

HARTFORD TOWNSHIP ZONING RESOLUTION

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ZONING RESOLUTION

Hartford Township
Trumbull County, Ohio

Approved at General Election
November 1959

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PREFACE

Zoning is a tool to protect our community, if only we give it a chance. In the past years probably all of us have noticed our respective neighborhoods and the township as a whole, the intrusion of many conditions that are both unsightly and unsanitary, conditions that constitute public nuisance and lessen the value of our property. We have chosen this rural district for our home away from the hustle and bustle and 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 big and growing city; 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 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 better Hartford Township as the years go by.

ZONING RESOLUTION FOR HARTFORD TOWNSHIP

A resolution providing for the zoning of Hartford 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 Hartford Township deems it necessary in the interest of 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 Hartford Township.

SECTION 1:
PURPOSES

For the purpose of the promotion of health, safety, morals, comfort, and general welfare; to conserve and protect property and property value; 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 Hartford Township find it necessary and advisable to regulate the location and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot area which may be occupied, setback building lines, size of yards, courts and other open spaces, the use of buildings and other structures, including tents, cabins designed for transient tourist trade, mobile homes and trailer coaches and the use of land for trade, industry, residence, recreation of other purposes and for such purposes, divides the area of the township into districts or zones. 12/14/75

SECTION 2: **INTERPRETATION**

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

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

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

SECTION 3: **DEFINITIONS**

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

A SINGLE FAMILY DWELLING is a dwelling entirely detached and independent from any other principal structure, arranged, intended, designed and constructed or reconstructed to be occupied by a single family.

A NONCONFORMING USE for the purpose of this resolution, is one that does not comply with the regulation established for the particular use district or zone in which it is situated.

AN ACCESSORY USE or “accessory building” for the purpose of this resolution is a use or building customarily incident to and located on the same lot with another use or building.

A HIGHER USE wherever mentioned in this resolution is a more restricted use and LOWER USE is a less restricted use.

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

A SET BACK LINE wherever mentioned in this resolution is the distance between the front lot line in question and the nearest principal building line.

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

A SIGNBOARD OR “BILLBOARD” for the purpose of this resolution is any structure or part thereof on which lettered or pictorial matter is displayed for publicity or advertising purposes.

STREET the words “street,” “road,” “highway,” or “lane” are for the purpose of this resolution considered to be synonymous and each is defined as a public way located, designed and dedicated for public use.

AN ALLEY for the purpose of this resolution is defined as a narrow public way, located, designed and dedicated for public use.

STRUCTURE OR “BUILDING” for the purpose of this resolution is anything erected, constructed or reconstructed on a foundation, posts, piles, blocks, skids, sills or any other support, whether such foundation, posts, piles, blocks, skids, sills or other support is or is not permanently located in, or attached to, the soil.

TRAILER OR “HOUSE TRAILER” or “trailer coach” for the purpose of this resolution is any vehicle originally built, manufactured, assembled, constructed, or reconstructed to have one or more wheels, and is designed, used or intended for use as a temporary or permanent dwelling or shelter for one or more individuals.

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

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

REAR LOT LINE OR “REAR PROPERTY LINE” for the purpose of this resolution shall be the property line opposite the front lot line as defined in this resolution. If a lot is not in the form of a rectangle, but is irregular in shape, there shall be no rear lot line unless the principal building on said lot face and angle thereof, the side of said angle shall be the front lot and the line opposite said angle shall be the rear lot line.

REAR YARD or “back yard” or “rear area” for the purpose of this resolution, is a space unoccupied by buildings or any structure of any type between the rear lot line and the building line nearest thereto on said lot.

A LINE OF A BUILDING OR “BUILDING LINE” wherever mentioned in this resolution is either the main foundation wall or the line of any covered porch extending outside the main foundation wall, not including steps or walks, whichever is nearer the lot line in question.

A SIDE YARD OR “SIDE AREA” for the purpose of this resolution, is a space unoccupied by a building between a side lot line and the building line nearest thereto on said lot.

A CORNER LOT for the purpose of this resolution, is a lot, two sides of which is bounded by margins of intersecting dedicated public highways.

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

AN APARTMENT HOUSE wherever mentioned in this resolution, is a complete permanent building arranged, designed, intended and constructed or reconstructed to be occupied by more than two families living independently of each other and doing their own cooking upon the premises, or by more than two families living independently by having a common heating system or a general dining room.

TENT wherever mentioned in this resolution is a temporary structure of canvas and other similar material for adult occupancy and is not intended to include a child’s play tent.

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

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

APPROVED SEWAGE DISPOSAL PLANT A plant approved by state and county sanitary officers giving primary and secondary treatment to sewage and operated and maintained by assessments against the property served; said assessment being collected by the county of Trumbull.

AUTO GRAVE YARD Any place wherein two (2) 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 of mechanical parts or motor adjustments and/ or rehabilitation.

AFFECTED AREA The area affected as referred to in Section 8 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.

OUTDOOR SWIMMING POOLS Any artificial water pool constructed of steel, masonry, concrete, aluminum, plastic, or any other material located out of doors, which has a square foot surface area of one hundred (100) square feet or more.

BOARDER whenever mentioned in this resolution is a person furnished with food and lodging or food at another's house at a stated charge; one who rents a room or lodging.

CONSTRUCTION whenever mentioned in this resolution shall be deemed begun when ground is broken for the purpose of the erection of any building falling under the jurisdiction of this resolution.

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

MOBILE HOME means a manufactured, relocate able, single family dwelling unit suitable for year round occupancy, containing a water supply, waste disposal and heating system, and electric conveniences.

CONSTRUCTION AND DEMOLITION DEBIS means those materials resulting from the alteration, construction, destruction, rehabilitation or repair of any manmade physical structure, including without limitation, houses, buildings, industrial or commercial facilities, or roadways, (effective 8/31/94)

HAZARDOUS WASTE means any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that because of its quantity, concentration, or physical or chemical characteristics, may: (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of or otherwise managed, Hazardous waste includes any substance identified by regulation as hazardous waste under the “Resource Conservation and Recovery Act of 1976” as amended. (effective 8/31/94)

HOME OCCUPATION – a business, profession, occupation or trade conducted for gain or support entirely within a residential building which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential character of such building.

VARIANCE – a relaxation by the Board of Zoning Appeals of the regulations of the resolution where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or situation of the applicant, a literal enforcement of this code would result in unnecessary and undue hardship. (Amended 7/3/12)

SOLID WASTE means such unwanted residual solid or semisolid material as results from industrial, commercial, agriculture, and community operations, excluding earth or material from construction, mining, or demolition debris, or infectious or hazardous waste. (effective 8/31/94)

SECTION 4: **ENFORCEMENT**

It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this resolution or amendment thereto. Any person, firm, or corporation violating this resolution or any regulation, provision or amendment thereto shall be fined not more than five (\$500.00) hundred dollars for each offense. 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, reconstructed, enlarged, changed, maintained, or use of any land is, or is proposed to be, used in violation of law or of this resolution or any amendment thereto, the Board of Township Trustees, the prosecuting attorney of this county, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation in addition to their remedies provided by law, may institute injunction, mandamus, abatement, or other appropriate action, actions, proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

The position of Township Zoning Inspector is hereby created. The Township Zoning Inspector and such assistants as may be determined necessary, shall be appointed by the Board of Township Trustees and shall receive such compensations as the Board of Township Trustees may provide.

For the purpose of this Resolution, the Zoning Inspector shall have the following duties:

- 1) The Inspector, upon finding that any provisions of this Resolution are being violated, shall notify in writing the person(s) responsible for the violation and order the action necessary to correct such violation.
- 2) The Inspector shall order, in writing, the discontinuance of illegal use of land, buildings or structures. In addition the inspector may order removal of illegal buildings or structures of illegal additions or structural alterations.
- 3) The Inspector shall issue a STOP WORK ORDER to effect the discontinuance of any illegal work being done.
- 4) A monthly written report shall be submitted to the Township Board of Trustees and the Zoning Commission regarding the issuance of permits, inspections made, complaints filed and any violations of the Resolution.
- 5) The Inspector shall attend meetings of the Township Trustees, Zoning Commission and Board of Zoning Appeals. Reports and Recommendations are given at this time.

- 6) Any other action authorized by this Resolution may be taken to ensure compliance with or prevent violation(s) of this Resolution. This includes the issuance of permits, inspections made, and any other violations of this Resolution.
- 7) A filing system shall be established and maintained with copies of all Applications and Permits, copies of Violations and Complaints, copies of all Amendments and Zone Changes as adopted by the Board of Trustees and updated records of Nonconforming Uses.
- 8) A copy of the current Township Zoning Map shall be maintained in the office and continually updated. Nonconforming Uses should be noted on this map.
- 9) The Inspector shall issue house numbers as requested and record these in the Township Street Directory. The Directory should be continually updated and written notices of addition or deletions sent to the township Police and fire Departments and the Township Clerk.
- 10) In the absence of a Zoning Inspector, the township clerk may be appointed and compensated accordingly.

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

In the event of an emergency, including fire, windstorm, flood, or other act of 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 place of such destroyed building while the destroyed building is being repaired or replaced. Under said conditions the Zoning Inspector may permit the use of tents, trailers or buildings for a six month period.

A Zoning Certificate when obtained by an applicant shall not be transferred to another person or to another property and the fee therefore shall be nonrefundable.

A Zoning Permit shall expire at the end of ninety (90) days from the date of issuance, and unless construction, location, change the use of or alteration of any building or premises is not commenced within said ninety (90) day period, a new application for another Zoning Certificate must be made to the Zoning Inspector.

The structure must be completed within one year from date of issuance of permit.

SECTION 5: **ZONING CERTIFICATE FEES**

Permit fees and costs for the purpose of defraying the cost of inspection, certification and maintenance of records shall be established by a majority vote of the Hartford Township Board of Trustees at its annual organizational meeting and shall remain constant until changed or continued at each successive annual organizational meeting or special meeting called for the purpose of setting fees. Fees presently set shall continue until amended by the Hartford Township Board of Trustees as required herein. The Zoning Inspector shall charge a double fee to any owner who does not obtain a zoning permit prior to the commencement of the construction or use incident to the required permit.

