



# NEWTON TOWNSHIP ZONING REGULATIONS

# Zoning Resolutions for Newton Township

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## **MISSION STATEMENT**

We, the Zoning Board of Newton Township due here by pledge to the residents of this community that we, as a board, will establish a criteria of open, fair and conservative review of all zoning regulations.

We will strive to set standards for all future board members to emulate.

We will work hard to maintain property values to assure that all incompatible land uses will be kept apart, that harmony between residential and industrial property exist with all considership of individual rights.

This board's concept of zoning will be one of general welfare equally shared by agricultural, residential, commercial, industrial and public use lands. However, this board will not allow itself to become static or incompatible with constantly evolving progress.

We are aware that zoning will never solve all land use problems, nor will it prevent all future problems. With your support, we will strive to moderate realistic zoning. Foremost, any new zoning resolutions or amendments we initiate will be a collective decision submitted to the Newton Township Trustees with only the general welfare of the community and the common good of all in mind.

Respectfully,

Newton Township Zoning Board

## PREFACE

Zoning is a tool to protect our community, if only we will give it a chance. In past years probably all of us have noticed in our respective neighborhoods and the township as a whole, the intrusion of many conditions that are both unsightly and unsanitary; conditions that constitute public nuisances and lessen the value of our property. We have chosen this rural district for our home away from the hustle and bustle, and the crowded confines of the city and we should protect our interests in the township and regulate these conditions in the future.

If we continue to allow people who do not contribute to our local taxes to come in and use our tax money without proper restrictions, we will in a short time be a poor township instead of a progressive one.

We have potentially a beautiful township, close to a large Metropolitan area; and we should by all means strive to protect it and improve it for the benefit of all.

Zoning can help us accomplish this goal if we will give it our full support. There will be difficulties and discouragement's to be sure, since whatever is now here cannot immediately be changed by zoning; but through our committees we can accomplish any desires within reason, and have the satisfaction of seeing the development of a better and more attractive Newton Township as the years go by.

# ZONING RESOLUTIONS FOR NEWTON TOWNSHIP

A resolution providing for the zoning of Newton 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 Newton Township deems 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 Newton Township:

## **SECTION 1 - PURPOSES**

For the purpose of promoting health, safety, morals, comfort and general welfare; to conserve and protect property and 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 Newton Township find it necessary and advisable to regulate the location and size of buildings and other structures, including tents, cabins and motor and mobile homes, percentages of lot areas which may be occupied, set-back building lines, size of yards, courts and other open spaces, the use of buildings and other structures, including tents, cabins, mobile homes and motor homes and the use of land for trade, industry, residence, recreation or other purposes and for such purposes divides 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:

**Residential**, shall be designated as **R1 Districts**.

**Residential apartments** shall be designated as **R2 Districts**.

**Agriculture land** shall be designated as **A1 Districts**.

**Agriculture land with a permanent easement placed on it** shall be known as **Agriculture Security Areas** and shall be designated as **A2 Districts**.

**Mobile Home Parks** shall be designated as **MH Districts**.

**Business and Commercial**, which shall be designated as **B1 and B2 Districts**.

**Industrial and Manufacturing**, which shall be designated as **I Districts**.

**Zone changes to Districts A1 and A2 will be entered into on a voluntary basis by each landowner.**

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

### **2.1 AGRICULTURE** (Amended 10/25/04 Resolution # 4.10.05-1)

#### **A. Agriculture**

1. For the purpose of these resolutions (agriculture) as used in section 519.02 to 519.25 of the Ohio Revised Code shall include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber, pasturage; and combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry of production.
2. Unplatted land, or platted lots greater than five (5) acres, may be used for agricultural purposes.
3. Agriculture, dairying, and animal and poultry husbandry shall be prohibited on platted lots or unplatted, that are one (1) acre or less in size.
4. Dairying and animal and poultry husbandry shall be prohibited on platted or unplatted lots of five (5) acres or less in size when at least thirty-five percent (35%) of the lots adjacent to are developed with at least one building, structure, or improvement that is subject to real property taxation.

5. Buildings or structures that is incident to the use of land for agriculture purposes on lots of five (5) acres.
  - A. A zoning certificate shall not be required for the construction of buildings or structures incident to the use of land for agricultural purposes on lots greater than five (5) acres.
  - B. A zoning certificate shall be required for the construction of buildings or structures on agricultural parcels, if the use thereof in not incident to agriculture.

**ALL AGRICULTURAL LAND IS GOVERNED BY THE OHIO REVISED CODE.**

A zoning certificate shall however, be required for the construction of buildings on agriculture parcels, if the use thereof is not incident to agriculture.

## **SECTION 3 - CLASSIFICATION OF USES**

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

### **3.1.01 "R1" Districts (Residential)**

The following uses, and no other, shall be deemed Class "R1" uses and permitted in all "R1" Districts:

Single and two family dwellings, and buildings accessory thereto.

Single and two family dwellings shall not be deemed to include tents, cabins designed for transient tourist trade, motor homes, camping trailers or mobile homes.

The taking of boarders or leasing of rooms by a resident family provided the total number of boarders or roomers does not exceed two, in addition to the members of the family, in a dwelling containing one bathroom, a maximum of four boarders or roomers for each additional bathroom in the dwelling.

A home office maintained to carry on a customary home occupation in a dwelling house used as a private residence, providing such use does not involve an extension or modification of such dwelling and lot upon which the dwelling is located which will alter the outward appearance of the lot and dwelling, and providing such use does not involve any outward evidence of such use other than a sign authorized in other sections of this resolution; and further providing that proper facilities are provided for off the street parking for patron's vehicles; and further providing that such occupation does not necessitate the employment of more than two employees in addition to the proprietor; and further providing that not more than twenty five (25) percent of one floor of said dwelling house be used for said occupation, and said dwelling is not over 2 ½ stories.

The Board of Appeals may issue a Conditional Zoning Certificate under special conditions listed in Section 13 for the following uses. (amended 2009)

Criteria for Specific Conditional Uses:

See Section 13 for procedures and standards.

### Churches and other places of religious worship

Minimum Lot Area	Maximum Building Coverage of Total Lot Area	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Maximum Building Height
Two (2) Acres	25 percent (25%)	One Hundred-Fifty Feet (150')	Fifty Feet (50')	Fifteen Feet (15')	Forty Feet (40')	Two (2) Stories

1. No loudspeakers shall be allowed outside of any building nor shall they be permitted to be used inside any building in such a manner that they are designed or intended to be used to broadcast outside any building.
2. All exterior lighting shall be shielded so as not to shine into adjoining properties nor building.
3. Points of ingress and egress shall be available only from major collector thoroughfares and all driveways shall exit onto such streets.
4. All points of ingress and egress shall be located no closer than one hundred feet (100') from the intersection of two streets.
5. Operation of daycare facilities must be approved by the Board of Zoning Appeals.

### Golf Courses

1. Points of ingress and egress will be directly onto a major arterial or collector street, and all driveways shall exit onto such street.
2. All points of ingress and egress shall enter the street right-of-way at a point that is at least one hundred feet (100') from the intersection of two streets.
3. Exterior lighting shall be shielded so as not to shine onto adjacent residential properties.
4. All structures and activity areas shall be located at least eighty feet (80') from all property lines.
5. All off-street parking lots within one hundred feet (100') of road right-of-way shall be screened from adjacent residential areas by a landscaped screened buffer fifteen feet (15') in width.

6. Development features including principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent house lot. This shall mean that all principal or accessory buildings shall be located not less than one hundred feet (100') from any property line abutting a house lot.
7. All plans for storm sewers, sanitary sewers and water lines shall be reviewed and approved by the Trumbull County Engineer.
8. Golf Courses shall be regulation size.

### **Home Occupations**

1. Does not employ more than one employee other than family members living at the residence.
2. Is clearly incidental and secondary to the use of the property for dwelling purposes, with the floor area devoted to the home occupation not exceeding twenty percent (20%) of the living area of the dwelling unit.
3. All signage shall have a maximum area of 4 sq. ft. and shall not contain any electric or moving parts.
4. Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property.
5. Does not require excessive truck delivery or pickup, or the installation of heavy equipment, large power tools or power sources not common to a residential dwelling.
6. Does not create a level of noise, vibration, smoke, dust, odors, heat or glare beyond that which is common to a residential area.
7. Does not create a level of parking demand beyond that which is normal to a residential area.

### **3.1.02 "R"2 Districts (Residential)**

The following uses and no other shall be deemed Class "R2" uses and permitted in all "R2" Districts:

Any use permitted in Class "R1" shall be permitted in Class "R2" Districts.

Apartment houses and/or Multi-family units-no more than six (6) dwelling units shall be constructed on any one-acre of land excluding streets and easements. No building shall

exceed two and one-half (2 1/2) stories above ground level. Each dwelling unit shall contain no less than three (3) rooms and kitchen as outlined in the State Code, Section BB53.

Church  
School  
College  
University  
Public library  
Public museum  
Community Center  
Fire station  
Township hall  
Publicly owned park  
Publicly owned playground  
Funeral homes  
Office buildings for doctors, dentists, optometrists, or allied professions  
Privately-owned playgrounds.

Hospital -Sanitarium - Rest Home for other than the insane or mental cases, providing that such hospital, sanitarium, or rest home shall have a lot area of not less than five (5) acres and a frontage on public thoroughfare of not less than five hundred feet (500ft), and providing that any such hospital, sanitarium, or rest home catering primarily to patients with contagious diseases also shall have a lot area of not less than one (1) acre per bed in addition to the other requirements, herein; and further providing that said hospital, sanitarium, or rest home shall have a minimum side lot clearance on each side of said building of not less than fifty percent (50%) of the distance constituting the frontage of the structure.

Roadside stands consisting of structures used for the display and sale of agriculture products provided such stands are not in the road right-of-way. Such stands are at least twenty (20) feet back from the traveled portion of the road; more than fifty percent (50%) of the products sold on such roadside stand are agricultural products raised on the premises; and adequate facilities are maintained for off the road parking of customers' vehicles,

### **3.1.03 "A1" Districts (Agriculture)**

The following uses and no other, shall be deemed Class "A1" uses and permitted in all "A1" Districts.

Any use permitted in Class "R1" shall be permitted in Class "A1" Districts.

One dwelling for every forty (40) acres will be allowed.

Land must be currently enrolled in the County CAUV and Agriculture district program.

**This zone change will be entered into on a voluntary basis by each landowner.**

### **3.1.04 “A2” Districts (Agriculture Security Areas)**

The following uses and no other, shall be deemed Class “A2” uses and permitted in all “A2” Districts.

Any use permitted in Class “A1” shall be permitted in Class “A2” Districts.

**This zone change will be entered into on a voluntary basis by each landowner.**

### **3.1.05 “B1” Districts (Business)**

The following uses and no other shall be deemed Class “B1” uses and permitted in all “B1” Districts:

Any use permitted in an “R1” District and an “R2” District shall be permitted in Class “B1” District.

Restaurants

Lunchroom

Dairy store

Retail store or shop

Beauty parlor

Mercantile sales establishment

Office or office building

Studio

Lodge hall

Indoor theater

Bowling alley

Dance hall

Roller skating rink

Recreational parks (which do not have power driven rides accommodating more than four (4) persons as a part of their recreational facilities)

Archery range

Model raceways

Indoor golf

Job printing, newspaper printing plant

Plumbing and heating supply dealers

The Board of Appeals may issue a Conditional Zoning Certificate under special conditions listed in Section 13.

### **3.1.06 “B2” Districts (Business and Commercial)**

The following uses and no other shall be deemed Class “B2” and permitted in all “B2” Districts:

Any use permitted in “R1” and “R2” Districts shall be permitted in “B2” Districts.  
Any use permitted in Class “B1” Districts shall be permitted in Class “B2” Districts.

Repair garages  
Gasoline service stations  
Outdoor drive-in theaters  
Ice storage and sales  
Retail and wholesale lumber and building supply sales  
Small animal hospitals  
Golf driving ranges  
Golf courses

For the purpose of this resolution, a Golf Course shall be defined as a course for playing golf and upon which the only merchandise sold shall be directly connected with the game of golf. The sale of soft drinks, candy, and cigarettes shall be permitted at golf courses, driving ranges, private and public parks, and community centers.

The minimum distance from tee to hole, sideline clearance, and parking facilities should be left to the discretion of the golf course contractor, architect, and greens keeper.

They will fit the course to the property for the best possible playing conditions considering the safety and enjoyment of the players and the adjacent property owners. The Golf Course management shall provide proper parking facilities with means of ingress and egress to the parking area. There shall be no parking on roads or outside the boundaries of the property.

Any clubhouse operation and all parking facilities shall be in accord with resolutions relating to any retail establishments in this township.

The Board of Appeals may issue a Conditional Zoning Certificate under special conditions listed in Section 13.

### **3.1.07 “I” Districts (Industrial and Manufacturing)**

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

Any use permitted in an “R1”, “R2”, “B1”, and “B2” District shall be permitted in “I” Districts.

Any normal industrial or manufacturing use, provided such use is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas, noise, flame or

vibration except any uses expressly prohibited by this resolution. Adequate facilities for the temporary storage of refuse, waste, junk and objects to be repaired must be provided and the same screened from view.

Chemical works, fertilizer plants, tanneries, slaughterhouses shall not be allowed; garbage and refuse dumps and junkyards shall be prohibited.

### **3.1.08 “MH” Districts (Mobile Home Parks)**

The following uses and no other shall be deemed “MH” District uses and shall be permitted in all “MH” Districts:

Mobile Home Parks shall be constructed to comply with the State of Ohio Regulations except that the minimum lot size per living unit shall be 50’ x 90’ excluding easements.

The fee shall be \$50.00 per family unit.

Mobile Homes shall be prohibited except in designated Mobile Home Parks.

A Conditional Zoning Certificate may be issued by The Board of Appeals under special conditions listed in Section 13.

### **3.1.09 "RAC" DISTRICTS (Condominiums)**

#### **A. Permitted Uses:**

1. Condominium complexes and developments consisting of :
  - Single and Two-Family dwellings
  - Multi-Family dwellings not exceeding four (4) dwelling units per building.

#### **B. Accessory Uses:**

1. Detached garages and car ports;
2. Maintenance buildings;
3. Refuse Disposal area;
4. Separate laundry facilities;
5. Recreational buildings and club houses;
6. Offices, gate houses and security units.

