

FOWLER TOWNSHIP ZONING REGULATIONS

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FOWLER TOWNSHIP ZONING RESOLUTION

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ZONING RESOLUTION FOR FOWLER TOWNSHIP

A Resolution providing for the zoning of Fowler Township by regulating size and use of buildings and structures, the area and dimensions of lots and yards and the use of lands, and for such purposes, dividing the township into zones and districts of such number, sizes and shapes as are deemed best suited to carry out said purposes, and providing a method of administration and enforcement of this Resolution.

Whereas, the Board of Trustees of Fowler Township deem it necessary in the interest of the public health, safety, morals, comfort and general welfare of said Township and its residents to establish a general zoning plan for the area of said Township.

Now therefore, be it resolved, by the Board of Trustees of Fowler Township:

SECTION 1: PURPOSES

For the purpose of promoting health, safety, morals, comfort and general welfare; to conserve and protect property; to stabilize and preserve individual citizens' property values; to secure the most appropriate use of land; and to facilitate adequate but economical provisions of public improvements all in accordance with a comprehensive plan, the Board of Trustees of Fowler Township find it necessary and advisable to regulate the location and size of buildings and other structures, including tents, cabins and trailer coaches, percentages of lot areas which may be occupied, set-back building lines, size of yards, courts and other open spaces, density of population, administrative procedures to enforce the rules, regulations and requirements of this resolution, the use of buildings and other structures, including tents, cabins and trailer coaches and the use of land for trade, industry, residence, recreation, or other purposes and for such purposes divide the area of the Township into districts or zones.

SECTION 2: DISTRICTS

For the purpose of carrying out the provisions of this Resolution, the area of the Township is hereby divided into the following districts:

- A. RESIDENTIAL – which shall be designated as “R-1 and R-2” Districts
- B. RESIDENTIAL APARTMENTS – which shall be designated as “RA” Districts
- C. COMMERCIAL – which shall be designated as “C-1, C-2 and C-3” Districts
- D. INDUSTRIAL AND MANUFACTURING – which shall be designated as “I” districts
- E. MOBILE HOME PARK – as defined and regulated by OH 3733 of the Ohio Revised Code which shall be designated as “MH” districts

No building or premises shall be used and no building shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

SECTION 3: AGRICULTURE

- A. Land in an 7y district may be used for agricultural purposes. A zoning certificate shall be required for the construction of buildings incident to the use for agricultural purposes of land on which buildings shall be located. For the purpose of this Resolution, "Agricultural" shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, citriculture and animal husbandry.
- B. A zoning certificate shall be required for the construction of buildings on agriculture parcels if the use thereof is not incident to agriculture.

SECTION 4: CLASSIFICATION OF USES

For the purpose of this Resolution, the various uses of land, buildings and premises shall be classified as follows:

A. R-1 DISTRICT (RESIDENTIAL)

1. Single Family dwellings and buildings accessory thereto. Dwellings shall not be deemed to include tents, cabins designated in transient tourist trade, and trailer coaches, and/or double wide trailers.
2. The taking of boarders or leasing of rooms by a resident family provided the total number of boarders and roomers does not exceed two in any one family dwelling.
3. Conditional zoning certificates shall be required for the following R-1 district uses:
 - A. CUSTOMARY HOME OCCUPATIONS
 1. Such use shall render a service – not involve sale of tangible goods
 2. Such use shall be conducted entirely within the dwelling unit used by the person conducting the home occupation as his/her private residence
 3. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and shall not involve any extension or other structural modification of the dwelling
 4. Such use shall be conducted only by persons residing in the dwelling unit, and that such occupation does not necessitate the employment of more than two employees in addition to the proprietor's family
 5. Such use shall not involve the use of more than one-fourth of the floor area of not more than one story of the dwelling
 6. There shall be no outward evidence of such use except for not more than one sign as authorized by Section 7
 7. Proper facilities shall be provided for off-street parking for patrons' vehicles
 8. Traffic or parking generated by such home occupations shall not be significantly greater in volume or requirement than normally to be expected in a residential neighborhood
 - B. Duplexes for no more than two families.

4. The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas fumes, noise, flame or vibration and adequate facilities are provided for the storage of refuse, waste, junk and objects to be repaired and disposed of and the same are screened from view.

B. R-2 DISTRICT (RESIDENTIAL)

The following uses and no other shall be deemed class R-2 uses and permitted in all R-2 districts:

1. Any use permitted in an R-1 district shall be permitted in an R-2 district. Conditional zoning Certificates required for customary home occupations in R-1 districts are also required for those uses in R-2 Districts

2. Two family dwellings and buildings accessory thereto. Dwellings shall not be deemed to include tents, cabins designated in transient tourist trade, and trailer coaches.

3. Conditional zoning certificates shall be required for the following R-2 district uses:

- A. Government owned or operated buildings;

Government buildings shall comply with the following requirements:

All structures and activity areas, except off-street parking areas, shall be located at least 100 feet from all property lines

All points of entrance or exit shall be located no closer than 200 feet from the intersection of two major thoroughfares and/or no closer than 200 feet from the intersection of a major thoroughfare and a collector street

Such developments shall be located on major thoroughfares, at intersections of major or collector streets, or on service roads for major thoroughfares

The minimum lot area shall be one and one-half acres

B. Institutions for higher education and other educational facilities

Institutions for higher education and other educational facilities shall comply with the following requirements:

In all districts where institutions for higher education are permitted as conditional uses such facilities shall be located on major thoroughfares, at intersections of major or collector streets or on service roads of major thoroughfares

All structures and activity areas, except off-street parking area, shall be located at least 100 feet from the property lines

The minimum lot area shall be three (3) acres

All points of entrance or exit shall be located no closer than 100 feet from the intersection of two major thoroughfares and/or no closer than 100 feet from the intersection of a major thoroughfare and a collector street

C. Churches and other religious worship buildings

Churches and other religious worship buildings shall comply with the following requirements:

In all districts where churches and other religious facilities are permitted as conditional uses, such facilities shall be encouraged adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities

All points of entrance or exit shall be located no closer than Fifty (50) feet from the intersection of two major thoroughfares and/or no closer than Fifty (50) feet from the intersection of a major thoroughfare and a collector street

Such developments shall be located on major thoroughfares, at intersections of major and/or collector streets, or on service roads for major thoroughfares

All structures and activity areas, except off-street parking area, shall be located at least 100 feet from all property lines

The minimum lot area shall be one and one-half acre

D. Human Care Facilities:

Included are hospitals, sanitariums, convalescent homes, nursing homes, child day centers and homes for the aged

Prohibited uses are correctional institutions, facilities for drug, alcoholic and mental cases, half-way homes, detention homes or other facilities housing dangerous or “problem cases”

The frontage on a public thoroughfare shall be a minimum of 500 feet

The minimum side lot clearance on any side of a building shall be not less than 50% of the distance constituting the frontage of the structure

A facility catering to patients with contagious diseases shall have a lot area of not less than one acre per bed in addition to other requirements herein

The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of emission or odor, dust, smoke, gas fumes, noise, flame or vibration and adequate facilities are provided for the storage of refuse, waste, junk and objects to be repaired and disposed of and the same are screened from view.

C. RA DISTRICT (RESIDENTIAL APARTMENTS)

The following uses, and no other, shall be deemed class RA uses and permitted in all RA Districts:

1. Any use permitted in R-1 and R-2 Districts shall be permitted in an RA District. Conditional zoning certificates required for R-1 and R-2 Districts’ uses also are required in RA Districts

2. Apartment houses and/or multiple dwellings including condominiums

3. Height and bulk requirements for apartment developments of less than five acres

A. Rear Yard – There shall be a minimum rear yard of not less than forty feet (40) in depth on every lot. For every building more than twenty (20) feet in height, the rear yard shall be increased in depth one foot for each one foot of height of the building over twenty(20) feet from the established grade level

B. Side Yard - - There shall be a side yard on each side of every main building. The minimum width of each side yard shall be thirty (30) feet. If any building exceeds twenty (20) feet in height, the width of each side yard shall be increased by one foot for each one foot of height of the building over twenty (20) feet from the established grade level

C. In order to satisfy the minimum requirement of square footage per family, each apartment building must be constructed on a separate lot, as defined in this Resolution, whose dimensions satisfy the square footage minimum requirement and allowing for height and bulk requirements

4. As a further condition of the issuance of a Conditional Zoning certificate for the land use of apartment buildings, the Zoning Inspector shall require the owner or his/her representative to file a proposed plot plan with the Trumbull county Recorder in accordance with the procedure established by law for the recording of plot plans and with the Trumbull county Planning Commission

5. Upon discovery of any variation from the plot plan submitted, the Zoning Inspector shall commence a lawsuit in the appropriate court to enjoin the land use which is in violation of these requirements

6. The owner or his/her representative shall obtain a Zoning Certificate based on the Conditional Zoning Certificate prior to the construction of each building in said development

7. Other buildings constructed in "RA" Districts shall be subject to the rest of the provisions of the Fowler Township Resolution, including minimum lot widths, composition of buildings, minimum floor space, minimum lot per family, setback building lines, corner lots, rear houses, parking facilities, zoning certificates, zoning amendments, definitions, validity and Board of Appeals actions

D. C-1 DISTRICT (HIGHEST RESTRICTED COMMERCIAL USES)

The following uses, and no other, shall be deemed class C-1 uses and permitted in all C-1 Districts

1. Any use permitted in R-1, R-2 and RA Districts shall be permitted in a C-1 District. Uses requiring conditional zoning certificates in R-1, R-2 and RA Districts will be allowed in C-1 Districts without conditional zoning certificates. However, all conditions and specifications stated for customary home occupations, government owned or operated buildings, institutions for higher education and other educational facilities, churches and other religious worship buildings, and human care facilities, in R-1, R-2 and RA Districts shall also apply here

2. Professional office buildings

3. Restaurants – not including drive-ins, off-premise service or fast food outlets

4. Golf courses – not including driving tees or miniature golf courses

5. Tennis Courts

6. Private clubs/lodges

7. Publicly owned parks/playgrounds

8. Funeral homes

9. Antique shops

10. Conditional zoning certificates shall be required for the following C-1 District uses:

Health Spas

11. The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas fumes, noise, flame, or vibration and adequate facilities are provided for the temporary storage of refuse, waste, junk, and objects to be repaired and disposed of and the same are screened from view.

12. When a residential use abuts a commercial or industrial use, a buffer strip of land shall be reserved and utilized on the land which the commercial or industrial use is located and landscaping material (trees, shrubs, etc.) or a six (6) foot high fence (Commercial) or an eight (8) foot high fence (Industrial) shall be installed thereon for the purpose of blocking the view of the commercial or industrial use from a residential use abutting same. The landscaping material or fence shall be located along the inside edge of the buffer strip and not on the property line. The buffer strip shall be clear of any structures or driveways and no parking or other uses shall be permitted within the buffer strip

Buffer means a strip of land reserved for the purpose of blocking the view from a residential use of the abutting commercial or industrial use by landscaping material (trees, shrubs, etc.) or a fence to a height of at least six (6) feet commercial, eight (8) feet industrial.

If a fence is installed on the buffer strip of land, the fence shall be of a material or design sufficient to obscure a view of the abutting residential or agricultural use, the side of the fence facing the residential or agricultural use shall be finished so as to provide a good cosmetic appearance and the fence must otherwise conform to all regulations of the Fowler Zoning Resolution for "Fences".

A non-conforming use existing at the time of the adoption of this Regulation may be continued, except that if the non-conforming use is altered in any manner, including, but not limited to, alterations to the floor plan or building use or an expansion, such use shall be in conformity with this Regulation.