TEMPORARY PERMITS

Special Permits may be authorized by the Board of Appeals for a period not to exceed one year, for nonconforming uses incidental of housing and construction projects and including such structures and uses as storage of building supplies, machinery and model home office located on the tract being offered for sale; provided such permits are issued only upon expiration of original permit.

ADDITIONS OR ALTERATIONS

Before locating, erecting, constructing, reconstructing, enlarging or altering the appearance of the exterior (except for the rearranging or adding of windows) of any building or structure, including the accessory buildings for structures of changing the use of any premises within the district, a written application shall first be made by the owner to the Zoning Inspector, in the manner set forth in this resolution for a zoning certificate. No action shall be taken by the owner with respect to the matters set forth in his application without first receiving such a zoning certificate, which shall be his permission to proceed according to the terms and conditions set forth in the zoning certificate.

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

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

SECTION 6:
BOARD OF ZONING APPEAL

There is hereby created a Township Board of Zoning Appeals of five members, who shall be residents of the unincorporated area of the township included in the area zoned. The terms of each member shall be five years beginning January 1, except the terms of the original members shall be of such length and so arranged that the terms of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired terms.

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

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning laws or of this resolution or any amendments thereto.
2. To authorize, upon appeal, in specific cases, such variance from the terms of this zoning resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.
3. In exercising the above mentioned powers, such board may, in conformity with the provisions of law and this resolution and amendment thereto reverse or affirm, wholly or partly, or may modify the order, requirement, decisions or determination appealed from, and may make such order, requirements, decisions or determination as ought to be made, and to the end shall have all powers of the office from whom the appeal is taken.
4. The Township Board of Zoning Appeals shall organize, and adopt rules in accordance with the provisions of this zoning resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, or in his absence the Acting Chairman, may administer oaths and the Township Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which, shall immediately be filed in the office of the Board of Township Trustees and shall be a public record.
5. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or any officer of the Township affected by any decision of the administrative officer. Such appeals shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning

Appeals all the papers constituting the record upon which the action appealed was taken from.

6. The Township Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.
7. The filing of an appeal from any decision of the Zoning Inspector with the Board of Zoning Appeals shall suspend any action by the Zoning Inspector or other authority in a court of competent jurisdiction to enforce the provisions put in question by said appeal, except that the Zoning Inspector may bring an action in injunction to enjoin the appellant from further construction or use during the pendency of his appeal.
8. Any appeal which has been resolved by the Board of Zoning Appeals may not be refiled nor will said Board entertain the same within six (6) months from the time of the resolution of the original appeal.
9. Any future changes of the Ohio Revised code will automatically apply to the procedure written herein and supersede the same.
10. The Board of Township Trustees of Hartford Township may appoint two (2) alternate members of the Township Board of Zoning Appeals, for terms not to exceed five (5) years. An alternate member shall take place of an absent regular member at any meeting/ hearing of the Township Board of Zoning Appeals according to procedures prescribed by resolution by the Board of Township Trustees. Allowable expenses or compensation shall be paid as the Board of Township Trustees may approve and provide. When attending a meeting/ hearing on behalf of the absent member of the Township Board of Zoning Appeals, the alternate member may vote on any matter of which the absent member is authorized to vote. An alternate member shall serve until the alternate member's successor is appointed and qualified.

(Amended 12/5/2005)

SECTION 7:
**AMENDMENTS OR SUPPLEMENTS TO ZONING RESOLUTION:
PROCEDURE, REFERENDUM**

Amendments to the Resolution can be:

- 1) Initiated by the Township Zoning Commission
- 2) Passed by Resolution of the Board of Township Trustees. The Board of Trustees shall upon passage of such Resolution, certify it to the Township Zoning Commission.
- 3) Filed by application by one or more Owners or lessees within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission.

Fees: The Township Trustees may require that the owner or lessees of the property filing application to amend the Zoning Resolution pay a fee therefore to defray the cost of advertising, mailing, and other expenses. The fee shall be required generally for each application. Applicants should see the Trustees for the current fee schedule. (Effective 11/8/95)

Upon the adoption of such motion, or certification of such resolution of the filing of such application, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution of the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.

If the proposed amendment or supplement intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the zoning commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the Board of County Commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the county or regional planning commission and to the Board of Township Trustees as the case may be.

Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the township zoning commission shall transmit a copy thereof together with text and map pertaining there to the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission on such proposed amendment or supplement.

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

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

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

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

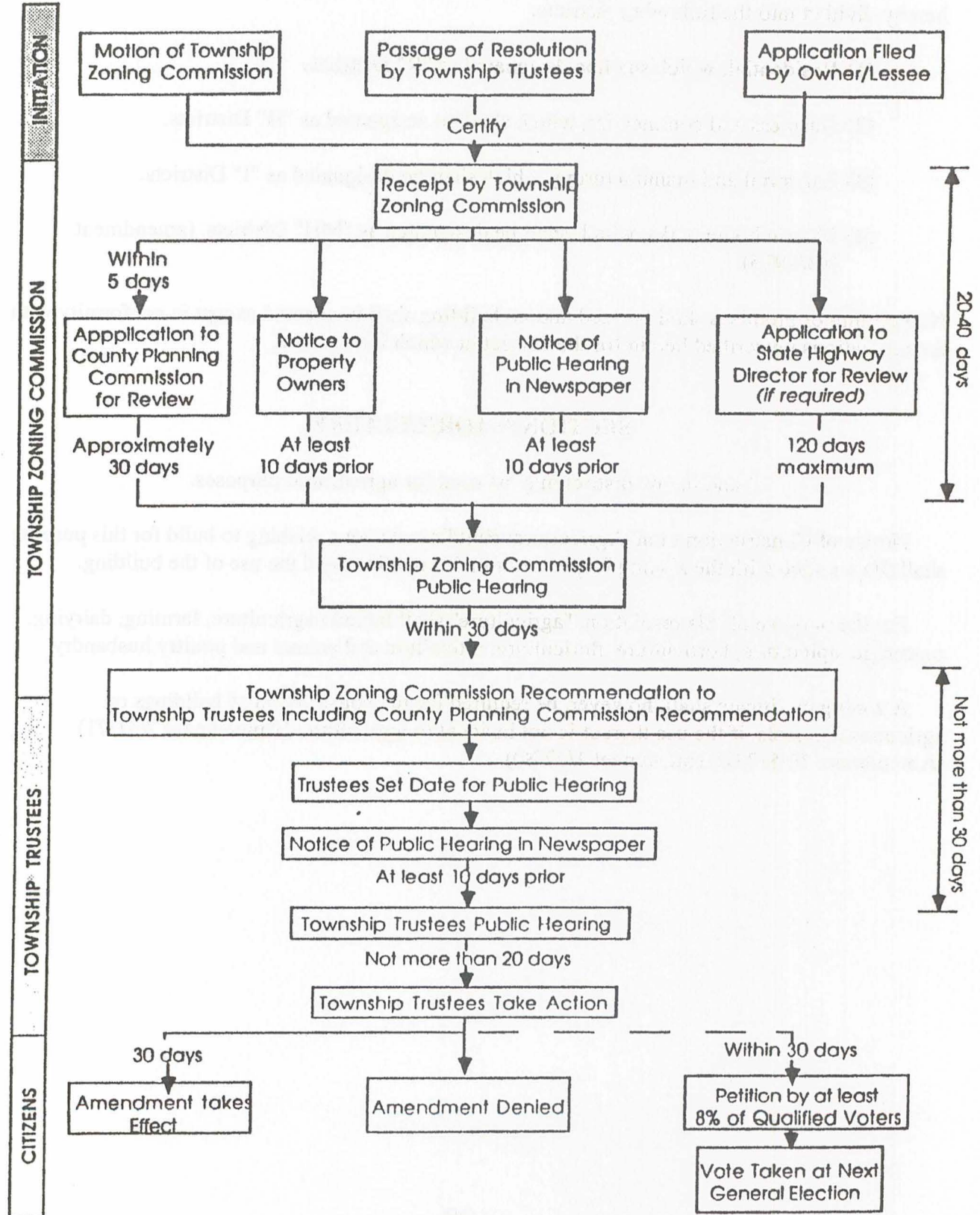
Such amendment or supplement adopted by the board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the board of township trustees a petition, signed by a number of qualified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

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters, it shall take immediate effect. (128 v 128. Eff. 6/18/59. 127 v 371: 126 v PT. II, 20) Any petition for a change of zoning classification resolved by the Hartford Township Zoning Commission or the Hartford Township Trustees may not be refiled nor will said Boards entertain the same within six (6) months from the time of the resolution of the original petition. Amendments or petitions for zone changed may be sent to the secretary of the Zoning Commission at any time, but will be accepted by the Commission only at a regular meeting thereof.

The Board of Township Trustees of Hartford Township may appoint two (2) alternate members of the Township Zoning Commission, for the terms not to exceed five (5) years. An alternate member shall take place of an absent regular member at any meeting of the Township Zoning Commission according to procedure prescribed by resolution by the Board of Township Trustees. Allowable expenses or compensation shall be paid as the Board of Township Trustees may approve and provide. When attending a meeting/ hearing on behalf of the absent member of the Township Zoning Commission, the alternate member may vote on any matter of which the absent member is authorized to vote. An alternate member shall serve until the alternate member's successor is appointed and qualified.

(amended 12/5/2005)

PROCEDURE FOR ZONING DISTRICT OR TEXT AMENDMENT OF TOWNSHIP ZONING RESOLUTION



SECTION 8: **DISTRICTS**

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

- 1) Residential, which shall be designated as “R” Districts.
- 2) Business and commercial, which shall be designated as “B” Districts.
- 3) Industrial and manufacturing, which shall be designated as “I” Districts.
- 4) Mobile home parks, which shall be designated as “MH” Districts. (amendment 9/3/1985)

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

SECTION 9: **AGRICULTURE**

Land in any district may be used for agricultural purposes

Notice of Construction of an Agricultural Building: Anyone wishing to build for this purpose shall file a notice with the Zoning Inspector of their intentions and the use of the building.