#### **C. Development Standards:**

1. Development Area Density

The number of dwelling units permitted in an "RAC" District development shall be calculated by deducting the following development limiting factors from the total project area and multiplying the result by the maximum unit density permitted per acre as set forth in this section;

Development Limiting Factors

- Designated wetlands, lakes, ponds or other water body's
- Area within a floodway and the 100 year flood boundary as identified on the Federal Emergency Management Agency (FEMA) - Flood Hazard Boundary Maps
- Slopes exceeding fifteen percent (15%)

Maximum Unit Density

- Single-Family residential structure: 6 dwelling units per acre
- Two-Family residential structure: 6 dwelling units per acre
- Multi-Family residential structure: 8 dwelling units per acre

2. Minimum Square Foot per Unit:

no dwelling unit shall have less than 750 square feet of living area.

3. Height Regulations:

No principal structure shall exceed forty (40) feet in height from the grade level and no detached garage shall exceed eighteen (18) feet in height from the grade level.

4. Side Yards Distance Between Buildings & Perimeter Side Yard Distance:

The minimum Side Yard Distance between each building shall be thirty (30) feet. If any building exceeds twenty (20) feet in height, the width of each side yard and distance between buildings shall be increased by one (1) foot for each one (1) foot of height of building over twenty (20) feet from the established grade level.

5. Rear Yards Distance Between Buildings & Perimeter Rear Yard Distance:

The minimum Rear Yard Distance between each building shall be sixty (60) feet. If any building exceeds twenty (20) feet in height, the width of each rear yard and distance between buildings shall be increased by one (1) foot for each one (1) foot of height of building over twenty (20) feet from the established grade level.

6. Set Back Building Line:

A minimum of fifty (50) feet from a public highway shall be required from the public or private road right-of-way to any residential or accessory structure

A building set back of fifty (50) feet shall be required from the centerline of the development access road and/or access drive.

7. Distance Between Building and Property Lines:

The minimum distance between any building or parts thereof and the property line of the parcel or boundary of the development area shall be sixty (60) feet. If any building exceeds twenty (20) feet in height, the width of each rear yard and distance between buildings shall be increased by one (1) foot for each one (1) foot of height of building over twenty (20) feet from the established grade level.

8. All permitted residential structures shall have frontage along the primary access drive or roadway of the development.

9. No overall dimension of any side of a principal residential structure shall be less than twenty-four (24) feet.

10. All structures or buildings having an overall first floor area of greater than one hundred (100) square feet shall have an approved foundation according to the rules and regulations of the Trumbull County Building Code or State of Ohio Building Code.

11. Whenever an area is set-aside outside of any structure to be used for the temporary storage of waste materials, garbage, etc., that storage area must be enclosed or screened from view by a wall, fence or other structure to a height of at least six (6) feet, and shall not be located in the front yard area, nor closer than ten (10) feet to any adjoining property lines.

12. The first ten (10) feet from the front property line, shall be reserved as a green area (except for access or driveways) to be planted and maintained with grass and/or vegetation. The area between the road pavement and the property line (right-of-way) shall also be planted and maintained as a green area. In addition, there shall be a minimum of fifteen percent (15%) of the total land area reserved for green area, exclusive of parking, driveways, or building area, and that fifty percent (50%) of the green area shall be located within the front yard area (from the front of the structure to the right-of-way of a public or private road or the edge of the pavement of any private access road or access drive.)When required, the side yard or rear yard "buffer" shall be included in the fifteen percent (15%) green area.

13. No lots or units shall be permitted driveway access from the road that is not an interior private road of the plat, condominium or development.

14. All roadways shall conform to the Trumbull County Roadway standards.

15. All sewer systems shall conform to the Trumbull County Sanitation regulations.

**D. Project Review:**

Prior to development, the project plans must be reviewed and approved by the Newton Township Zoning Commission.

1. Site Plan Review Policies and Procedures.

The following policies, requirements, and procedures shall be applied to properties within the RAC District.

2. Permit Required.

A Zoning Certificate shall be obtained prior to the alteration of any structure of the property within the RAC District. A Zoning Certificate shall be issued only upon the review and approval of the required application and plan as specified herein.

3. Information Required:

A. Map.

A map, drawn to a scale acceptable to the Township showing the location of existing structures directly adjacent to the site, off-street parking areas, existing major vegetation, access points, location of any building or private pedestrian routes and any other notable natural or man-made features, including overhead and underground lines.

B. Site Plan

A plan of the site, drawn to a scale acceptable to the Township indicating the location(s) of existing and proposed structure(s), topography, (at least two (2) foot interval) parking areas, (including spaces and drive aisles), access easements, points of ingress and egress, setbacks and lot and building dimensions.

Additional requirements include: an illustrated landscape plan showing size at planting and maturity, the location of any wall or ground mounted signage, dumpster location, service areas, utility service lines, pedestrian circulation links, lighting plan including photometrics and fixture detail, a summary table providing acreage, building coverage, green space, parking, and buffer details.

C. Elevation Drawings

Elevation drawn to scale acceptable to the Township illustrating front, rear, and side views of a typical residential structure and of other structures to be located on the site.

### **3.2 PROHIBITED USES (Amended 10/25/04 Resolution #4.10.05-3)**

The following shall not be permitted in any district:

Drag strips.

Auto racetracks.

Manufacture or storage of explosives or fireworks for commercial purposes. (Refer to the Ohio Revised Code and the Bureau of Alcohol, Tobacco and Firearms.)

Garbage, construction debris and refuse dumps.

Junk yards.

Auto graveyards, any place wherein automotive vehicles (or parts thereof) are kept, which are unlicensed and whose condition is such that they are unable to move under their own power without the necessity of repair in the form of replacement or mechanical parts or motor adjustments and/or rehabilitation.) All vehicles of this nature must be kept in an enclosed building.

No Adult-oriented businesses. (as defined in O.R.C. Section 503.65.)

#### **All Race Tracks (Horse, dog, Auto, Go-Cart, Motor Bikes, etc.)**

The keeping and raising of horses, dairying, animals and poultry husbandry, other than household pets, is prohibited in Residential-1 (R-1) and Residential-2 (R-2), districts in platted subdivisions and lots as designated greater than one acre, but less than five acres, when at least 35 percent of the lots adjacent to are developed with at least one building structure or improvement that is subject to real property taxation, or that is subject to the tax on manufactured homes under Section 4503.06.

Ohio Revised Code.

#### **Outside toilet facilities, or Privies**

The Board of Appeals may issue a Conditional Zoning Certificate under special conditions listed in Section 13.

## **SECTION 4 - MINIMUM LOT AREA AND WIDTH PER FAMILY**

Amended March 2006 Resolution #06.03.05

### **(1) Regulation Governing Individual Sewage Disposal and/or Treatment Systems**

- (a) State and County Building Code to be followed. No Zoning Certificate for structures which require a Sanitary Permit from Trumbull County Health Department may be issued until proof is presented to the Newton Township Zoning Inspector that the applicant has obtained from the Trumbull County Health Department Sanitary permit.
- (b) The minimum size lot for a detached one or two family dwelling on an unimproved plotted lot recorded prior to or separately owned at the time this resolution took effect, and cannot practically be enlarged to conform with this requirement shall have an area not less than twenty thousand (20,000) square feet. The minimum width for a recorded plotted lot shall be One Hundred Twenty (120) feet.
- (c) The Board of Health requirements must be met on all unimproved lots.

### **(2) For Dwellings or Building Served by Sewers Connected with Approved Sewage Disposal Plant:**

- (a) No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than twelve thousand (12,000) square feet of lot area, unless such lot was designated on a recorded plot or separately owned at the time this resolution took effect and cannot practicably be enlarged to conform with this requirement.
- (b) In a residential district no two family dwelling shall be erected or building altered for dwelling purposes to accommodate more than one family on less than sixteen thousand (16,000) square feet in lot area.
- (c) In computing lot areas, property within the road or street right-of-way may not be included in spite of the fact that lot owners hold the title to the same.

## NEWTON TOWNSHIP LOT SIZES AND DIMENSIONS

Development Type	Public Water Available	Central Sewage Treatment Available	Min. Lot width (ft) & Street Frontage	Min. Lot Area Total (sq. ft. or acre)
Single Family	Yes	Yes	90	12,000
	No	No	150	1 1/2 AC.
	Yes	No	150	1 1/2 AC.
	No	Yes	100	13,500
Multi-Family (2 family)	Yes	Yes	100	16,000
	No	No	200	3 AC.
	Yes	No	200	3 AC.
	No	Yes	150	20,000
Commercial	Yes	Yes	150	20,000
	No	No	150	1 1/2 AC.
	Yes	No	150	1 1/2 AC.
	No	Yes	150	20,000
Industrial	Yes	Yes	150	1 AC.
	No	No	200	2 AC.
	Yes	No	200	2 AC.
	No	Yes	150	1AC.

NOTE: Lot area specified does not include the area within the road right-of-way  
 Lot areas may be increased by recommendation of the Trumbull County Health Department  
 The more stringent will apply with regards to Trumbull County Sub-Division Regulations and the Newton Township Zoning Regulations.

The Board of health requirements must be met on all unimproved lots.

The Board of Appeals may issue a Conditional Zoning Certificate under special conditions listed in Section 13.

#### **4.1 MINIMUM FLOOR SPACE**

- 1) There shall be minimum living area per dwelling unit of not less than one thousand two hundred (1,200) square feet for any single-family dwelling.
- 2) The minimum living area per two family dwelling shall be nine hundred (900) square feet per family unit.
- 3) The minimum living area per multi-family dwelling unit in excess of a two family dwelling (including condominium units) shall not be less than seven hundred fifty (750) square feet.
- 4) The minimum size for private garage shall be 12 feet wide and 20 feet long.
- 5) The minimum size business, commercial or industrial building permitted shall have a first floor area not less than six hundred twenty (620) square feet, outside measurement.
- 6) No overall dimension of any size of a residential structure shall be less than 20 feet.
- 7) All living areas in paragraphs 1, 2, 3, 4, and 5 of this section shall be exclusive of basements, garages, porches and breezeways.

#### **4.2 COMPOSITION OF BUILDINGS**

All commercial and industrial buildings shall meet with the prevailing standards of the Ohio State Building Code, Division of Factory and Building Inspection, Department of Industrial Relations, entitled: Workshops, Factories, Mercantile and Office Buildings.

All residences including modular homes shall be erected upon a minimum eight-inch (8") continuous hollow block wall installed on a footer placed below the frost line.

Adequate parking shall be provided for all Commercial and Industrial buildings.

The Board of Appeals may issue a Conditional Zoning Certificate under special conditions listed in Section 13.

## **SECTION 5**                      **SET BACKS**

### **5.1**                      **SET-BACK BUILDING LINES**

No building or part thereof, exclusive of open porches, steps and overhanging eaves and cornices, shall extend nearer to the front street property line than the mean distance of set back of the nearest building or buildings within one hundred fifty feet (150') on each side of said building and fronting on the same side of the street in an "R1" District or within one hundred thirty five feet (135') on each side of said building and frontage on the same side of the street in an "R2" district.

In no instance shall a building or part thereof be placed nearer to a front street property line than fifty feet (50').

No building or utility building shall be erected less than ten feet (10') from either side or rear property line.

Utility buildings must be constructed at the rear of a dwelling.

The depth of commercial parcels unless otherwise described shall be four hundred feet (400') from the side of the road right - of - way.

The Board of Appeals may issue a Conditional Zoning Certificate under special conditions listed in Section 13.

### **5.2**                      **SIDE YARDS**

No building, including unattached garage, shall be erected less than ten feet (10') from either side property line.

Industrial and manufacturing buildings and operations must observe the fifty feet (50') setback.

The side yard clearance on a side street shall be at least (50%) percent (25 ft. Min.) of the set back line applicable to road or street that property fronts on.

The Board of Appeals may issue a Conditional Zoning Certificate under special conditions listed in Section 13.

### **5.3**                      **REAR YARDS**

No building shall be erected less than ten feet (10') from rear property line.

The Board of Appeals may issue a Conditional Zoning Certificate under certain special conditions listed in Section 13.

## **Section 6 BUILDING STANDARDS, SWIMMING POOL CONSTRUCTION**

### **Buffer Zones Resolution #07.03.07 (Amended 3-19-07)**

#### **SCREENING AND BUFFERING REQUIREMENTS FOR R2, B1, B2 AND I DISTRICTS**

- A. **Width of Buffer Zone.** Each required buffer zone shall have a minimum width of 10 ft.
- B. **Screening within the Buffer Zone** may consist of one (1) or a combination of (2) two or more of the following:
1. A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be adequately spaced to form a solid continuous visual screen within two (2) years after the initial installation.
  2. A non-living opaque structure such as a solid masonry wall, or a solid fence that is compatible with the principal structure.
  3. A fence with openings through which light and air pass together with a landscaped area at least ten (10) feet wide.
  4. A maintained landscaped earthen-mound at least ten (10) feet wide.
  5. Maintenance of the existing natural vegetation that, in its natural state, forms a screen with a height not less than six (6) feet.
- C. **Height or Screening.** The height of screening shall comply with the following:
1. Visual screening walls, fences or mounds and fences in combination shall be a minimum of six (6) feet measured from the natural grade, in order to accomplish the desired screening effect.
  2. Vegetation shall be a minimum of six (6) feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than two (2) years after the initial installation.
- D. **Placement of Screening.** The location of the wall, fence, or vegetation shall be placed within the Buffer Zone to maximize the screening effect.

#### **Definition:**

#### **BUFFERING:**

Buffering is the provision of an area between different land uses that attempts to minimize negative environmental impacts from one to the other. Buffers shall provide a year-round visual screen in order to minimize adverse impacts such as headlight glare, visual intrusion and reduced noise. They may consist of fencing,

evergreens, mounds, or combinations thereof to achieve the same objectives. Every business shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening.

**ALL LOTS R2, B1, B2 AND I DISTRICTS THAT ABUTS ALL DISTRICTS SHALL HAVE A BUFFER ZONE.**

Commercial or multi-family district abutting a single-family residential district: 30 ft.

Industrial District abutting a commercial district: 25 ft.

Industrial District abutting a residential district: 50 ft.

Special Use District abutting a residential use or district: 50 ft.

Commercial uses within a commercial district: 10 ft.

B1 and B2 districts that adjoin a residential district not less than 30 ft. In width and running the length of the side and/or rear yards adjacent to the residential district.

- A. Side yard buffer strips shall begin at the front yard setback line and extend the full length of the side lot line.

Buffers shall start a minimum of ten (10) feet from the property line and the Buffer must be a minimum of ten (10) feet in width measured from the side and rear property lines, plus an additional ten (10) feet of open space from the Buffer to the nearest structure. A minimum total of thirty (30) feet from the property line to the nearest structure.

