.

#### **Sec. 33.3 Effect of PUD Listing**

##### **33.3.1 Compliance with Zoning Requirements**

Each proposed development plan shall be evaluated by the Crosby Township Zoning Commission on an individual basis. This shall be done in relation to its compliance with the standards and conditions set forth in this Article and with the standards for the district in which it is located, in order to determine whether



approval of the development plan is appropriate at the particular location and in the particular manner proposed.

### **33.3.2 Compliance with Other Requirements**

Nothing in this Article shall be deemed to prohibit or unreasonably limit any use guaranteed by state or federal law.

## **Sec. 33.4 Review Procedure for PUD Plans**

### **33.4.1 Pre-application Conference**

Prior to preparing or submitting a complete application for PUD Plan approval, an applicant shall meet with the Township Zoning Inspector to present the concept of the proposed development and to discuss the procedures and standards for development plan approval. The pre-application conference is intended to facilitate the filing and consideration of the development plan and complete application consistent with adopted plans and applicable zoning regulations. No representation made by the Township Zoning Inspector during such conference or at any other time shall be binding upon the Township with respect to the application subsequently submitted.

### **33.4.2 Applicant**

A PUD Plan application may be filed with the Township Zoning Inspector by the owner or lessee of the subject property or other person having a legal or equitable interest in the subject property.

### **33.4.3 Application**

An applicant for a planned unit development shall file an application on a form or forms provided by the Township Zoning Inspector with a PUD Plan. The plan for the use and development of the tract shall be submitted as a detailed plan meeting the requirements of a final Development Plan as defined in Section 4.2.

### **33.4.4 Zoning Commission Hearing and Decision**

Within ten (10) to forty-five (45) days following receipt of the PUD application determined to be complete, the Commission shall hold a public hearing. At the conclusion of the public hearing, the Commission shall, on the basis of written findings relative to the standards set forth in Section 33.5, either (1) approve the PUD Plan; (2) approve the PUD Plan subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) disapprove the PUD Plan.

### **33.4.5 Effect of PUD Plan Approval**

The approval of a PUD Plan by the Crosby Township Zoning Commission as being in compliance with standards of approval pursuant to this Article shall not be considered to be an amendment or supplement to this Zoning Resolution and,

in accordance with Section 519.021 of the Ohio Revised Code, shall not be subject to referendum for the purpose of Section 519.12 of the Ohio Revised Code.

Upon final approval of a PUD Plan by the Zoning Commission in the PUD Overlay District, the Township Zoning Inspector shall revise the official zoning map to add the PUD designation. This action shall not be considered to be an amendment or supplement to this Zoning Resolution and, in accordance with Section 519.021 of the Ohio Revised Code, shall not be subject to referendum for the purpose of Section 519.12 of the Ohio Revised Code.

**Sec. 33.5 General Standards for PUD Plan Approval:** In determining whether a PUD Plan filed pursuant to this Article shall be approved or recommended for approval, the Township Zoning Inspector and the Crosby Township Zoning Commission shall apply the following general standards.

- 33.5.1** Compliance with this Zoning Resolution and with the purposes of the Zone District in which the proposed use and development is to be located;
- 33.5.2** Applicability of and consistency with adopted objectives and policies of the Crosby Township Land Use Plan;
- 33.5.3** Compliance with any architectural design guidelines adopted by the Crosby Township Trustees;
- 33.5.4** Compatibility with surrounding land uses;
- 33.5.5** Whether the size and physical features of the project area enable adequate protection of surrounding property and orderly and coordinated improvement of property in the vicinity of the site;
- 33.5.6** Whether the proposed phasing of the development is appropriate and the development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant;
- 33.5.7** Whether the proposed development is served adequately and efficiently by essential public facilities and services which are in existence or are planned;
- 33.5.8** Whether significant scenic or historic features, as identified in plans recognized by the Crosby Township Trustees, are adequately conserved;
- 33.5.9** Whether modifications of the zoning or other regulations are warranted by the innovative design of the development plan;
- 33.5.10** The adequacy of proposed pedestrian circulation system to insulate pedestrian circulation from vehicular movement;
- 33.5.11** The adequacy of the provisions for visual and acoustical privacy.

### **33.6 Final Development Plan – Certification of PUD Plan Compliance**

**33.6.1 Review:** Upon receipt from the applicant of a Final Development Plan, the Township Zoning Inspector shall review the application to determine if it is complete, including any modifications required in conjunction with the approval by the Zoning Commission.

**33.6.2 Decision:** Within fourteen (14) calendar days of receipt of the completed application, the Township Zoning Inspector shall either (1) certify that the Final Development Plan complies with the approved PUD Plan; or (2) refuse to certify the Final Development Plan for lack of compliance with the approved PUD Plan.

**33.6.3 Effect:** A Final Development Plan as finally approved and certified in accordance with the provisions of this Article shall not be modified, except pursuant to Section 33.7.

**33.7 Adjustments to PUD Plan:** Adjustments to an approved PUD Plan or previously approved Final Development Plan may be considered minor or major and shall be reflected on a Final Development Plan. Such adjustments may be considered provided there is no modification of written conditions of approval or of recorded easements. Further, any modifications must be in substantial conformity with the intent of the PUD approval. For any adjustments of a technical or engineering nature, the applicant shall submit a report from the appropriate public agency assuring compliance with agency regulations.

**33.7.1 Minor Adjustments:** The Township Zoning Inspector has the authority to consider minor adjustments through the procedure defined in Section 33.6. Minor adjustments shall be the minimum necessary to overcome a particular difficulty or to achieve a more functional and desirable use of the property than was initially anticipated. No adjustment shall result in a violation of any standard or requirement of this Resolution nor create or extend any previously approved variance. Minor adjustments shall be limited to altering the location of structures, circulation elements, open space or grading where such alterations will comply with the intent of all perimeter setbacks and buffer yards that are required by any regulation or by the approved PUD plan.

**33.7.2 Major Adjustments:** Any adjustment to the PUD Plan within the criteria of Section 33.7 but not authorized by Section 33.7.1 shall be considered a major adjustment. The Zoning Commission, following notice to all adjacent property owners of the PUD, shall hold a public hearing within ten (10) to forty five (45) days of receipt of the completed Final Development Plan application. At the conclusion of the public hearing, the Commission may approve an application for a major adjustment to the PUD Plan not requiring a modification of written conditions of approval or recorded easements. Findings shall be made that any changes in the plan as approved will be in substantial conformity with the intent of such PUD Plan. If the Commission determines that a major adjustment is not in substantial conformity with the intent of such PUD Plan as approved, then the

Commission shall review the request in accordance with the procedures set forth in Section 33.4.

### **33.8 Appeals:**

**33.8.1 Appeal of Zoning Commission Decision:** Any party aggrieved by the administrative decision of the Zoning Commission for a PUD or a major adjustment concerning compliance with PUD standards may appeal within thirty (30) days of the date of decision to the Township Trustees.

**33.8.2 Appeal of Township Zoning Inspector's Decision:** Any party aggrieved by the decision of the Township Zoning Inspector concerning the certification of a Final Development Plan or a decision regarding a minor adjustment, may appeal within thirty (30) days of the date of decision to the Zoning Commission.