The regulation for fences within the setback area is modified to allow for a six (6)/ Eight (8) foot (respectfully) minimum fence, but shall not be located any closer than thirty (30) feet from the right-of-way of the street along the front property line, A non-conforming use existing at the time this Resolution takes effect may be continued except that it is altered in any capacity including floor-plan, building use or expansion,. Such use must be in conformity with the latest resolution.

The regulation for fences within the set-back area is modified to allow for a six (6) foot minimum fence, but shall not be located any closer than thirty (30) feet from the right-of-way of the street along the front property line.

Buffer and Screening requirements for Commercial or Industrial Districts:

- a. Commercial or Industrial uses abutting residentially zoned or used land

Whenever a Commercial or Industrial use abuts property either zoned or used for residential or agricultural purposes, a six (6) foot high/eight (8) foot high (respectively) "Buffer" shall be constructed of an appropriate fencing, wall or vegetative material. The buffer shall be constructed the entire length of any abutting side or rear yard with respect to the thirty (30) foot set-back rule from the front property line.

- b. Ground Mounted Mechanical Equipment:

Ground mounted mechanical equipment shall be screened from view and integrated into the landscaping concept for the site

- c. Screen Planting Requirements:

Screen plantings, where required, shall have a minimum height when planted five (5) feet and should be of such size, species and spacing as can reasonably be expected to produce a solid six (6)/eight (8) foot (respectively) screen within three years. The plants shall be placed so that mature plants can be maintained within the property line

Wherever a use permitted in the "C" District is adjacent to any Residential or Agricultural use, a ten (10) foot "Buffer" shall be required along the side yard so abutting any Residential or Agricultural use and a ten (10) foot "Buffer" shall be required along the rear yard so abutting any residential use. This "Buffer" shall provide a screen or mask or otherwise block the view of the "C" use from the residential use.

Wherever a use permitted in the "I" District is adjacent to any Residential or Agricultural use, a ten (10) foot "Buffer" shall be required along the side yard so abutting any Residential or Agricultural use, and a ten (10) foot "Buffer" shall be required along any rear yard to abutting any residential use. This "Buffer" shall provide a screen or mask or otherwise block the view of the "I" use from the residential use.

E. C-2 DISTRICT (SECOND HIGHEST RESTRICTED COMMERCIAL USE)

The following uses, and no other, shall be deemed class C-2 uses and permitted in all C-2 Districts

1. Any use permitted in R-1, R-2, RA and C-1 Districts shall be permitted in a C-2 District. Uses requiring conditional zoning certificates in R-1, R-2, RA and C-1 Districts will be allowed in C-2 Districts without conditional zoning certificates. However, all conditions and specifications stated for customary home occupations, government owned or operated buildings, institutions for higher education and other educational facilities, churches and other religious worship buildings, and human care facilities in R-1, R-2, RA and C-1 districts shall also apply here.

2. Public swimming pools, golf driving tees/miniature golf
3. Athletic fields
4. Banks, savings, finance, credit unions
5. Drug stores/pharmacies
6. Gift, craft shops, florists
7. Barber, beauty salons
8. Grocery, dairy, meat stores, butcher shops
9. Bakeries, candy stores, fruit-vegetable markets, catering establishments
10. Dry cleaning, shoe repair
11. Interior design, photography
12. Jewelry, apparel shops, tailor, shoes
13. Book stores, Film exchange
14. Dance studio
15. Dog grooming, pet shops
16. Sewing, dry goods
17. Motels, hotels and Inns not to exceed thirty (30) feet above ground level.
18. Appliances, Radio, TV
19. Taxidermist
20. Upholstery, wallpaper, tile, carpeting
21. Gas stations

22. The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas fumes, noise, flame or vibration and adequate facilities are provided for the temporary storage of refuse, waste, junk and objects to be repaired and disposed of and the same are screened from view.

F. C-3 DISTRICT (LOWEST RESTRICTED COMMERCIAL USE)

The following uses, and no other, shall be deemed class C-3 uses and permitted in all C-3 Districts

1. Any use permitted in R-1, R-2, RA, C-1 and C-2 Districts shall be permitted in a C-3 District. Uses requiring conditional zoning certificates in R-1, R-2, RA, C-1 and C-2 Districts will be allowed in C-3 Districts without a conditional zoning certificate

2. Shopping centers, plaza, malls
3. Hardware, plumbing, electrical, heating, building supply
4. Labor union facilities
5. Nurseries
6. Department stores, furniture, appliances
7. Self-service laundries, other laundries
8. Auto and truck dealers and sales
9. Fast food and drive-in restaurants
10. Lounges and bars
11. Billiards, pool halls and bowling alleys
12. Repair garages, gas stations, parking garages, public garages, car wash facilities
13. Stadiums, arenas, field houses, convention halls, auditoriums
14. Animal cemeteries
15. Other commercial uses except for prohibited uses as listed in Section 5. (Industrial and Manufacturing Uses are not permitted in C-3 Districts – See “I” District Industrial and Manufacturing)
16. The above uses shall be permitted only providing such use is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas fumes, noise, flame or vibration and adequate facilities are provided for the temporary storage of refuse, waste, junk and objects to be repaired and disposed of and the same are screened from view.

G. "I" DISTRICTS (INDUSTRIAL AND MANUFACTURING)

The following uses and no other shall be deemed class "I" uses and permitted in all "I" Districts

1. Any use permitted in R-1, R-2, RA, C-1, C-2 and C-3 Districts shall be permitted in "I" Districts

2. Any normal industrial or manufacturing use, provided such use is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas fumes, noise, flame or vibration except uses specifically prohibited in this Resolution

3. When a residential use abuts a commercial or industrial use, a buffer strip of land shall be reserved and utilized on the land which the commercial or industrial use is located and landscaping material (trees, shrubs, etc.) or a six (6) foot high fence (Commercial) or an eight (8) foot high fence (Industrial) shall be installed thereon for the purpose of blocking the view of the commercial or industrial use from a residential use abutting same. The landscaping material or fence shall be located along the inside edge of the buffer strip and not on the property line. The buffer strip shall be clear of any structures or driveways and no parking or other uses shall be permitted within the buffer strip

Buffer means a strip of land reserved for the purpose of blocking the view from a residential use of the abutting commercial or industrial use by landscaping material (trees, shrubs, etc.) or a fence to a height of at least six (6) feet commercial, eight (8) feet industrial.

If a fence is installed on the buffer strip of land, the fence shall be of a material or design sufficient to obscure a view of the abutting residential or agricultural use, the side of the fence facing the residential or agricultural use shall be finished so as to provide a good cosmetic appearance and the fence must otherwise conform to all regulations of the Fowler Zoning Resolution for "Fences".

A non-conforming use existing at the time of the adoption of this Regulation may be continued, except that if the non-conforming use is altered in any manner, including, but not limited to, alterations to the floor plan or building use or an expansion, such use shall be in conformity with this Regulation.

The regulation for fences within the setback area is modified to allow for a six (6)/ Eight (8) foot (respectfully) minimum fence, but shall not be located any closer than thirty (30) feet from the right-of-way of the street along the front property line, A non-conforming use existing at the time this Resolution takes effect may be continued except that it is altered in any capacity including floor-plan, building use or expansion,. Such use must be in conformity with the latest resolution.

The regulation for fences within the set-back area is modified to allow for a six (6) foot minimum fence, but shall not be located any closer than thirty (30) feet from the right-of-way of the street along the front property line.

Buffer and Screening requirements for Commercial or Industrial Districts:

- a. Commercial or Industrial uses abutting residentially zoned or used land

Whenever a Commercial or Industrial use abuts property either zoned or used for residential or agricultural purposes, a six (6) foot high/eight (8) foot high (respectively) "Buffer" shall be constructed of an appropriate fencing, wall or vegetative material. The buffer shall be constructed the entire length of any abutting side or rear yard with respect to the thirty (30) foot set-back rule from the front property line.

- b. Ground Mounted Mechanical Equipment:

Ground mounted mechanical equipment shall be screened from view and integrated into the landscaping concept for the site

- c. Screen Planting Requirements:

Screen plantings, where required, shall have a minimum height when planted five (5) feet and should be of such size, species and spacing as can reasonably be expected to produce a solid six (6)/eight (8) foot (respectively) screen within three years. The plants shall be placed so that mature plants can be maintained within the property line

Wherever a use permitted in the "C" District is adjacent to any Residential or Agricultural use, a ten (10) foot "Buffer" shall be required along the side yard so abutting any Residential or Agricultural use and a ten (10) foot "Buffer" shall be required along the rear yard so abutting any residential use. This "Buffer" shall provide a screen or mask or otherwise block the view of the "C" use from the residential use.

Wherever a use permitted in the “I” District is adjacent to any Residential or Agricultural use, a ten (10) foot “Buffer” shall be required along the side yard so abutting any Residential or Agricultural use, and a ten (10) foot “Buffer” shall be required along any rear yard to abutting any residential use. This “Buffer” shall provide a screen or mask or otherwise block the view of the “I” use from the residential use.

H. “MH” MANUFACTURED HOMES DISTRICT

In the MH District, only the following buildings, structures and uses shall be permitted

1. All uses permitted in R-1 and R-2 Districts subject to the same yard area, height and minimum floor provisions as in R-1 and R-2 Districts subject to the modifications contained in this sub section H.

2. Mobile Home Parks and accessory uses subject to the following regulations which are established to protect and promote a suitable environment for family life, to meet the needs and demands for the development of mobile home residential areas and to protect and conserve property values and to protect the future development of land in accordance with good planning

a. A minimum site of fifteen (15) acres with approved and installed sanitary sewers with a frontage of no less than one hundred fifty (150) foot street frontage per entrance

b. A minimum planted buffer strip twenty (20) feet wide which shall be maintained by the owner of the park. The minimum planted buffer strip shall be provided along the perimeter of the mobile home park and shall not be occupied by any structure or use nor shall it be included as a part of an individual mobile home lot but may be included in the fifty (50) foot set-back requirement

c. A lot shall be provided for each trailer with the boundaries indicated. Each lot shall be not less than five thousand (5000) square feet in area. No mobile home or other permitted structure shall be placed closer than fifty (50) feet to a front or side street property line. Two (2) parking spaces shall be provided for each mobile home lot with an area of not less than one hundred eighty (180) square feet per parking space exclusive of access thereto. Parking spaces on the access way shall not be considered as a part of this requirement.

The mobile home located upon the lot shall be so located as to provide for a fifteen (15) foot side yard clearance.

The minimum floor space of mobile homes designed and used for living quarters shall have a floor area of not less than six hundred (600) square feet. Each said mobile home shall be located upon a separate concrete pad of not less than six hundred (600) square feet, no part of which shall be included in the requirements of HE-27-09 (G) of the Ohio Department of Health Regulations.

d. Four frame tie downs are to be installed in original pad. Tie down bars to be of buried depth of at least fifty percent (50%) or more of the thickness of the pad, for securing the stability of the mobile home.

e. Accessory uses within a Mobile Home Park Development the following accessory uses and buildings shall be permitted:

1. A permanent dwelling for one family and office maintenance facilities for operation of the Mobile Home Park

2. Mobile homes offered for sale by the operator of the Mobile Home Park, provided no more than three (3) Mobile Homes are displayed. Said mobile Homes to be displayed in accordance with front and side street requirements of the development

3. One outdoor advertising sign with only the name of the Mobile home Park advertised thereon

4. Garages, Car-ports and accessory buildings provided they are placed no closer than fifty (50) feet to a front or side street property line

f. Recreation Area – An area containing no less than ten percent (10%) of the gross land area of the mobile home park shall be reserved for recreational and open space uses. Said areas may not be included in the mobile home lot nor located within the front, side or rear yard areas of the mobile home park

g. Prior to the submission of a zoning application for MH classification the owner or developer shall submit plans of the Mobile Home Park to the office of the Township Zoning Inspector in compliance with and meeting the requirements of Section 4-1 of this Resolution.