**Maintenance:**

The required buffering shall be maintained in a healthy condition by the current owner. Fences have to be kept and maintained in good condition.

The applicant shall replace dead and dying plants at the beginning of the next planting season.

No Building structure, storage or materials or parking shall be permitted within any buffer area.

Buffer areas shall be maintained and kept free of all debris, rubbish, weeds, and tall grass.

## **Soil and Erosion control**

Resolution to require compliance of Article XVI of Trumbull County Erosion and Sediment Control Rules and adopt as written sections 1600.0 through 1603.0 of Article XVI-1, XVI-2, and XVI-3. These Articles and the application for approval are in Section 17 of this Zoning Regulation Book. A complete copy of the Trumbull County Erosion and Sediment Control Rules can be obtained at the Newton Township Zoning Office, and the Newton Falls Public Library.

And according to EPA Rules and Regulations, all construction sites that disturb an acre of land or more must have a NDPEs permit. Silt Fences must be installed along property lines, ditches and water courses to prevent construction site runoff. All off lot discharges must be identified on the building plans as to the location and type. **(Revised 8/23/04 Resolution #04.08.02)**

## **SWIMMING POOL CONSTRUCTION**

A private swimming pool shall be considered as an accessory building and require the same side yard and rear yard restrictions.

All in ground swimming pools must be surrounded by a four foot (4') minimum high fence. All above ground swimming pools less than four foot (4') high from ground level must be surrounded by a four foot (4') minimum high fence. All pools must have a lockable gate going into the pool area.

A Private swimming pool is a receptacle for water (earthen, artificial, fabricated, or manufactured) which is capable when completely full, of having a depth at any point of more than two (2) feet, six (6) inches and having a square foot area of four hundred fifty (450) square feet or more, to be used for the immersion or partial immersion therein of human beings.

In the case of run-off water from a swimming pool, all water must be diverted to a ditch or catch basin so as not to cause flooding in any yards.

All new building sites must comply with local, state, and federal wetland regulations.

## **FENCES**

There shall be a one (1') foot maintenance setback from property line. Side yard fences shall be six (6') foot maximum to within ten (10') foot of road right-of-way, at all intersections and driveways. A clear view must be maintained, and no fence or hedge shall be more than thirty (30") inches in height at all intersections and driveways.

The finished side of the fence shall be installed (to face the adjacent property owner's lot) facing out toward the neighboring property. The finished side of a chain link fence shall be considered the side upon which the fencing fabric is situated.

Partition Fences (line and/or agricultural fences) can be constructed on the property line. Material to be high tensile wire. It can be high tensile woven or 9 single strands within 48" of ground level. The first strand to be no higher than 5" from ground level. Two strands of high tensile barbed wire can be placed above 48" from ground level.

- A. For construction of partition fences, the owners of adjoining lands shall be equally responsible for the maintenance, repair and clean up of all partition fences between them, unless otherwise agreed to upon by them in writing.
- B. Partition fence cannot be constructed of barbed wire. A partition fence cannot be electrified unless agreed upon in writing by all parties concerned. Any agreement between property owners should be recorded at the County Records Office.
- C. If it is determined that each adjoining landowner maintains livestock, whether owned or not, each adjoining landowner shall be responsible for maintenance, repair and clean-up of the fence in equal shares of shares as determined by the trustees.
- D. The Township Trustees shall have the same powers, authority and responsibility as outlined in the Ohio Revised Code.

## **FARMERS**

Farmers are exempt from the provisions of this resolution for all construction needs incident to the operation of their farms for agricultural purposes and as hereinbefore provided in Section 3, and as outlined in the Ohio Revised Code.

## **REVISION**

The right of revision of this resolution as may be indicated at any future date is herewith reserved to the Newton Township Zoning Commission/ Newton Township Trustees and all amendments hereto shall be made as required and in accordance with the Ohio Revised Code or other applicable public law.

## **GAS AND OIL WELLS**

Before the commencement of any drilling operation, the party or parties responsible for the operation shall register with the Zoning Inspector. The application shall contain the following information:

Names of all parties having any interest in the well.

The names and addresses of any local representatives.

Names and addresses of any contractor who will be involved in the drilling in any matter whatsoever.

A map of the subject property.

Copies of all lease agreements for the subject property.  
A copy of any and all permits issued by the state agencies.  
The date on which any work whatsoever shall begin on the subject property.  
The type of material to be used in construction of the ingress and egress points.

In the application, the applicant shall provide a map of the property on which the well is to be drilled. The map required in Regulation 2(d) shall include the location of the proposed well all supporting buildings (including, but not limited to, separator tanks and storage tanks) and all points of exiting and proposed ingress and egress. Said map shall also denominate the distance between all wells and buildings and the property lines of the subject property.

There shall be a ten (10) day waiting period from the date of application to the date of issuance of the permit. Furthermore, any change in the locations of the wells, support buildings, or points of ingress and egress must be filed with the Office of the Zoning Inspector five days before any work is begun on the changes.

All gas and oil wells, storage tanks and separator units shall not be placed nearer than one hundred (100) feet of the right-of-way of a street or highway or railroad tracks or any inhabited dwelling or public buildings.

Access to all support structures shall be by way of a driveway, which shall be constructed, of slag, stone or asphalt concrete of sufficient thickness to support the equipment used in the drilling operation.

Prior to establishing a driveway to a drill site, the operator shall contact the Zoning Inspector to establish the location and casing necessary for said driveway. Said casing, to be of reinforced concrete pipe with a minimum diameter of twelve (12) inches and sixty (60) feet in length with drainage maintained at both ends of said casing. The casing shall be of sufficient diameter to carry all the water coursing through the ditch.

## **SECTION 7 - PARKING FACILITIES**

### **VEHICULAR ACCESS POINTS**

A driveway permit indicating the access point as approved by the Zoning Inspector and Township Road Supervisor must be obtained.

A fee of \$25.00 residential

A fee of \$50.00 commercial

A fee of \$50.00 industrial

Must be paid at time of application and before inspection.

Applicant must follow and construct all driveways. Parking and access ways to the following standards:

Ditch pipe installed must be a minimum of twelve inches (12") in diameter and a minimum length of sixteen feet (16') double walled plastic. A larger pipe may be requested to meet standard C.F.P.S. peak discharge minimum for a 25 and 50 year flood, using standard engineering calculations.

All driveway access points must be maintained at owner cost at or below road grade for the life of the access point. Any access point deemed not to meet this standard will be considered unsafe and not standard. The Zoning Inspector will then issue a notice of violation. Upon notification, the landowner has thirty (30) days to repair the access point to code. Failure to repair access point to code within thirty (30) days will result in township repair of the access point to code at cost plus ten (10) percent to the landowner. The landowner will be notified in writing when found to be in violation of the code.

Driveways should have a maximum grade of fifteen (15) percent. Driveways and curb cuts shall be located not less than three (3) feet from the side lot line. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3) feet wider than the driveway on each side. Driveways shall be designed so as to drain into the roadside ditch and not into the roadway surface.

Residential driveway access shall not be permitted onto principal arterial roads. Major subdivisions shall be designed residential access onto major arterial roadways by the use of marginal roads. Minimizing driveway access points or curb cuts by using access roads shall be encouraged.

The minimum width of commercial driveways is intended to apply to one-way operation. In high-pedestrian activity areas, such as in a business district or in the same block with an auditorium, school or library, the maximum basic width should be thirty (30) feet. The width is intended to be measured along the right-of-way line. The maximum radius for major generator driveways should be much

higher than the values shown. Minimum acute angle is measured from edge of pavement and generally based on one-way operation. For two-way driveways and in high pedestrian activity areas, the minimum angle should be seventy (70) degrees.

### **Number of Spaces**

An adequate number of off-street parking spaces shall be required in all developments to accommodate residents and visitors. Because the parking requirements included in Table 8 are for peak needs, the Planning Commission may designate areas that will serve as temporary parking areas. These would include grassy areas with an adequate aggregate base to be used as overflow parking during peak parking needs.

### **Size of Spaces**

Each off-street parking space shall measure nine (9) feet in width by eighteen (18) feet in length. Parking spaces for the physically handicapped shall measure twelve (12) feet in width. For every 25 spaces, there must be at least one (1) handicapped accessible space, labeled and signed for such use.

### **Parking Areas**

Off-street parking areas shall be located within a reasonable walking distance of the building they are designed to serve.

Access to parking areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress and egress from all parking spaces to ensure ease of mobility, ample clearance, and emergency vehicle and pedestrian traffic. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.

Parking lots containing ten (10) or more spaces shall be planted with at least one (1) tree per eight (8) spaces no smaller than 2-inch caliper (tree trunk diameter at chest height). Parking areas shall be screened along lot lines bordering institutional or residential uses and along streets. Native trees and shrubs shall be planted wherever possible.

**Table 7: *Required* Driveway Dimensions**

	<b>Residential</b>	<b>Commercial</b>	<b>Industrial</b>
Minimum Width (ft)	10	15	20
Maximum Width (ft)	30	40	40
Minimum Turn Radius (ft)	10	15	25
Maximum Turn Radius (ft)	25	50	50
Minimum Angle of Intersection (Deg.)	45°	45°	45°

**Table 8: *Required* Parking Requirements**

<b>Types of Uses</b>	<b>Off-Street Parking Requirements</b>
One/Two Family Dwelling	2 Spaces/Dwelling Unit
Townhouse and Multiple Family	2 Spaces/Dwelling Unit
Mobile Homes	2 Spaces/Unit
Office Uses	1 Space for each 100 sq. ft. of usable floor area
Industrial Uses	1 Space per employee in the largest working shift
Churches and Temples	1 Space for each 3 seats
School	2 per classroom, but not less than 1 per teacher and staff
Resturaunt	1 per 3 seats
Retail Store	1 per 200 sq. ft. of usable floor area
Shopping Center under 400,000 sq. ft.	4 per 1,000 sq. ft. of usable floor area
Medical Center	1 per 250 sq. ft. of usable floor area

## 7.1 OFF-STREET LOADING AND UNLOADING AREAS

All district “B1, B2 and I” uses shall provide adequate parking off the road or off street and outside of the public right-of-way for vehicles delivering to, unloading or taking away from said premises, goods, materials, supplies or waste in connection with said business or use.

## **SECTION 8      OUTDOOR ADVERTISING**

For the purpose of this resolution, outdoor advertising shall be classified as a business use and shall be permitted in all "B" and "I" Districts and on all lands used for agricultural purposes, subject to the regulations contained in this resolution:

Advertising signs and billboards over ten (10) square feet in size shall be deemed a structure and the same building lines will be observed and a zoning certificate procured before erection.

Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighboring property owners.

The Board of Appeals may issue a Conditional Zoning Certificate under special conditions listed in Section 13.

## **SECTION 9 - PERMITS**

It shall be unlawful to commence or proceed with an operation included under or regulated by the provisions of this resolution without first obtaining a permit from the Township Zoning Inspector and paying the fee hereinafter prescribed for same.

Permits for the building proper shall be secured from the Township Zoning Inspector.

### **APPLICATION FOR PERMITS**

The owner of the building involved, or his authorized agent shall make application to the Township Zoning Inspector. Applications shall be accompanied by a set of plans of the work to be accomplished, and must include the written consent of the Trumbull County Health Department to the proposed water supply and sewage disposal system, before a building permit may be issued, until final inspection and written approval has been received from the Trumbull County Health Department.

Each application shall state the size of the proposed structure along with a legal survey of lot and building location. All facts on the application shall be subject to affirmation under oath. 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 mobile home or building for a six-month period.

### **PERMIT LIMITATIONS**

Any permit, issued by the Township Zoning Inspector under the provisions of this resolution, shall expire by limitation when no building construction is started within six months from the date of issuance. All construction must be completed within one year and must be occupied within two years.

### **REVOCAION OF PERMITS**

1. The Township Zoning Inspector may revoke any permit or approval issued under the provisions of this resolution or may stop the work for any of the following reasons:

Whenever there is a violation of any of the provisions of this resolution or any statute of the State of Ohio relating to the same subject matter.

Whenever the continuance of any work becomes dangerous to life or property.

Whenever there is a violation of any condition on which the issuance of the permit or approval was based.

Whenever in the opinion of the Township Zoning Inspector the person having charge of the work is incompetent.

Whenever any false statements or misrepresentation has been made in the application plans or specifications on which the issuance of the permit or approval was based.

2. The notice of revocation of the permit shall, in every instance, be in writing and shall be served upon the owner, his agent or the person having charge of the work.

The Township Zoning Inspector shall also post a revocation notice upon the building in question. After the notice is received or posted, it shall be unlawful for any person to proceed with any operation for which such permit was issued.

No part of the fees for such permit shall be returned.

## **PERMIT FEES**

The Newton Township Zoning Inspector shall issue no permit until the fees hereinafter prescribed have been paid to him.

Refer to Addendum "A" for permit fees.

## **PAYMENT OF PERMIT FEES**

The payment of all fees as prescribed and required under the provisions of this resolution shall, unless otherwise stated, be made to the Township Zoning Inspector. A receipt shall be rendered to the person making such payment, stating the amount and purpose for which such fee has been paid.

## **REFUND OF PERMIT FEES**

When a permit shall have expired by limitation or the project for which a permit was issued has been abandoned, such permit may be returned to the Township Zoning Inspector for cancellation and he shall be authorized to issue a refund to the applicant in an amount equal to one-half of the total permit fee paid. No refund shall be allowed where the total permit fee paid is less than \$30.00

## **SECTION 10 - VIOLATIONS AND PENALTIES**

### **ORDERS AND NOTIFICATIONS**

Whenever it shall appear that an unsafe, dangerous or unsanitary condition exists in connection with any building governed by the provisions of this resolution, or a condition violating any section of this resolution, or of any law relating to the same subject matter, the Township Zoning Inspector shall forthwith give notice of such defective condition or law violation to the owner or agent in charge of such building, and order same to be made safe, secure, and sanitary, and to comply substantially with the provisions of this resolution.

If, after such service of notice, the owner or agent refuses to comply with the order of the Township Zoning Inspector, or if after a period of ten (10) days, no attempt has been made to remove the hazard or to make the building safe, secure and sanitary, the Township Zoning Inspector shall be authorized at any time thereafter as he considers necessary for the public health, safety, and welfare, to enter upon the premises with sufficient force to make the building, or any part thereof, secure or to remove same. The costs thereby incurred, shall be paid out of the Township treasury on certificate of the Township Zoning Inspector. The Trumbull County Prosecutor shall bring any necessary proceedings to recover the amount of such costs from the owner of the premises involved or any person responsible therefore.