**33.8.3 Appeal of Township Trustee's Decision:** Any party aggrieved by the administrative decision of the Township Trustees in the case of an appeal pertaining to a PUD or adjustment may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

## ARTICLE 34

### ADDITIONAL USE, HEIGHT, AND AREA REGULATIONS, AND EXCEPTIONS

**Sec. 34.0** The district regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the district regulations appearing elsewhere in the Resolution.

**Sec. 34.1** Public, semi-public, or public service buildings, hospitals (except as otherwise provided), institutions, or schools, when permitted in a District, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each required yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the District in which the building is built.

**Sec. 34.2** Single-family dwellings in the “A-A”, “A”, and “A-2” Residence Districts may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height. In the “A-2” Residence Districts, an enclosed garage when attached to the main building, may extend into the required side yard, but shall not be closer than five (5) feet to the side lot line, provided further that there shall be no living quarters above or behind said garage.

**Sec. 34.3** Church spires, domes, flagpoles, aerials, antennas, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stocks, derricks, conveyors, stage towers, or scenery lofts, tanks, water towers, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height.

**Sec. 34.4** Any lot of record on the effective date of this Resolution may be used for any single-family dwelling irrespective of the width of area of said lot; the width of the side yard of any such lot need not exceed ten percent (10%) of the width of the lot; the depth of rear yard of any such lot need not exceed twenty percent (20%) of the depth of the lot, provided, however, that in no instance shall the minimum dimensions of the side and rear yards be less than three (3) feet and ten (10) feet respectively.

**Sec. 34.5** Buildings on through lots and extending through from street to street may waive the requirements for a rear yard by furnishing an equivalent open space in lieu of such required rear yard.

**Sec. 34.6** In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one half of the alley width may be included as a portion of the rear or side yard as the case may be.

**Sec. 34.7** Accessory buildings that are not a part of the main building shall be built in the rear yard and shall not be less than three feet (3') from the rear and side lot lines. All accessory buildings shall not occupy more than thirty percent (30%) of the required rear yard and shall be located not less than sixty feet (60') from any front lot line. In a residential district, no more than two accessory buildings are permitted. On lots one and one half (1½) acres or less, one building shall not exceed one thousand, two hundred (1200) square feet in area, and twenty feet (20') in

height, the second shall not exceed two hundred (200) square feet in area and twenty feet (20') in height. In lots over one and one half (1-1/2) acres in size, the second accessory building shall not exceed five hundred (500) square feet in area, thirty five feet (35') in height, and shall follow the setback recommendations as provided for the second accessory building allowed for that lot as stated below. In lots greater than one and one half (1-1/2) acres and less than three (3) acres, one accessory building shall not exceed one thousand, eight hundred (1800) square feet in area, thirty-five feet (35') in height, and shall not be less than fifteen feet (15') from the rear and side lot lines. In lots of three (3) acres and less than five (5) acres, one accessory building shall not exceed two thousand, three hundred (2300) square feet in area and thirty-five feet (35') in height, and shall be less than twenty (20) feet from the rear and side lot lines. In lots five (5) acres and over, one accessory building shall not exceed three thousand, three hundred (3300) square feet in area, thirty-five feet (35') in height, and shall not be less than twenty-five feet (25') from the rear and side lot lines.

**Sec. 34.8** Accessory buildings, which are to be used for storage purposes only, may be erected upon a lot prior to the construction of the main building, but no accessory building shall be used for dwelling purposes.

**Sec. 34.9** Every part of a required yard shall be open to the sky unobstructed, except as otherwise provided in Section 32.2 and except for accessory building a rear yard, and except for the ordinary projections of skylights, sill, belt courses, cornices and ornamental features projecting not to exceed thirty (30) inches in "A-A", "A", and "A-2" Residence Districts and not to exceed twelve (12) inches in all other Districts.

**Sec. 34.10** Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required front or rear yard, but shall not be closer to any side lot line than the side yard requirement.

**Sec. 34.11** Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five (5) feet and the ordinary projections of chimneys and flues may be permitted by the Township Zoning Inspector when placed so as not to obstruct light and ventilation, but not closer than two (2) feet to any lot line in any case.

**Sec. 34.12** For the purpose of the yard requirements, a two-family or multiple dwelling shall be considered as one building occupying a single lot.

**Sec. 34.13** An open non-enclosed or screened porch, or paved terrace may project into a front yard for a distance not exceeding ten (10) feet.

**Sec. 34.14** Where forty percent (40%) or more of the frontage is occupied by buildings, the minimum front yard on any lot shall not be less than the average depths of the front yards of the two buildings on each side and within one hundred (100) feet of such lot, or where there is a building within one hundred (100) feet of the lot on one side only the minimum front yard shall be the same as that of such adjacent building, provided, however, that no yard shall be required to exceed seventy-five (75) feet in the "A-A" or "A" Residence Districts or to exceed fifty (50) feet in any other district requiring a front yard.

**Sec. 34.15** Where a lot is used for institutional, commercial or industrial purposes, more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.

**Sec. 34.16** No lot on which there is located a non-conforming use shall be reduced in area or width so as not to conform with the lot area per family and lot width requirements for the district in which such lot is located, nor shall any existing yard be reduced so as not to conform with the yard requirements thereof.

**Sec. 34.17 REQUIRED CONDITIONS FOR EXCAVATION:** No excavation of sand, gravel and other minerals shall be conducted in the township without a special zoning certificate granted by the Crosby Township Board of Zoning Appeals. The following standards and conditions shall be complied with the excavation of sand, gravel and other minerals in the Township:

**34.17.1** All equipment and buildings used in the operation shall be placed and operated in a manner to minimize noise, vibration and dust. All access ways or roads within the premises shall be maintained in a dust-free condition through surfacing or such other treatment as may be necessary.

**34.17.2** No excavation of gravel or sand or other materials shall be permitted nearer than fifty feet (50') to the boundary of an adjacent property. Any operation shall be screened by the mounding of the removed topsoil and other overburden around the excavation area to hide objectionable views from adjacent roads and other properties and; to deflect and reduce the noise. The location and height of such screening shall be shown on the plans for the operation and restoration of the area submitted for review by the Ohio Department of Natural Resources.

**34.17.3** In order to insure adequate lateral support, all sand and gravel excavations shall be located at least fifty feet (50') and backfilled to at least one hundred feet (100') from the right-of-way line of any existing or platted street, road, highway or railway, except that such excavation may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road or highway where officially approved by the Hamilton County Engineers.

**34.17.4** No excavation of sand and gravel shall be made from the banks or beds of the Great Miami River, unless approved by the Hamilton County Engineer and, where appropriate, by the Miami Conservancy District or the U.S. Corps of Engineers, with the finding that such excavation will not impair the lateral support needed for permanent stream levees.

**34.17.5** All excavations of gravel or sand shall either be made to a depth of at least five feet (5') below the water-producing depth or shall be graded or backfilled with non-noxious and on-inflammable solids to assure,

- a) that the excavated area will not collect and retain stagnant water or

- b) that the graded or backfilled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform to the contours of the surrounding area. The banks of all excavations not backfilled shall be sloped to the water line at a grade of not less than three feet horizontal to one foot vertical and such banks shall be sod or surfaced with at least twelve inches of suitable soil and seeded with grass. Soil banks shall be graded to a level suiting the existing terrain and planted with shrubs, legumes or grasses where vegetation is possible. Where floodwater exists, soil banks shall be high enough to prevent overflow of water in the gravel pits and shall be sloped, graded and seeded as herein prescribed.