It shall be further required that a zoning permit be secured for each mobile home located in the Mobile Home Park prior to its installation. The zoning fee for mobile homes herein is the same as homes valuation. Permits for all other structures and uses within the Mobile Home Park shall be obtained pursuant to law and this Resolution. Refer to section 23: Zoning Certificate

h. Each Mobile Home lot shall be provided with water, electrical, sewer and refuse collecting facilities approved by the Ohio Department of Health, Trumbull County Board of Health, Trumbull County Building Inspector and any other governmental agency with power to regulating and controlling said facilities

i. The Ohio State Department of Health shall have approved the plans and specifications for water supply and sanitary sewerage facilities prior to the submission of plans in Subsection G above and the plans and construction and use shall conform to regulations for Mobile Home Parks, whether specified by Ohio Statutes, Ohio Department of Health, Trumbull County Health Rules or other Local Rules

j. All changes in any governmental law or regulations which are more restrictive shall automatically apply to and be incorporated herein

SECTION 4-1: PLOT AND SITE PLAN REQUIREMENTS

CONDITIONAL ZONING CERTIFICATES

In accordance and in compliance with the Zoning Resolution of Fowler Township, the following information shall be submitted with any request for a Zoning Amendment, Conditional Zoning Certificate or Zoning Certificate for RA Districts or MH Districts and its comprehensive development.

A. A Conditional Zoning Certificate shall be required for a planned unit development of an area of land thirty (30) acres or more in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes, density and set-backs, than those restrictions that would normally apply under this Resolution. Such Conditional Zoning Certificate for a planned unit development shall be required in all of Fowler Township regardless of the present classification of the property as an RA District

B. Conditional Zoning Certificates shall be required for planned unit developments under the procedures set forth herein

C. The owners of real property shall meet with the Fowler Township Zoning Inspector prior to the submission of the preliminary development plans in order to review generally the criteria of the Resolution and for each party to commence familiarization with the development and requirements of this Resolution. If the land in question requires a change in the land use map before the Fowler Township Zoning Commission, the requirements of this section shall be met at the time of submission of the application to the Fowler Township Zoning Commission for such amendment. Such development plan shall become a part of the record before the Fowler Township Zoning Commission and shall otherwise be subject to public hearings called for thereunder. If the request for amendment is approved by the Fowler Township Trustees and/or approved by the voters upon referendum within thirty (30) days of the date of final approval of said plans, said development plan, subject to the Conditional Zoning Certificate of the planned unit development, shall be submitted to the Fowler Township Board of Zoning Appeals by the Fowler Township Trustees. If no change in the Fowler Township Zoning map is required, then the development plan, including the criteria required herein, shall be submitted to the Fowler Township Board of Zoning Appeals

D. Within thirty (30) days from the receipt of the request for the Conditional Zoning Certificate for the planned unit development, either from the trustees or by submission directly from the owner, the Fowler Township Board of Zoning Appeals shall hold a public hearing thereon. Such public hearing shall be held in accordance with Section 4-2 of the Fowler Township Zoning Resolution and such Board shall render its decision approving or disapproving the issuance of the Conditional Zoning Certificate for the planned unit development within thirty (30) days after the date of the public hearing.

E. The application for the Conditional Zoning Certificate for the planned unit development shall be filed by the owner of said property for which the planned unit development is proposed. At a minimum, the application shall contain the following information filed in triplicate:

1. Name, address and phone number of the Owner
2. Name, address and phone number of registered surveyor, engineer and urban planner assisting in the preparation of the development plan
3. Legal description of the property
4. Description of existing use
5. Present zoning district
6. Proposed zoning district, if applicable

7. A comprehensive plan for the proposed site for the conditional use showing the location of all buildings, parking and loading area, access to traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yard signs and such other information as the Board of Zoning Appeals may require to determine if the proposed conditional use meets the intent and requirements of this Resolution

8. Drawings, sketches or photographs showing the character of the structure proposed for the entire area which shall show the approximate size, number and use of all proposed rooms within the structures

9. All plot plans submitted herewith shall be dated and numbered, including revisions thereto. Such drawings shall also include the name and title of the person or firm that prepared the drawing

10. Calculations of the property area, parking space area, open space area and density showing compliance with the requirements of the Fowler Township Zoning Resolution, A preliminary development plan scale showing topography, layout dimensions and names of existing and proposed streets, rights of ways, utility easements, parks and community spaces, layout dimensions of lots and building setback lines, preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas and such other characteristics as the Board may require or deems necessary

11. A narrative statement evaluating the economic effects on adjoining property, the effect of such elements as noise, glare, odors, fumes and vibrations on adjoining property, the discussion of the general compatibility with adjacent and other properties in the district, impact upon school enrollment, impact of vehicular use on the road system and such other information as may be required by the Board as it affects the particular property involved. Also to be included are estimated tax revenues generated by such development

12. If the development is to be staged, a clear projection indicating how the staging is to proceed, which statement is to include a concise development schedule for construction of all of the specific use and utility services incident thereto, open space development and such other peculiar construction that requires a definite time schedule

13. The maximum unit density shall be fifteen (15) units per gross acre

F. In approving any Conditional Zoning Certificate for a planned unit development, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution, Violation of such conditions or safeguards when made a part of the terms under which the Conditional Zoning Certificate for the planned unit development is approved shall be deemed a violation of this Resolution and subject to such remedies as may be available under Section 25 of this Resolution

G. The Conditional Zoning Certificate, upon issuance, shall be valid for a period of time not to exceed ten (10) years from the date of issuance. The initial construction under the Conditional Zoning Certificate shall commence within two (2) years from the date of issuance of the Conditional Zoning Certificate and if initial construction is not commenced within said two (2) year period the Conditional Zoning Certificate shall be null and void

H. The owner, prior to construction of any building, structure or use as provided for in the Conditional Zoning Certificate, shall obtain a zoning certificate pursuant to the provisions as prescribed by this Resolution

I. Amendments or changes in the Conditional Zoning Certificate shall be by application to and hearing before the Board of Zoning Appeals

J. No zoning amendment passed during the time period granted for the Conditional Zoning Certificate shall in any way affect the terms under which approval of the Conditional Zoning Certificate for the planned unit development was granted

SECTION 4-2: PROCEDURE AND REQUIREMENTS FOR APPROVALS OF CONDITIONAL ZONING CERTIFICATE

Conditional uses shall conform to the procedures and requirements of Sections 4 and 4-1 inclusive of this Resolution

A. It is recognized that an increasing number of new kinds of uses are appearing daily and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article ___ shall follow the procedures and requirements set forth in Sections 4 and 4-1 inclusive

B. Contents of Application for Conditional Use Permit

An application for conditional use permit shall be filed with the Chairman of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address and phone number of applicant
2. Legal description of property
3. Description of existing use
4. Present zoning district
5. Description of proposed conditional use

6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the Board may require determining if the proposed conditional use meets the intent and requirements of this Resolution

7. A narrative statement evaluating the economic effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoin property, a discussion of the general with adjacent and other properties in the district and the relationship of the proposed use to the comprehensive plan

8. Such other information as may be required in Section 4-1

C. General Standards Applicable to all Conditional Uses

In addition to the specific requirements for conditionally permitted uses as specified in Section 4, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use at the proposed location:

1. Will be harmless with and in accordance with the general objectives, or with any specific objective of the Townships comprehensive plan and/or the Zoning Resolution
2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area
3. Will not be hazardous or disturbing to existing or future neighboring uses

4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services

5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community

6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors

7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads

8. Will not result in the destruction, loss or damage of a natural, scenic or historical feature of major importance

D. Specific Criteria for Conditional Uses

The following is a list of specific requirements for conditionally permitted uses as specified in Section 4-1 and 4-1 which shall be the official schedule of district regulations:

1. All structures and activity areas should be located at least fifty (50) feet from all property lines
2. Loud speakers which cause a hazard or annoyance shall not be permitted
3. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial streets, or no closer than one hundred (100) feet from the intersection of an arterial street and a local or Collector Street
4. There shall be no more than one (1) advertisement oriented to each abutting street identifying the activity
5. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway and no lighting shall shine directly on adjacent properties
6. Such developments should be located adjacent to non-residential uses such as churches, parks, industrial or commercial uses

7. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area

8. Such uses should be properly landscaped to be harmonious with residential uses

9. Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities

10. All permitted installations shall be kept in a neat and orderly condition to prevent injury to any single property, any individual or to the community in general

11. Truck parking areas, maneuvering lanes and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks and truck parking shall be limited to a time not to exceed twenty-four (24) hours

E. Supplementary Conditions and Safeguards

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 25 of this Resolution

F. Public Hearing by the Board of Zoning Appeals

The Board shall hold a public hearing within thirty (30) days from the receipt of the application specified in Section 4-1

G. Notice of Public Hearing in Newspaper

Before holding the public hearing required in Section 4-1, notice of such hearing shall be given in one (1) or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed conditional use

H. Notice to Parties in Interest

Before holding the public hearing required in Section 4-1, written notice of such hearing shall be mailed by the Chairman of the Board by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Chapter 519 of the Ohio Revised Code
Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 4-1, the Board shall either approve, approve with supplementary conditions or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional zoning permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board the applicant may seek relief through the Court of Common Pleas

J. Expiration of Conditional Use Permit

A conditional use permit shall be deemed to authorize only one particular use and said permit shall automatically expire if for any reason the conditional use shall cease for more than six (6) months

SECTION 5: PROHIBITED USES

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any District, unless such uses are permitted as a conditional use by the Fowler Township Board of Zoning Appeals:

1. Amusement park, penny arcade
2. Commercial aviation field
3. Brewery
4. Bulk petroleum station with tanks above ground, distilling or cracking plants or plants used in refining of gasoline and oil products
5. Distilling of bones, fat or glue or gelatin manufacturing
6. Manufacturing or storage of explosives, gun powder or fireworks
7. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, unless such dumping is done at a place provided or approved by the Fowler Township Trustees for specific purposes. (This section shall not be applicable to the normal care of individual lawns or gardens or pursuits incidental to agricultural purposes)
8. That an addendum be made to Section 5, paragraph G, "Prohibited Uses" regarding the dumping of hazardous waste, garbage, rubbish, refuse, scrap metal, gas or oil products, demolition debris, nuclear or radio-active materials, objectionable material which is or may become noxious, offensive, injurious or dangerous to the public health comfort or safety. No person shall bury, dump, store, stack, deposit, depose of, collect or transport the aforementioned materials within the Fowler Township boundaries or on any property locate within the Township. THIS RESTRICTION APPLIES TO ALL TOWNSHIP LANDS DESPITE THE PAST, PRESENT OR FUTURE ZONING STATUS ON SUCH LANDS
9. Junk yards, automobile grave yards defined as re-cycling centers, transfer stations, places for the collection or sale of scrap metal, salvaged automotive parts, paper, rags, glass, salvage or junk for salvage or storage purposes, storing old tires except where this use is an integral part in the manufacturing process
10. Commercial zoos or zoological parks
11. Slaughter houses
12. Trailer parks, mobile home parks, trailers and mobile homes except as permitted under MH Districts
13. Privies or outside toilet facilities

14. Raising minks, commercial fowl farm (for wholesale use), egg farm
15. Cellar houses and garage dwellings, unless approved for temporary use by the Fowler Township Board of Zoning Appeals
16. The parking or storing of an abandoned, dismantled, wrecked, inoperative, unused and/or unlicensed motor vehicle, trailer, aircraft, or piece of farm equipment or any accumulation or combination thereof, unless parked or stored in a garage, barn or other structure and not exposed to public view
17. All race tracks (horse, dog, auto, go-cart, motor bike, etc.)
18. Drive-In movie theaters
19. Captive landfills
20. Demolition Dumps

SECTION 6: NON-CONFORMING USES

1. A non-conforming use existing at the time this Resolution takes effect may be continued except that if it is voluntarily discontinued for two years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.