In every such case, the Township Zoning Inspector shall cause a written or printed notice to be placed on the dangerous, unsafe or unsanitary premises as a warning to the general public.

### **CIVIL PROCEEDINGS**

Civil proceedings-whenver the Township Zoning Inspector or any other officer charged with the enforcement of this resolution is satisfied that any provision hereof, that he is charged to enforce, or any law in the unincorporated portion of the Township applicable to the subject matter herein, has been violated or is about to be violated in any respect, or that any order or direction made in pursuance of the enforcement has not been complied with, or it is being disregarded, and whenever he is satisfied that civil proceedings are necessary for the enforcement of this resolution or laws, to restrain or correct the violation thereof, or to prevent the occupancy or use of any building that is being constructed, altered or maintained in violation of this resolution, he shall apply to the Trumbull County Prosecutor who is hereby authorized to institute civil proceedings. Such civil proceedings shall be brought in the name of Newton Township, provided, however, that nothing in this section and no action taken hereunder shall be of resolutions in force in the Township or to exempt anyone violating this resolution or any part of the said laws or from any penalty which may be incurred.

Validity of each section of this resolution and every part section thereof is hereby

declared to be an independent section and part of a section and the holding of a section of part thereof to be void or ineffective for any cause, shall not be deemed to affect any other section or part thereof.

## **ENFORCEMENT**

It shall be unlawful to construct, reconstruct, enlarge, change, or use any building or to use any land in violation of any regulation or any provision of these Resolutions or Amendments thereto. Any person, firm or corporation violating these Resolutions or any regulation, provision or amendment thereto, shall be fined not more than five hundred dollars (\$500.00). Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

In case any building is, or is proposed to be, located, erected, constructed, enlarged, changed, maintained or used or any land is, or is proposed to be, used in violation of law or these Resolutions or any Amendment thereto, the Board of Township Trustees, the Prosecution 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, proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

## **DETERMINATION OF QUESTIONS**

The Township Zoning Inspector shall determine all questions arising under this resolution and the laws and regulations in force in the Township relating to the same subject matter.

## **SECTION 11 - PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES**

### **11 - 00 General**

Appeals and variances shall conform to the procedures and requirements of Sections 11 - 01 to 11 -11 inclusive, of this Ordinance (Resolution). As specified in Section 519.14 of the Ohio Revised Code, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

### **11 - 01 Appeals**

Appeals to the Board of Zoning Appeals may be taken by any person, firm, or corporation, or by any officer of the township affected by any decision of the Zoning Inspector regarding the interpretation of this resolution. Such appeal shall be taken within twenty (20) days after the original decision by filing, with the Zoning Inspector and the Board of Appeals, a Notice of Appeal on forms provided by the Zoning Inspector, specifying the grounds of appeal. The appeal shall be filed along with a filing fee, set and posted by the Board of Trustees, by check or money order made payable to Newton Township

### **11 - 02 Stay of proceedings**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken on due cause shown.

### **11 - 03 Variances**

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Ordinance (Resolution) as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance (Resolution) would result in unnecessary hardship.

No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.

Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance (Resolution) would result in unnecessary hardship.

## 11 - 04 Application and Standard for Variances

Except as otherwise permitted in this Ordinance (Resolution), no variance in the strict application of the provisions of this Ordinance (Resolution) shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

Name, address, and phone number of applicant(s);  
Legal description of property;  
Description or nature of variance requested;  
A fee as established by ordinance (resolution);  
Narrative statements establishing and substantiating that the variance conforms to the following standards:

The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Ordinance (Resolution) on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.

The granting of the variance will not permit the establishment of any use, which is not otherwise permitted in the district.

There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Ordinance (Resolution) would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.

- a. There must be proof of hardship created by the strict application of this Ordinance (Resolution). It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance (Resolution); it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
- b. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

- c. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
- d. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

#### 11 - 05 Additional Conditions and Safeguards

The Board may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Ordinance (Resolution).

#### 11 - 06 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Administrator or an applicant.

#### 11 - 07 Notice of Public Hearing in Newspaper

Before conducting the public hearing required in Section 11 - 06, notice of such hearing shall be given in one or more newspapers of general circulation in the City (Village, County, 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 appeal or variance.

#### 11 - 08 Notice to Parties in Interest

Before conducting the public hearing required in Section 11 - 06, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class 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 Section 11 - 07.

#### 11 - 09 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 11 - 06, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 11 - 05, or disapprove the request for the appeal or variance.

The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. In the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.

Appeals from Board decision shall be made in the manner specified in Section 519.14 of the Ohio Revised Code.

#### 11 - 10 Term of Variance

No order of the Zoning Board of appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

#### 11 - 11 Authorized Variances (Amended 10/25/04 Resolution #4.10.05-2)

Variances from the regulations of this Ordinance (Resolution) shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 11 - 04, and Section 11 - 05 if applicable, have been met by the applicant.

Variances may be granted as guided by the following:

To permit any yard or setback less than the yard or setback required by the applicable regulations.

To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width.

To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.

To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.

To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.

To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent.

To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.

To increase the maximum distance gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.

#### 11-12 Continuances

Upon written request a continuance may be granted. All requests must be submitted to the Zoning Office no later than ten (10) days prior to the scheduled meeting. The requesting party shall pay all expenses incurred including but not limited to legal notices and mailings relating to the appeal and continuance.

## **SECTION 12 – ZONING INSPECTOR**

### **12.1 APPOINTMENT OF ZONING INSPECTOR**

This Building Resolution shall be administered by the Newton Township Zoning Inspector as may from time to time be authorized and appointed by the Board of Trustees of Newton Township, Trumbull County, Ohio.

Neither the Newton Township Zoning Inspector shall, during the term of his (or her) office, be employed or engaged, directly or indirectly, in any building construction business for others, or for furnishing materials, plans, specifications or for furnishing materials, plans, specifications or equipment for others. Nor shall any duly Licensed Real Estate Broker or Salesman be appointed to the position of Township Zoning Inspector, Assistant Zoning Inspector, or Clerk.

### **12.2 COMPENSATION FOR ZONING INSPECTOR**

The Newton Township Zoning Inspector shall receive such compensation for his services as the Newton Township Trustees may from time to time determine, and proper bond shall be required if the Inspector handles funds or fees of any kind. The obligee of the bond shall be Newton Township, Trumbull County, State of Ohio.

### **12.3 DUTIES OF THE ZONING INSPECTOR**

The Newton Township Zoning Inspector shall receive applications required and prescribed by these regulations, examine and approve all plans and specifications before issuing a building permit and shall sign, and issue all permits, certificates, orders and notices required to be issued, in the course of construction, use and occupancy, and inspect location and maintenance of buildings, except as may be otherwise provided for herein or by law.

**He shall pass upon all questions relating to the compliance with this resolution and the strength and durability of buildings, health and sanitation.**

The Newton Township Zoning Inspector shall keep suitable records, which shall be kept on file in his office and in which shall be recorded the location and character of every building, structure or other work for which a certificate or permit is issued and a copy of every report of inspection of such building, structure or work so arranged that the full history of the various inspections of each building, structure or other work shall appear therein in consecutive order and the date upon which such inspection was made. All original notes or records made by the Township Zoning Inspector shall be signed and

properly filed for permanent record.

At the beginning of each calendar month, the Township Zoning Inspector shall prepare and file with the Township Trustees a report covering the activities of his office during the preceding calendar month. This report shall show for the period covered, the number, type and kind of buildings, structures or other work for which permits have been issued, the number of family units to be accommodated, the estimated value of the completed work and the fees collected therefore. When requested by the Township Trustees, an interim report for a period of days or for a partial month and conveying the same information shall be furnished.

At the beginning of each calendar year, the Township Zoning Inspector shall prepare and file with the Township Trustees an annual report summarizing the activities of his office for the preceding calendar year and containing his comments, recommendations and other pertinent matters in connection therewith.

The Township Zoning Inspector shall have a working knowledge of the Ohio Revised Code.

The Township Zoning Inspector will not enter onto property without a formal written complaint or written violation except on issuing permits.

## **SECTION 13 - MISCELLANEOUS**

### **13.1 ANTENNAS AND TOWERS**

All antennas and towers must follow FCC rules and regulations.

Antennas must be co-located where possible. Applicant must certify reasons for not co-locating.

There is a \$1000.00 fee for anything over seventy-five (75) feet.

The property must be zoned commercial.

The setback from all property lines and the road right of way is one hundred (100) feet.

The maximum dimensions to be fenced in are one hundred by one hundred (100x100) feet.

The minimum distance from a tower to an existing structure is one hundred and fifty (150) feet.

### **13.2 PUBLIC NUISANCE**

The existence of tents, cabins, motor homes and campers and other structures of like nature, used for dwelling purposes shall be considered a public nuisance and it shall be the duty of the Newton Township Zoning Inspector, under this code, to order removal and discontinuance of all such public nuisances and to take whatever legal action necessary to insure compliance with such orders.

No person shall permit any abandoned, wrecked or dismantled auto, truck, trailer, farm equipment, aircraft, furniture, refrigerator, household appliance or other abandoned, wrecked, or dismantled products to remain on premises unless stored in a garage or other structure.

Burned out buildings, vandalized buildings, unfit for human habitation, after ninety (90) days will be removed or cleared at the owner's expense, according to provisions in Section 10, orders and notifications.

### **13.3 EXOTIC ANIMALS**

Native animal means any species of the animal kingdom indigenous to this state.

\*Note: domestic animals are not included in this definition.

Non-native animals means any species of the animal kingdom not indigenous to this State. \* Note domestic animals are not included in this definition.

### **A: Native Animals**

The following Native Animals are prohibited in captivity in all districts in the township:

Black Bear, Bobcat, Coyote, Fox, Skunk, and Raccoon and all Poisonous Reptiles.

### **B: Non-native Animals**

The following Non-native Animals may be kept in the Township provided they are kept in escape resistant pens and conform to Sec 519.21 of the Ohio Revised Code.

Bovidae-cattle, sheep, goats, buffalo, Cervidae-deer; Equidae-horses, asses, zebras, Camelidae-alpacas, llamas, and Fowl.

Except for the above stated non-native animals, the following will be prohibited in all districts in the Township:

Any non-native animal, bird, reptile, fish, or insect which if released or escaped could cause serious injury or death to humans, create a threat to local ecology or proliferate to nuisance proportions. This includes all hybrids except Diploid Amours.

## **13.4 SOLICITING**

No soliciting without a permit and a twenty-five (25) dollar fee.

## **13.5 TRANSIENT VENDORS (Res. 05-09-05 passed 9/2005)**

Every transient vendor as defined in RC 505.94, before conducting business in the unincorporated area of the township, shall register with the clerk at the township and pay a registration fee of \$25.00 per year.

The clerk shall keep a registry of transient vendors, which shall include the name and residence and business addresses of each vendor, the name and address of each company or firm he/she represents, a description of the products to be sold or offered for sale, and the name(s) and address(es) where a purchaser may obtain adjustments or receive customer service.

Upon registration of a vendor, the clerk shall furnish a copy of the registration to the Prosecutor of Trumbull County.

Registration shall be valid for one (1) year from the date of registration.

In carrying on activities in this township, a transient vendor shall not;

- a. Obstruct or interfere with public travel on, or public use of any public street, road, sidewalk or way;
- b. Enter any private premises or parts of premises where entry is prohibited by notice or which are manifestly restricted to uses which are incompatible with the vendor's activities;
- c. Remain on premises or parts of premises after notice to depart;
- d. Possess, sell, offer to sell, or solicit orders for, any product or thing in violation of the law.

Any transient vendor who violates this resolution is guilty of a minor misdemeanor, as provided in RC 505.99.

The township clerk shall certify copies of this resolution to the Ohio Secretary of State, Election Department, and to the Prosecutor of Trumbull County, Ohio.

### **13.6 MASS GATHERINGS**

Newton Township recognizes its duty to provide for the health, safety and welfare of its citizens under Title V of the Ohio Revised Code. Mass gatherings for the holding of concerts poses a potential threat to the health, safety and welfare of the citizens of Newton Township and the Township desires to protect its citizens from the potential threat that is posed by said mass gatherings for concerts.

For the purpose of the Resolution, the following definitions apply:

A "mass gathering" means a gathering of five hundred (500) or more persons at a site without permanent structures, toilet facilities, parking facilities, or its own water supply. This does not include established amusement rides, religious or school gatherings:

"Concert" means a musical performance of which the primary component is a presentation by persons singing or playing musical instruments, that is intended by its sponsors mainly, but not necessarily exclusively, for the listening enjoyment of the audience. A "concert" does not include any performance in which music is a part of the presentation and the primary component of which is acting, dancing, a motion picture, a demonstration of skills or talents other than singing or playing an instrument, an athletic event, an exhibition of speech, nor does "concert" means a symphony orchestra performance, a ballet performance, dances or fairs;

That no person shall advertise for, operate, or hold a mass gathering for the purpose of holding a concert unless:

Said person provides an on-site network of two-lane roads that provides for the adequate and efficient ingress and egress of emergency vehicles; or one-lane one way circuitous roads adequate as defined by the Chief of Police.

There shall be no public parking on said roads.

Said person provides at least two, two-lane entrances and exits that are readily accessible to all participating or attending the mass gathering, unless waived by the Chief of Police as provided in Ohio Revised Code 2917.40.

All admission gates are at least 500 feet from the nearest public road.

No person shall sell, offer to sell, or offer in return for a donation any ticket that is not numbered, except as otherwise provided in Ohio Revised Code 2917.40.

The off-site noise level from said concert shall not exceed 70 decibels; on the A scale sound level meter which meets the specifications of the American National Standard Institute, monitored by Zoning Inspector and Township Police Department.

Said person shall submit an application, fees and a detailed map certifying compliance with the above requirements, including showing the property location, dimensions, roads, entrances and exists, to the Township Zoning Inspector, who shall determine the form of application and the amount of the fees, at least 60 days prior to the date of the concert; and

Said person shall pay a fee of \$75.00 per vendor, not to exceed \$750.00, with the Township Zoning Inspector with the application for transient vendors:

Permit fee \$250.00/day for under 1,000  
Permit fee \$500.00/day for 1,000 to 2,000  
Permit fee \$750.00/day for over 2,000.

Any violation of the above stated requirements will result in a penalty of not less than one hundred dollars (\$100.00) and no more than five hundred dollars (\$500.00) and the immediate revocation of the permit.