**34.17.6 RESTORATION REQUIREMENTS:** In order to avoid the creation of unusable land after the excavation operation is completed, to permit, instead, continued use of the land for a purpose in keeping with the Township's overall land use plan, to avoid health and safety hazards from open pits, stagnant water and other adverse land features, and to prevent the depreciation of other property and property values, a plan shall be prepared for reclamation of the area, as required by Section 1514 of the Ohio Revised Code (O.R.C.). Such plan shall include a statement of intended future uses of the area in keeping with the aforesaid Township land use plan and shall show the approximate sequence in which the excavation and reclamation measures are to occur. The approximate timing of the reclamation of the various parts of the area and the measures to be undertaken to prepare the site adequately for its intended future use or uses in keeping with the land use plan and to comply with all the other mining and reclamation requirements of Section 1514 O.R.C.

**34.17.7** Before the beginning of any excavation operation in the township, the plan for restoration of the area shall be reviewed and approved by the Crosby Township Board of Zoning Appeals. Such approval is in addition to the approval required by the Ohio Department of Natural Resources, Division of Reclamation, with respect to surface mining.

**34.17.8** The Board of Zoning Appeals, upon receiving a request for a special zoning certificate for excavation operation in the township, will schedule a public hearing on the request and take such action thereon as, in its judgment, is in the public interest. The above listing of conditions for the operation of excavation in the township shall not be deemed to require the issuance of a special zoning certificate for any intended operation.

The Board of Zoning Appeals also shall have the power to set any additional standards and conditions for the proper operation of the proposed use which it deems to be in the public interest should it grant a special zoning certificate for an excavation operation.

**Sec. 34.18** Solid waste or sanitary landfills shall not be permitted in Crosby Township unless it is a public utility pursuant to O.R.C. 519.211, which the Township may not regulate.



**Sec. 34.19 FENCES, WALLS AND VEGETATIVE SCREENING:** The restrictions set forth shall apply to all fences and walls located in all Districts, except for fences and walls surrounding public utility structures or radio, telephone, or microwave transmission towers.

**34.19.1 Height and Open Face Area Front and Side Yard:** No fence or wall located in the front or side yard shall be built to a height greater than four (4) feet and shall have an open face area of no less than seventy-five percent (75%). Fences and walls provided in Sections 34.19.4 and 34.20 shall be exempt from these height and openness requirements. Finished side of fence shall face the abutting property.

**34.19.2 Height in Rear Yard:** No fence or wall located in the rear yard shall exceed six feet (6') in height and may be solid in construction, with no openness requirement in effect. Fences and walls provided in Sections 34.19.4 and 34.20 shall be exempt from this height requirement.

**34.19.3 Entrance Walls in Front Yard:** An entrance wall or one set of entrance walls constructed on opposite sides of an entrance street or driveway shall be allowed in a front yard if it has a maximum height of no more than six feet (6') above grade and does not extend within ten feet (10') of the road right-of-way.

**34.19.4 Retaining Walls:** A permit is required for (a) any wall retaining 6' or more or (b) retaining 3' or more constructed near a property line. Retained height shall be measured vertically from finish grade at the face of the wall to the top of the wall. The face of the wall shall be set back from a property line a minimum of one foot for every foot in height unless the wall has been designed by a structural engineer. The minimum set back shall be one foot. A permit is also required for any wall that requires an engineered drawing or permit from Hamilton County.

**34.19.5 Turned Down Slab:** A permit is required for any slab with a turned down or thickened edge of 3' or more constructed near a property line. The height shall be measured vertically from finish grade at the face of the slab to the top of the slab. The face of the slab shall be set back from a property line a minimum of one foot for every foot in height unless the slab has been designed by a structural engineer. The minimum set back shall be one foot. A permit is also required for any slab that requires an engineered drawing or permit from Hamilton County.

**34.19.6 Commercial Fences:** Except as otherwise regulated by Sections 20.1.7, 20.1.41, 20.5.4, and 30.9.2, security fences and gates shall be allowed in the F, G and HG Districts at a maximum height of six (6) feet with three (3) strands of barbed wire on top.

**34.19.7 Vegetative or Architectural Screening:** Plants that are used as a privacy screen whether by themselves or trained and supported by a structure shall be placed no closer than 3 feet to the property line and not to exceed 8 feet in height if supported by a structure such as a trellis, etc. No plants shall be used for screenings that are considered noxious weeds dangerous to the health of the community.

**Sec. 34.20 DUMPSTERS AND TRASH HANDLING AREAS FOR NON-SINGLE FAMILY DISTRICTS:** The following requirements shall apply to all dumpsters, trash handling areas, and related service entrances:

**34.20.1** Setbacks: Dumpsters, trash handling areas and related screening shall be located in compliance with the same minimum setbacks as a main building as determined by the district in which such structure is located.

**34.20.2** Location of Screen: Any such accessory use or structure shall be screened on four (4) sides by a gate, fence or wall from the view from public streets and any abutting properties located in residential, office or commercial district.

**34.20.3** Height and Construction of Screen: Any fence or wall required under this Section shall have a height no greater than seven feet (7') and no less than five feet (5'). Any wall shall be constructed in a durable fashion of brick, stone or other masonry materials with no surface left open. Any fence shall be constructed in a durable fashion of wood corner posts five inches (5") in diameter or bigger and covered with 1 x 6 nominal lumber. A double door gate of equal height of sides shall be constructed of steel corner columns. Gate doors shall be of steel construction and covered with wood or appropriate attractive covering.

## ARTICLE 34-A

### RENEWABLE/ALTERNATIVE ENERGY

**Sec. 34-A.0** The regulations set forth in this Article, or elsewhere in this resolution, when referred to in this Article, are the regulations for renewable/alternative energy in all districts in this resolution.

#### **Sec. 34-A.1 SOLAR ENERGY EQUIPMENT:**

- a) Solar energy equipment shall not be located in the front or side yard, shall meet setback and height requirements for the district and shall require a zoning permit.
- b) Rooftop solar panels shall be installed on the plane of the roof material (flush mounted) or made a part of the roof design (e.g. utilizing capping or framing compatible with the color of the roof or structure), but shall not extend above the ridgeline of the roof.
- c) For rooftop or wall mounted solar panels, all exterior plumbing lines and exterior electrical lines shall be in conduit and painted in a color scheme that matches as closely as reasonably possible the color of the structure and materials adjacent to the conduit (i.e. conduit on walls should be painted the color of the structure of the walls while conduit on roof should be the color of the roof).
- d) A ground mounted solar panel shall be subordinate in size to an accessory structure it serves, shall not exceed fifteen feet in height, is subject to lot coverage limitations, maximum number and accessory structure location requirements and shall be located in the rear yard and screened from the public right-of-way.
- e) For ground mounted solar panels, all exterior electrical lines must be in conduit and conduit and plumbing lines must be buried.
- f) Solar panels shall be placed so that concentrated solar radiation or glare shall not be directed onto other properties or roadways in the vicinity. The owner and/or occupant of the property on which the solar panels are located shall be responsible for correcting any violation of this subsection.
- g) Solar panels used exclusively for traffic control signals or devices are exempted from this section except subsection (f) above which shall apply.
- h) The applicant or owner shall be responsible for acquiring all necessary approvals from other applicable agencies.
- i) Nonfunctioning solar energy equipment shall be removed within three months of becoming nonfunctional.
- j) The system's apparatus shall be properly maintained to prevent both unsightly and unsafe conditions.
- k) Any solar energy equipment installed other than for private use must have approval of

the Crosby Township Board of Zoning Appeals for a permit.