2. Any building or structure, existing as a non-conforming use at the time this Resolution takes effect, which is destroyed by fire or the elements may be reconstructed and restored providing the same is done within two (2) years from the date of said destruction

3. A building or structure devoted to a non-conforming use at the time this Resolution takes effect may not be altered or enlarged so as to extend said non-conforming use more than twenty-five (25%) percent in area

4. Trailer parks which are a non-conforming use hereunder shall be treated as follows:

Existing trailer parks which have no separate concrete pads and separate sanitary facilities for each trailer coach shall no permit a vacated trailer spot to be filled until such facilities are installed

Existing trailer parks with satisfactory facilities defined above may expand facilities for parking trailers up to twenty-five (25% percent of the parking spots in said trailer park at the time this Resolution takes effect and shall otherwise conform to the requirements of Section 4-1

5. When a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall no thereafter be changed to a less restricted or non-conforming use, except pursuant to law

6. When a non-conforming house trailer use has been removed from a parcel of land or lot where it was stationed, no other house trailer shall be permitted to be stationed upon said land or lot, unless there is a replacement and continued use of such house trailer space upon the same land or lot by the same owned of said land and house trailer, and then only is such new trailer is of equal or more value than the replaced house trailer. This section shall not apply to trailer parks

7. In any area where house trailers are permitted, there shall be no more than one (1) house trailer situated on any one lot. All house trailers and other moveable enclosures must conform to the building set-back line requirements, as indicated in Section 14 through 18

8. For any renewal, reconstruction, enlargement or other change of any non-conforming use, the owner of the premises must make an application to the Township Zoning Inspector for a Zoning Certificate

SECTION 7: OUTDOOR ADVERTISING

For the purpose of this Resolution, outdoor advertising shall be classified as a business use and shall be permitted in all C and I districts and all lands used for agricultural purposes, subject to the regulations contained in this Resolution

1. Signs not larger than ten (10) square feet in area shall be permitted in any district provided they are set back to the building line. Sign areas, as set forth in this paragraph, shall be measured at the extremities of the sign

2. An outdoor advertising sign or billboard, other than those mentioned in Paragraph one (1) of this section, shall be deemed a structure and shall require a zoning certificate before being erected, constructed or replaced

3. Any outdoor advertising sign in a commercial or industrial district may be set out to but not within the road right-of-way, provided said sign is not so located as to constitute a nuisance to the adjacent property owner and only advertises the business transacted on the premises where located

4. No outdoor advertising sign, except those mentioned in Paragraph one (1) and three (3) of this section shall be located within one hundred (100) feet of any intersection unless affixed to a building

5. Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway, or to annoy neighbors

6. All signs erected within one hundred (100) feet of any intersection must be erected so as not to obstruct view or cause traffic hazard

7. Any sign illuminated with electric lights (including neon or other gaseous type tubes or incandescent lamps) erected within one hundred (100) feet of an intersection where an illuminated device has been provided for the control of traffic may not duplicate in the electric light of such sign any colors appearing in the traffic control signal

8. No outdoor advertising sign or billboard shall be erected of more than six hundred fifty (650) square feet in area. Sign areas, as set forth in this paragraph, shall be measured at the extremities of the sign

9. Any outdoor advertising sign or billboard, except those mentioned in paragraphs one (1) and three (3) of this section, shall conform to the minimum setback line or existing building line scheme of said street or road

SECTION 8 : MINERAL EXTRACTION

(REMOVAL OF TOPSOIL, ETC)

A. This subsection applies only to the stripping, removal, excavation and/or hauling of top soil, gravel, clay, sand and sub-surface minerals other than oil or natural gas

B. No person, corporation, partnership or other legal entity shall commence any of the activities described in paragraph “A” above, unless a Conditional Zoning Certificate is obtained through a Public Hearing before the Fowler Township Board of Zoning Appeals

C. This subsection is applicable to all districts set forth in Section 2 of these Resolutions and to Agricultural areas (Section 3)

D. This subsection does not apply to an excavation necessary for construction of a swimming pool, driveway, walkway, wall, building or part thereof, or accessory thereto, or to the removal of top soil from one part of the lands of an owner to another part of the same premises as a landscaping or agricultural activity

E. This subsection is applicable to the excavation and construction of lakes or ponds in all districts set forth in Sections 2 and 3 of these Resolutions, (including Agricultural areas). However, in Agricultural areas, when a lake or pond is to be excavated or constructed in conjunction with an agricultural or conservation use, this subsection applies only if the lake or pond is in excess of one acre in area

F. The following information, plans, documents, etc., shall be provided to the Fowler Township Zoning Inspector with the application for a Conditional Zoning Certificate:

1. The application, in addition to any other pertinent information required by the Zoning Inspector, shall contain:

- a. the name and address of the owner
- b. the legal capacity of the person filing the application
- c. the names and addresses of all contractors or sub-contractors who will be involved in the project
- d. the name and address of the applicants architect, surveyor or engineer

e. legal description of the exact area where such activity is proposed and a legal description of the entire premises

2. A plan prepared by a duly licensed engineer or land surveyor setting forth a three-dimensional configuration of the proposed stripping or excavation, the exact condition of the area before work is commenced, the proposed condition of the area after completion of the work and the effect of the work on the drainage plan of the area

3. A written proposal as to the method of stripping and removal to be employed, the time when the work is to commence and within which it is to be completed, the type of reseeded or replanting of the area, the existing depth of the topsoil on the area, the amount of topsoil to be left in the area (if any), the ultimate proposed use of the land and the route to be used during hauling operations

G. The Zoning Inspector shall be given a reasonable opportunity to investigate the information provided in and with the application before referring the application to the Board of Zoning Appeals for a Public Hearing

H. If, after a Public Hearing, the Board of Zoning Appeals decided to grant the applicant a Conditional Zoning Certificate, it shall be granted upon such terms and/or conditions as the Board shall deem necessary for protection of the public health, safety and welfare of the Community, and such terms and/or conditions shall be made part of the Certificate and constitute limitations thereon. The Board, in its discretion, may condition the issuance of a Certificate upon the applicant posting a performance bond satisfactory to the Board in an amount determined by the Board

I. A Conditional Zoning Certificate granted pursuant to this subsection shall be limited to the area specifically described in Paragraph F-2 above, and shall not be extended laterally even on the same premises without obtaining approval for such extension by an additional application and another hearing before the Board of Zoning Appeals

J. A violation of the terms and/or conditions of a Conditional Zoning Certificate may result in the revocation of such certificate under the provisions of Ohio Revised Code 519.14

SECTION 9: PUBLIC UTILITIES AND RAILROADS

This Resolution shall not apply to public utilities or railroads

SECTION 10: MINIMUM LOT AREA PER FAMILY

Areas served by Septic Sewer Systems

1. No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than fifty thousand (50,000) square feet of lot area, unless such lot was designated on a recorded plat or separately owned at the time this Resolution took effect and cannot practicably be enlarged to conform with this requirement. Road frontage one hundred fifty (150) linear feet
2. No two (2) family or multiple dwelling shall be erected or building altered for dwelling purposes to accommodate more than one family on less than twenty five thousand (25,000) square feet of lot area per family
3. No apartment house or living quarters over a business establishment shall be erected or building altered into apartments to accommodate more than one family for each twenty five thousand (25,000) square feet of lot area
4. In computing lot areas, property within the road or street right-of-way may not be included, in spite of the fact that lot owner holds title to the same
5. In all instances covered in subsections 1, 2, 3 and 4 of this section wherein a septic tank is installed, county and state health codes regarding land area requirements must be met
6. No lot shall be divided or reduced in size or area so that its dimensions would fall below the minimum requirements of this Resolution in regard to lot area, width or setback lines

Areas Served by Sewers Connected with Approved Sewage Disposal Plants

1. No single family dwelling shall be erected or building altered to accommodate one family as a residence in less than twenty thousand (20,000) square feet of lot area, unless such lot was designated on a recorded plat or separately owned at the time this Resolution took effect and cannot practicably be enlarged to conform with this requirement
2. No two (2) family dwelling shall be erected or building altered from dwelling purposes to accommodate more than one family on less than twenty thousand (20,000) square feet in lot area

3. No apartment house or living quarters over a business establishment in a C District shall be erected or building altered into apartments to accommodate more than one (1) family for each twenty thousand (20,000) square feet of lot area. Adequate off street parking shall be provided, namely two (2) parking places for each apartment

SECTION 11: MIMIMUM LOT WIDTH

No dwelling shall be erected in any district on a lot having frontage of less than one hundred (100) feet at the building line for lots served by central sewage disposal plants and one hundred fifty (150) feet at the building line for lots served by individual septic systems unless such lot was designated on a recorded plat or separately owned at the time this Resolution took effect and cannot practicably be enlarged to comply with this requirement. No minimum lot width shall be required in a C or I district for uses other than dwellings except such as is necessary to comply with the requirements for yards and lot areas or parking facilities

SECTION 12: ROAD RIGHT OF WAY REGULATIONS FOR BUILDERS OR OWNERS

1. Driveway Crossings:

All driveway crossings are to be installed by the Fowler Township Highway Personnel. The owner of the land must furnish for the driveway a minimum of twenty (20) feet of tile or reinforced concrete pipe in the size prescribed the Fowler Township Highway Personnel. The owner must furnish the slag to be used in the installation. The township will furnish the labor for the installation

2. Concrete Driveways:

When concrete driveways are installed by the owner of the land, the concrete portion of the driveway must end at the road right of way line, or to a line within two (2) feet of the driveway tile. All permanent driveways extending into the road right of way must be of asphalt or slag construction

3. Lawn Tile in Road Right-of-Way Ditches:

The minimum allowable pipe size to be placed in highway ditches will be twelve (12) inches in diameter. The tile will be placed in the highway ditch by the Fowler Township Highway Personnel and covered by dirt by the property owner. Grading to be as follows:

Fill dirt to be one (1) inch per foot grade from edge of road to center of tile. Owner must furnish their own fill dirt. A minimum of one (1) Catch Basin per lot is to be placed by Township Personnel. Due to problems involving driveway tile, it is mandatory to contact the Road Personnel for information pertaining to such tile. The township provides the installation of such tile. Only requiring the owner or builder to furnish or supply the tile

SECTION 13: MINIMUM FLOOR SPACE

No dwelling shall have floor space designated for living quarters of less than one thousand (1,000) square feet exclusive of basements, porches, garages and breezeways

SECTION 14: COMPOSITION OF BUILDINGS

A. All structures in all Districts except dwellings, shall be constructed in accordance with the Ohio State Building Code and/or Trumbull County Building Code requirements for the structure and evidence of State or County approval of plans must be submitted with the request for a Zoning Permit Certificate

A-1. In all C-1, C-2, C-3 and I districts, mobile units are prohibited for temporary or permanent structures for occupancy as business or industrial use

B. A building or structure moved upon a parcel of land in Fowler Township shall be considered the same as a building or structure originally constructed thereon, and shall meet all the requirements in this Resolution before said building or structure is occupied or used

C. No Zoning Certificate for structures which require a Sanitary Permit from the Trumbull County Health Department may be issued until proof is presented to the Fowler Township Inspector that the applicant has obtained from the Trumbull County Health Department a Sanitary Permit or letter of application

D. Structures which are factory built, meeting the requirements of allowed structures in all districts, are permitted structures under this Resolution, provided they meet the following additional specifications and definition for industrialized units:

The assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient, or substantially self-sufficient, and when installed, constitutes the structure or part of a structure, except for preparations for its placement, and such industrialized units comply with the procedures for acceptability under sections of the Trumbull County Building Code or Ohio Building Code, and contained in Amendments January 4, 1971 entitled Group XXXVII Amendments, or Amendments thereto and further, the industrialized unit must be located on an individual lot upon a permanent foundation in compliance with this Resolution

SECTION 15: SETBACK BUILDING LINES

- A. No part of the ground area of any building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, shall be erected within fifty (50) feet of the right-of-way side line of any road or street except in areas a served by an approved sewage disposal plant where this distance may be forty (40) feet. If there is no established right-of-way for a road or street, said line shall be deemed to be thirty (30) feet from the center of the road
- B. In areas where there does now exist a building line scheme of a different dimension than mentioned in paragraph “A”, the property owner will be required to conform to said existing building line scheme
- C. Further, setback lines must conform to local, county or state highway specifications
- D. All private swimming pools shall be treated as accessory buildings for the purpose of the Fowler Township Zoning Resolution and must conform to the building setback lines, as required by Sections 14 though 18

SECTION 16 : SIDE YARDS

For every building erected in R-1 or R-2 Districts, except accessory buildings, and for any dwelling erected in any district, there shall be a minimum side yard clearance on each side of said building or dwelling of not less than ten (10) feet

Attached garages or accessory buildings permanently connected with the main building shall be construed to be a part of the main building for the purpose of this Section. Any garages or accessory buildings not connected with the main building but located within twenty (20) feet from such main building shall be subject to the ten (10) feet side yard clearance as indicated in this Section.