### **13.7 ROAD BONDS**

Newton Township will require a Performance Bond for any special permitted trucks and or equipment in the amount of twenty five thousand dollars (\$25,000.00) per mile.

**FOR ALL ITEMS NOT DESCRIBED IN THESE RESOLUTIONS, ABIDE BY THE OHIO REVISED CODE.**

### **13.8 These General Standards Are Applicable To All Conditional Zoning Certificates:**

The Board of Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such a use at the proposed location.

#### Conditionally Permitted Use Regulations

Regulations applicable to conditionally permitted uses are as follows:

- 1) Loudspeakers which cause a hazard or annoyance shall not be permitted.
- 2) All points of entrance or exit should be located no closer than 200 feet from the intersection of two major thoroughfares, or no closer than 100 feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- 3) There shall be no more than one advertisement oriented to each abutting road identifying the activity. The sign or outdoor advertisement shall comply with the requirements of Section 8 of the Zoning Regulations.
- 4) No lighting shall constitute a nuisance or shall in any way impair safe movement of traffic on any street or highway. No lighting shall shine directly on adjacent properties.
- 5) Such use shall not require uneconomical extensions of utility or community services.
- 6) Such uses should be properly landscaped to be harmonious with surrounding uses, especially if residential uses.
- 7) Any temporary structure must be indicated as such on site plans submitted to the Board of Zoning Appeals for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Board of Zoning Appeals.
- 8) Any retail uses which are customarily accessory or incidental to the main recreational use shall be permitted, and shall include such uses as refreshment stands, souvenir stands and concession stands.
- 9) All activities, programs and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.

### **13.9 PROCEDURE FOR HEARING NOTICE**

Upon receipt of the application for a conditional use permit, the Board of Zoning Appeals shall hold a public hearing within forty days (40) from receipt of said application, publish notice in newspaper, and give written notice to adjoining property owners.

Action by the Board of Zoning Appeals: Within thirty (30) days after the public hearing the Board shall 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 use permit listing the specific conditions specified by the Board of Appeals. Any person or persons separately or jointly adversely affected by the decision of the Board of Appeals may appeal to the Court of Common Pleas of Trumbull County.

The Court may affirm, reverse, vacate or modify the decision complained of, in the appeal. Such appeal must be presented to the Court within ten (10) days after the filing of the decision in the office of the Board.

**ANY APPROVED CONDITIONAL USE MUST COMPLY WITH ALL CONDITIONS OF THIS ZONING RESOLUTION EXCEPT FOR THOSE CONDITIONS SPECIFIED IN THE PERMIT.**

### **13.10 CONFORMANCE**

No building shall, on or after the effective date of this resolution, be constructed, altered, repaired, or removed, except in conformity with the provisions of this resolution or any authorized rule or approval of the Newton Township Zoning Inspector made and issued hereunder.

### **13.11 SCOPE**

All matters concerning, affecting or relating to the erections, construction, use and occupancy, location and maintenance of all buildings in the unincorporated areas of Newton Township shall be included in this resolution and all reasonable rules and regulations adopted in furtherance thereof, and in conformity therewith, except all matters concerning buildings, used or occupied by farmers or farm labor employed on the same farm where the residence is located.

## **13.12 OUTDOOR WOOD FURNACE** (added 2011)

### **OUTDOOR WOOD FURNACES (Referred to as: OUTDOOR WOOD BOILERS OR HYDRONIC HEATERS)**

#### **1 Definitions**

#### **2 Regulations for Outdoor Wood Furnaces**

#### **3 Substantive Requirements**

#### **4 Appeals/Variances**

#### **5 Violations and Penalties**

#### **6 Civil Proceedings**

#### **7 Severability**

#### **8 Effective Date**

#### **1 Definitions**

A. Outdoor Wood Furnace: Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors and is hand-loaded or continuously fed (automatically fueled) for the purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood furnace may also be referred to as an outdoor wood boiler, or hydronic heater.

B. Chimney: Flue or flues that carries off exhaust from an outdoor wood furnace firebox or burn chamber.

C. EPA HH (Hydronic Heater) Phase 2 Program – EPA HH Phase 2 Program is administered by the United States Environmental Protection Agency and has a particulate matter emission limit of 0.32 pounds per million British Thermal Units output.

D. EPA HH (Hydronic Heater) Phase 2 Program Qualified Model – A hydronic heater that has been EPA HH Phase 2 Program qualified. The model has met the EPA HH Phase 2 emission level and is labeled accordingly.

E. Non-qualified Outdoor Wood Furnace Model – An outdoor wood furnace that is not EPA Hydronic Heater Phase 2 Program qualified.

F. Existing Outdoor Wood Furnace: An outdoor wood furnace that was purchased and installed prior to the effective date of this local law.

G. New Outdoor Wood Furnace: An outdoor wood furnace that is first installed, established, or constructed after the effective date of this local law.

H. Natural Wood: Wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

## **2 Regulations for Outdoor Wood Furnaces**

A. No person shall, from the effective date of this local law, construct, install, establish, operate or maintain an outdoor wood furnace other than in compliance with the applicable sections of this local law.

B. No person shall, from the effective date of this local law, operate an existing outdoor wood furnace unless such operation conforms to the manufacturer's instructions and the requirements of this local law regarding proper fuel use as set forth in Sections 3.A and 3.B.

C. All new outdoor wood furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this local law. In the event of a conflict, the requirements of this local law shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

D. The owner of any new outdoor wood furnace may be required to produce the manufacturer's owner's manual or installation instructions to the Zoning Inspector for review.

E. All new outdoor wood furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.

F. If an existing outdoor wood furnace is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, as defined by local or state law, the following steps may be taken by the owner and the (appropriate department) having jurisdiction:

- (1). Modifications made to the unit to eliminate the nuisance such as extending the chimney, or relocating the outdoor wood furnace or both.
- (2). Cease and desist operating the unit until reasonable steps can be taken to ensure that the outdoor wood furnace will not be a nuisance.

## **3 Substantive Requirements**

Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained pursuant to the following conditions:

A. Fuel burned in any new or existing outdoor wood furnace shall be only natural wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.

B. The following fuels are strictly prohibited in new and existing outdoor wood furnaces:

(1). Wood that has been painted, varnished, or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.

(2). Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps

(3). Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(4). Rubber including tires or other synthetic rubber-like products.

(5). Newspaper, cardboard, or any paper with ink or dye products.

(6). Any other items not specifically allowed by the manufacturer or this provision.

C. Setbacks for any new non-qualified outdoor wood furnace model:

(1). The outdoor wood furnace shall be located at least 50 feet from either side property line.

(2). The outdoor wood furnace shall be located at least 50 feet from the rear property line.

(3). The outdoor wood furnace shall not extend nearer to the front street property line than the mean set back distance of the principal dwelling.

(4). The outdoor wood furnace shall be located at least 100 feet from any residence that is not served by the outdoor wood furnace.

(5). The outdoor wood furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.

D. Setbacks for EPA HH Phase 2 Program qualified models:

(1). The outdoor wood furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.

#### **4 Appeals**

A. Appeals from any actions, decisions, or rulings of the Zoning department or for a variance from the strict application of the specific requirements in Section 2 or 3 of this local law may be made to the Newton Township Board of Appeals. Requests for all appeals shall be made in writing to the Board of Appeals) not later than 20 days of the act, decision, or ruling from which relief is sought.

B. All procedures and requirements for appeals and variances shall be in conformity with Section 11 of the Newton Township Zoning Regulations.

C. **Criteria for Variances.** In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment of the neighborhood or community by such grant. In making such determination the board shall also consider:

- (1). Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
- (2). Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;
- (3). Whether the requested variance is substantial;
- (4). Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the variance.

## **5 Violations and penalties.**

Any person who shall violate any provision of this local law shall be guilty of a violation as defined in Section 10 of the Newton Township Zoning Regulation.

## **7 Severability.**

The provisions of this local law are severable and the invalidity of a particular provision shall not invalidate any other provisions.

## **13.13 SMALL WIND PROJECTS/WIND TURBINES** (added 2011)

CONSISTING OF ONE UNIT OF LESS THAN 5MW AS A CONDITIONAL USE

### **Intent:**

The intent of the small wind project resolutions to establish guidelines for the location of small wind projects in Newton Township. The Township recognizes in some specific instances and under carefully controlled circumstances, it may be in the public interest to permit the placement of small wind projects consisting of one unit less than SMW in certain areas of the Township . The Trustees also recognize the need to protect the scenic beauty of the Township from unnecessary and unreasonable visual interference, noise radiation and environmental impacts and that small wind projects may have negative health, safety, welfare and aesthetic impacts upon adjoining and neighboring uses. As such, this regulation intends to:

1. Protect residential and agricultural areas from any potential adverse impact from wind turbines.
2. Permit said wind turbines in selected areas by on-site residential, commercial or industrial users, subject to the terms and conditions hereof.
3. Ensure the public health, welfare and safety of the Township's residents in connection with wind turbines.
4. Avoid potential damage to real and personal property from wind turbines or the failure of such structures and their related operations.

## **Definitions:**

Accessory Structure: structures such as sheds, storage shed, pool houses, unattached garages and barns

Anemometer: an instrument that measures force and direction of wind.

Clear fall zone: an area surrounding the wind turbine unit, in which the wind turbine and/or 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 within the property lines of the primary parcel where the turbine is located. The purpose of the clear fall zone is such that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel.

Cowling: a streamlined removable cover that encloses the turbine's nacelle.

Decibel: a unit of relative sound equal to ten times the common logarithm of the ratio of two readings. For sound, decibel scales run from zero for the least perceptible to 130 for sound that causes pain.

Mono-pole tower: a single piece tower that is placed on a minimum size 6 feet x 6 feet concrete pad, constructed with 8.5 cubic yards of concrete, and buried at 48 inches.

Nacelle: sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

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

Professional engineer: a qualified individual licensed in Ohio as a Professional Engineer.

Megawatt (MW): a unit of power equal to one million watts.

Small wind project: Any wind project less than SMW, which includes the wind turbine generator and anemometer.

Wind power turbine owner: person(s) who own the wind turbine.

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 site.

## **Wind projects:**

Wind projects as defined herein shall be permitted in all zoning districts within the Township as a conditional use, subject to the following conditions:

A. Wind projects of 5 MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) and at the Public Utilities Commission of Ohio (PUCO) shall be required to meet all OPSB regulations. Small wind projects consisting of one unit less than SMW and used solely for Agriculture will be exempt from zoning permit fees as an Agricultural Use.

B. Maximum Height: the maximum heights of any turbine tower shall be determined by the size of the lot on which it is to be sited; however, no wind turbine shall exceed 125 feet. For the purposes of this Resolution, the maximum height shall be considered to be the total height of the turbine system, including the tower and the maximum height of the turbine's blades. Maximum height shall therefore be calculated by measuring the length of the blade at maximum vertical rotation to the top surface of the ground.

C. Setbacks: Any turbine tower erected on a parcel of land shall have a setback of 1.1 times the height of the tower, or established clear fall zone, from all road right of way lines and all neighboring property lines and any other buildings or encumbrances. A turbine will need to 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, and would not strike any structures including the primary dwelling, and accessory buildings or uses. Siting a turbine tower in front of the primary structure will require an appeal to the Board of Zoning Appeals Commission.

D. Maintenance: Wind turbines shall be maintained in good working order. The current turbine tower owner or property owner shall, within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Township Planning and Commission. An unused wind turbine may stand no longer than 6 months following abandonment. All costs associated with the demolition of any wind turbine and associated equipment shall be borne by the current wind turbine owner or current property owner. A wind turbine is considered to be abandoned when it ceases transmission of electric Township for 30 consecutive days. Wind turbine towers/small wind projects that become inoperable for more than 6 months must be removed by the current wind turbine owner or current property owner within 30 days of the issuance of a zoning violation. Removal includes the removal of all apparatuses, supports, and/or other hardware associated with the existing wind turbine tower or other small wind project.

E. Decibel levels: decibel levels shall not exceed 60 dBA as measured at the closest neighboring inhabited dwelling. Any and all noise complaints shall be civil matters between the property owners, and shall be handled through the civil court system.

F. Wiring and Electrical Apparatuses: all wires and electrical apparatuses associated with the operation of the wind turbine unit shall meet all applicable local, state and federal codes, including the County Building Regulations and Residential Building Code of Ohio.

G. Fencing: the wind turbine shall be fenced with a minimum 6 feet and maximum 10 feet in height fence, in such a manner as to prevent unauthorized persons from having access to the structure and equipment.

H. Warning signs: appropriate warning signs to address voltage and trespassing issues shall be posted in a visible location on the fence surrounding the turbine tower and shall conform to all existing sign requirements. Signage shall also display current emergency contact numbers.

I. Other signage: other signage than that described in “G” above, including advertising on the wind turbine tower or surrounding fence is strictly prohibited.

J. Lighting: the only permitted lighting on a wind turbine tower is that required by the Federal Aviation Association (FAA) and the Federal Communications Commission (FCC).

K. 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.

L. Only mono-pole towers shall be permitted as conditional uses.

M. Zoning permits: a permit shall be required before construction can commence on an individual wind project system, including wind turbine towers. As part of the permit process, the applicant shall consult with the County Building Inspector as to whether additional height restrictions or other regulations are applicable due to the unit’s location in relation to any local airports. Applicant shall then provide the Board of Zoning Appeals Commission with the following items and/or information when applying for a permit:

1. The total size 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, anchors, warning signs and any necessary FAA and/or FCC lighting.
4. Data specifying the kilowatt size and generating capacity kilowatts of the particular unit.
5. A hazardous materials disposal plan.
6. The maximum decibel level of the particular unit. This information shall be obtained from the unit’s manufacturer.

7. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public rights of way, and neighboring property lines.
8. Evidence of an established setback of 1.1 times the height of the unit and clear fall zone.
9. A maintenance schedule as well as dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit application and permit.
10. Verification from the County Building Inspector that no additional regulations apply to the wind project.
11. Utility company documentation as to what will happen to any excess power that may be generated.
12. Documentation that addresses ice throw, with engineering data that the setbacks and/or composition of the rotors will be sufficient to prevent damage from ice throw from the blades.
13. Total size and depth of the concrete mounting pad, and any other required specifications for the turbine, its tower, base and other parts.
14. The turbine, including prop blades, turbine, cowling, tower, etc. shall remain in the color provided by the manufacturer, in a non reflective neutral such as white or gray. Any logos or identification marks other than those of the manufacturer and model type are strictly prohibited.

N. Utility companies regulate the types of turbines that can be installed into their grids, and limit 300 kw hours on 3 phase grids and 25 kw hours on 1 phase grids.