**Sec. 34.A.2 GENERAL REQUIREMENTS FOR ALL WIND ENERGY CONVERSION SYSTEMS:**

- a) **Automatic Over-Speed Controls:** All small wind energy conversions systems shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the small wind energy conversion system.
- b) **Utility Notification:** No small wind energy conversion system shall be installed until evidence has been given that the electrical utility company has been informed of, and approved the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- c) **Tower Color:** Tower colors shall be white, off-white, gray, or neutral subdued tones, such as earth tones of green or brown. Towers shall not be finished in bright or vivid colors, nor shall the tower be used for advertising of any kind.
- d) **Minimum Setback:** Shall be set back as required by district regulations unless otherwise stated. No facility shall be located in the front or side yard.
- e) **Lighting:** Small wind energy conversion systems shall not be artificially lighted, except as required by the FAA.
- f) **Climb Prevention:** Small wind energy conversion systems shall not be climbable up to twelve (12) feet above the ground surface.
- g) **Compliance with other Regulations:** The applicant or owner shall be responsible for acquiring all necessary approvals from other applicable agencies, including but not limited to the FAA.
- h) **Noise Restrictions for Wind Energy Conversion Systems:** Unless otherwise specified, noise levels shall be controlled to prevent sound levels beyond the property line. Noise levels generated from any Wind Energy Conversion System shall not exceed 62 decibels (DBA) between the hours of 7:00 AM to 10:00 PM and 52 decibels between the hours of 10:00 PM and 7:00 AM as measured at the property line.
- i) **Maintenance:** Small wind energy conversions systems are subject to the provisions of the Property Maintenance Code and shall be maintained in working order, structurally sound, and with any surface treatments intact.
- j) **Abandoned Facilities:** Any wind energy conversion system that is not operated on a functional basis for a period of six (6) consecutive months shall be deemed abandoned. Crosby Township may order the repair or removal of said wind energy conversion system in accordance with these provisions, the Property Maintenance Code and nuisance Resolution.

**Sec. 34-A.3 MICRO-WIND CONVERSATION SYSTEMS (WECS):** A micro-WECS that has a nameplate capacity manufacturer's rating of ten (10) kilowatts or less is permitted as an accessory use structure in accordance with the following requirements:

- (a) Micro-WECS that are attached to a roof or structure are permitted provided that the measurement from the average grade to the tip of the blade of the system does not project no more than fifteen (15) feet above the highest point of the roof or exceed the maximum height of buildings permitted in the applicable zoning district, whichever is larger.
- (b) No more than two (2) wind turbines shall be permitted per lot.
- (c) The height and location of a micro-WECS shall be such that, if the system were to collapse, it would fall within the boundaries of the subject lot.

**Sec. 34-A.3.1 STAND ALONE SYSTEMS:**

- (a) May be permitted on lots with a minimum lot area of one acre.
- (b) The pole or supporting structure shall be set back a minimum distance of 110% of the height of the system.
- (c) The minimum height from finished grade to the lowest portion of the blades is twelve (12) feet.
- (d) The maximum height shall be thirty-five (35) feet measured from the average grade to the highest point on the blade or exceed the maximum height of buildings permitted in the applicable zoning district, whichever is larger.
- (e) The system shall comply with district setback standards.
- (f) No wind energy conversion system, free standing or mounted on or attached to any structure, without specific approval from the Township Board of Zoning Appeals.

**Sec. 34-A.3.2 ADDITIONAL STANDARDS:** Noise levels generated from any wind/solar facility shall not exceed forty (40) DBA at the property line.

**Sec. 34-A.4 WIND ENERGY CONVERSION SYSTEMS:** Small wind energy conversion systems are wind turbines that are designed to generate less than five (5) megawatts. They are permitted as an accessory use pursuant to the standards of this Section. WECS-Utility Scale (Large) Wind Farms are wind energy conversion systems that are designed to generate five (5) megawatts or greater.

**Sec. 34-A.4.1 SMALL WIND ENERGY CONVERSION SYSTEMS:** Small wind energy conversion systems shall conform to the following standards:

- (a) **Maximum Height:** One hundred (100) feet to the top of the rotor blade at its Highest point.
- (b) **Minimum Height of Exposed Rotors:** Thirty (30) feet.
- (c) **Minimum Setbacks:** Not less than one hundred ten percent (110%) of their height Of the top of the rotor blade measured from all:
  - (1) Property lines; and
  - (2) Overhead utility lines (except those connecting to the principal building).
- (d) **Access shall be limited by:**
  - (1) A minimum six (6) foot high fence around the base of the tower; or by,
  - (2) A tower climbing apparatus twelve (12) feet or greater above the ground or,
  - (3) A design that does not include climbing apparatus because the turbine is lowered for service.
- (e) **Additional Standards:**
  - (1) The approving authority shall adopt standards governing the location, erection, construction, reconstruction, alteration, maintenance, removal, and use of the system and the impact on public infrastructure and services.
  - (2) All access doors or panels to wind turbine towers and electrical equipment shall be lockable.
  - (3) Appropriate warning signage (e.g. electrical hazards) shall be placed on the system.
  - (4) No Wind Energy Conversion System, free standing or mounted on or attached to any structure, without specific approval from the Crosby Township Board of Zoning Appeals for systems rated 10 kilowatts or less.

**Sec. 34-A.4.2 UTILITY SCALE (LARGE) WIND FARMS (WECS):** Wind farms shall comply with the following standards:

- (a) **Maximum Height:** No turbine shall be more than one hundred fifty (150) feet in height to the top of the rotor blade at its highest point.
- (b) **Minimum Height of Exposed Rotors:** Thirty (30) feet.
- (c) **Minimum Setbacks:**
  - (1) Buildings shall be set back as required by the district regulations.

- (2) Electrical substations shall be set back not less than seventy (70) feet from all property lines that are not included with the project.
  - (3) All turbines shall be set back not less than one hundred ten percent (110%) of their height from the top of the rotor blade to all property lines.
- (d) Access shall be limited by:
- (1) A minimum six (6) foot high fence around the base of the tower; or by,
  - (2) A tower climbing apparatus twelve (12) feet or greater above the ground; or,
  - (3) A design that does not include climbing apparatus because the turbine is lowered for service.
- (e) Additional Standards:
- (1) The approving authority shall adopt standards governing the location, erection, construction, reconstruction, alteration, maintenance, removal, and use of the system and the impact on public infrastructure and services.
  - (2) All access doors or panels to wind turbine towers and electrical equipment shall be lockable.
  - (3) Appropriate warning signage (e.g. electrical hazards) shall be placed on the system.
  - (4) No Wind Energy Conversion System free standing or mounted on or attached to any structure without specific approval from the Crosby Township Board of Zoning Appeals.