For the purpose of this resolution, “agriculture” shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry.

A zoning certificate shall, however, be required for the construction of building on agricultural parcels, if the use thereof is not incident to agriculture. (Amendment 7/31/71) (Amendment 10/8/79) (Amendment 1/27/80)

SECTION 11:
RESIDENTIAL ZONE

The residential zone referred to as “R” shall be all the Township with the exception of those areas otherwise zoned as listed below.

BUISNESS ZONE NO.1

3215 Feet Northward05, 1/2 mile Southward, Eastward, Westward on both sides of the roads at junction State Route 305 and 7 with a depth not to exceed 400 feet. (Amended 12/2/2014)

BUISNESS ZONE NO.2

1000 feet North, South, West of Five Points, State Route 305 and State line road junction, with a depth not to exceed 400 feet.

BUISNESS ZONE NO.3

1000 feet South from Vernon-Hartford Township line, on both sides of Route 7 with a depth not to exceed 400 feet.

BUISNESS ZONE NO.4

600 feet South and West of Intersection of Drake-State Line Road and Custer-Orangeville Road (Route 169) with a depth not to exceed 400 feet.

INDUSTRIAL ZONE

1. Southwest corner of township between New York Central Railroad and the Fowler-Hartford Township Line Road.
2. Beginning at an iron pin located at the intersection of the center line of County Highway 187 (Hartford-Five Points Road) and the section line between Sections 24 and 25 of Hartford Township, Trumbull County, Ohio; thence N57° 05'E a distance of 583.63 feet along the center line of said County Highway 187 to an iron pin; thence N89° 29'E, a distance of 1093.43 feet to an iron pin located in the west right of way line of State Route 7 (Youngstown-Conneaut Road); thence S 0° 3'E along said right of way, a distance of 445.55 feet to an iron pin; thence N 88° 59'W, a distance of 330.00 feet to an iron pin; thence S 0° 3'E, a distance of 270.00 feet to an iron pin; thence N 88° 59'W, a distance of 1113.35 feet to an iron pin; thence N 0° 03'W, a distance of 361.06 feet to an iron pin located on the section line between sections 24 and 25; thence N 88° 59'W along said section line for a distance of 166.30 feet to an iron pin, said iron pin being the point of beginning, and containing therein a total of 20.280 acres.

3. **Blaney Property.** Consisting of 20.28 acres on Route 7 known as being part of Sections 24 and 25 in the original survey of Hartford Township. A complete description of this property shall be found in the files of the Zoning Commission.
4. **Mallett Property.** Beginning at a point in the center of Youngstown-Conneaut Road at the northwesterly corner of a 50 acre parcel of land now or formerly owned by Fred Kepner; thence northerly on the center line of said highway about 599 feet, but to the southwesterly corner of land now formerly owned by John W. Moorhead; thence easterly along the southerly line of said Moorhead property a distance of 389.4 feet to a point thence south 2° west to the northern line of Fred Kepner property; thence westerly along the north line of said Kepner property to the place of beginning.
5. **Smith Property.** Three parcels consisting of 36.155 acres known as being part of Sections 34 and 41 in the original survey, owned by Robert Smith, et al. A complete description of this property shall be found in the files of the Zoning Commission.
6. **Woofter Property.** From a point west of Charles Bates property 240 feet to the East boundary of the United Methodist Church property South 200 feet plus 100 foot buffer zone, then West 660 feet to the East boundary of Dale Likens property. A buffer zone on the East side of the Woofter property will be no closer than the resent buildings or a minimum of 40 feet. No structures will be built on either buffer zone.

SECTION 12: NON CONFORMITIES

1) **Purpose.**

Within the districts established by this Resolution, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or and land in combination, for which a zoning permit became effective proper to the effective date of this Resolution, or any amendment thereto. Nevertheless, while it is the intent of the Resolution that such nonconformity's be allowed to continued until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

2) **Uses Under Conditional Use Provisions Not Nonconforming Uses.**

Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a **nonconforming use** in such district, but **shall without further action be considered a conforming uses.**

3) **Incompatibility of Nonconformities.**

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

4) **Avoidance of Undue Hardship.**

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

5) **Certificates For Nonconforming Uses.**

The Zoning Inspector may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land use for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

6) **Substitution of Nonconforming Uses.**

So long as no structural alterations are made, except as required by enforcement of other codes or Resolutions, any nonconforming use may, upon appeal to and approval by the Board of Zoning appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing non conforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions

shall be considered a punishable violation of this Resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

7) Single Nonconforming Lots of Record.

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. The Provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

8) Nonconforming Lots of Record in Combination.

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and are requirements established by this Resolution, nor shall any division of any parcel be made which created a lot with a width or area below the requirements stated in this Resolution.

9) Nonconforming Uses of Land.

Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

- 1) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution;
- 2) No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution;
- 3) If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located;
- 4) No additional structure not conforming to the requirements of this resolution shall be erected in connection with such nonconforming use of land.

10) Nonconforming Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other

requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
- 2) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Resolution;
- 3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

11) Nonconforming Uses of Structures or of Structures and Land in Combination.

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- 2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but not such use shall be extended to occupy any land outside such building.
- 3) If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the board of Zoning Appeals shall find that the proposed use, if equally appropriate or more appropriate, to the district than the existing nonconforming use. In permitting such change, the Board of Zoning appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;
- 4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
- 5) When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impeded access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
- 6) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

12) Termination of Non Conforming Uses.

1) Termination of Use Through Discontinuance.

When any nonconforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

2) Termination of Use by Damage or Destruction.

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent, of the cost replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Resolution. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:

- A. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
- B. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

3) Repairs and Maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.
(Adopted 4/2/90)

SECTION 13:

Regulating In-Ground Outdoor Swimming Pools (9/4/86)

1. That for the purpose of this supplement, an In-Ground Outdoor Swimming Pool is defined as any artificial water pool constructed of steel, masonry, concrete, aluminum, plastic, or any other material located out of doors, which has a square foot surface area of one hundred (100) square feet or more.
2. That no permanent swimming pool which is not enclosed in a permanent building or like structure shall be constructed or maintained in the township unless all the requirements and conditions of this supplement are complied with.

3. That every pool hereafter built, must be so located upon the lot or parcel, as to allow a safe distance between the pool and the property lines, so that children of tender age can be readily observed while approaching or in the vicinity of the pool. A distance of twenty feet from each property side line and rear line and ten feet to the rear of the main building to which said pool is accessory shall be presumed a minimum safe distance for such purpose.
4. All pools shall be completely enclosed by a fence erected along the periphery of the pool. The back of the fence or the undesirable side shall face toward the pool. The fence is to be at least three feet from the pool edge and not less than five feet from all property lines. All fence openings or points of entry into pool area enclosure shall be equipped with gates. The fence and gates shall be not less than four feet six inches and not over six feet in height above grade level and shall be constructed of not less than No.9 gauge corrosion resistant woven wire mesh material, or equivalent, approved by the zoning inspector. All gates shall be equipped with self- closing and self- latching devices placed at the top of the gate, making it inaccessible to small children. All fence posts shall be decay or corrosion resistant and shall be set in concrete bases. Gates shall be securely locked when such pool is not in use by owner thereof, or anyone using the same with the owners' permission.
5. That every swimming pool hereafter constructed or created must substantially conform to the natural grade of the surrounding land and no part thereof, other than a diving board or similar equipment or the fence shall be higher than three feet about such grade.
6. That every pool shall be so constructed that it can be drained into a township storm sewer, or shall have a sump located in its deepest part, for the purpose of pumping out all the water into a sewer opening, sump well, or other adequate drain opening.
7. That if a flood light or other artificial light is used to illuminate the pool at night, none of the lights shall be used after 11:00 p.m. local time if the pool is located within two hundred (200) feet of any building used for dwelling purposes. The light shall also be shielded to direct light only on the pool.
8. Two or more means of egress in the form of steps and ladders shall be provided for all swimming pools. Steps and ladders shall have a handrail on both sides.
9. Unobstructed wall areas not less than thirty six (36) inches wide shall be provided to extend entirely around the pool. The walk area shall be constructed of impervious material and the surface shall be smooth with a non-slip finish. Walks shall have a pitch of at least $\frac{1}{4}$ inch to a foot from the pool
10. That no pool regulated by this supplement shall be hereafter constructed or established unless a permit is first obtained from the Hartford Township Zoning Inspector. Please see the Zoning Inspector or the Trustees for the fee schedule.

11. That every pool shall be equipped with a recirculating system capable of filtrating the entire contents of the pool in twenty four hours or less.
12. That all makeup lines for water must have a siphon breaker on them and shall be not less than $\frac{3}{4}$ inches in size.
13. A refusal by Zoning Inspector to issue a permit as provided in Paragraph 10 above, may be appealed in writing within ten days after such refusal to the Township Zoning Board of Appeals, as provided for in other cases or appeals thereto. The Zoning Board of Appeals shall then in accordance with its rules and procedure, investigate such application and refusal, and render final judgment based upon whether, in its opinion, the provisions of this supplement have been and will be complied with.