**Aesthetics:**

The following provision shall be applied to the aesthetic issue of wind turbines:

1. The turbine, including prop blades, turbine, cowling, tower etc. shall remain a non reflective neutral such as white or gray, with logos or identification marks other than those of the manufacturer and model type to be prohibited.
2. A requirement as to color being neutral and non reflective assures that the wind turbine will have less impact on neighboring properties aesthetics.

**Costs:**

All costs associated with the erection of a wind tunnel shall be borne by the property owner including, but not limited to permits, engineering, and meter installation.

### **13.14 NATURAL RESOURCES: MINING/EXCAVATING** (17.04.01 adopted 4-17)

#### **A. Purpose**

It is declared to be the policy of Newton Township to provide for the reclamation of lands disturbed by mining in order to encourage productive use thereof, and for the conservation, development, management and appropriate use of all the natural resources of such areas for compatible multiple purposes; and protecting the health, safety and general welfare of the people, as well as the natural beauty and aesthetic values, in the affected areas of the township.

#### **B. Operations / Site Management**

- 1) Topsoil Removal: Mining. Any excavations for the removal of topsoil or other earth products must be adequately drained to prevent the formation of pools of water. Such excavations shall be graded to avoid the creation of open pits, holes, or depressions which are below the elevation of adjacent roadways.
- 2) Open Excavations. Unless specifically permitted by the Board of Zoning Appeals, open excavations shall not be permitted, except those excavations made for the erection of a building or structure for which a permit has been issued.
- 3) Permit Required. Excavations may be carried out only by permit to be issued only when such excavations are shown not to be detrimental to the neighborhood. Excavations may not be permitted to remain as a scar to the land, but must be contoured and seeded to restore the original contour with surrounding land or its original condition. Any person, firm or corporation desiring to commence the mining and processing of topsoil, earth, clay, gravel, sand stone or other minerals shall make written application for such license to the Zoning Inspector.

The mining operations shall be conducted in compliance with the laws of the State and Federal government, especially as related to OSHA safety standards, along with local ordinances and resolutions, and in compliance with and furtherance of the approved reclamation plan for the affected land and obtain the written approval of the Trumbull County Board of Health and the Trumbull County Soil and Water District for the establishment of the proposed site.

Grade, contour or terrace final slopes, wherever needed, sufficient to achieve soil stability and control landslides, erosion and sedimentation. A fence eight (8) feet in height shall enclose the operation where there is a safety hazard. All facilities and equipment such as trucks, pumps, tanks, etc., shall be enclosed or fenced off where their operation creates a potential safety hazard. Hours of business/operation of the site shall be between 7:00 a.m. and 6:00 p.m. Monday through Friday.

Weeds and other unsightly or noxious vegetation shall be cut or trimmed as often as necessary to present a reasonably neat appearance and to prevent seeding on adjoining

property. The Zoning Inspector shall make such determination or upon complaint from citizens.

Plans shall be submitted indicating the proposed stages of operation and the future uses or rehabilitation to be carried out on the site. A bond or bonds may be required to be posted guaranteeing that the above plans will be carried out. Routes for truck movement shall be established and followed such a way that traffic and other hazards and damage to other properties shall be minimized. Movement of any vehicles shall not exceed the legal weight limits set forth by state and local engineer on any and all township roads without prior written approval by the Trumbull County Engineers Office. All areas shall be rehabilitated progressively as they are worked out and left in a condition entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

4) License/Permit: Renewal. Each license /permit issued may be renewable provided the requirements of operation and reclamation, as set forth under the operators permit and application, are met and maintained throughout the project and with satisfactory inspection record. An examination of the premises shall be made by the Zoning Inspector without notice during the term of operation.

5) Exceptions. Any mining operation legally commenced prior to the adoption of this section shall be exempt from the requirements hereof, except that said operations shall not be exempt from the requirements pertaining to mining operation license requirements, the hours of operation, the operation of motor vehicles and safety regulations.

### C. Road Ways

1) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, individual, or to the community in general; a bond may be required to insure that this provision will be met. The correction of any damages to any road surfaces occurring as the direct or indirect result of the movement of heavy equipment or heavy trucks any way associated with the mining shall be the responsibility of the permit holder.

2) The applicant shall further post a cash bond through the Trumbull County Engineers of not less than fifty thousand dollars (\$50,000) with the township to cover the costs of repair of all affected roads and/or public improvements which may be damaged as a result of the transportation of equipment by the applicant.

3) While mining, all mud carried onto public roadways by trucks, equipment, etc., shall be cleared by the miner from the public roadways as many times as necessary every day to keep the road clean and safe at all times and must mitigate the deposit of dirt and gravel from trucks onto the public roadway, by means of a street sweeper or such.

4) The E.P.A. rules shall be followed relative to air quality control and disposal of waste water. Plan for the continued restoration and maintenance to include the daily clean up of any roads leading to and from the site.

5) Failure to comply with any provisions of this section shall be grounds to refuse to issue a permit to mine or shall be grounds to revoke a permit already issued.

#### D. Reclamation

During mining and reclamation, insure that contamination, resulting from mining of underground water supplied is prevented. Maximum depth of excavation shall not be below existing ground water in the area, for protecting the health, safety and general welfare of the people. Upon completion of reclamation, insure that any lake or pond located within the site boundaries are free of substances resulting from mining in amounts or concentrations that are harmful to persons, fish, waterfowl, or other beneficial species of aquatic life. The permittee shall establish contingency plans for the immediate furnishing of potable water to affected residents for such period as may be required to reestablish property potability on any polluted or contaminated well or wells. The permit holder shall be responsible for the obligation to provide potable water, without cost to the residents receiving the same, provided liability is established by the Ohio Department of Natural Resources. During mining and reclamation, control drainage so as to prevent the causing of flooding, landslides and flood hazards to adjoining lands resulting from the mining operation. Leave any ponds in such condition as to avoid their constituting a hazard to adjoining lands.

#### E. Mapping/Details

A map shall

- 1) Be prepared and certified by a registered professional engineer and registered surveyor in the State of Ohio;
- 2) Identify the area of land to be affected corresponding to the application, with minimum setback to be established by the conditional permit;
- 3) Show the probable limits of subjacent and adjacent deep, strip, or surface mining operations, whether active or inactive. Show the office facilities, certified scale, sanitary facilities and health and safety devices pertinent to the operation;
- 4) Show the boundaries of the area of land to be affected during the period of the permits and the area of land estimated to be affected during the operation, existing topographical features of the area and name the surface and mineral owners of record of the area, and the owners of record of adjoining surface properties;
- 5) Show the names and locations of all streams, creeks and other bodies of water, roads, railroads, utility lines, buildings, cemeteries and oil and gas wells, on the area of land to be affected and within five hundred feet of the perimeter of the area;
- 6) Show the counties, municipal corporations, townships and sections in which the area of land to be affected is located.
  
- 7) Show the drainage plan on, above, below and away from the area of land to be affected, indicating the directional flow of water, constructed drain ways, natural waterways used for drainage, and the streams or tributaries.
- 8) A detailed reclamation and landscape plan and map also included.

### **13.15 GARAGE SALES** (17.04.01 adopted 4-17)

#### A. Definitions

1) All sales to include patio, porch, basement, yard, lawn, garage and block sales.

**B. Hours of Operation**

- 1) No sale shall start before 8 a.m.
- 2) All sales shall end by 8 p.m.

**C. Length of Sales**

- 1) No more than 2 sales per calendar year per residence.
- 2) No more than 4 consecutive days.

**D. Signs**

- 1) No signs shall be placed within the right-of-way or on utility poles.
- 2) No sign shall be displayed more than 48 hours prior to the day of the sale.
- 3) All signs must be removed at the end of the last day.

**13.16 DATE EFFECTIVE** (17.04.01 revised 4-17)

The regulations prescribed by this resolution will become effective on or after the earliest day allowed by law. This Zoning Resolution and amendments effective December 1, 1954, and revised December 6, 1966, November 21, 1974, July 24, 1979, December 3, 2002, April 2007, 2011, and May 08, 2017.

## **SECTION 14 - 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 this 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.

**Accessory Use - Accessory Building - Structure** is a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principle use or structure or main building.

**Affected Area** The area affected as referred to in ORC.519.12, 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.

**Apartment House** is a multi-family unit, an independent principle structure, arranged, intended, designed, and constructed or reconstructed to be occupied by three (3) or more families.

**Barrier** enclosing fence or boundary wall.

**Bathroom** 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** is a person furnished with lodging or food at another’s house at a stated charge; one who rents a room or lodging.

**Construction** shall not mean the actual commencement of the erection or alteration of a building, structure or other object, and shall be deemed to have begun only when either of the following has occurred:

- A footer is completed; or
- Raw materials are affixed to the real property so as to become a permanent part of the building, structure or other object to be erected;

Construction shall not include mere preparatory work or activity such as planning and designing, demolition of existing structures, grading, preliminary excavation work, or the removal of debris.

**Corner Lot:** is a lot where two sides of which are bounded by margins of intersecting dedicated public highways.

**Driveway** refers to that area of a lot reserved for ingress and egress to the main structure and consisting of a hard surface of gravel, asphalt, concrete, brick, or stone.

**Addendum “A”**  
**(Amended 10/25/04 Resolution #4.10.06)**

**FEES**

The fees for permits for building; including new buildings or additions to existing buildings shall be as follows:

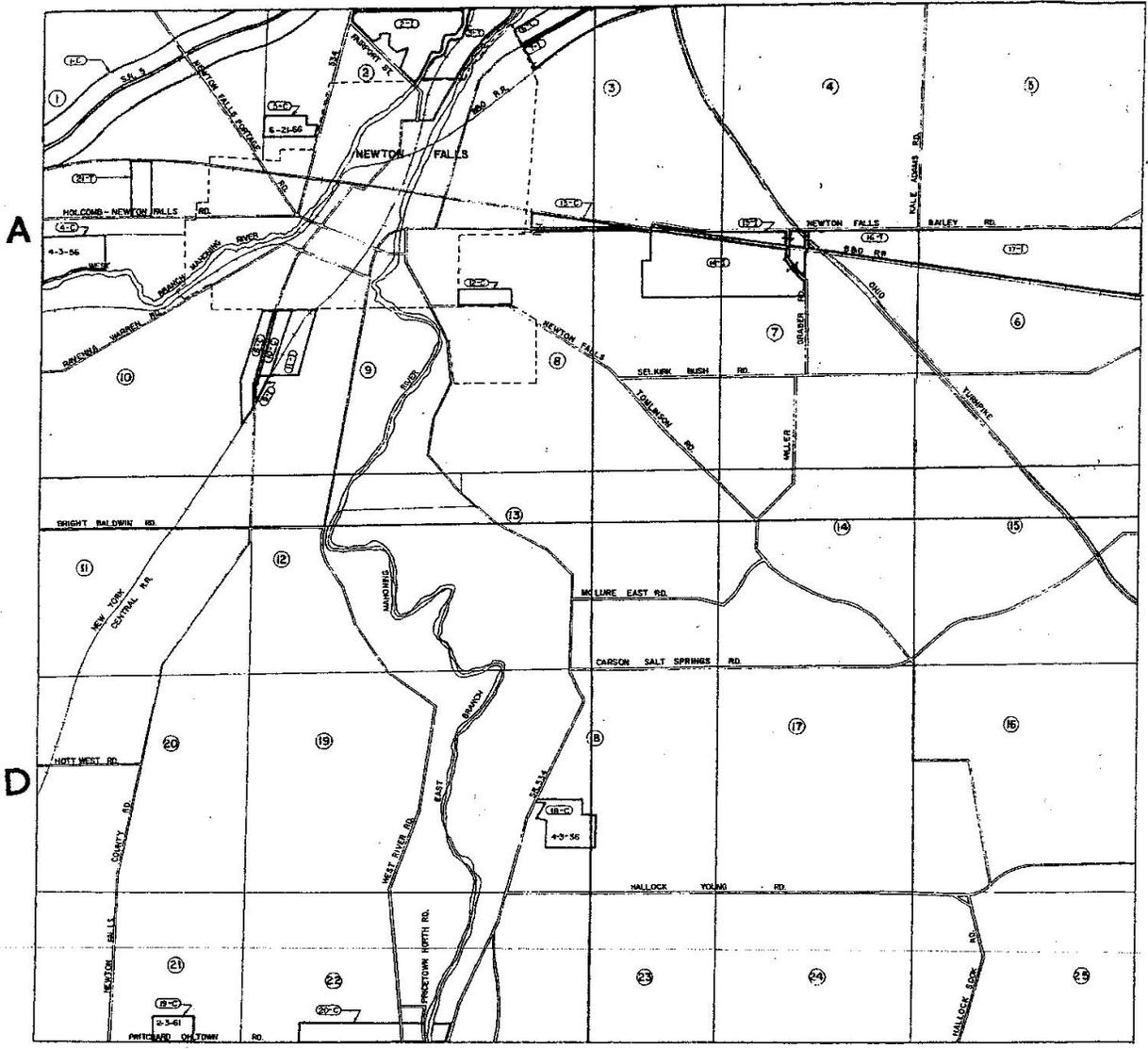
The following schedule will apply based on the square footage of the living area plus garage and porches for dwelling.

Square Footage	Permit Fee
0 to 200.....	\$30.00
201 to 2499.....	\$00.15 Sq. Ft.
Over 2500.....	\$00.20 Sq. Ft.
Any new construction not covered by square footage	\$30.00
Fence, Carport Patio, Porch, Greenhouse Fee.....	\$30.00
Swimming pool fee.....	\$50.00
One Family unit in Mobil Home Park Fee.....	\$50.00
Oil & Gas Well Fee.....	\$200.00
Commercial Tower Fee.....	\$1000.00
Zone Change Petition Fee.....	\$200.00 plus legal costs
Zoning Appeal Petition Fee.....	\$200.00 plus legal costs
Use Variance Change Fee.....	\$250.00 plus legal costs
Area Variance Change Fee.....	\$200.00 plus legal costs

A repair guarantee bond in the sum of \$750.00 must accompany any request for cutting or breaking the surface of a Newton Township road. This is to be in the form of a bond or certified check. If repair of the damaged section of road is made within sixty days (60) and to the satisfaction of the Township Trustees, certified check will be returned. (See Revised Code of Ohio Section 5571.16).

The same schedule as for dwelling shall apply to each individual commercial unit based on above grade area.