## ARTICLE 35

### CROSBY TOWNSHIP BOARD OF ZONING APPEALS

**Sec. 35.0** Crosby Township Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members, to be appointed by the Trustees, who shall be residents of the unincorporated territory of Crosby Township, Hamilton County, included in the area zoned.

**Sec. 35.1** The Board shall organize, and adopt rules in accordance with the provisions of this Resolution. Meeting of the Board shall be held at the call of the Chairman, and at such times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Crosby Township Trustees and shall be a public record.

**Sec. 35.2** Appeals to the Board may be taken by any person aggrieved or by any Officer of the Township affected by any decision of the Township Zoning Inspectors. Such appeal shall be taken within twenty (20) days after the decision by filing with the Officer from whom the appeal is taken and with the Board, a notice of appeal specifying the grounds thereof. The Officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, give at least ten (10) days notice of such public hearing by one publication in one or more newspapers of general circulation in the Township and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by attorney. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal. If the zoning certificate has not been applied for within a two-year period from the time the appeal was granted, the appeal shall be null and void.

**Sec. 35.3** The Board shall be the following powers:

**35.3.1** To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by a Township Zoning Inspector in the enforcement of this Resolution.

**35.3.2** To authorize, upon appeal, in specific cases such variance from the terms of the Zoning Resolution, as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provision of the Resolution will result in unnecessary hardship, and that the spirit of the Resolution shall be observed and substantial justice done.

**35.3.3** To permit the extension of a District where the boundary line of a District divides a tract of not more than one acre in area and held in a single ownership on the effective date of this Resolution.



**35.3.4** To permit, where the boundary line of a District divides a tract of land more than ten (10) acres under a single ownership, adjustment of such a line to conform with the topography of the ground where such a tract is being subdivided and when a preliminary subdivision plan for such a tract has been approved by the Regional Planning Commission of Hamilton County, provided such a variation does not extend for a distance of more than five hundred feet (500') and does not come closer than three hundred feet (300') to any boundary of the tract.

**35.3.5** To interpret the provisions of this Resolution in a way to carry out the intent and purpose of the plan, as shown upon the Map fixing the several Districts accompanying and made a part of this Resolution, where the street layout actually on the ground varies from the street layout as shown on the maps aforesaid.

**35.3.6** To permit a variation in the yard requirements of any District where there are practical difficulties or unnecessary hardships in the carrying out of these provision due to an irregular shape of the lot, topographic or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare; and provided such variation is necessary in order to avoid confiscation, as opposed to special privilege or convenience.

**35.3.7** To authorize or deny any of the uses in the "G" Heavy Industrial Districts set forth in Article 21, Sec. 21.1.3 and the Board may require the installation, operation, and maintenance, in or in connection with the proposed use, of such devices and methods of operation as may, in the opinion of the Board be reasonably required to prevent or reduce odor, dust, smoke, gas, noise or similar nuisances, and may impose such conditions regarding the extent of open spaces between it and surrounding properties as will tend to prevent or reduce the injury which might result from the proposed use to surrounding properties and neighborhood.

**35.3.7.1** To authorize or deny structures and renewable/alternative energy uses in the flood plain after public hearing if it should be determined that the proposed use is in the public interest considering all the relevant factors enumerated in Section 22.2.

**35.3.8** To authorize by the granting or denial of a special zoning certificate after public hearing, for any of the following uses, including such buildings and structures as are necessary for the operation in a District from which they are prohibited by this Resolution.

**35.3.8.1** Parking lots on land, the farthest point of which shall not be more than two hundred feet (200') from the boundary of an office, Commercial or Industrial District.

**35.3.8.2** The location and erection and use of private radio transmitter and towers in a district in which they are prohibited.

**35.3.8.3** The alteration and conversion of single-family dwelling to a two-family dwelling, provided, however, the dwelling was in existence at the time of the adoption of this amendment, that there be no enlargement of the existing building, that no living unit contain a total of less than three hundred (300) square feet of floor area and that the minimum lot area contained in the lot or tract of land will be twenty percent (20%) greater than the lot area required in the District in which they are located.

**35.3.8.4** The restoration of a non-conforming use damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty percent (60%) of its reproduction value.

**35.3.8.5** In authorizing such special zoning certificate, the Board may impose such special conditions, as it shall deem desirable under the circumstances, to reduce the adverse effect of the above uses upon the preservation of the character and development of the District in which such uses are located.

**35.3.9** To grant or deny a special zoning certificate for the extraction of sand and gravel and other minerals in the Township pursuant to Section 34.17.

**Sec. 35.3.10** To permit or deny the issuance of a zoning certificate for renewable/alternative energy structures and uses as a conditional use in the township pursuant to Section 34-A.

**Sec. 35.4** In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the Office from whom the appeal is taken.

**Sec. 35.5** The Board shall act by resolution, in which three (3) members concur and every variance granted or denied shall be accompanied by a written finding-of-fact, based on testimony and evidence and specifying the reason for granting or denying the variance.

**ARTICLE 36**

**AMENDMENTS**

**Sec. 36.0** Amendments or supplements to the Zoning Resolution may be made in the manner provided in Chapter 519 of the Ohio Revised Code.

**ARTICLE 37**

**REPEAL**

**Sec. 37.0** This Zoning Resolution may be repealed as provided in Chapter 519 of the Ohio Revised Code.

**ARTICLE 38**

**ENFORCEMENT**

**Sec. 38.0** It shall be the duty of the Township Zoning Inspector to enforce this Resolution.

**ARTICLE 39**

**APPLICABLE PROVISIONS**

**Sec. 39.0** This Resolution has been passed under the authority of Chapter 519 of the Ohio Revised Code and embraces the provisions thereof regarding enforcement and penalties for violations.

<b>ARTICLE 40</b>
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**VALIDITY**

**Sec. 40.0** If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. All resolutions or parts of resolutions of Crosby Township, in conflict with any regulations, provision, amendment or supplement of this Resolution, are to the extent of such conflict hereby repealed.

## ARTICLE 41

### VIOLATIONS AND PENALTIES

#### Sec. 41.0 PROCEDURES UPON DISCOVERY OF VIOLATIONS

**41.0.1 Initial Written Notice:** If the Township Zoning Inspector finds that any provision of this Resolution is being violated, a written notice shall be sent to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it and the time period allowed for corrections. Additional written notices may be sent at the Township Zoning Inspector's discretion.

**41.0.2 Final Written Notice:** A written final notice (the initial written notice may be the final notice) shall be sent to the person responsible for such violation. It shall state what action the Township Zoning Inspector intends to take if the violation is not corrected and shall advise that the Township Zoning Inspector's decision or order may be appealed to the Board of Zoning Appeals in accordance with the provisions of Article 35.