Any garages or accessory buildings not connected with the main building but located twenty (20) feet or more away from such main building, may be erected not less than five (5) feet from a side lot line, unless built upon a corner lot, in which case such building shall be subject to side yard clearance as indicated in Section 16

Any garage or accessory building, or main building, or dwelling, whether attached to the main building or not, shall not be erected any closer than twenty (20) feet from any existing residence on adjacent property

No side yard clearance shall be required for commercial or industrial building in C or I districts, provided however, that such buildings abutting residential districts or residential dwellings, side yard clearance as set forth above in this Section shall be applicable in such buildings

SECTION 17: CORNER LOTS

- A. The setback building line scheme on a corner lot shall be in accordance with paragraph "A" of Section 14: Setback Building lines
- B. The side yard clearance on the side street shall be at least fifty (50%) percent of the front setback line as provided in paragraph "A" of Section 14: Setback Building lines
- C. Accessory buildings shall not be located on corner lots so as to cause a nuisance to adjoining property owners, and the wall of an accessory building may not be closer to the side road or street than the wall of the main building

SECTION 18: REAR YARDS

For every building erected in any district there shall be a minimum rear lot clearance at the rear of said building of at least ten (10) feet, which space shall remain open and unoccupied by any building or structure

SECTION 19: REAR HOUSES

No dwelling or apartment house shall be erected or altered or used unless the same shall have access to a public street, and if located in the rear of another building with no immediate street frontage than there shall be provided a permanent easement for access over an unoccupied strip of land at least twenty (20) feet in width and such reserve strip of land may not form a part of any lot width or lot yard or lot area required by this Resolution, and if more than one dwelling is located in the rear of another building with no immediate street frontage than said easement for access and other requirements shall be subject to the same requirements for frontage on the easement for access and other requirements for lot and yard area as though said dwelling was located on a public street. Said easement shall be executed in accordance with the requirement provided by law for deeds and filed with the Recorder of this County. A copy of said easement certified by the Recorder of Trumbull County shall be filed with the Zoning Inspector before issuance of a Zoning Certificate

No rear house shall be built any closer than forty (40) feet from the front house or other buildings on the lot, and shall be subject to all other requirements of this Zoning ordinance pertaining to dwellings

SECTION 20: PARKING FACILITIES

1. All single family or two (2) family dwellings as described in "Classification Uses" R-1 and R-2 Districts (Residential) shall provide off-street parking facilities with means of ingress and egress thereto for not less than two (2) motor vehicles per dwelling unit. Each parking space shall be a minimum of nine (9) feet in width and a minimum of twenty (20) feet in length

2. All C-1, C-2, C-3 (Commercial) uses shall provide off-street parking facilities outside public right-of-way and not more than three hundred (300) feet distance from the entrance to said establishment of an area for parking motor vehicles as provided in the following schedule:

a. Theaters, auditoriums, churches, stadiums and other places of assembly:

One (1) parking space for each four (4) seats or persons to be accommodated

b. Dance halls, lodge halls, skating rinks, swimming pools, etc.:

One (1) parking space for each fifty (50) square feet of area used for such activity

c. Bowling Alley:

Five (5) parking spaces for each bowling lane

d. Medical buildings for physicians, dentists and optometrists:

One (1) parking space for each fifty (50) square feet of office space

e. Hospitals:

Two (2) parking spaces for each patient bed

f. Retail stores, banks, service establishments, and other office buildings:

One (1) parking space for each one hundred (100) square feet of floor area

g. Restaurants, taverns, etc. (not including drive-in restaurants):

One (1) parking space for each fifty (50) square feet of floor area or for each two (2) seats whichever results in the greater number

h. Hotels or Motels:

One (1) parking space for each room or living unit

In addition to the above, plus parking spaces shall be applicable and provided for business or services operated on in conjunction with the main use

All parking spaces shall have a minimum width of nine (9) feet and a minimum of twenty (20) feet exclusive of area for maneuverability and ingress and egress

For a specific use or building not scheduled above, the Zoning Inspector shall apply the unit measurement from the above schedule deemed most similar to the proposed use or building

3. All structures, as described in Section RA District (Residential Apartments), shall provide off street parking outside public right-of-way parking facilities on the lot allocated to that particular building based on the following schedule:

- a. One (1) parking space for each single bedroom, bachelor and efficiency living unit
- b. One and one-half (1-1/2) parking spaces for each living unit of over one bedroom in size
- c. One (1) parking space shall be provided for each four (4) living units of all sizes for visitor parking

In addition thereto, in all districts, shall be provided parking space for each employee of the business or use

In all districts, minimum requirements of off-street parking applicable to any use or building, shall continue unchanged in operation, shall not be used for automobile service or repair, and shall not be reduced below the required size as long as the main use remains, unless an equivalent number of parking spaces is provided for said use in another approved location, All parking spaces shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet exclusive of area for maneuverability and ingress and egress

4. Access ways to Parking Areas:

The location and width of entrance and exit driveways to parking areas shall be planned so as not to interfere with the use of adjoining or nearby property and with pedestrian and vehicular traffic on the adjacent streets

5. Off-Street Loading and Unloading Area:

a. Loading and unloading off-street facilities and standing space shall be provided for all business and commercial enterprises hereafter erected or altered for such use. The entire area of such facility shall be located to the rear of the setback building line scheme that is applicable or has been established for

the street or road on which it is located. Said facility shall be of such size as to accommodate any truck or vehicle of a size generally serving said business or enterprise

b. At least one (1) off-street loading and unloading facility shall be provided each use or building devoted to any business or commercial enterprise having a building floor space or use space of fifteen thousand (15,000) to twenty five thousand (25,000) square feet

One (1) additional facility shall be added for each additional twenty thousand (20,000) square feet of building floor space or use space or fraction thereof: said off-street loading and unloading facilities shall be maintained as long as the building or use is maintained

c. Detailed plot plans of off-street parking and/or loading and unloading facilities shall be submitted for approval by the Zoning Inspector before an application for a Zoning permit is approved. Such plot plans shall show number of parking spaces and/or loading and unloading facilities and locations, dimensions and description set forth in the several sections of this Zoning Resolution

SECTION 21: SATELLITE DISHES

Supplement to Residential 1 (R-1) and Residential 2 R-2 areas:

1. Satellite dishes (Microwave antennas) shall fall under the heading of accessory structures
2. Portable and fixed antennas shall be treated equally
3. These antennas must be placed in the rear yard at least five (5) feet from the side and rear yard property lines
4. Antennas over thirty (30) inches in diameter shall not be elevated more than three (3) feet above existing ground level
5. Antennas thirty (30) inches in diameter and smaller may be placed on a tower but shall not be elevated more than twenty (20) feet from existing ground level

Antennas placed on a tower must be located the same distance inside the rear and side lot property lines as the height of the tower

6. Antennas thirty (30) inches in diameter and smaller placed on the roof must be mounted on a square base using a minimum of four (4) quarter inch diameter bolts spaced at a distance equal to the diameter of the antennas

7. Wire connections from antennas larger than thirty (30) inches in diameter to the home must be conduit and at least six (6) inches underground

Supplement to Commercial areas:

1. Antennas may be placed in the front yard but must be at least half the distance of the setback line from the front property line and at least five (5) feet from the side property line
2. Antennas placed in parking lots must not decrease the parking spaces below the requirements of Section 19 Off-Street parking
3. Antennas may be placed on roofs or towers
4. All roof and tower mounted antenna installations over thirty (30) inches in diameter shall have the stamped approval and seal of a Professional Engineer stating said structural design is safe
5. Antennas larger than thirty (30) inches in diameter shall not be elevated more than ten (10) feet from ground or roof level

SECTION 22: FENCES AND WALLS

1. Visibility at Intersection:

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2-1/2) feet and ten (10) feet above the center line grades of the intersection streets un the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection

2. Fence and Wall Restrictions in Front Yards:

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and a half (2-1/2) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and a half (2-1/2) feet and ten (10) feet. In all other places, fences and walls, which are considered structures, shall not exceed six (6) feet

3. Chain link, decorative, or any other fence shall be installed with posts and decorative side to neighbor. Fences must be set back three (3) feet to allow for maintenance purposes

SECTION 23: BOARD OF ZONING APPEALS

There is hereby created by the Board of Fowler Township Trustees a Township Board of Zoning Appeals of five (5) members who shall be residents of the unincorporated territory in the township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by the Board of Fowler Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Fowler Township Trustees may approve and provide. The Board of Zoning Appeals may within the limits of the monies appropriated by the Board of Fowler Township Trustees for the purpose, employ such executives, professional, technical and other assistants as it deems necessary.