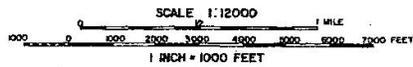
# NEWTON TOWNSHIP ZONING MAP



A

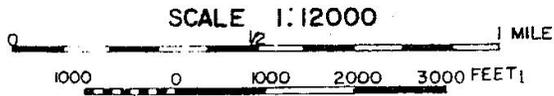
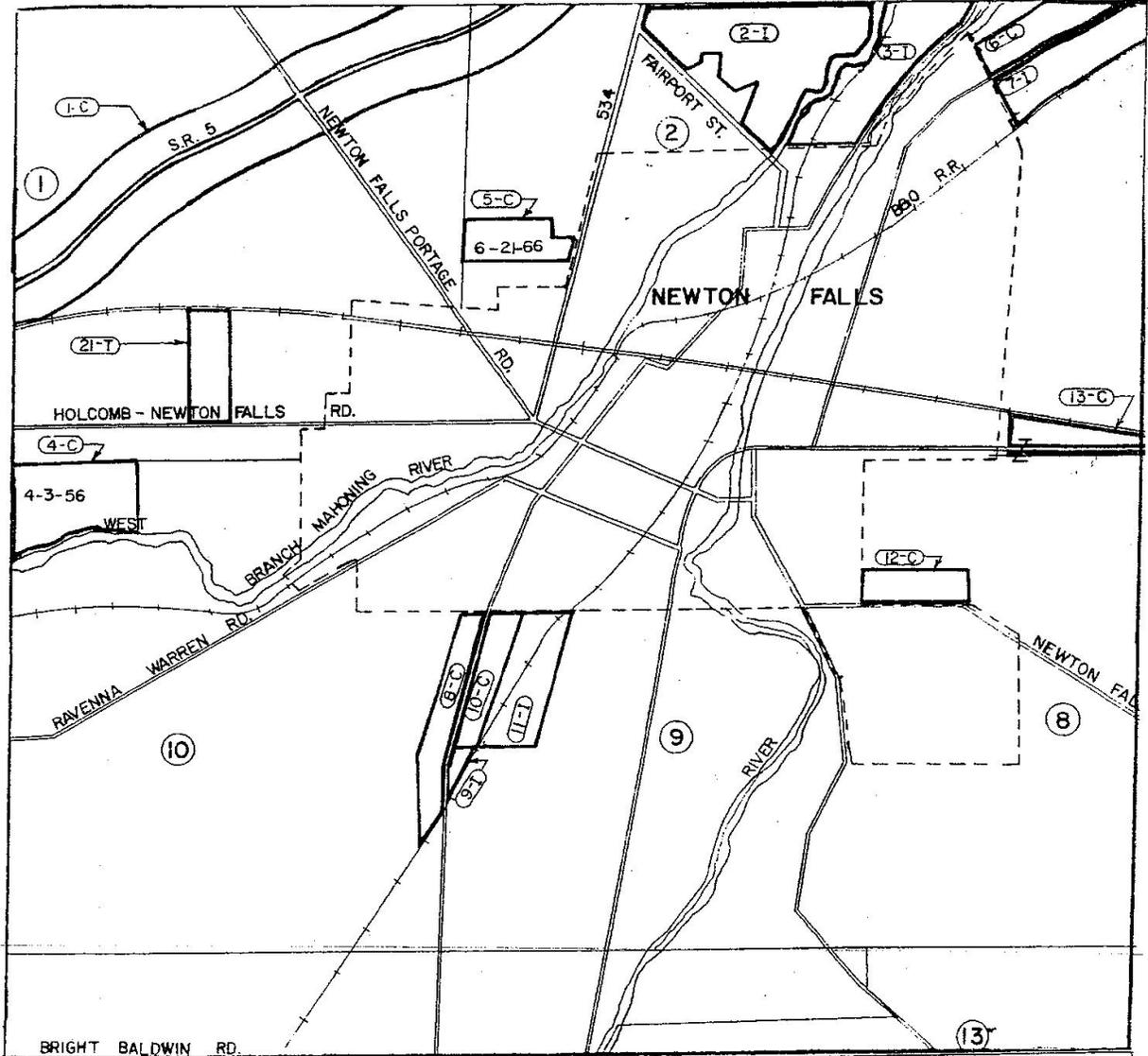
D

PREPARED BY  
TRUMBULL COUNTY  
PLANNING COMMISSION



LEGEND	
C-2	DESCRIPTION REFERENCE NUMBER
-C	CHANGED TO BUSINESS AND COMMERCIAL
-I	CHANGED TO INDUSTRIAL
-D	CHANGED TO TRAILER CAMP

# NEWTON TOWNSHIP ZONING MAP A



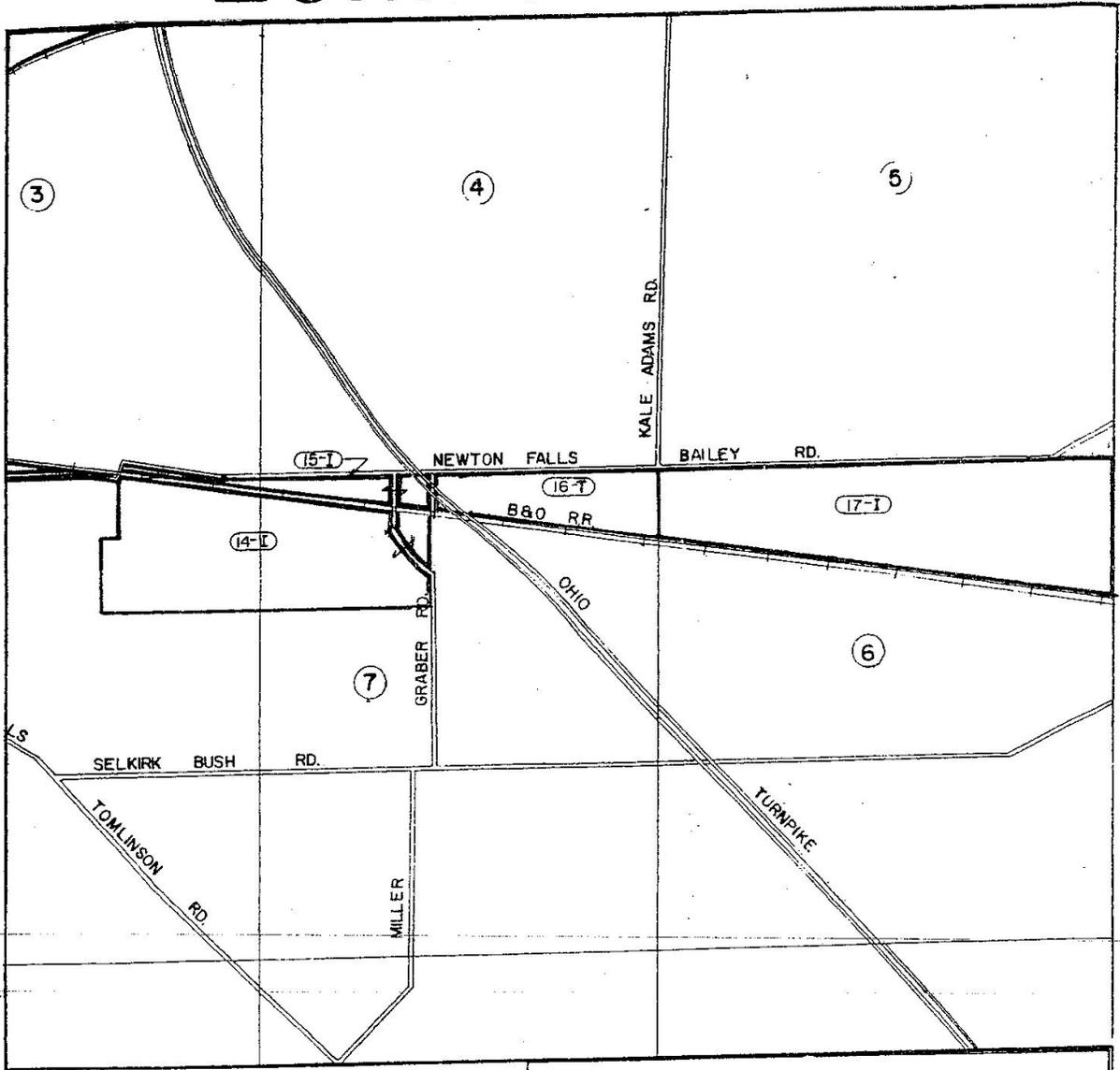
PREPARED BY  
TRUMBULL COUNTY  
PLANNING COMMISSION



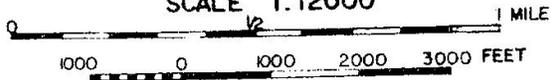
## LEGEND

- (12) DESCRIPTION REFERENCE NUMBER
- C CHANGED TO BUSINESS AND COMMERCIAL
- I CHANGED TO INDUSTRIAL
- D CHANGED TO TRAILER CAMP

# NEWTON TOWNSHIP ZONING MAP B



SCALE 1:12000



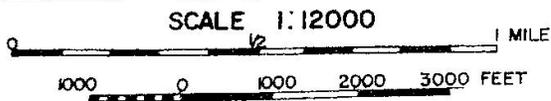
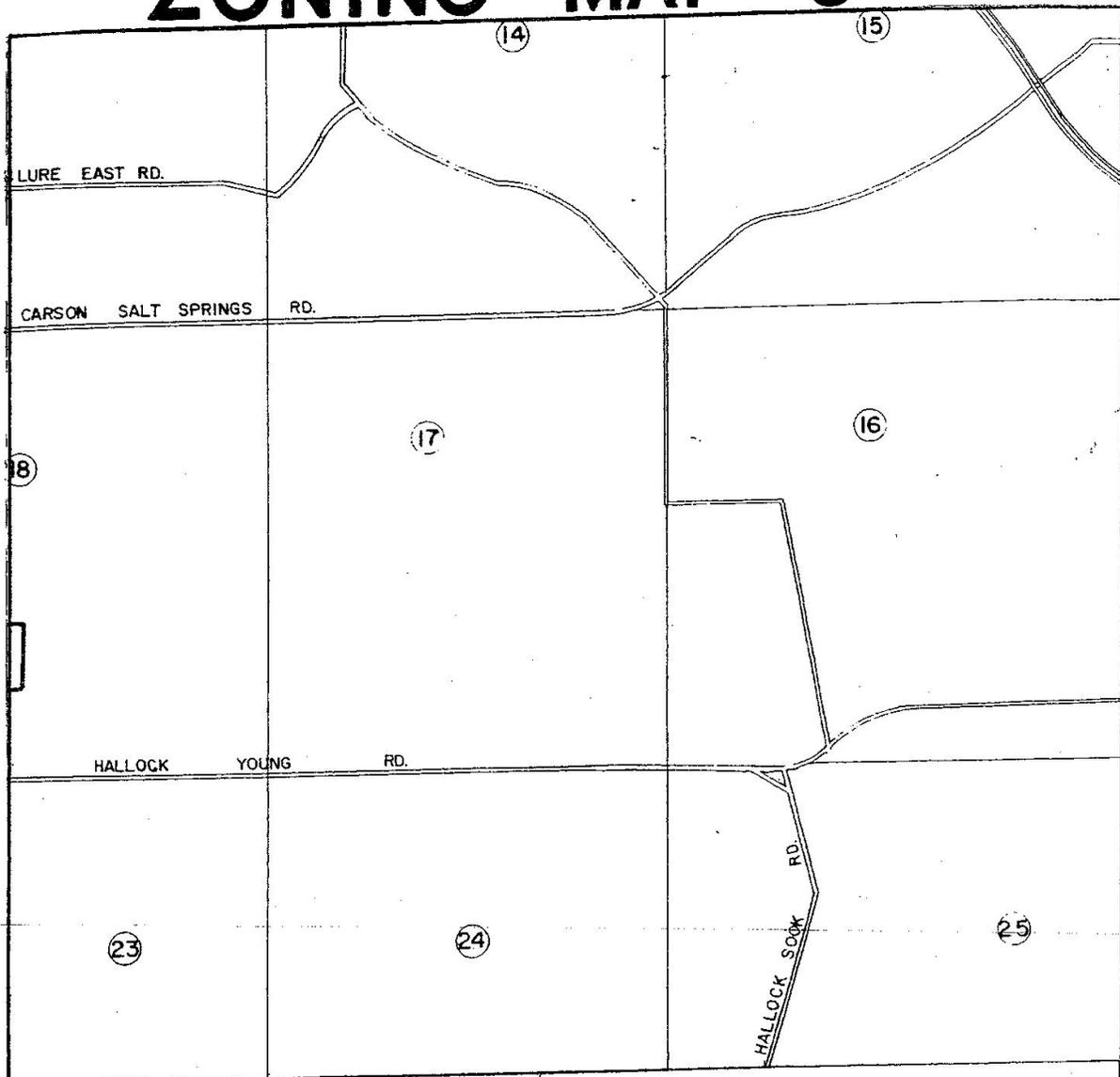
### LEGEND

- (12) DESCRIPTION REFERENCE NUMBER
- (D) CHANGED TO BUSINESS AND COMMERCIAL
- (I) CHANGED TO INDUSTRIAL
- (T) CHANGED TO TRAILER CAMP