**41.0.3 Citation:** If no action is taken within the time period allowed for corrections, cessation, or appeal to the Board of Zoning Appeals, a citation to the Clerk of Courts or the matter will be scheduled for court hearing. If no action is taken within these twenty (20) days, additional citations may be issued each day the violation remains not in compliance. Each day the violation occurs after the citation is issued is a separate offense.

**41.0.4 Emergency Enforcement:** Notwithstanding the foregoing, in cases when delay would seriously pose a danger to the public health, safety, or welfare, the Township Zoning Inspector may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 41.3.

#### 41.1 PENALTIES AND REMEDIES FOR VIOLATIONS

**41.1.1 Civil Penalty and Appeals:** Any act constituting a violation of the provision of the Resolution or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Conditional Use Zoning Certificates or Final Development Plan approval shall subject the offender to a civil penalty in accordance with Section 41.6.

A civil penalty may not be appealed to the Board of Zoning Appeals if the offender was sent a final notice of violation in accordance with Section 41.2 and did not appeal to the Board of Zoning Appeals within the prescribed time.

**41.1.2 Other Enforcement Actions:** This Resolution may also be enforced by any appropriate equitable action.



**41.1.3 Multiple Citations:** Each day that any violation continues (for each citation) after notification by the Township Zoning Inspector that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in the Article.

**41.1.4 Multiple Remedies:** Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Resolution.

## **Sec. 41.2 ZONING CERTIFICATE REVOCATION**

**41.2.1 Grounds for Revocation:** A Zoning Certificate may be revoked by the Township Zoning Inspector in accordance with the provision of this section if the recipient of the certificate fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Article, or any additional requirements lawfully imposed in connection with the issuance of the Zoning Certificate.

**41.2.2 Procedure:** Before a Zoning Certificate may be revoked, all of the notices, hearings and other requirements shall be complied with. The notice shall inform the certificate holder of the alleged grounds for the revocation.

**41.2.3 Notice:** Before a Zoning Certificate may be revoked, the Township Zoning Inspector shall give the recipient of the certificate ten (10) days notice of intent to revoke the certificate and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the certificate is revoked, the Township Zoning Inspector shall provide to the holder of the Zoning Certificate a written statement of the decision and the reason therefore.

**41.2.4 Effect of Revocation:** No person may continue to make use of land or buildings in the manner authorized by any Zoning Certificate after such certificate has been revoked in accordance with this section.

## **Sec. 41.3 JUDICIAL REVIEW**

Every final decision of the Board of Zoning Appeals under this Article shall be subject to review by the Court of Common Pleas.

## Sec. 41.6 FEES

**41.6.1 Board of Zoning Appeals Fees:** A fee is required at the time a variance is filed. Fees are non-refundable.

### 41.6.2 Civil Penalties for Zoning Violations

<u>Type of Violation</u>	<u>Cost Per Day</u>		
	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>	<u>3<sup>rd</sup></u>
Junk Vehicle	\$100	\$140	\$260
Storage of Boat, Trailer or other type of RV	\$100	\$140	\$260
Main Structure	\$100	\$140	\$260
Accessory Structure (Fences, Signs, Pools, Sheds, etc)	\$100	\$140	\$260
Yard Requirements	\$100	\$140	\$260
Usage	\$100	\$140	\$260
Violation of Terms	\$100	\$140	\$260
Failure to obtain Zoning Certificate	\$100	\$140	\$260

- A second violation means a second violation of the same type with the same ownership.
- A third violation means a third violation of the same type per property with the same ownership.

## ARTICLE 42

### REMEDIES

**Sec. 42.1** In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of any regulation, provision, amendment or supplement of this Resolution, the Trustees, the Prosecuting Attorney, the Township Zoning Inspector of Crosby Township, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunctions, mandamus abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

## ARTICLE 43

### LIMITATION

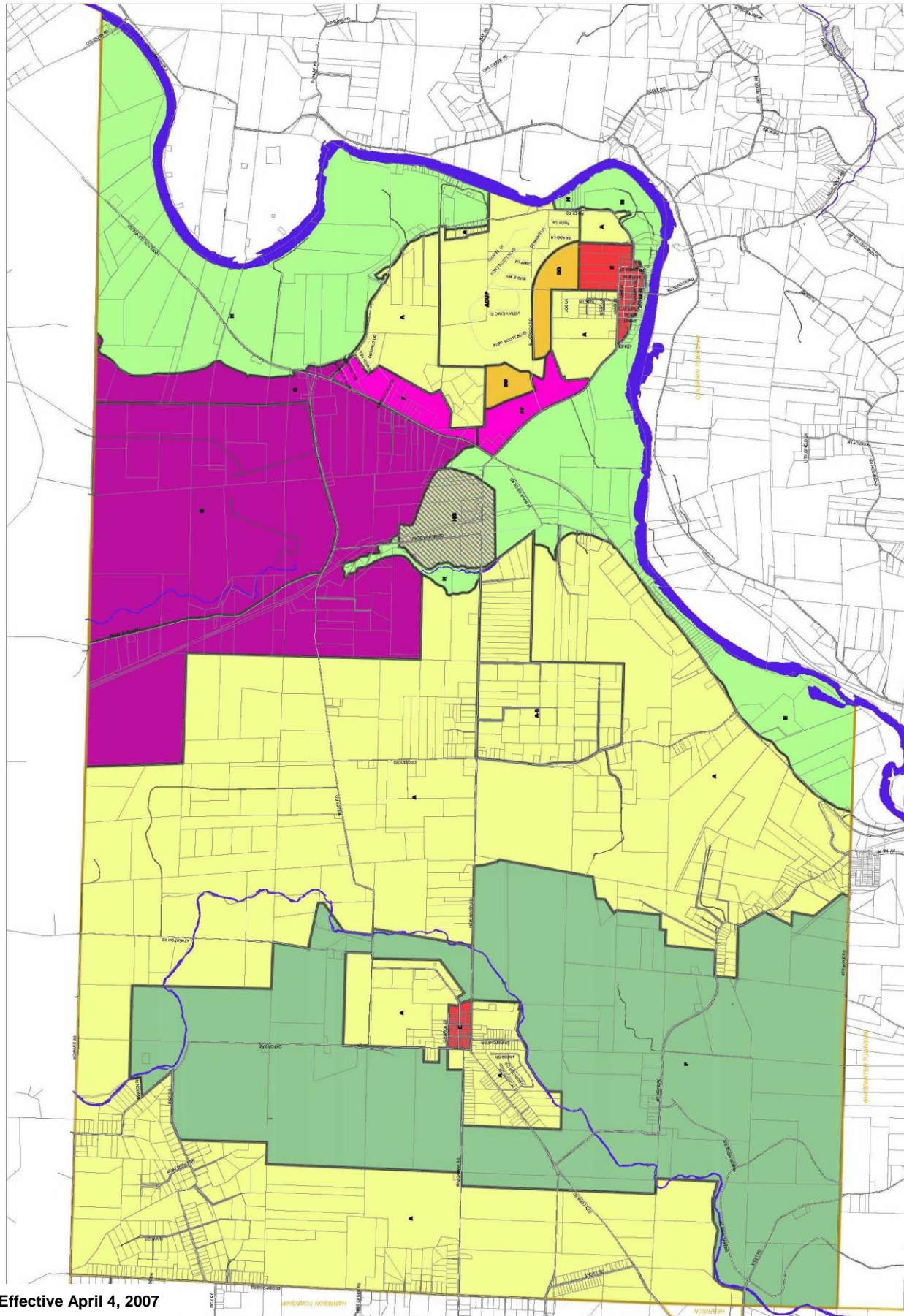
**Sec. 43.0** Where the Zoning Commission grants or denies a zone change application and/or the Board of Trustees grants or denies or modifies the same application, then a re-application for a zone change for the same tract of land or any portion thereof shall not be accepted by the Zoning Commission until one (1) year has elapsed from the decision of the Zoning Commission or the Board of Trustees, whichever is later.