SECTION 14:
REGULATING ABOVE GROUND OUTDOOR SWIMMING POOLS
(9/4/86)

1. That for the purpose of this supplement, and Above Ground Outdoor Swimming Pool is defined as any artificial water pool constructed of steel, masonry, concrete, aluminum, plastic, or any other material located above ground out of doors, which has a square foot surface area of one hundred (100) square feet or more. (amended 5/1/86)
2. That no permanent swimming pool which is not enclosed in a permanent building or like structure shall be constructed or maintained in the township unless and until the requirements and conditions of this supplement are complied with.
3. That every pool hereafter built, must be so located upon the lot or parcel as to allow a safe distance between the pool and the property lines, so that children of tender age can be readily observed while approaching or in the vicinity of the pool. A distance of twenty feet from each property side line and rear line and ten feet to the rear of the main building to which said pool is accessory shall be presumed a minimum safe distance for such purpose.
4. A pool provided with a walkway or lounge area shall have a fence extending a minimum of three feet from the top of the pool. A pool without a walkway shall have a fence of a minimum height of six feet from ground level. All gates shall be equipped with self closing and self latching devices placed on top of gate and made inaccessible to small children.
5. Swimming pools, spas, and/ or hot tubs shall conform to all state and county health and building codes effecting installation, use, and maintenance of same.
(Amended 12/5/2005)

6. That no pool regulated by this supplement shall be hereafter constructed or established unless a permit is first obtained from the Hartford Township Zoning Inspector. Please see the Zoning Inspector or the Trustees for the fee schedule.
7. A refusal by the Zoning Inspector to issue a permit as provided in Paragraph 6 above may be appealed in writing within ten days after such refusal to the Township Zoning Board of Appeals, as provided for in other cases of appeals thereto. The Zoning Board of Appeals shall then in accordance with its rules and procedure, investigate such application and refusal, and render final judgment based upon whether, in its opinion, the provisions of this supplement have been and will be complied with.

SECTION 15:

REGULATION MOBILE HOME PARKS –“MH” District (6/17/85)

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

- A. All uses permitted in “R” districts subject to regulations applicable thereto.
- B. Mobile Home Parks and accessory uses, subject to the following regulations:
 1. No Mobile Home Park classification shall be granted for a tract of land having a total area of less than twenty (20) acres.
 2. The maximum number of mobile homes permitted on a tract of land classified as “MH” District (Mobile Home Park) shall be six (6) units per acre, exclusive of land area required and used for streets, walks, recreation, common parking, sales displays, resident management, etc.
 3. A minimum of eight (8) percent of the total area of the Mobile Home Park shall be reserved for recreation area for the use of the residents within the park, and generally provided in a central location. No recreation area shall contain less than five thousand (5,000) square feet of area with practical dimensions.
 4. No mobile home lot shall be less than five thousand (5,000) square feet in area; and no mobile home shall be placed on such lot until an appropriate concrete pad is constructed. Tiedowns shall be placed at the corners of each pad and each tiedown shall be able to sustain a minimum load of forty eight hundred (4,800) pounds.

5. Each mobile home lot shall have a minimum width, at the setback line of forty (40) feet.
6. Setback building lines shall be at least ten (10) feet from any street right of way. In the case of a corner lot, a minimum of at least ten (10) feet setback shall be provided from any street right of way on the side street.
7. No mobile home or accessory building thereto shall be placed closer than five (5) feet to any side lot line and there shall be a minimum distance of ten (10) feet between mobile homes.
8. No mobile home or accessory building thereto shall be placed closer than five (5) feet to any rear lot line.
9. No mobile home shall be permitted in the mobile home park if it has less than five hundred (500) square feet of living area.
10. At least one (1) paved access way of not less than thirty six (36) feet in width shall be provided as a means of ingress and egress to the mobile home park from a public thoroughfare.
11. All mobile homes shall be located at least two hundred (200) from any public road or street right of way, and at least fifteen feet from all other mobile home park boundary lines by a ten foot natural screening. (9/4/85)(3/3/86)
12. All streets within the mobile home park shall be paved and shall be at least twenty four (24) feet in width.
13. No parking shall be permitted on roads and streets within the mobile home park.
14. Parking for visitors, and residents with more than two (2) cars, shall be provided at various convenient locations throughout the mobile home park. A minimum of one and one half (1 ½) parking spaces is required for each mobile home unit. All spaces are to be nine (9) feet wide and twenty (20) feet long.
15. The following accessory uses and building shall be permitted within the mobile home park:
 - a) A permit dwelling for one (1) family, office and maintenance facilities for management of the mobile home park.
 - b) Mobile homes offered for sale by the operator of the mobile home park, provided no more than three (3) mobile homes are displayed in a designated sales display area.

c) Recreation facilities for the residents of the mobile home park as provided in Paragraph "B", Item 3 above.

16. Each mobile home park shall provide an adequate, safe, and portable supply of water for each mobile home, which has been approved by local health authorities. The water supply system shall be capable of providing a minimum of one hundred and fifty (150) gallons of water per day to each mobile home.
17. A common walk system shall be provided and maintained by the mobile home park owner between locations where pedestrian traffic is concentrated. Such common walks shall be paved and have a minimum width of three and one half (3 & ½) feet.
18. An adequate and safe sewerage system shall be provided in all mobile home parks for the conveying and disposing of all sewage, and shall be constructed and maintained under the supervision of local health and sanitation authorities.
19. An adequate method of handling surface and storm water shall be provided in all mobile home parks to eliminate the possibility of flooding.
20. The collection, storage, and disposal of refuse in the mobile home park shall be conducted in such a manner as to prevent health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution, and shall be maintained under the supervision of local health and sanitation authorities.

C. The person, corporation, partnership or other legal entity, and their heirs, devisees, successors, or assigns, to whom a zoning permit has been issued under this use classification, shall provide adequate supervision to maintain the mobile home park – its grounds, facilities, and equipment in good repair and in a clean and sanitary condition. They shall notify all residents in writing of the regulations set for in this ordinance together with their duties and responsibilities hereunder.

D. No person, corporation, partnership or other legal entity shall begin construction on, or alteration of, a tract of land classified as "MH" District unless a valid zoning permit has been issued by the Hartford Township Zoning Inspector. A zoning permit application must contain the following information:

1. Name and address of owner, and legal capacity of person filing the application.
2. Location and legal description of proposed Mobile Home Park, or enlargement or alterations of existing park.
3. Complete engineering plans and specifications of the proposed Mobile Home Park, alteration or enlargement, indication the following:

a) The area and dimensions of the tract of land.

- b) The number, location and size of all mobile home lots.
 - c) The location and width of streets and walkways.
 - d) The location and dimensions of recreation area, public parking areas, the resident management area, and the sales display area.
 - e) Working drawings showing the location of sanitary and surface water sewer lines, water supply lines, and risers.
 - f) The plans and specifications of all buildings to be constructed within the mobile home park.
 - g) The location and details of lighting and electrical systems.
 - h) The names of all streets within the park and the proposed method, if any, of numbering the mobile home lots on such streets for location in case of fire or other emergency.
4. Transfer of ownership of an individual mobile home lot from a tract of land zoned as "MH" District (Mobile Home Park) shall cause the zoning use classification of the transferred lot to revert to "R" District (Residential), and thereafter, the transferred lot shall be subject to all regulations of this ordinance pertaining to "R" District (Residential) use. The existence of a mobile home , mobile home pad, or other facility designated to serve a mobile home, on such a transferred lot, shall not constitute a non-conforming use for the intent and purpose of this paragraph.

SECTION 16:
OUTDOOR ADVERTISING

1) General.

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and protect the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right of way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

2) General Requirements for All Signs and Districts.

The regulations contained in this section shall apply to all signs and all use districts.

- a. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- b. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (a) and (b) of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services.
- c. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provision of the local electric code in effect, if any.
- d. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet.
- e. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be continuation of the face of the building.
- f. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 7 herein.

- g. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
- h. Should any sign be or become unsafe or be in danger of falling , the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.
- i. No sign shall be placed in any public right of way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
- j. No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter.
- k. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature.
- l. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing.
- m. No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires.
- n. No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like.

3) Permit Required.

- a. No person shall locate or maintain any sign until all provisions of this Article have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted in this Article.
- b. A sign initially approved for which a permit has been issued, shall not be modified, altered, or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign, unless a new or amended permit is obtained consistent with these regulations.

- c. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

4) Signs Permitted in All Districts Not Requiring a Permit.

- a. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
- b. Professional name plates not to exceed four (4) square feet in area; non-illuminated as in in-home occupation.
- c. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.

5) Signs Permitted in Any District Requiring a Permit

- a. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.
- b. Any sign advertising a commercial enterprise, including real estate developers or sub dividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and /or the business or activity conducted on the premises where such sign is located.

6) Signs Permitted in Commercial and Manufacturing Districts Requiring a Permit.

The regulations set forth in this section shall apply to signs in all commercial and manufacturing districts and such signs shall require a permit.

- a. In a commercial or manufacturing district, each business shall be permitted one flat or wall mounted on premises sign. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent on premises signs for any single business enterprise may be an area equivalent to one and one half (1 & ½) square feet of sign area for each lineal foot of building width, or part of a building, occupied by enterprise but shall not exceed a maximum area of one hundred (100) square feet.
- b. In a commercial or manufacturing district, two (2) off premises signs with a total area not exceeding fifty (50) square feet may be permitted at a single location. No single off premises sign shall exceed one hundred (100) square feet, nor shall off premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. Off premises signs shall conform to all applicable yard and height

regulations for the appropriate zoning district. Off premises wall signs shall have all structural and supporting members concealed from view.

7) Temporary Signs (effective 8/6/93)

a. Temporary signs not requiring a permit.

- a. Temporary signs for the advertisement of a public event sponsored by a nonprofit service organization may be posted up to four (4) weeks prior to the event and must be removed within one (1) week after the event. There is a limit of five (5) signs for each event not to exceed twenty (20) square feet each. The signs must adhere to all other requirements set forth elsewhere in the resolution, (Section 16, Part 2). Notification of the Zoning Inspector is required before posting of such signs.
- b. Residents of Hartford Township may display directional signs without permits or fees provided such signs are erected and removed within seventy-two (72) hours. Such directional signs, shall include yard sales, garage sales, auction sales, open house, family reunions, and birthdays. Persons failing to remove signs so posted shall be prosecuted for this violation. Signs must adhere to all other requirements set forth elsewhere in the resolution, (Section 16, Part 2).

b. Temporary Sign Requiring a Permit.

Temporary signs not exceeding twenty (20) square feet in area announcing the erection of a building, the architect, the builders, or contractors, may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 16, Part 2. The setback requirements in Section 16, Parts 11 and 12 and, in addition, such other standards deemed necessary to accomplish the intent of this article stated in Section 16, Part 1.