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PLANNING COMMISSION



# NEWTON TOWNSHIP ZONING MAP C



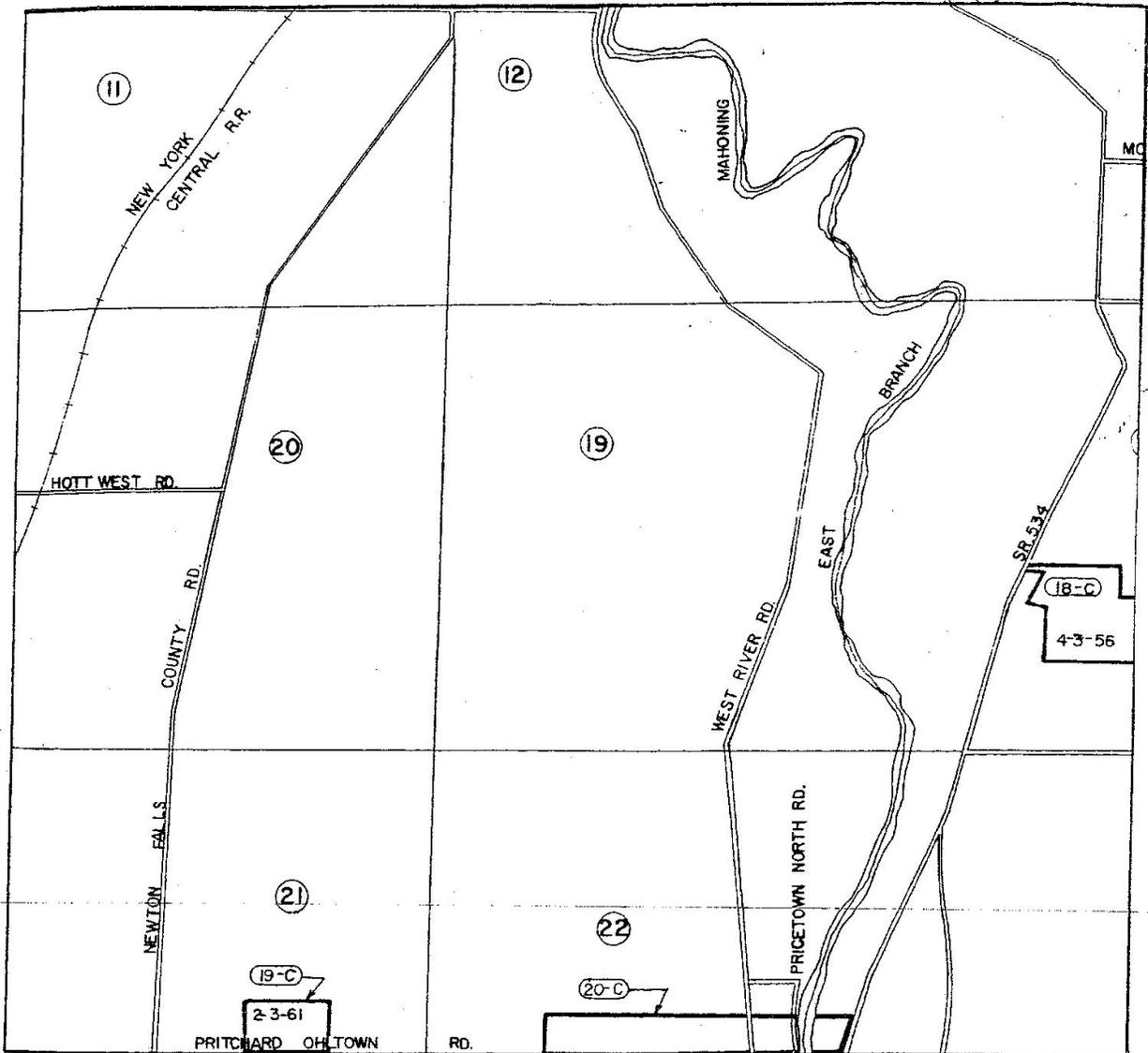
PREPARED BY  
 TRUMBULL COUNTY  
 PLANNING COMMISSION



## LEGEND

- (12) DESCRIPTION REFERENCE NUMBER
- (D) CHANGED TO BUSINESS AND COMMERCIAL
- (I) CHANGED TO INDUSTRIAL
- (T) CHANGED TO TRAILER CAMP

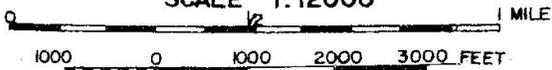
# NEWTON TOWNSHIP ZONING MAP D



PREPARED BY  
TRUMBULL COUNTY  
PLANNING COMMISSION



SCALE 1:12000



## LEGEND

- Ⓞ 19-C DESCRIPTION REFERENCE NUMBER
- Ⓞ 20-D CHANGED TO BUSINESS AND COMMERCIAL
- Ⓞ 21-D CHANGED TO INDUSTRIAL
- Ⓞ 22-D CHANGED TO TRAILER CAMP

## MAP REFERENCE

### BUSINESS ZONES

In all business zones wherein the road frontage is described, the depth of the business parcels shall be four hundred (400) feet from the side of the road right-of-way. Any business or commercial establishment constructed on said parcels must have a clear and unobstructed frontage upon the street or road described in this ordinance and not upon a side road intersecting the road described.

1. **BUSINESS AND COMMERCIAL**  
State Route 5 from Braceville Township Line to Portage County Line. Depth is 400 feet from the side line right-of-way.
2. **INDUSTRIAL**  
Property now or formerly owned by S. S. Mackenzie and H. Romansik bounded by Fairport Road; State Route 534; and the West Branch of the Mahoning River except Bon Air allotment.
3. **INDUSTRIAL**  
Property now or formerly owned by Republic Steel Corporation and Rockwell Standard bounded by the West Branch of the Mahoning River; Newton Falls City Limits; and the East Branch of the Mahoning River.
4. **BUSINESS AND COMMERCIAL**  
Property now or formerly owned by A. and W. Adkins, bounded by property now or formerly owned by M. Border; the West Branch of the Mahoning River; and by property fronting on Holcomb-Newton Falls Road.
5. **BUSINESS AND COMMERCIAL**  
Property now or formerly owned by B. J. and Marie Tabet bounded by property owned by Mary Johnson; by property owned by C. and E. Kesele; State Route 534; Methodist Church; and by property fronting on Windham Road.
6. **BUSINESS AND COMMERCIAL**  
Property bounded by Warren Road; Newton Falls City Limits; and Braceville Township Line. Property is 400 feet in depth.
7. **INDUSTRIAL**  
Property bounded by Newton Falls City Limits; Warren Road; Ohio Turnpike; and the R. R. right-of-way.
8. **BUSINESS AND COMMERCIAL**  
Property bounded by South Canal Street; Newton Falls City Limits and the R. R.
9. **INDUSTRIAL**  
Property bounded by east side of South Canal Street, R. R. to Niles Avenue.
10. **BUSINESS AND COMMERCIAL**  
Property running from Niles Avenue to Newton Falls City Limits. Depth of property is 400 feet.
11. **INDUSTRIAL**  
Property bounded by South Center Road; R. R. and by South Center Street.
12. **BUSINESS AND COMMERCIAL**  
Property bounded by Newton Falls City Limits extending east to a point approximately 260 feet east of Akron Avenue. Property has a depth of 400 feet.
13. **BUSINESS AND COMMERCIAL**  
Property bounded by Newton Falls City Limits; Arlington Road.
14. **INDUSTRIAL**  
Property now or formerly owned by Ferro Machine and Foundry, Inc. and now or formerly owned by B. and C. Evans, Harrison Construction Company.
15. **INDUSTRIAL**  
Property bounded by Newton Falls - Bailey Road; B. & O. Railroad; and Miller Graber Road.
16. **TRAILER CAMP**  
Property bounded by Miller Graber Road; Newton Falls-Bailey Road; B. & O. Railroad; and the Standard Slag Company.
17. **INDUSTRIAL**  
Property owned by Standard Slag Company and bounded by Newton Falls - Bailey Road; and the B. & O. Railroad.
18. **BUSINESS AND COMMERCIAL**  
Property now or formerly owned by Francis J. Gibbons and ingress and egress from State Route 534; by G. V. Sinn; E. & M. Holesko; M. M. Longenberger; V. M. Beardsley, and L. Creech.
19. **BUSINESS AND COMMERCIAL**  
Property bounded by Pritchard-Ohltown Road; property owned by John Travers; and by property owned by Eli and Mary Sharec.
20. **BUSINESS AND COMMERCIAL**  
Property bounded by Pritchard-Ohltown Road; starting at property owned by A. Balent and running to East River Road. Property is 400 feet in depth.
21. **TRAILER CAMP**  
Property now or formerly owned by S. & M. Brown; bounded by Holcomb-Newton Falls Road; by property now or formerly owned by S. & M. Brown; by Youngstown-Ravenna R.R.; and by property now or formerly owned by A. & C. Heffner.

NOTE: The depth of commercial parcels unless otherwise described shall be 400 feet from the center line of the road right-of-way.

## ARTICLE XVI

### EROSION AND SEDIMENT CONTROL (ESC)

**Note: It is recommended that the board of Township Trustees enter into a memorandum of understanding with the Trumbull SWCD with respect to these regulations.**

#### *Section 1600.0 Purpose and Intent*

- A. The purpose of these regulations is to establish technically feasible and reasonable standards to achieve a level of water management and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the public health and safety.
- B. These regulations are intended to:
1. Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.
  2. Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.
- C. These regulations apply to all of the permitted and conditional buildings, structures, and uses set forth in every zoning district in this zoning resolution, except as otherwise provided herein.

#### *Section 1601.0 Words and Terms Defined*

For the purpose of these regulations, the terms used herein shall have the meaning as set forth in the most recently adopted version of the Trumbull County Erosion and Sediment Control Rules. Said terms are adopted and made a part of these regulations as though fully rewritten herein.

#### *Section 1602.0 Requirements and Application Procedures*

- A. Two (2) sets of a Erosion and Sediment Control (ESC) Plan shall be included with the application for a zoning certificate for any of the principal permitted, accessory, or conditional buildings, structures, and uses or off-street parking, loading/unloading areas allowed by this resolution and any additions or alterations thereto.
- B. ESC Plans are not required for any principal permitted, accessory, or conditional buildings, structures, or uses or off-street parking, loading/unloading areas allowed by this resolution or any additions or alterations thereto disturbing less than one (1) acre of land area.
- C. The contents of the ESC Plan shall meet all requirements and recommendations for erosion and sediment control contained in the most recent version of the Trumbull County Erosion and Sediment Control Rules.

If the lot owner is required to prepare a Storm Water Pollution Prevention Plan (SWP3) in accordance with the Ohio Environmental Protection Agency's (EPA) NPDES Permit No. OHC000002, or the most recent version thereof, this SWP3 may be submitted in lieu of a separate ESC Plan. In situations of conflict between OEPA requirements and these regulations, the most restrictive shall prevail.

The zoning inspector shall review the ESC Plans submitted under this resolution and approve for compliance or return for revisions with comments and recommendations for revisions within thirty (30) working days after receipt of the Plan. The zoning inspector shall advise applicants that the ESC Plan may be forwarded to the Trumbull SWCD for technical assistance and review. A disapproved Plan shall receive a narrative report citing

specific problems and procedures violated and the procedures for filing a revised Plan to ensure compliance with the Trumbull County Erosion and Sediment Control Rules. At the time the zoning inspector receives a revised Plan, another thirty (30) day review period shall begin.

Soil disturbing activities shall not begin and zoning certificates or conditional zoning certificates shall not be issued without a ESC Plan approved by the zoning inspector in accordance with these regulations.

Any addition or alteration to the site design as shown on the approved ESC Plan may require the resubmission of said Plan in accordance with these regulations. In making a determination regarding such resubmission, the zoning inspector may consult with the Trumbull SWCD. The zoning inspector shall determine if any addition or alteration requires the issuance, of a new zoning certificate or conditional zoning certificate.

### **Section 1603.0 Compliance with State and Federal Regulations**

Approvals issued in accordance with these regulations do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from federal, state, and/or county agencies. Such permits and/or approvals shall be obtained before any zoning certificate or conditional zoning certificate is issued. If requirements vary, the most restrictive requirement shall prevail.

Soil-disturbing activities regulated under these regulations shall not begin until all necessary state and federal permits have been granted to the lot owner. These permits may include, but are not limited to, the following:

1. Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the lot owner explaining why the NPDES Permit is not applicable.

2. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application, public notice, or project approval, or a letter from the lot owner verifying that a qualified professional has surveyed the lot and found no waters of the United States. Such a letter shall be noted on site plans submitted to the zoning inspector. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the Ohio EPA and U.S. Army Corps of Engineers at the time of application of this regulation.

3. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application, public notice, or project approval or a letter from the lot owner verifying that a qualified professional has surveyed the lot and found no waters of the State. Such a letter shall be noted on site plans submitted to the zoning inspector. Isolated wetlands shall be delineated by protocols accepted by the Ohio EPA at the time of application of these regulations.

4. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, if an Individual Permit is required for the development project, public notice, or project approval. If an Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:

A letter from the lot owner verifying that a qualified professional has surveyed the site and found no waters of the United States. Such a letter shall be noted on site plans submitted to the zoning inspector.

A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of these regulations.

5. Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a letter from the lot owner or a qualified professional explaining why the Ohio Dam Safety Law is not applicable.

# Review Fees

## *Trumbull County*

### *Soil and Water Conservation District*

Preliminary Plan Review.....	\$10/acre
(\$50 minimum fee shall apply)	

<b>Store Water Pollution Prevention Plan (SWPPP) review</b> (\$25 minimum fee shall apply)
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• Commercial, Industrial, Residential Subdivision .....	\$25
<b>*Not to exceed fee of \$1,000.00</b>	

• Residential Sublots within a larger common plan of development .....	\$25
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• Residential Sublots not in a common plan of development >5acres.....	\$25
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Application for Approval Under the  
Trumbull County Erosion and Sediment Control Rules  
Trumbull Soil and Water Conservation District

**ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM. THE REVIEW AND INSPECTION FEE SHALL BE SUBMITTED WITH THE EROSION AND SEDIMENT CONTROL (ESC) PLANS. ESC PLANS SHALL NOT BE REVIEWED UNTIL THE FEE HAS BEEN PAID.**

<b>1. Owner Information</b>		
Name	Phone:	
Address	Fax:	
City	State	Zip
<b>2. Agent/Contractor/Homebuilder Information</b>		
Name	Phone:	
Contact Person	Phone:	
Address	Fax:	
City	State	Zip
<b>3. Site Location Information</b>		
Facility/Site Name:	Township:	
Address:	Project Type:	
City:	State:	(subdivision, commercial, single lot, etc.) Zip:
<b>4. Soil-Disturbing Activity Information</b>		
Total Project Area (in acres)	Proposed Start Date (mo/day/yr)	
	Estimated Completion Date (mo/day/yr)	
<b>5. Receiving Water Information</b>		
Receiving Water Body:	Watershed Name:	
<b>6. Additional Natural Resource Permits (if applicable)</b>		
Ohio Environmental Protection Agency NPDES Permit #	Or N01 (date sent)	
U.S. Army Corps of Engineers Section 404 Permit #	Or NWP #	
Other Pertinent Natural Resource Permits Required:		
<b>7. Payment Information</b>		
<b>Make Checks Payable to: Trumbull SWCD</b>		
Date of Check:	Check Number	Amount:
<b>8. Certification</b>		
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision and are to the best of my knowledge and belief, true, accurate, and complete.		
Printed Name:	Affiliation:	
Signature:	Date:	

IF YOU HAVE ANY QUESTIONS OR CONCERNS  
ABOUT THE ZONING RESOLUTION BOOK OR  
NEWTON TOWNSHIP ZONING, PLEASE CONTACT  
THE ZONING OFFICE AT 330-872-7411.

THE NORMAL BUSINESS HOURS ARE:

MONDAY AND THURSDAY  
4:00 P.M. – 6:30 P.M.