**ARTICLE 44**

**WHEN EFFECTIVE**

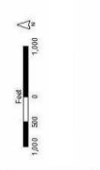
**Sec. 44.0** This Resolution shall be in full force and effect from and, after the earliest period allowed by law.

# Appendix A Zoning Map



rpc  
Regional Planning  
Commission

THE INFORMATION ON THIS MAP WAS OBTAINED FROM THE FOLLOWING SOURCES: AERIAL PHOTOGRAPHS, GROUND SURVEYS, AND RECORDS OF THE TOWNSHIP ENGINEER. THE TOWNSHIP ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE AREAS SHOWN ON THIS MAP AND HAS FOUND THE INFORMATION TO BE ACCURATE. THE TOWNSHIP ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE AREAS SHOWN ON THIS MAP. THE TOWNSHIP ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE AREAS SHOWN ON THIS MAP. THE TOWNSHIP ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE AREAS SHOWN ON THIS MAP.



- Riverfront
- Single Family
- Multi Family
- Heavy Industrial
- Retail
- Parcels
- Heavy Industrial Floodplain
- Park
- Rivers & Streams
- Civil Boundaries

**Crosby Township Zoning**

Effective April 4, 2007

# **Appendix B**

## **Outside Lighting - Recommended Guidelines**

**(Supplemental to Section 30.7)**

A. Height Range by Activity Level;

Low: 10 ft. to 16 ft. Medium: 10 ft. to 24 ft. high: 10 ft. to 32 ft. (also should not exceed permitted building height).

B. Average luminance by Activity Level;

Low: 1.0 foot-candle; medium: 2.0 foot-candle; high: 3.0 foot-candle

C. Maximum Illumination(foot-candles) by Activity level;

Low: 5.0 foot-candle; medium: 10.0 foot-candle; high: 15.0 foot-candle.

D. Uniformity of Illumination(maximum/minimum foot-candle ratio);

Should not exceed 15:1.

E. Illumination of Access Drive;

Should not exceed average foot-candles maintained at adjacent public road.

F. Color Rendition;

- 1.) Metal Halide or Quartz Incandescent Luminaries should be used where color quality may affect the public interest
- 2.) High Pressure Sodium Luminaries should only be used where cost and energy efficiency are essential and color quality will not adversely affect the public interest.
- 3.) Mercury Vapor and Low Pressure Sodium Luminaries are unacceptable within public view.

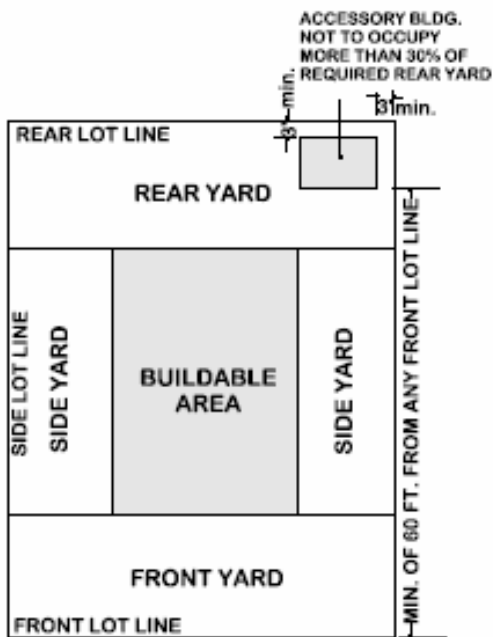
G. Glare Control;

- 1.) All outdoor lighting for non-residential uses should be located, screened, or shielded so adjacent lots in residential districts are not directly illuminated.
- 2.) No outdoor lighting should be of such intensity or brilliance as to cause glare or to impair the vision of drivers, pedestrians, employees, or neighbors.
- 3.) Perimeter lighting should be a cut-off (“shoe box” type) fixture that results in not more than .5 foot-candle at adjacent residential property lines.

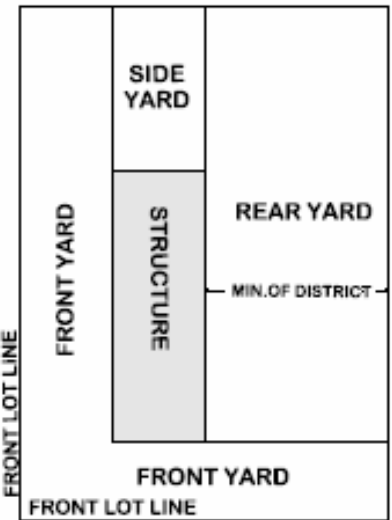
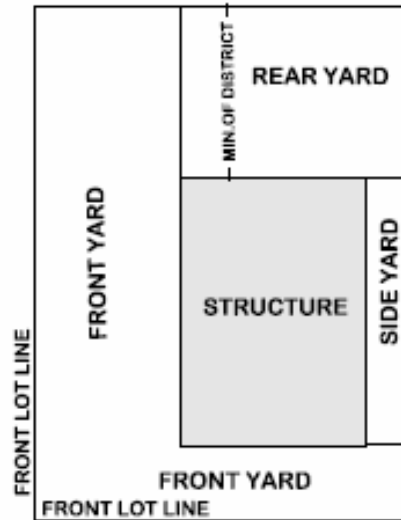
# Appendix C

## Illustration of Lot, Yard, and Building Requirements

### BUILDABLE AND NON-BUILDABLE AREAS



### REAR YARDS ON CORNER LOTS

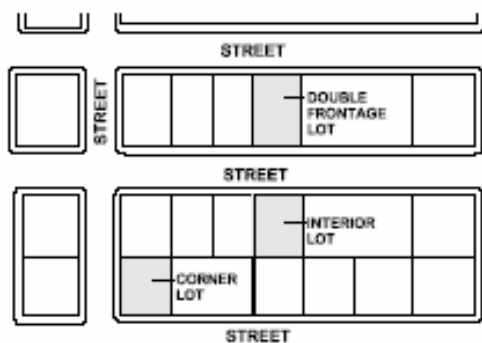


REAR YARD OPTION 1

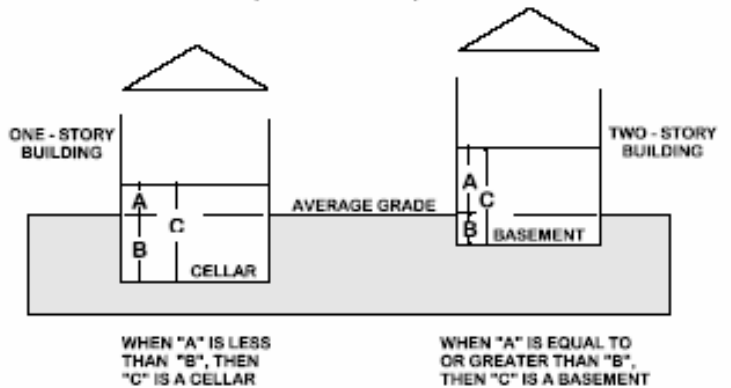
REAR YARD OPTION 2

On corner lots the rear yard is generally considered to be parallel to the street upon which the lot has its least dimension as depicted in "Rear Yard Option 1". However, the rear yard may be approved parallel to the street upon which the lot has its greatest dimension, if the minimum distance from the structure to the rear property line complies with the minimum rear yard setback required in the zone district as depicted in "Rear Yard Option 2".