The Fowler Township Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning laws or of this Resolution of any amendments thereto
2. To authorize, upon appeal, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done
3. To grant conditional zoning certificates for the use of land, buildings or other structures if such certificates for specific uses are provided for in the Zoning Resolution

In exercising the above mentioned powers, such Board may, in conformity with the provisions of law and this Resolution and amendments thereto, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and may make such order, requirement or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken

The Township Board of Zoning Appeals shall organize, and adopt rules in accordance with the provision of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such times as the Board may determine. The chairman, or if absent, the acting Chairman, may administer oaths and the Township Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board of Fowler Township Trustees and shall be a public record

Appeals to the Board of Zoning Appeals, upon forms provided by the Zoning Inspector, may be taken by any person aggrieved or any officer of the Township affected by any decision of the administrative officer. Such appeals shall be taken within twenty (20) days after the decision by filing with the officer from who the appeal is taken and with the Board of Zoning appeals a notice of appeal specifying the grounds thereof. The officer from who the appeal is taken shall forthwith transmit to the Township Board of Zoning Appeals all the papers constituting the record upon which the action appeal was taken from

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days' notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers or general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted,. Upon the hearing, any person may appear in person or by attorney

The filing of an appeal from any decisions of the Fowler Township Zoning Inspector with the Fowler Township Board of Zoning Appeals shall suspend any action by the Zoning Inspector or other authority in a court of competent jurisdiction to enforce the provisions put in question by said appeal, except that the Fowler Township Zoning Inspector may bring an action in injunction to enjoin the appellant from further construction or use during the pendency of his appeal

Any appeal which has been resolved by the Fowler Township Board of Zoning Appeals may not be refilled nor will said Board entertain the same within six (6) months from the time of the Resolution of the original appeal

Any future changes of the Ohio Revised Code will automatically apply to the procedure written herein and supersede the same

SECTION 24: ZONING CERTIFICATE

The position of Township Zoning Inspector is hereby created. The Township Zoning Inspector and such assistants as may be determined necessary, shall be appointed by the Board of Fowler Township Trustees and shall receive such compensation as the Board of Fowler Township Trustees may provide. The Zoning Inspector shall keep records of all applications for zoning certificates and the action taken thereon

Neither the Fowler Township Zoning Inspector nor any Assistant Zoning Inspector nor Clerk shall, during the term of his/her office, be employed or engaged directly or indirectly, in any building, construction business for other or enter into any contract for building construction for others or for furnishing materials, plans, specification, or equipment for other. Nor shall any duly licensed real estate broker or salesman be appointed to the Township Zoning Inspector, Assistant Zoning Inspector or Clerk

Before constructing, locating, changing the use of or alerting any buildings, including accessory buildings or changing the use of any premises, application shall be made to the Township Zoning Inspector for a zoning Certificate. The application shall indicate the exact location of the proposed construction, alteration or change of use and shall include a plot plan, plans and specifications showing proposed locations and dimensions of the building and proposed use, all of which shall be included in the permanent record of applications. Within ten (10) days after the receipt of the application, the Zoning Inspector shall issue a zoning certificate if the proposed construction, alteration or change of use by the application is accompanied by the proper fee or shall refuse the same if it does not comply

In the event of an emergency, including fire, windstorm, flood or other act destroying totally or partially a dwelling house, building or structure, making the same uninhabitable or unusable, the Zoning Regulations herein may be temporarily suspended insofar as they may apply, at the discretion of the Zoning Inspector, by permitting a temporary structure to be used in the place of such destroyed building while the destroyed building is being repaired or replaced. Under said conditions the Zoning Inspector may permit the use of tents, trailers or buildings for a maximum of no more than twelve (12) months

A Zoning Certificate when obtained by an applicant shall not be transferred to another person or to another property and the fee paid therefore shall be non-refundable

A zoning Certificate shall expire at the end of one hundred eighty (180) days from the date of issuance, and unless construction, location, change the use of or alteration of any building or premises is not commenced within said one hundred eighty (180) day period, a new application for another Zoning Certificate must be made to the Township Zoning Inspector. For any renewal, reconstruction, enlargement or other change of any non-conforming use, the owner of the premises must make an application to the Township Zoning Inspector for a Zoning Certificate

It shall be the sole responsibility of the record owner of the real estate to secure any permit required in this Zoning Resolution, regardless of any private contract, lease or agreement to the contrary. Enforcement of this Zoning Resolution shall be against the record owner of the real estate

ZONING CERTIFICATE FEES

The following fees shall be paid prior to the issuance of a Zoning Certificate. Such fees are for the purpose of defraying the cost of inspection, certification, and maintenance of the necessary records, and may be altered from time to time by a majority vote of the Township Zoning Commission to meet existing conditions and costs. If application for a Zoning Certificate is not made prior to construction, reconstructing, locating, changing the use of or altering any building, including accessory buildings, or changing the use of any premises, the fee shall be double the fees shown on the schedule of fees for zoning permits. In addition to the penalty stated, the person, firm or corporation who fails to apply for a Zoning Certificate shall be in violation of Township Zoning Ordinances and subject to enforcement, Section 22 of Fowler Township Ordinances

NEW CONSTRUCTION, ADDITIONS OR ALTERATIONS

Agricultural, Section 3, Paragraph A, NO FEE

Residential, Business and Commercial

Costing:

\$ 0.00 to \$ 2,499.00 - \$ 10.00 fee

\$ 2,500.00 to \$ 9,999.00 - \$ 15.00 fee

\$ 10,000.00 to \$ 19,999.00 - \$ 20.00 fee

\$ 20,000.00 to \$ 29,999.00 - \$ 30.00 fee

\$ 30,000.00 to \$ 49,999.00 - \$ 50.00 fee

\$ 50,000.00 to \$ 69,999.00 - \$ 70.00 fee

\$ 70,000.00 to \$ 89,999.00 - \$ 90.00 fee

\$ 90,000.00 to \$ 99,999.00 - \$100.00 fee

\$100,000.00 and over -----1/10 of 1% of valuation

No fee required for back yard barn less than one thousand (1000) cubic feet

APPEALS TO BOARD OF ZONING APPEALS

Whenever an appeal is filed with the Board of Zoning Appeals seeking a variance or claim of special exception, the Appellant shall deposit with the Board one hundred (\$100.00) dollars in the form of cash, money order or certified check. Such deposit is necessary to pay for the expense of processing such appeal. Upon final Resolution of the appeal, cost shall be charged and a refund made if costs do not exceed the deposit. The preparation of the record before the Board of Zoning Appeals, including the official papers for further appeal by the Appellant, shall be included

CONDITIONAL ZONING CERTIFICATE FEE

A fee of one hundred (\$100.00) dollars shall be paid upon submission of request for a Conditional Zoning Certificate

OUTDOOR ADVERTISING

Signs or billboards of less than twenty (20) square feet in area - \$10.00 per unit

Signs or bill boards of more than twenty (20) square feet but not exceeding six hundred fifty (650) square feet in area - \$.75 per square foot

INDUSTRIAL

On commercial and industrial classification only, go by the valuation for residential, only double the rates

Prior to any trailer being located on a lot or replaced by another, the owner of the real estate shall apply to the Fowler Township Zoning Inspector for a permit to make such replacement. The fee shall be the same as home valuation, whether involving non-conforming trailers, trailer parks or MH Districts

No fee shall be required for the construction or alteration of a church, synagogue, public or private schools

Owners shall obtain a Zoning Certificate before new construction, additions or alterations have been started.

OWNERS SHALL PROPERLY DISPLAY ZONING CERTIFICATE CARD IN A MANNER WHICH IS CLEARLY VISIBLE FROM THE STREET.

The above said fees for Zoning Certificates shall be doubled when issued after Construction, Additions or Alterations have been started by the Owner

A receipt for all monies paid by the applicant for a Zoning Certificate shall be issued by the Township Zoning Inspector and said monies shall be turned over to the Township Trustees for proper disbursement according to law

Grandfather Clause:

This Resolution shall not be interpreted as interfering with, abrogating or annulling any ordinances, regulations, resolutions or permits previously adopted or issued by the Fowler Township Trustees except where such ordinances, regulations, resolutions or permits are in conflict with this Resolution or amendments hereto, in which event this Resolution or amendments hereto shall prevail

SECTION 25: AMENDMENTS

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Rural Zoning Commission, by the passage of a resolution therefore by the Board of Township Trustees or by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement upon forms supplied by and with the Township Zoning Commission. The Board of Township Trustees shall upon passage of such resolution certify it to the Township Zoning Commission

All applications for a Zoning classification amendment or supplement, except those initiated by motion of the Township Zoning Commission or Board of Township Trustees, when filed shall be accompanied by a deposit of Two Hundred Dollars (\$200.00) in the form of cash, bank check, money order, or certified check. Such deposit is necessary to pay for the expense of processing such applications. Upon completing the processing of such application, if the fixed expense plus the variable expense (publication costs, postage, etc.) do not require the entire deposit, then a refund of the difference shall be made to the applicant. The failure of an applicant to present a deposit at the filing will result in the rejection of the application by the Zoning commission

Upon the adoption of such motion, or the certification of such Resolution or the filing of such application the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such Resolution or the date of the adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing

If the proposed amendment or supplement intends to re-zone or re-district ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be re-zoned or re-districted to the addresses of such owners appearing on the County Auditors current tax list or the Treasurers mailing list and to such other list or lists that may be specified by the Board of County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the county or Regional Planning Commission and to the Board of Township Trustees as the case may be

Within five (5) days after the adoption of such motion or the certification of such Resolution or the filing of such application the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the Trumbull County Planning Commission

The Trumbull County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereto and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or Resolution, the text and map pertaining thereto and the recommendation of the Trumbull County Planning Commission thereon to the Board of Township Trustees

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning commission. Notice of such public hearing shall be given by the Board by one publication in one or more newspapers of general circulation in the township, at least fifteen (15) days before the date of such hearing

The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement

Within twenty (20) days after such public hearing the Board shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission the unanimous vote of the board shall be required

Such amendment or supplement adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereto included in the Zoning plan equal to not less than eight (8%) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect

Any future changes of the Ohio Revised Code will automatically apply to the procedures written herein and supersede the same

Any petition for a change of zoning classification resolved by the Fowler Township Zoning Commission of the Fowler Township Trustees may not be refilled nor will said Boards entertain the same within six (6) months from the time of the Resolution of the original petition

The Fowler Township Zoning Commission shall hold four (4) regular meetings per year and the same shall be held as follows:

- (1) Within the first ten days of January of each year
- (2) Within the first ten days of April of each year
- (3) Within the first ten days of July of each year
- (4) Within the first ten days of October of each year

SECTION 26: ENFORCEMENT

A. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this Resolution or amendment thereto. Any person, firm or corporation violating this Resolution or any regulation, provision or amendment thereto shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense

B. 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 law or of this Resolution or any amendment thereto, the Board of Township Trustees, the prosecuting attorney of this County, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement change, maintenance or use

SECTION 27: INTERPRETATION

In interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements adopted for the promotion of public health, safety, morals, comfort and general welfare

Nothing herein shall repeal, abrogate, annul or in any way impair or interfere with any provision of law or any rules or regulations other than zoning regulations adopted or issued pursuant to law relating to the construction and use of buildings or premises

Where this Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions, of law, rules, regulation, covenants or agreements, the provisions of this Resolution shall control, but nothing herein shall interfere with, abrogate or annul any easement, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this Resolution

SECTION 28: VALIDITY

Each section, sub-section, provision, requirement, regulation or restriction established by this Resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional or ineffective for any cause shall not affect nor render invalid the Resolution or amendments thereto as a whole or any part thereof except the particular part so declared to be invalid

SECTION 29: RESTRICTIONS ON CREATURES

The following creatures are prohibited in any Residential Zoning Districts (R-1, R-2 and RA) in Fowler Township

1. Predatory:

Any animal, reptile, fish, bird or insect which either bites, claws, injects venom, strangles or constricts prey in a manner that could cause serious injury or death to humans

2. Nuisance:

Animals, birds or reptiles, which emit noises or odors of an offensive nature beyond the residential property of the owner

3. Nature:

Any non-native animal, bird, reptile, fish or insect which if released or escaped, could create a threat to local ecology or proliferate to nuisance proportions

NOTE: Domestic animals, which are possessed for commercial purposes not constituting animal husbandry (example: trained dogs) may be kept in any residential zoning district in Fowler Township upon the issuance of a Conditional Zoning Certificate by the Fowler Township Board of Zoning Appeals

Predatory, nuisance and nature creatures may be maintained only as a commercial activity, such as a zoo, in a commercial zoning district in Fowler Township upon the issuance of a Conditional Zoning Certificate by the Fowler Township Board of Zoning Appeals

SECTION 30: TELECOMMUNICATION TOWERS AND FACILITIES

A. PURPOSE

In order to protect the health, safety and welfare of the public without unreasonably interfering with the development within the telecommunications marketplace, this section will regulate the placement, construction, modification and removal of telecommunication towers, their premises, and attendant facilities in areas zoned for residential use in the unincorporated areas of Fowler Township. Specifically, the objectives of this resolution are to:

1. Regulate the location of telecommunication towers and attendant facilities in Fowler Township
2. Protect residential areas and land uses from potential adverse impact of telecommunication facilities
3. Minimize the adverse visual impact of telecommunications facilities through careful design, placement, landscaping and use of innovative alternative tower structures or camouflaging techniques
4. Promote and encourage collocation of telecommunication towers and antenna support structures as a primary option rather than construction of additional, single-use towers
5. Promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures to support telecommunication facilities
6. Avoid potential damage to property caused by telecommunication facilities by ensuring such structures are soundly and carefully designed, placed, constructed, modified and removed when no longer used or are determined to be structurally unsound
7. Ensure that the telecommunication facilities are compatible with surrounding land uses

B. Applicability

The provisions of this zoning resolution and the Ohio Revised Code, Sections 519.02 through 519.24 shall apply to all telecommunication towers and their attendant facilities to the extent permitted in the Ohio Revised Code, Section 519.211 or any amendment or successor statute thereto permitting regulations of telecommunication towers, structures and/or devices. This resolution and the aforementioned Sections of the Ohio Revised Code shall become applicable upon an objection properly lodged by either a property owner or a Fowler Township Trustee pursuant to the procedure, requirements and specified time periods provided in the Ohio Revised Code, Section 519.211. Additionally, all premises and attendant facilities shall be maintained consistent with the Fowler Township Property Maintenance Code and all applicable sections of the Fowler Township Zoning Resolutions

C. Notification Procedures

Any person who plans to construct a telecommunication tower in areas zoned for residential use in the unincorporated areas of Fowler Township, shall provide written notice of their intent to the Fowler Township Board of Trustees and the requisite property owners pursuant to the notification procedures and requirements as prescribed by the Ohio Revised Code, 519.211, or any amendment or successor statute thereto

D. Application for Conditional Zoning Certificate

The following shall be the criteria for review and approval of a Conditional Zoning Certificate by the Fowler Township Board of Zoning Appeals

1. Submission Requirements:

For purposes of overall review, the submitted plans for the telecommunication tower and attendant facilities shall include:

- a. Plans indicating site location and detail in proximity to residential dwellings
- b. An inventory of existing telecommunication towers, antennas, or sites planned and/or approved for telecommunication towers or antennas, that are either within the unincorporated areas of Fowler Township or within two (2) miles of the border thereof, including specific information regarding the location, height and design of each tower
- c. Elevations indicating the height, width and style of the tower
- d. Plans and elevations indicating the size, dimensions and appearance features of the attendant facility or facilities

- e. Proposed landscape plan showing existing and proposed trees, landscaping and screening
- f. Access roads shall be indicated on all plans, in addition to type of material (if applicable) to be used in construction
- g. Letter indicating efforts concerning collocation and innovative alternative tower structures for camouflaging
- h. Owners and/or operators of towers or antennas shall submit copies of all franchises, certifications, licenses and permits required by law for the design, construction, location and operation of telecommunication towers and antennas. Owners and/or operators shall be required to maintain same and to provide evidence of renewal or extension thereof when granted

2. Development Standards:

The applicant shall be required to meet the following minimum development standards for a telecommunication tower and attendant facilities:

- a. Tower Color and Finish – Towers shall either maintain a non-contrasting gray or similar color, or shall have a galvanized steel finish unless otherwise required by any applicable standards of the Federal Aviation Administration (FAA) and the Ohio Department of Transportation (ODOT)
- b. Compatible Design – The design of all attendant facilities, buildings and related structures shall use materials, colors, textures and screening so as to be aesthetically and architecturally compatible with the surrounding environment
- c. Antenna Color – If an antenna is installed on a structure other than a tower, the antenna and supporting electrical mechanical equipment must be a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible
- d. Lot Size and Setbacks – All telecommunication towers and antennas shall be setback a minimum of one hundred (100) feet from all property lines. Guys, attendant facilities and/or accessory buildings must satisfy the minimum zoning district setback requirements. The dimensions of the entire lot shall control, even though the antennas or towers may be located on lease parcels within such lot
- e. Fencing – All fencing shall utilize wood or other decorative materials consistent with the Fowler Township Zoning Resolutions

f. Landscaping – Natural looking, six-foot tall, opaque buffer areas shall be established along the periphery so as to effectively screen the tower compound and facilities

g. Lighting – Telecommunication towers and antennas shall not be artificially lit, unless required by the FAA or other applicable authority

h. Structural Requirements – The applicant shall show via written certification that the proposed telecommunication tower, antenna and attendant facilities meet all accepted and applicable building and structural codes regulating the construction of telecommunication towers and attendant facilities, as may be published by the Electronics Industries Association, as amended on occasion

i. Signs – No signs shall be permitted on any tower or antenna, except for a sign indicating the emergency contact phone number

j. Knox Box – A Knox Box system shall be utilized for Fire Department access

3. Additional Information:

The applicant may also be required to submit additional information as requested by the Fowler Township Board of Zoning Appeals so as to ensure that the plans for a proposed telecommunication tower and attendant facilities are not injurious, damaging or detrimental to adjacent and nearby property and property owners, and to ensure that the overall spirit and intent of residentially zoned areas and the resolutions governing such districts are preserved

E. Removal of Tower and Facilities

1. Cease of Use – All providers utilizing telecommunication towers shall present a report to the Fowler Township Board of Trustees notifying them of any tower facility located in Fowler Township whose use will be discontinued and the date that this use will cease

2. Structurally Unsound – If upon an inspection the Township or County concludes that a telecommunication tower, antenna or facility fails to comply with applicable building and structural codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for Fowler Township to remove the facility, or contract to have it removed and assess the costs incurred to the owner(s)/operator(s)

3. Discontinuation – If at any time the use of a telecommunication tower, antenna or attendant facility is discontinued for one hundred eighty (180) days, the Fowler Township Board of Trustees may declare the facility abandoned. The Board of Trustees will send written notification to the facilities owner(s)/operator(s) of its decision and instruct the owner(s)/operator(s) to either re-activate the facilities use within one hundred eighty (180) days, or dismantle and remove it. If re-activation or dismantling does not occur, Fowler Township may either remove the facility or contract to have it removed and assess the costs incurred to the owner(2)/operator(s)

4. State or Federal Requirements – All telecommunication towers must meet or exceed current standards and regulations of the FAAA, The Federal Communications Commission (FCC) and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers, antennas and /or attendant facilities governed by these resolutions shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of each standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers, antennas and attendant facilities into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower, antenna or facility by Fowler Township or its independent contractor with removal costs to be assessed to the owner(s)/operator(s)

SECTION 31: WIND TURBINES

Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power sighting board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Any proposed construction, erection, or sighting of a small wind project less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Permitted Use in all Township Zoning Districts if the following conditions are met. (Both as permitted and conditional Use):

1. The maximum height of any turbine shall be 125 ft. For the purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.

2. Setbacks: the following shall apply in regards to setbacks:

Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower, or established "clear fall zone," from all road right-of-way lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located.

3. Maintenance:

Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Wind turbines that become inoperable for more than twelve (12) months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and/or other hardware associated with the existing wind turbine.

4. Decibel Levels:

Decibel levels shall not exceed those provided by the manufacturer as requested in C. Permits, 3., b., v.

5. Wiring and electrical apparatuses:

All wires and electrical apparatuses with the operation of a wind turbine shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.

6. Warning Signs:

Appropriate warning signs to address voltage shall be posted within 10 (ten) feet of the tower.

7. Building Permits:

All Small Wind Projects and parts thereof shall obtain all applicable Building permits from the State of Ohio and County Building Regulations where required.

Permits

1. A permit shall be required before construction can commence on an individual wind turbine project.
2. As part of the permit process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to the any local airports.
3. Applicant shall provide the Township Zoning Inspector with the following items and or information when applying for a permit:
 - a. Location of all public and private airports in relation to the location of the wind turbine.
 - b. A report that shows:
 1. The total size and height of the unit.
 2. If applicable, the total size and depth of the unit's foundation structure, as well as soil and bedrock data.
 3. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring and anchors.
 4. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
 5. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
 6. Hazardous materials containment and disposal plan.

c. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines.

d. Evidence of an established setback of 1.1 times the height of the wind turbine and “clear fall zone.”

E. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantles shall be required as part of the permit.

4. The fee for such permit shall be as established by the Fowler Township Board of Trustees and on file with the Zoning Inspector. Said fee shall be waived if the Small Wind Project is used solely for agricultural purposes.

SECTION 32: ADULT ENTERTAINMENT BUSINESS REGULATIONS

A. Purpose:

Fowler Township has adopted Adult Entertainment Business Regulations as specified herein in order to protect the public health, safety, and welfare, by minimizing negative secondary effects known to be associated with Adult Entertainment Businesses (see Section 28, Definitions) such as the spread of communicable diseases; reduction in property values; diminishing of the character and quality of residential neighborhoods; increase in crime; degeneration of social and moral order; and the diminishing or destroying of the use of public facilities, particularly those facilities used by children or those used for religious purposes.

These regulations are designed to permit adequate opportunity for the expression of constitutionally protected free speech associated with Adult Entertainment Uses, while protecting the public interest.

B. Precedence of Adult Entertainment Business Regulation Requirements:

Where there is a conflict between the requirements of this Section and any other Section of the Fowler Township Zoning Resolution, the requirements of this Section shall prevail.

C. Status of Adult Entertainment Businesses:

Adult Entertainment Businesses shall be considered to be Conditionally Permitted Uses and shall require a Conditional Zoning Certificate issued by the Fowler Township Board of Zoning Appeals at a public hearing in accordance with the requirements specified herein.

D. Location, Design, and Spatial Requirements:

1. Location Requirements: Adult Entertainment Businesses may only be located only within "I" (Industrial and Manufacturing) zoning districts.
2. Design Requirements: Adult Entertainment Businesses shall be required to meet all "I" Industrial and Manufacturing zoning district building and parking set-backs, green space buffer, and sign requirements.
3. Spatial Requirements: No building or property occupied by an Adult Entertainment Business may be located closer than five hundred (500) feet to a residence, residential subdivision, residentially zoned land, church, school, public playground, public park, library, government office, or another Adult Entertainment Business.

E. Permit Application Requirements:

An application for an Adult Entertainment Business Conditional Zoning Certificate shall include the following:

1. Name and address of the applicant.
2. Name and address of the property owner (if different from the above).
3. Name and proposed location of the Adult Entertainment Business.
4. Complete and specific description of the activities that will be involved in the proposed business.
5. A site plan of the project shall be submitted designating the following: the location(s) of existing and proposed structure(s); parking areas (including spaces and drive aisles); points of ingress and egress; setbacks and lot building dimensions; the location and dimensions of any wall or ground mounted signage

SECTION 33: DEFINITIONS

Words used in this Resolution in the present tense shall be interpreted to include the future tense

Words used in the singular number shall include the plural number and the plural number shall include the singular number

The word "shall" as used in the Resolution is mandatory and not directory

The word "structure" shall include the word "building."

The masculine gender as used in this Resolution shall include the feminine and neuter gender and vice-versa

A family wherever mentioned in this Resolution is any number of individuals related by blood, marriage or adoption, living and cooking together on the premises as a single housekeeping unit and including domestic employees

An Accessory use or "accessory building" for the purpose of this Resolution is a use or building customarily incident to and located in the same lot with another use or building. Accessory uses are customarily incident to any of the uses permitted herein, but not including the conduct of a business or industry or any driveway or walk giving access thereto

1. A private garage on the same lot with or within the building to which it is accessory. Garage space may be provided on any lot for two motor vehicles and may be provided for one additional motor vehicle for each two thousand (2,000) square feet of lot area in excess of six thousand (6,000) square feet

In a separate building, no part of any private garage shall be used for residence purposes

2. Car ports, utility sheds, bath houses and any other accessory buildings shall have a conditional zoning certificate and must conform to lot setback, side yard and rear yard requirements for the district in which they are located as herein specified

3. Outdoor Swimming Pools

- A. Placed only in side or rear portion of lot parcel, not front yard
- B. Fence to be no closer than ten (10) feet from the rear lot line
- C. Fence to be no closer than eight (8) feet from the side lot line

That every outdoor swimming pool heretofore or hereafter constructed shall have erected around it a barrier or fence which shall be rigid construction height, shall

extend to within four (4) feet in height, shall extend to within four (4) inches of the ground and shall contain, except for gates, no opening larger than six (6) inches square

The owner of a private swimming pool or anyone using the same with the owner's permission, shall securely lock Gate(s) when the pool is not in use

This Section shall not be deemed to include farm ponds utilized as such

In the event a swimming pool requiring a Conditional Zoning Certificate is constructed or is under construction before a Conditional Zoning Certificate is obtained, the Conditional Zoning Certificate fee shall be double the normal fee

Section 33-1: DEFINITIONS

ACCESSORY STRUCTURES – Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.