8) Free Standing Signs.

Freestanding on premises signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any street right of way line and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one freestanding sign for each building, regardless of the number of businesses conducted in said building.

9) Wall Signs Pertaining to Nonconforming Uses.

On premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

10) Political Signs NO PERMIT, NO FEE REQUIRED

No political sign shall be posted in any place or any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right of way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidate for public office, their campaign committees, or other persons responsible for the posting on public property of campaign

material shall remove such material within two (2) weeks following election day. Maximum sign area of thirty-two (32) square feet. (effective 8/6/93)

11) Sign Setback Requirements.

Except as modified in Sections (12 and 14), on premises signs where permitted shall be set back from the established right of way line of any thoroughfare at least ten (10) feet. No off premises sign shall be erected in front of the required setback line.

12) Increased Setback.

For every square foot by which any on premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half foot (1/2) but not exceed one hundred (100) feet.

13) Setbacks for Public and Quasipublic Signs.

Real estate signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten (10) feet from the established right of way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

14) Special Yard Provisions.

On premises signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district which located, except that in any residential district, on premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

15) Limitation.

For the purpose of this Article, outdoor advertising off premises signs shall be classified as a business use and be permitted in all district zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations pursuant thereto.

16) Maintenance.

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. If the Zoning Inspector deems that a sign is not safe and structurally sound, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 4: Enforcement of the Zoning Resolution. (effective 1/18/95)

17) Nonconforming Signs and Structures.

Advertising signs and structures in existence prior to the effective date of this Resolution which violate or are otherwise not in conformance with the provisions of this Article shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of sign or structure.

18) Loss of Legal Nonconforming Status.

A Legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this Article or be removed, if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaces; or if it is part of an establishment which discontinues operation for ninety (90) consecutive days; or if it is structurally damaged to an extent greater than one half (1/2) of its estimated replacement value. Similarly, any legal nonconforming advertising structure so damaged must be brought into compliance or be removed.

19) Violations.

In case any sign shall be installed, or maintained in violation of this Resolution, the Zoning Inspector shall notify in writing the owner or lease thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of this Article shall be deemed a violation and punishable under Section (4) of the Zoning Resolution. Political signs posted in violation of Section (10) of this Resolution are subject to removal by the Zoning Inspector five (5) days after written notice of the violation has been given. (Effective 5/7/90)

SECTION 17:
PUBLIC UTILITIES AND RAILROADS

This resolution shall not apply to public utilities and railroads.

SECTION 18:
MINIMUM LOT AREA

1. No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than one and one half (1 & ½) acres of lot area, unless such lot was designed on a recorded plot or separately owned at the time that this resolution took effect and cannot practicably be enlarged to conform with this requirement. (Amended 12/5/2005)
2. No two family dwelling shall be erected or building altered for dwelling purposes to accommodate more than one family on less than three (3) acres of lot area and not less than two hundred (200) feet of frontage. (Amended 12/5/2005)
3. No apartment house of living quarters over a business establishment shall be erected or building altered into apartments to accommodate more than one family for each three (3) acres of land with not less than two hundred (200) feet of frontage. (Amended 12/5/2005)

4. In computing lot areas, property within the road or street right-of-way shall be included.

In all instances covered in Subsection 1,2, and 3 of this section wherein a septic tank is installed, county and state health codes regarding land area requirements must be met.

FOR DWELLINGS OR BUILDINGS 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 plat 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 of lot area.
- c. No apartment house or living quarters over a business establishment shall be erected or building altered into apartments to accommodate more than one family for each seven thousand five hundred (7,500) square feet of lot area.
- d. In computing lot areas, property within the road or street right of way shall be included.

SECTION 19:
MINIMUM LOT WIDTH

No dwelling shall be erected in any district on a lot having a frontage of less than one hundred fifty (150) feet at the building line unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practicably be enlarged to comply with this requirement. No minimum lot width shall be required in a "B" or "I" district for uses other than dwellings except such as is necessary to comply with the requirements for yards and lot areas or parking facilities. (effective 7/5/95)

SECTION 20:
MINIMUM FLOOR SPACE

No dwelling shall have first floor space designed and used for living quarters of less than one thousand (1,000) square feet in a single floor house, or one of one half story house; and not less than six hundred (600) square feet first floor space in a two story house per family unit, exclusive of basements, porches, garages and breezeways. (effective 11/19/79)

SIDE LOT LINE

SIDE LOT LINE

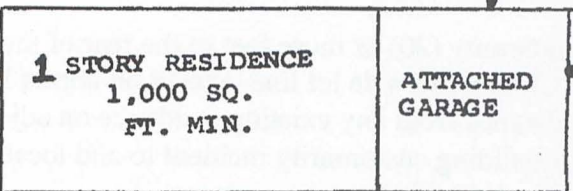
10 FT. MINIMUM
TO REAR LOT LINE



5 FT. MINIMUM.
IF ACCESSORY
BUILDING IS LESS
THAN 20 FT. FROM
THE MAIN BUILDING
OR RESIDENCE THEN
THE DISTANCE IS
10 FT. MINIMUM FROM
THE SIDE LOT LINE

10 FT. MINIMUM
TO REAR LOT LINE

10 FT.
MIN.



10 FT. MIN.

FRONT SET
BACK LINE

SET BACK LINE IS
50 FT. BEYOND THE
ROAD RIGHT OF WAY
TOTAL MINIMUM SET
BACK DISTANCE OF
80 FT.

RIGHT OF WAY LINE

ROAD RIGHT OF WAY
MINIMUM 30 FT.

MINIMUM FRONTAGE OF 150 FT.

SECTION 21:
SETBACK BUILDING LINES

No part of the ground area of any building or structure or any portion thereof, except steps and uncovered porches less than ten feet in width shall be erected within fifty (50) feet of the right of way side line of any road or street except in areas served by an approved sewage disposal plant where this distance may be forty (40) feet. If there is no established right of way line for a road or street, said line shall be thirty (30) feet from the center of the road. Provided, however, that in areas where there is not existing building line of a different dimension, the property owner will be required to conform to said existing building line. It is further provided that in an area where a varied or staggered building line exists, the property owner may establish, subject to the approval of the Zoning Commission, a building line which would retain the continuity or symmetry of the existing building line. Set back lines must conform with local, county and state highway requirements.

SECTION 22:
SIDE YARDS

For every building, except accessory buildings, erected in an "R" District, and for any dwelling erected in any district, there shall be a minimum side yard clearance on each side of said building of not less than ten (10) feet, which space shall remain open and unoccupied by any building or structure. Attached garaged or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be a part of the main building for the purpose of this section. This paragraph shall not be deemed to apply to any property upon which there is an existing dwelling or upon which construction has begun at the time of the approval of this resolution by the electorate, and any such property shall be specifically exempt from the side lot provisions contained herein.

Accessory buildings or garages located twenty (20) or more feet to the rear of the main building may be erected not less than five (5) feet from the side lot line, except on corner lots, provided it will be not less than twenty (20) feet distance from any existing residence on adjacent property. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building.

No side yard clearance shall be required for commercial or industrial buildings in "B" or "I" Districts; provided, however, that commercial buildings in "B" and "I" Districts are abutting residential districts or residential dwellings, side yard clearance as set forth above shall be applicable to such buildings.

SECTION 23:
REAR YARDS

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

SECTION 24:
REAR HOUSES

Each residence, duplex, or apartment building must be on a separate lot with the current minimum frontage and square footage required for the lot. Each lot must have ingress and egress and the minimum frontage required along a dedicated public street, road, or highway. There will be no rear residences, duplexes, or apartment buildings allowed.

In the event of a current rear residence, duplex or apartment building, it shall be considered a non-conformity, and must adhere to Section 5: Non-Conformities, before any alterations may be considered.

SECTION 25: **CORNER LOTS**

The set back building line on a corner lot shall be in accordance with the provisions of Section 22 of this resolution. The side yard clearance on the side street shall be at least fifty (50%) percent of the set back line applicable to said road or street. Outbuildings shall not be so located on corner lots as to cause a nuisance to adjoining property owners. The wall of an accessory building may not be closer to the side road or street than the wall of the main building.

SECTION 26: **PARKING FACILITIES**

All dwellings and apartment houses shall provide parking spaces with means of ingress thereto for two motor vehicles per dwelling unit or apartment. No less than two hundred (200) square feet of parking area shall be required for each vehicle exclusive of sufficient area for proper ingress and egress.

All District "B" uses shall provide parking space off the road or street outside of the public right of way and not more than three hundred (300) feet distance from the entrance to said establishments of an area of not less than a square footage equal to twenty five times the lot width. In addition, there shall be provided two hundred (200) square feet of parking area for each employee of said District "B" use and in addition, a parking area sufficient to accommodate the patronage anticipated in excess of the patronage accommodated by the parking area herein before required, and sufficient area for proper ingress and egress.

Every theatre, auditorium, stadium, arena, building or grounds used for the assembling of persons to attend theatrical performances, shows, exhibitions, contests, concerts, lectures, entertainment and similar activities shall provide off the street or road and outside of public right of way not less than two hundred (200) square feet of space suitable for parking automobiles and other vehicles, for every four persons to be accommodated. Such parking space shall be within four hundred (400) feet of the main entrance to such use, and shall provide adequate means of ingress and egress, and shall be available for the use of such patrons. (effective 1/18/95)

All Districts "B" and "I" shall provide adequate parking spaces off the road or 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 to use.