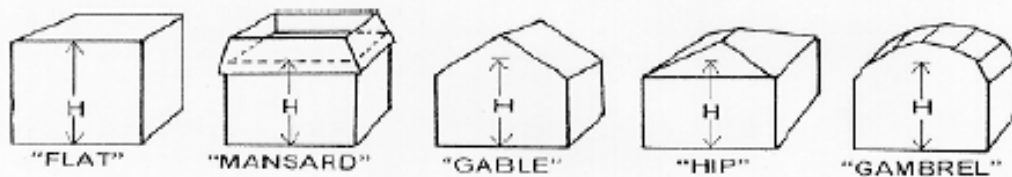
### LOT TYPES



### CELLAR, BASEMENT, AND STORY



### MEASUREMENT OF BUILDING HEIGHTS BY ROOF TYPE



Building Height is measured as the vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs excluding elevator shafts, chimneys and other structures.



## Appendix D

### Recommended Plant List

#### Recommended Canopy Trees

Botanical/Common Name	Height at Maturity
<i>Acer rubrum</i> (Red Maple)	65'
<i>Acer saccharum</i> (Sugar Maple)	90'
<i>Fraxinus americana</i> 'Rosehill' (Rosehill Ash)	90'
<i>Fraxinus pennsylvanica</i> 'Marshall's Seedless' (Marshall's Seedless Ash)	80'
<i>Gleditsia triacanthos inermis</i> 'Shademaster' (Shademaster Honeylocust)	70'
<i>Quercus rubra</i> (Red Oak)	90'
<i>Tilia cordata</i> (Littleleaf Linden)	60'
<i>Ulmus hollandica</i> (New Dutch Elm)	70'

#### Recommended Understory Trees

Botanical/Common Name	Height at Maturity
<i>Amelanchier laevis</i> (Allegheny Serviceberry)	30'
<i>Crataegus</i> species (Hawthorne)	15-28'
<i>Koelreutaria paniculata</i> /Goldenraintree)	30'
<i>Malus</i> species & cultivars (Crabapple)	10-30'
<i>Pyrus calleryana</i> 'Aristocrat' (Aristocrat Pear)	30'

#### Recommended Evergreen Trees

Botanical/Common Name	Height at Maturity
<i>Picea abies</i> (Norway Spruce)	90'
<i>Pinus nigra</i> (Austrian Pine)	80'
<i>Pinus strobus</i> (White Pine)	100'

#### Recommended Deciduous Shrubs

Botanical/Common Name	Height at Maturity
<i>Forsythia intermedia</i> (Border Forsythia)	8'
<i>Hamamelis virginiana</i> (Common Witchhazel)	12'
<i>Hydrangea quercifolia</i> (oakleaf Hydrangea)	5'
<i>Ligustrum obtusifolium regelianum</i> (Regal Privet)	6'
<i>Lonicera fragrantissima</i> (Winer Honeysuckle)	10'
<i>Myrica pennsylvanica</i> (Northern Bayberry)	12'
<i>Spiraea vanhouttei</i> (Vanhoutte Spirea)	6'
<i>Viburnum dentatum</i> (Arrowwood Viburnum)	8'
<i>Viburnum prunifolium</i> (Blackhaw Viburnum)	10'

**Appendix D**  
**Recommended Plant List**  
**(continued)**

**Recommended Evergreen Shrubs**

<b>Botanical/Common Name</b>	<b>Height at Maturity</b>
Juniperus pfitzeriana (Pfitzer Juniper)	8'
Taxus media 'densiformis' (Dense Yew)	4'
Taxus media 'Hicksii' (Hick's Yew)	10'

## Appendix E

Fee Schedule (as established by Crosby Township Trustees)

<b>RESIDENTIAL ZONING CERTIFICATES</b>	<b>AMOUNT</b>
Accessory Buildings	\$ 75.00
Additions	\$ 150.00
Additions over 1,000 sq. ft.	\$ 150.00
Apartments/Condominions Permit (plus \$50 per unit)	\$ 350.00
Decks	\$ 135.00
In-Home Occupation	\$ 100.00
Revision to Existing Permit	1/2 original cost
Single Family	\$ 300.00
Swimming Pools	
Private In-ground	\$ 100.00
Private Above-ground	\$ 100.00
Retaining Walls/Expanded Driveway/Satellite dish/Outdoor wood Boilers	\$50.00
<b>COMMERCIAL ZONING CERTIFICATES</b>	
Alterations/Shoring	\$ -
Churches	Same as commercial
Commercial Additions	Same as commercial
Commercial/Industrial - .10 per sq. ft.	\$500.00 minimum
	\$2000.00 maximum
Crosby Township	\$ -
Fences	\$ 50.00
Gravel Mining	\$ 1,100.00
Parking Lots – new or expansion	\$ 75.00
Telecommunications tower	\$ 1,000.00
Additional dish or antenna attached to tower	\$ 500.00
Temporary Tent	\$ 100.00
<b>OTHER CERTIFICATES</b>	
Antennas above 25'	\$ 35.00
Board of Zoning Appeals (only) (1 meeting)	\$ 300.00
(With Zoning Commission – 2 meetings)	\$ 500.00
Fences	\$ 50.00
Lot Splits or Combinations per lot	\$ 50.00
Outdoor Furnaces	\$ 50.00
Retaining Walls	\$ 25.00
Signs/Billboards	
\$110.00 + \$1.00 per sq. ft. over 32 sq. ft. (maximum \$175.00 per sign)	
Sign Face Changes	\$ 75.00
Temporary Sign	\$ 75.00
Zone Change	\$ 500.00
Zoning Commission	\$ 462.00
Zoning Resolution	\$ 20.00

<b>Miscellaneous</b>	
Lot split - Per New Log	\$ 150.00
Non-Conforming Use Certificate	\$ 100.00
Change of Use Certificate	\$ 150.00
Solar Panels	\$ 75.00
Lot Consolidation	\$ 50.00
<b>Board of Zoning Appeals</b>	
Variance	\$ 350.00
Compatible Non-Conforming Use	\$ 400.00
Conditional Use	\$ 400.00
Re Zoning Application	\$ 500.00
(Adjacent Property Owners and Legal Notices Applicants pay all charges)	
No permit required for utility building 200 sq ft or less	

**All Zoning checks should be made payable to “Crosby Township Trustees”**