ADULT ARCADE - Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where images so displayed are distinguished or characterized by depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT BOOK STORE - an establishment which utilizes any of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes or cassettes which are distinguished by their emphasis on adult material as defined in this section.

ADULT CABARET - A nightclub, bar, restaurant, or similar commercial establishment, which regularly features: Persons who appear in a state of nudity; or live performances, which are characterized by the depiction or description of "specified sexual activities," or "specified anatomical areas."

ADULT ENTERTAINMENT BUSINESS - an adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section.

ADULT MATERIAL - magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable of arousing interest through sight, sound, or touch, and;

a. 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

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

ADULT MOTEL – A hotel, motel or similar commercial establishment which:

Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or Offers a sleeping room for rent for a period of time that is less than ten hours; or Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.

ADULT MOTION PICTURE THEATER - an enclosed motion picture theater which is regularly used or utilized for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

ADULT MOTION PICTURE DRIVE-IN THEATER - an open air drive-in theater which is regularly used or utilized for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

ADULT ONLY ENTERTAINMENT ESTABLISHMENT - an establishment where the patron directly or indirectly is charged a fee for entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, gyration choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators, or similar entertainment or services which constitute adult material.

AFFECTED AREA – The area affected as referred to in Section 24: Amendments, shall mean an area having a radius of one-half (1/2) mile from the proposed change, unless the reason for the proposed change, is of such magnitude as to reasonably affect the whole Township, then said Township shall be the affected area.

ALLEY – for the purpose of this Resolution is defined as a narrow public way, located, designed and dedicated for the public use and usually abutting on the rear lot lines

ALTERNATIVE TOWER STRUCTURE – Man made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of towers or antennas

ANEMOMETER – An instrument that measures the force and direction of the wind.

APARTMENT – wherever mentioned in this Resolution is a room or suite of rooms in an apartment house which room or suite of rooms is arranged, intended, designed and constructed or reconstructed to be occupied as a residence of a single family, individual, or group of individuals

APARTMENT HOUSE – for the purpose of this ordinance shall be a building or portion thereof used or designed as the residence for more than two (2) families living independently of each other, not including auto courts, motels, trailer parks or tourist camps. Wherever mentioned in this Resolution is a complete permanent building arranged, designed, intended and constructed or reconstructed to be occupied by more than two (2) families living independently of each other and doing their own cooking upon the premises or by more than two (2) families living independently but having a common heating system or a general dining room

BATHROOM – wherever mentioned in this Resolution is a room within the structure containing at least a wash basin and water basin and water closet, and a permanently installed tub or shower/bath

BOARDER – wherever mentioned in this Resolution is a person furnished with food and lodging or food at another's house at a stated charge: one who rents a room or lodging

BUFFER – Means a strip of land reserved for the purpose of blocking the view from a residential use of the abutting commercial or industrial use by landscaping material (trees, shrubs, etc.) or a fence to a height of at least six (6) feet commercial, eight (8) feet industrial

CAPTIVE LAND FILLS - refuse, scrap or rubbish received from, related to or in conjunction with any business outside the use of agriculture dumped on a premise for the use of storage on a permanent basis or left for abandonment

CLEAR FALL ZONE – An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined to the primary parcel.

COLLOCATION – The use of a wireless telecommunication tower and/or attendant facility by more than one wireless telecommunication provider

COWLING – A streamlined removable cover that encloses the turbine’s nacelle.

CONCRETE PAD – for the purpose of this ordinance is a slab of reinforced concrete construction ten (10) feet wide and fifty eight (58) feet long and being at least four (4) inches thick

CONDOMINIUM – The land, together with buildings, improvements and structures thereon, all the easements, rights and appurtenances belonging thereto and all articles of personal property which have been submitted to the provisions of Chapter 5311 of the Ohio Revised Code

CONSTRUCTION - Whenever mentioned in this Resolution shall be deemed begun when ground is broken for the purpose of the erection of any building falling under the jurisdiction of this Resolution

CUSTOMARY HOME OCCUPATION - whenever mentioned in this Resolution shall be considered an occupation that does not involve sale of tangible goods, but rather a rendering of a service

DECIBEL – A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

DEMOLITION DUMP - an operation taking in upper fragmentary decomposed mass, unusable, or wrecked former buildings and or building material for the use of storage on a permanent basis or left for abandonment

FAA - The Federal Aviation Administration, and any legally appointed, designated or elected agent or successor

FCC - The Federal Communications Commission and any legally appointed, designated or elected agent or successor

FAMILY DWELLING (SINGLE) - is a dwelling entirely detached and independent from any other principal structure, arranged, intended, designed and constructed to be occupied by a single family

GARAGE - for the purpose of this Resolution is a building or space used as an accessory to a main building permitted in any residential district and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted

HIGHER USE - WHEREVER MENTIONED IN THIS Resolution is a more restricted use and “lower use” is a less restricted use

INDECENT - Anything that the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest. Anything that depicts or describes patently offensive representations or descriptions of specified sexual activities. Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in the context in which it is used, possesses serious literary, artistic, political or scientific value.

INTERSECTION - for the purpose of this ordinance shall be the junction of any two (2) or more dedicated and accepted public streets in Fowler Township

LEWD - See Indecent

LINE (BUILDING) - or “building line” wherever mentioned in this Resolution is either the main foundation wall, not including steps or walks, whichever is nearer the lot line in question

LINE (SETBACK) - for the purpose of this Resolution is the distance between the front lot line in question and the nearest principal building line

LOT – as used in the Resolution shall be a parcel of land occupied by, or legally capable of being occupied by a principal building and accessory building or buildings or uses customarily, incident to it and to include such open yard areas as are required by the Resolution and such further open areas that are herein permitted to be arranged and designed to be used in connection with such building

LOT LINE (FRONT) - or “front property line” or “property frontage” for the purpose of this Resolution shall be construed to be coincident with the principal road line of the lot. If there is no established right-of-way line for road or street, said line shall be deemed to be thirty (30) feet from the center of the road

LOT LINE (REAR) - or “rear property line” for the purpose of this Resolution shall be the property line opposite the front lot line as defined in this Resolution. If a lot is not in the form of a rectangle but is irregular in shape there shall be no rear lot line unless the principal building on said lot faces an angle thereof, the one side of said angle shall be the front lot line and the line opposite said angle shall be the rear lot line

LOT LINE (CORNER) - for the purpose of this Resolution is a lot, two sides of which are bounded by margins of intersection, dedicated public highways

MASSAGE - the manipulation of body muscle or tissue by rubbing, stoking, kneading, or tapping by hand or mechanical device

MASSAGE BUSINESS - Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors, which is characterized by emphasis on matters and activities relating to "specified sexual activities" or "specified anatomical areas" as defined herein. This section shall in no way regulate any licensed health professional. (Licensed means state-certified or registered to practice in the state.) This “definition” does not include an athletic club, health club, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MEGAWATT (MW) – A unit of power, equal to one million watts.

NACELLE – Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

NON-CONFORMING USE - for the purpose of this Resolution, is one that does not comply with the regulations established for the particular use district or zone in which it is situated

OPSB - Ohio Power Siting Board

PRIMARY STRUCTURE – For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

PORCH - wherever mentioned in this Resolution is a roofed open structure projecting from front, side or rear wall of the building

PROFESSIONAL ENGINEER – A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

PUBLIC UTILITY - a corporate entity serving the public interest or public concern with regard to providing goods or services of a vital or essential nature for public use or consumption

PUCO - Public Utilities Commission of Ohio

REPAIR GARAGE - for the purpose of this Resolution is a building or space for the storage of motor vehicles at which repairs on any kind of motor vehicle is permitted or at which the sale of accessories and filling station service in permitted

REST HOME - wherever mentioned in this Resolution is a structure operated for a profit for the care of aged or infirm persons

SEMI-NUDE - A state of dress in which clothing covers no more than the genitals, pubic region, and areolas of the female breast, as well as portions of the body covered by supporting straps or devices.

SEWAGE DISPOSAL PLANT (APPROVED) - a plant approved by state and county sanitary officers giving primary and secondary treatment to sewage and operated and maintained by assessments against the property served, said assessment being collected by the County of Trumbull

SEXUALLY ORIENTED DEVICES - Without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities, but shall not mean any contraceptive device.

SIGNBOARD (BILLBOARD) - for the purpose of this Resolution is any structure or part thereof on which lettered or pictorial matter is displayed for publicity or advertising purposes

SMALL WIND PROJECT – Any wind project less than 5MW which includes the wind turbine generator and anemometer.

STREET (ROAD/HIGHWAY/LANE) - are for the purpose of this Resolution considered to be synonymous and each is defined as a public way located, designed and dedicated for public use

STRUCTURE (BUILDING) - for the purpose of this Resolution is anything erected, constructed or reconstructed on a foundation, posts, piles, blocks, skids, sills or any other support, whether such foundations, posts, piles, blocks, skids, sills or other support is or is not permanently located in or attached to the soil

STRUCTURAL CHANGE - wherever mentioned in this Resolution means any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders excepting such structural change as may be required for the safety of the building

TELECOMMUNICATION - the technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems

TELECOMMUNICATION ANTENNA - the physical device through which electromagnetic, wireless telecommunication signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition

TELECOMMUNICATION ATTENDANT FACILITY - a facility consisting of the equipment and structures involved in receiving telecommunication or radio signals from a mobile radio communication source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines

TELECOMMUNICATION TOWER - a structure intended to support equipment used to transmit and/or receive telecommunication signals, including monopole, guyed and lattice construction steel structures

TENT - wherever mentioned in this Resolution is a temporary structure of canvas or other similar material for human occupancy and is not intended to include a child's play tent

TRAILER (HOUSE TRAILER/TRAILER COACH/DOUBLE WIDE TRAILER)

- for the purpose of this Resolution is any vehicle originally built, manufactured, assembled, constructed or reconstructed to have one or more wheels and is designed, used or intended for use as a temporary or permanent dwelling or shelter for one or more individuals

REAR YARD (BACK YARD/REAR AREA/ BACK AREA) - for the purpose of this Resolution is a space unoccupied by buildings or any structure of any type between the rear lot line and the building line nearest thereto on said lot

SIDE YARD (SIDE AREA) - for the purpose of this Resolution is a space unoccupied by a building between a side lot line and the building line nearest thereto on said lot

SWIMMING POOL (OUTDOOR SWIMMING POOL) - for the purpose of this Resolution is defined as a permanent water pool constructed of steel, masonry, concrete, aluminum, plastic or any other material and located out of doors, which has a square foot surface area of three hundred (300) square feet or more, a depth at any point of more than two (2) feet, or both

WIND POWER TURBINE OWNER – The person or persons who owns the Wind Turbine structure.

WIND POWER TURBINE TOWER – The support structure to which the turbine and rotor are attached.

WIND POWER TURBINE TOWER HEIGHT – The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.