SECTION 27:
FOOTINGS AND FOUNDATIONS FOR
MODULARS, DOUBLEWIDES, AND MANUFACTURED HOMES
(amendment adopted 8/5/91)

- 1) All modular homes, doublewides, and manufactured homes are required to obtain a permit from the Trumbull County Building Department
- 2) All modular homes, doublewides, and manufactured homes shall be installed and properly attached to a continuous solid wall structure or support, except for necessary access, consisting of concrete block or poured concrete that provide necessary and required support of the structure's vertical and horizontal loads so that the structure is fully enclosed on a concrete footer and foundation wall connection the footer with the structure. No such units identified herein shall be erected on piers, pilings or other type of noncontinuous foundation. All foundations shall comply with the Trumbull County Building Code and regulations applicable there to. (amended 12/5/2005)
- 3) All mechanisms designed for highway travel including hitches, axles, wheels, highway lights and conveyance mechanisms shall be removed from the structure. (effective 12/8/95)

SECTION 28:
PROHIBITED USES

The following uses shall be deemed to constitute a nuisance and shall not be permitted in Hartford Township:

- 1) Amusement Park;
- 2) Aviation field; (Commercial and Private)
- 3) Brewery;
- 4) Bulk petroleum station with tanks above ground; distilling or cracking plants or plants used in the refining of gasoline and oil products;
- 5) Distilling of bones, fat or glue, or gelatin manufacturing;
- 6) Manufacturing or storage of explosives, gun powder or fireworks;
- 7) Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, electronic waste (including, but not limited to, television and radio parts, computer debris, and other electronic materials), medical waste

of any type or kind; chemical waste of any type or kind; solid waste material and facilities; construction and demolition debris and facilities; infectious waste material and facilities; hazardous and/ or toxic waste material and facilities. This section shall not be applicable to the normal care of individual lawns or gardens or pursuits incidental to agricultural purposes. (effective 8/31/94)

- 8) Drag Strips/Race Tracks, and other on/off road vehicle track parks such as, but not limited to Truck Night, ATV Jamborees, Motor Cross Races, Snowmobile Races, Drag Strips, and Race Tracks. (Amended 7/2/12)
- 9) Junk yards, automobile graveyards or places for the collection or sale of scrap metal, salvaged automotive parts, paper, rags, glass salvage or junk for salvage or storage purposes, storing old tires, except where this use is an integral part of a manufacturing process. Abandoned, wrecked, dismantled, inoperable, unused and /or unlicensed motor vehicles, trailers, aircraft, boats, or pieces of farm equipment or any accumulation or combination thereof, unless parked or stored in a garage, barn, or other structures, and not exposed to public view. Failure to comply after (30) days notice of removal shall constitute a misdemeanor (519-23) and penalty (519-99) Revised Code, Refer Sec. 4 of this Resolution.
- 10) Basements covered only with the roof used for human habitation. However, a temporary permit not to exceed one year may be issued by the Appeals Board for the use of the same pending construction of the completed dwelling provided a written application is made by the owner accompanied by written plans for the complete dwelling. Such temporary use may be extended for a one year period, not to exceed two years total extension, at the discretion of the Appeals Board.
- 11) Buildings designed for use as a garage and used for human habitation, however, a temporary permit not to exceed one (1) year may be issued by the Appeals Board for the use of the same pending construction of the completed dwelling, provided a written application is made by the owner, accompanied by plans of the completed dwelling. Such temporary uses maybe extended for a one year period and not to exceed two years total extension, by decision of the Appeals Board.
- 12) "Internet Café" or "Internet Sweepstakes Café" : An establishment that permits customers to buy internet time or phone cards which the consumer then uses to go on websites, machines, or other devices at the establishment to be entered into sweepstakes. Those who win the games receive money and/or prizes. (Effective 7/2/12)
- 13) Slaughter houses;
- 14) Privies or outside toilet facilities unless same passes Local and State Health regulations.
- 15) Strip mining for minerals, coal, sand, gravel, clay, limestone or sandstone deposits except upon adherence to the following provisions;

- a. No excavation of minerals, coal, sand, gravel, clay, limestone or sandstone deposits shall occur any closer to the boundary line of a public road or highway than the depth in feet of the final cut or excavation adjoining such boundary line.
- b. Where a cut or excavation adjoins a public road or highway and the operator has terminated his operation in the immediate area, the operator shall establish a row of living trees on the land adjoining the public road or highway between it and the cut or excavation in accordance with the recommendations and direction of the Zoning Commission. The operator shall not be required to plant in excess of 500 trees per mile, along such public road or highway nor in more than three rows parallel to said public road or highway; the trees shall become the property of the land owner unless the operator and the land owner agree otherwise.

16) No house trailers or mobile homes permitted, except in Mobile Home Parks. (4/3/1986)

17)

a. Regulation of Brine Wells

- 1) To permit the disposal of salt brine through injection and/ or vacuum wells or any other methods of disposal which are allowable or ordered into this Township by State or Federal law or resolution. Any brine or disposal well is to be located only in the "I" District (Industrial and Manufacturing) designated by the boundaries of Warner Road, Cadwallader-Sonk Road and a line extending to King Graves Road, and Kings Graves Road. There is to be a buffer zone of 1,000 feet from any existing dwelling as of the date of this amendment and including dwellings for which a zoning permit has been issued as of January 1, 1989. The following are the existing dwellings: 5610, 5722, Cadwallader-Sonk Rd.; 2066, 2082 Warner Rd.; 2117, 2299, 2410, 2412, 2484, 2506, 2536, 2562 Five Points-Hartford Road; 5615, 5641, 5683, 5953, 6225, 6397 King-Graves Rd. All current landowners in the designated area are to be notified of this provision.
- 2) Any person using a brine or disposal well or any method of disposal of any salt brine within the Township of Hartford and in compliance with all available Federal and State regulations shall furthermore be required to post EXCESS WEIGHT BOND, AGREEMENT AND PERMIT REQUIREMENTS with the Hartford Board of Trustees before any Township Road could be used or would be used in injection disposal.
- 3) Any person, company, or corporation who intends to dispose of any salt brine within the Township, shall first bring proof to the Township Trustees that they are in compliance with all applicable Federal, State, and Local regulations concerning said disposal.
- 4) Any disposal of salt brine through any method within the Township shall be regulated and limited to times between the hours of 9:00 a.m. and 4:30 p.m.

Monday through Friday. No waste shall be disposed of by any manner at other times

- 5) Any person, company, or corporation who violates the provisions of paragraphs one (1) through four (4) of this Section shall be subject to a fine of one thousand dollars (\$1,000.00) for each violation along with available penalties. (adopted 10/16/88)
 - b. Prohibit transfer of an existing gas or oil well for conversion into injection site for radioactive waste and brine products, existing gas or oil well for a chemical solvent, toxic or radioactive waste and brine.
 - c. Dumping, storing, reducing nuclear waste or byproducts or disposing of chemical or nuclear waste or by-products.
 - d. Dumping or spraying of salt brine or chemical or toxic waste products.
 - e. Township deems unacceptable the risk of transporting nuclear waste byproducts and radioactive materials other than isotopes used medically and therefore prohibits transport on township roads of such materials. (3/3/86)
- 18) No nuclear power plants permitted.

SECTION 29: **CLASSIFICATION OF USES**

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

“R” DISTRICT (RESIDENTIAL)

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

- 1) Single and two family dwellings, and buildings accessory thereof. Single and two family dwellings shall not be deemed to include tents, cabins designed for transient tourist trade, mobile homes and trailer coaches.
- 2) 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 number of the family, in a dwelling containing one bathroom, and a maximum of two boarders or roomers for each additional bathroom in the dwelling. A maximum of four boarders shall be permitted in any dwelling.

3) Church, school, college, university, public library, public museum, community center, fire station, township hall, publicly owned park, publicly owned playgrounds, medical or professional buildings for physicians, dentists, optometrists or allied professions.

4) IN-HOME OCCUPATION

Purpose-the purpose of these home occupation provisions is in recognition of:

- a. The need to protect market value of existing residential properties;
- b. The need to guarantee existing property owners freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible adverse effects from commercial-type activities being conducted in residential areas;
- c. The need of some citizens to use their place of residence for limited commercial-type activities to produce or supplement personal or family income;
- d. The fact that certain limited home occupation uses can be useful to both the community as well as the residential-proprietor;
- e. The fact that the nature of the investment or operation of some activities have a pronounced tendency once started to rapidly increase beyond the limits permitted and thereby impair the use and value of residentially zoned areas for residential purposes;
- f. The Township's obligation to protect the integrity of its residential areas from activities which detract from the residential character of a neighborhood and infringe upon the rights of neighborhood residents;
- g. The fact that when the scale and intensity of their business no longer meets the regulations, they need to find a commercial site.

A home occupation incidental and subordinate to the primary resident use may be maintained in a dwelling house only if it complies with all the following conditions and further, that a **Home Occupation Permit** based on affidavit of use submitted by the dwelling house owner at the time of application is obtained from the Hartford Township Zoning Inspector for such intended in home occupation. Home Occupation Permits for new home occupation will require a sixty (60) day waiting period during which time adjacent property owners will be notified in writing of the proposed in home occupation. Home Occupation Permits are not transferable to another person or location.

- a. Such home occupations must be carried out only by the person or persons owning the dwelling therein, and shall include not more than two (2) non-residing additional persons as employees in the home occupation. Only one in home occupation permitted per dwelling, address, or lot. Daily hours of operation for

the in home occupation are limited to no earlier than 8:00 a.m. to no later than 9:00 p.m.

- b. The use of the dwelling house and or attached garage for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and shall not constitute more than twenty-five percent (25%) of the above ground living area of the dwelling house and not to exceed seven hundred (700) square feet. The maximum number of customers or clients present shall not exceed four (4) at any time. The home occupation shall not extend to an accessory building, detached garage, barn, or other out building. There shall be no outside storage of equipment or materials to be used by the home occupation.
- c. Any in-home occupation shall not change the appearance or character of the dwelling house. There shall be no change of the outward appearance of the dwelling house or visible evidence of the conduct of such home occupation other than one (1) non-illuminated sign not to exceed three (3) square feet in area on the house and/ or the business name lettered on the mailbox to the house.
- d. Any need for parking generated by the conduct of such home occupation shall meet the off-street Parking Requirements as specified in this resolution (Sec. 26).
- e. No in-home occupation shall create noise, vibration, glare, odors, dust, smoke, or electrical interference off the lot. In the case of electrical interference, no equipment or process shall be used which creates audible or visual interference in any radio or television receivers off the premises or causes fluctuation in line voltage off the premises. Necessary and appropriate refuse containers will be used which shall be screened from off-site visibility.
- f. The property owner shall comply with all health or building code requirements applicable to said use.
- g. The home occupation permit issued herein for the in home occupation shall be issued for a period of one (1) year at a fee to be set by the Harford Township Trustees from time to time. The permit is not automatically renewable, but must be issued by the Zoning Inspector in a case-by-case and year-by-year basis.
- h. All Hartford Township in-home occupation operators must register with the township.

Permitted Home Occupations

1. Tutor- providing instruction to not more than two (2) students at a time.
2. Day Care of not more than six (6) non-resident children.

3. Office facilities for accountants, architects, brokers, lawyers, insurance agents, realtors and members of similar professions.
 4. Office facilities for ministers, priests, and rabbis.
 5. Office facilities for salesmen, sales representatives, manufacturer's representatives, services or trades.
 6. Studio of an artist, photographer, craftsman, writer, composer, dressmaker, or similar person.
 7. Repair of small appliances, limited machining of small parts, office machines, cameras and similar items.
 8. Gunsmith
 9. Direct Sales Distribution such as Amway, Avon, and Mary Kay etc.
(Effective 6/2/2008)
- 5) Hospital, sanitarium or rest home, providing that such hospital, sanitarium or rest home shall have a lot area of not less than five (5) acres and a frontage on a public thoroughfare of not less than five hundred (500) feet, and providing that such hospital, sanitarium or rest home catering primarily to patients with contagious diseases also shall have a lot area of not less than one acre per bed and shall have a minimum side lot clearance on each side of said building of not less than fifty per cent (50%) of the distance constituting the frontage of the structure. Such shall be duly licensed by the State Health Department and approved by State Building Code. The application of this paragraph shall not be deemed to apply in any way to hospital facilities existing in Harford Township at the time of the passage of this resolution by the electorate.
- 6) Roadside stands consisting of structures used for the display and sale of products, provided:
- a. Such stands are not in the road right of way;
 - b. Such stands are at least twenty (20) feet back from the traveled portion of the road;
 - c. Adequate facilities are maintained for off-the-road parking of customer's vehicles
 - d. That such roadside stand be so designed and constructed that it can be removed when not in use, and the same shall be removed from the roadside when not in use for a period of thirty (30) days.

- e. More than fifty percent (50%) of the products sold on such roadside stands are agricultural products raised on the premises.
- f. Milk stands are not affected by the above regulations.

“B” DISTRICTS (BUSINESS AND COMMERCIAL)

The following uses and no other shall be deemed Class “B” District:

- 1) Any use permitted in an “R” District shall be permitted in a “B” District;
- 2) Apartment houses, rooming houses, hotel, motel, living quarters over business establishments, restaurants, lunchrooms, tavern, repair garage;
- 3) Retail store or shop, beauty parlor, funeral home, mercantile establishment, office or office building, studio;
- 4) Dairy Store
- 5) Lodge Hall
- 6) Gasoline Service Stations all buildings, pumps, pipelines and gasoline storage tanks shall be erected and installed according to State of Ohio Regulations and shall pass State inspection.
- 7) Indoor theatre, bowling alley, dance hall, roller skating rink, recreational parks which do not have power driven rides accommodating more than four persons as a part of their recreational facilities, outdoor theatres, residential type buildings used for permanent display purposes;
- 8) Ice storage and sales, plumbing, electrical and /or heating supply;
- 9) Retail and wholesale lumber and building supply companies.
- 10) Job printing, newspaper printing plants.

The above uses shall be permitted only providing such is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas fumes, noise, flame or vibration, and adequate facilities for the temporary storage of refuse, waste, junk, objects to be repaired and disposed of are provided and the same are screened from view. (effective 1/28/95, line 2, correct wording)

“I” DISTRICTS (INDUSTRIAL AND MANUFACTURING)

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

- 1) Any use permitted in an “R” District or a “B” District shall be permitted in an “I” Districts:
- 2) Any normal industrial or manufacturing use, provided such use is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas, noise, flame, or vibration except uses specifically prohibited in this resolution.
- 3) In any “I” District, the minimum requirements set forth in this resolution for residential uses of land shall not apply. The provision shall apply to the requirements of Section 18, 19, 20, 23 and 25 of this Resolution.

SECTION 30: COMPOSITION OF BUILDINGS

All structures in “B” or “I” Districts except dwellings, shall be constructed in accordance with Ohio State Building Code and Trumbull County Building Code requirements for the structure, and evidence of Ohio State approval of plans must be submitted with the request for a zoning certificate. Evidence of approval of the finished structure by the State Inspector shall be submitted to the Zoning Inspector before the structure may be occupied.

No Zoning Certificate for structures which require a Sanitary Permit from the Trumbull County Health Department may be issued until proof is presented to the Zoning Inspector that the applicant has obtained a Sanitary Permit from the Trumbull County Health Dept.

SECTION 31: VALIDITY

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

SECTION 32:
DRILLING OPERATIONS OIL AND GAS WELLS (7/2/12)

1. To maintain the health, safety, and welfare of Hartford Township residents, prior to commencing of drilling operations, registration with the Zoning Inspector of Hartford Township is required. The Division of mineral Resources Management of the State of Ohio (DMRM) has sole and exclusive authority to regulate permitting, location and spacing of oil or gas wells in Ohio. There will be a non-refundable fee of an amount determined by the Township Trustees.
2. Separate registrations are required for **EACH** oil or gas well.
3. All registrations shall include a site plan containing the owner's names, current address, current lot lines, proposed well site, storage tanks, access roads, location of buildings on site (if any), and any and all appliances associated with the site. All registrations shall include a copy of the division of Mineral Resources Management Permit.
4. No person, firm or corporation shall, within the limit of Hartford Township, drill a new oil or gas well, drill an existing oil or gas well any deeper, re-open an oil and gas well, convert an oil and gas well to any other than its original purpose, or plug back an oil or gas well to any other than its original purpose or plug back an oil or gas well to a source of supply from the existing pool, without first completing the required registration.
5. Exploration and/or extraction of oil or gas, and the operation of wells shall be allowed in all districts as permitted by the DMRM. No well shall be drilled nearer than five hundred (500) feet from any inhabited private dwelling house; nearer than five hundred (500) feet from any public holding which may be used as a place of assembly, education, lodging, trade, manufacture, repair, storage, traffic, or public occupancy. This does not apply to a structure or building which is incident to the agricultural use of the land on which it is located, unless such a building is used as a private dwelling house or in the business of retail trade. No new oil or gas well shall be nearer than one hundred (100) feet of an existing oil or gas well.
6. All oil or gas wells, storage tanks and separator units shall not be placed any nearer than two hundred (200) feet of the right of way, or highway, or railroad tracks.
7. Storage tanks, separators, well installations, and other permanent producing facilities shall be entirely enclosed by a six (6) feet high chain link fence. All fences shall be kept in good repair until the well is abandoned and tanks have been taken out of service. All gates shall be padlocked. Shipping valves that extend beyond the fence shall also be padlocked, with all locks at a given well utilizing a master key. Said storage tanks, etc. shall not be closer than seventy five (75) feet from any public right of way, fifty (50) feet from any property, two hundred (200) feet from any private dwelling house, or five hundred (500) feet from any potable water well. Tanks may not exceed ten (10) feet in height, and must be painted and maintained.

8. No more than two hundred ten (210) barrel oil tanks shall be permitted at an oil or gas well site at any time. All oil or gas storage shall be considered an integral part of the well and therefore subject to the minimum site regulations set forth here within chapter 1501:09 of the Ohio Administrative code and Chapter 1509 of the Ohio Revised Code.
9. Access to all wells and all support structures shall be by the way of a driveway which shall be constructed of crushed aggregate, stone, slag, or asphalt or concrete paving of a thickness sufficient to support the equipment used in the drilling operation. Driveways shall be a minimum of ten (10) feet wide, and must be of a thickness sufficient to prevent displacement under anticipated loading (i.e. the heaviest fire equipment owned or operated by the local fire department including the Vienna Air Base). Permanent drives shall serve both well and tank sites. Temporary driveways shall have an approach not less than forty (40) feet wide at the road which tapers to thirty (30) feet at the road right of way, extending no less than 100 feet onto private property. Such temporary driveways shall be constructed of crushed aggregate, stone, or slag and must be of thickness sufficient to prevent displacement under anticipated loading. Loading (i.e. the heaviest fire equipment owned or operated by the local fire department including the Vienna Air Base). The driveway must be a minimum fifty (50) feet from the roadway intersections and fifteen (15) feet from any lot lines. All driveways shall have a metal gate or cable unless the property owner requests otherwise. Such gate or cable shall be locked at all times when the access road is not being used for well-related purposes.
10. Prior to establishing the above referenced driveway, the drilling company shall contact the property owner and the township trustees to establish the location and culvert necessary for said driveway. Said culvert shall be of reinforced concrete pipe or equivalent with a minimum diameter of twelve (12) inches and forty (40) feet in length with draining maintained at both ends of said casing. The casing shall be of sufficient diameter to carry all the water coursing through the ditch, and be a minimum of 36 inches (3 feet) deep.
11. All pipelines should have a cover of three (3) feet. All pipelines crossing under township hard surfaced roads shall be installed by the boring method. The bore shall be at least three (3) feet below the flow line of all ditches.
12. No saltwater or other liquid waste shall be deposited on township roads or property. Prior to the surface disposal of saltwater or other liquid waste on privately-owned property within the township, the well owner shall obtain a Liquid Waste Disposal Permit from the State Director of Environmental Protection. A copy of the liquid waste disposal plan shall be part of the registration with Hartford Township.
13. No loading or unloading of oil or water is to be made from the public roadway, and blocking of the public roadway is prohibited at all times.
14. The drilling area shall be maintained in a neat and orderly condition and, so far as is practicable, all wheeled equipment is to be free of mud prior to entering the public roadway. The drilling company shall be responsible for maintenance of the immediate

well area and its associated facilities. This maintenance shall include trash and debris removal, landscaping and any necessary clean up in the case of a well malfunction. Restoration landscaping shall be completed within sixty (60) days, weather permitting, after drilling and fracturing has been completed.

15. A five hundred thousand dollar (\$500,000) bond shall be required.
16. No township roads shall be used during the months of March, April, or May for the moving of equipment to drill for oil wells.
17. No water shall be taken from the surface or underground on the property listed on the well lease without the landowner's permission. Removal of water from the streams is to be according to the State and Federal regulations.
18. No cleat track vehicles are allowed on township roads, except in the case of an emergency.
19. No water trucks shall run on township roads during times when school buses are picking up or delivering students.
20. Any violation of the Oil and Gas Well Regulations for Hartford Township shall be fined not less than \$500.00 (to be determined by the Township Trustees).
21. MODEL ROADWAY USE AND MAINTENANCE AGREEMENT FOR HORIZONTAL DRILLING PROJECTS AND INFRASTRUCTURE (RUMA) should be followed and on file with the township.
22. During drilling operation and when a well is subsequently put into production, a permanent sign of sufficient size should be posted at the access drive entrance by the public road to list the following information, which shall be kept current at all times:
 - a. Name, address and telephone number of the driller
 - b. Ohio Department of Oil and Gas well number and permit number
 - c. Street address of the site
 - d. The words "DANGER, NO SMOKING ALLOWED," in conspicuous print
 - e. The telephone number of the Hartford Township Fire Department
 - f. All other emergency telephone numbers as required by law.

SECTION 33:
CONDITIONAL USE

SEXUALLY ORIENTED BUSINESS

1. It is the purpose of this section to regulate sexually oriented businesses, through the establishment of a Conditional Use Permit, to promote the health, safety, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Township. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. There is convincing documented evidence that sexually oriented business, because of their very nature, have a deleterious effect on both the existing business around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.

The Board of Trustees desires to minimize and control these adverse effects and thereby preserve the property values and character of surrounding neighborhoods, deter the spread of suburban blight, protect the citizens from increased crime, preserve the quality of life, and protect the health, safety, and welfare of the citizenry.

2.
 - a. A **SEXUALLY ORIENTED BUSINESS** is one which is designed and used to sell, rent or show sexually explicit materials distinguished or characterized by an emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas" as herein defined and is more particularly, but not exclusively, defined as meaning an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theatre, or adult theatre, or massage business.
 - b. **ADULT ARCADE** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".
 - c. **ADULT BOOKSTORE OR ADULT VIDEO STORE** means a commercial establishment which utilizes any of its retail selling area for the purpose of retail sale or rental for any form of consideration, one or more of the following;

- 1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video representations which depict or describe “specified sexual activities” or “specified anatomical areas”
 - 2) Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”.
- d. ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment which regularly or infrequently features:
- 1) Persons who appear in a state of nudity;
 - 2) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”:
 - 3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description or “specified sexual activities”, or “specified anatomical areas”.
- e. ADULT MOTEL means a hotel, motel or similar commercial establishment which
- 1) Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right way which advertises the availability of this adult type of photographic reproductions;
 - 2) Offers a sleeping room for rent for a period of time that is less than ten hours;
 - 3) Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten hours.
- f. ADULT MOTION PICTURE THEATRE means a commercial establishment where for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly or infrequently shown, which is characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- g. ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment which regularly or infrequently features persons who appear in a state of nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.

- h. MASSAGE means the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping by hand or mechanical device.
 - i. MASSAGE BUSINESS means any establishment of business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors, which is characterized by emphasis on matters and activities relating to “specified sexual activities” or “specified anatomical areas” as defined herein.
 - j. NUDITY or a STATE OF NUDITY means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.
 - k. PERSONS means an individual, proprietorship, partnership, corporation or other legal entity.
 - l. SEMI-NUDE means a state of dress in which clothing covers no more than the genitals, public region, and areolas of the female breast, as well as portions of the body covered by supporting straps or devices.
 - m. SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:
 - 1) The fondling or other erotic touching of human genitals, public region, buttocks, anus, or female breast;
 - 2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
 - 3) Masturbation, actual or simulated;
 - 4) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.
 - n. SEXUALLY ORIENTED DEVICES means without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities, but shall not mean any contraceptive device.
 - o. SPECIFIED ANATOMICAL AREAS means less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the aureole; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
3. The Board of Zoning Appeals may issue a conditional use permit for a sexually oriented business only in a B, Business and Commercial District in each particular instance only on the following conditions:

- a. The proposed business is located more than one thousand (1000) feet from a church, a public or private school, boundary of a residential district as established by the Board of Township Trustees, the lot line of a lot devoted to residential uses; public park or playground; an already existing sexually oriented business or one that has received a conditional use permit, any social services facility or neighborhood center, any boundary of a residential district in a local government abutting Hartford Township, or any structure that contains a residence.
- b. All viewing booths and viewing areas in an Adult Arcade, Adult Book Store, Adult Video Store, Adult Motion Picture Theater, or Adult Theater must be visible from a continuous aisle and must not be obscured by any curtain, door, wall, or other enclosure.
- c. No sexually oriented activities or materials may be sold, furnished or displayed to any person under the age of eighteen (18) years.
- d. Adult entertainment business shall comply with the district regulations applicable to all properties in the district in which they are located.

4. REVOCATION OF CONDITIONAL USE PERMIT:

The Zoning Inspector shall revoke the conditional use permit for any sexually oriented business if so determined pursuant to the action of the Board of Zoning Appeals.

PROCEDURE REVOCATION:

The Zoning Inspector shall notify in writing the Board of Zoning Appeals whenever he has reason to believe that the operation of an adult entertainment business has resulted in a violation of any provisions of this Hartford Township Zoning Resolution. Within thirty (30) days from said notification the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this hearing shall be served on the sexually oriented business at least ten (10) days before hearing and if the Zoning Inspector's referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least ten (10) days before the hearing. The Board of Zoning Appeals may also give such other notice as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within thirty (30) days after the hearing and shall notify the adult entertainment business and, if applicable, the complainant, within ten (10) days after such decision.

FEE FOR CONDITIONAL USE PERMIT FOR A SEXUALLY ORIENTED BUSINESS SHALL BE SET BY THE TRUSTEES.

SECTION 34:
EXOTIC ANIMALS (7/2/12)

Hartford Township will follow the regulations for Exotic Animals as set forth in the Ohio Revised Code.

SECTION 35:
ZONING REGULATIONS FOR FENCING IN
A RESIDENTIAL DISTRICT (7/2/12)

No person shall erect or construct a fence in a residential district within Hartford Township without first obtaining a zoning permit and paying the required fee. A plot plan or site plan must be provided along with a completed permit application showing the location of the proposed fence and accurate distance measurements from all existing structures and property lines. Each applicant shall determine exact property lines to ascertain no encroachment upon another lot or parcel of land. The location and height of all fences in residential districts shall be in accordance with the following:

1. No fence in a residential district in the front of building setbacks shall exceed 36” (thirty-six inches) in height or obstruct the view or impede traffic safety.
2. All set back lines from the road right-of-way shall be observed.
3. All fences in residential districts that require a foundation, or exceed 6’ (six feet) in height or use support posts larger than 6” x 6” (six inches by six inches) shall be considered a structure and adhere to all regulations of a structure.
4. All fences in residential districts should be a minimum of 3’ (three feet) from the property line unless owners of the adjoining properties file a notarized agreement that contains: a written affidavit, survey, materials cost sharing and maintenance cost sharing, and recorded the Trumbull County Recorder’s Office as a “reciprocal easement.”
5. All fences in residential districts shall consist of non-living material. Live material is not covered under these regulations.
6. The finished side of the fence should face the property line.
7. All agricultural fences are covered under the Ohio Revised Code chapter 971.
8. Commercial businesses may build a fence to meet their needs.

SECTION 36:
REGULATIONS FOR SMALL WIND PROJECTS/TURBINES (7/2/12)

Intent:

The intent of the small wind project resolution is to establish guidelines for the location of small wind projects in Hartford 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 5MW 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 resolution 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 the 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 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 sized 6 feet x 6 feet concrete pad, constructed with 8.5 cubic yards of concrete, buried at 48 inches.
- Nacelle: Sits atop a tower and contains the essential mechanical components of the turbine to which the rotor is attached.
- Primary 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 the State of Ohio as a Professional Engineer.
- Megawatt (MW): A unit of power equal to one million watts.
- Small wind project: any wind project less than 5 MW, 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 to which the turbine and rotor are attached.
- Wind Power Turbine Height: The distance from the rotor blade at its highest point to the top surface of the ground at 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), and shall be required to meet all OPSB regulations. Small wind projects consisting of one unit less than 5 MW use solely for Agricultural 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 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 Zoning Board of Appeals.
- D. Maintenance: Wind turbines shall be maintained in good working order. The current turbine tower or property owner shall, within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine may stand no longer than 12 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 electricity for 30 consecutive days. Wind turbine towers/small wind projects that become inoperable for more than 12 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 60dBA 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 fence 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 structures 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 Administration (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. The cost of such permit will be determined by the Hartford Township Trustees. 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. Applicants shall then provide the Zoning Inspector with the following items and/or information when applying for a permit:

- 1) The total size of 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 lighting 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 in kilowatts of the particular unit.
- 5) A hazardous materials disposal plan
- 6) The maximum decibel 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) Evidences of an established setback of 1.1 times the height of the unit and clear fall zone
- 9) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit application.
- 10) Verifications from the County Building Inspectors that no additional regulations apply to the wind project.
- 11) Utility company documentations 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 throws from the blades.
- 13) Total size and depth of the concrete mounting pad and any other required specifications for the turbine, its power, base, and other parts.
- 14) The turbine, including prop blades, turbine, coving, 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 on 1 phase grids.

AESTHETICS:

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

1. The turbine, including prop blades, turbine, coving, tower etc. shall be in the color provided by the manufacturer, preferably 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 aesthetic impact on neighboring properties.