

200900000034  
Filed for Record in  
ASHLAND COUNTY, OHIO  
BARBARA J. HARDING  
01-05-2009 At 12:32 pm.  
ZONING AMEN 20.00  
DR Book 603 Page 615 - 686

## Sullivan Township Zoning Resolution

Effective: 29<sup>th</sup> December 2008  
Box 9  
Sullivan, Ohio 44880

JAN 5 2009

This is a true and certified copy  
of No. 34 filed Jan. 5, 2009  
at 12:32 pm in Vol. 603  
at page 615-686 of Ashland County  
Ohio official Records.

Barbara J. Harding  
Recorder, Ashland County, Ohio

Fee \$ 145.00

## TABLE OF CONTENTS

### ARTICLE I - PURPOSE AND TITLE

101 Purpose.....	6
102 Title .....	6

### ARTICLE II - GENERAL PROVISIONS

201 Pending Applications for Zoning Permits .....	7
202 Uses Exempted From Zoning Resolution .....	7
203 Farm Dwellings Not Considered Incidental to Agriculture.....	8
204 Agricultural Exemption Not Applicable to Small Parcels .....	8
205 Greater Restrictions Prevail .....	8
206 Alterations .....	8
207 New Land Uses .....	8
208 Height Exemptions .....	9
209 New Lots .....	9
210 Additions .....	9
211 Contiguous Parcels .....	9
212 Existing Lots .....	9
213 Sales of New Lots .....	9
214 Sanitary Landfills, Solid Waste Site & Recycle Facilities .....	10
215 Fireworks .....	15
216 Restoring Unsafe Buildings or Structures ...	15
217 Compliance with Zoning Resolution .....	15
218 Pipeline.....	16
219 Validity .....	19

### ARTICLE III - DEFINITIONS

301 Explanations. ....	20
302 Accessory Use .....	20
303 Agriculture .....	20
304 Bed and Breakfast.....	20
305 Board .....	20
306 Building .....	21
307 Building Height .....	21
308 Campground .....	21
309 Commercial Butchering .....	21
310 Comprehensive Plan .....	21
311 Conditional Use .....	21
312 Contiguous Parcels.....	22
313 Custom Butchering .....	22

314 Dwelling .....	22
315 Essential Services .....	24
316 Family .....	24
317 Fences.....	24
318 Flood Protection Elevation .....	24
319 Front Yard .....	25
320 General Manufacturing .....	25
321 Home Occupation .....	25
322 Institution .....	25
323 Kennels .....	25
324 Junk Yards / Sales .....	26
325 Local Business .....	27
326 Lot .....	27
327 Lot Area .....	27
328 Lot Coverage .....	28
329 Lot Depth .....	28
330 Lot Lines .....	28
331 Lot Widths .....	28
332 Main Building .....	28
333 Nonconforming Building .....	28
334 Nonconforming Use .....	28
335 Person .....	29
336 Professional Services .....	29
337 Public Uses .....	29
338 Rear Yard .....	29
339 Recreational Uses .....	29
340 Regional Flood .....	30
341 Regional Flood Plain .....	30
342 Residential Enterprise.....	30
343 Rezoning .....	30
344 Roadside Stands .....	30
345 Semi-Public Uses .....	31
346 Service Stations/Fuel Mart .....	31
347 Setback Line .....	31
348 Side Yard .....	31
349 Structure .....	31
350 Structural Alterations .....	32
351 Variance .....	32
352 Yard .....	32
353 Storage Buildings.....	32
354 Zoning District .....	32
355 Wood Processing.....	32
356 Swimming Pools/Ponds.....	33

**ARTICLE IV - Establishment of Zoning Districts**

401 Classification and Locations of Zoning  
Districts .....35  
402 Zoning Districts .....36  
403 Zoning Districts Map of Sullivan Township,  
Ashland County, Ohio .....37  
404 Interpretation of District Boundaries.....37

**ARTICLE V - Use Regulations and Permitted and Conditional Uses**

501 Use Regulations .....38  
502 Agricultural/Residential (A-1).....39  
503 Rural Center (R-2).....40  
504-A Commercial District (C-1).....41  
504-B Proposed Commercial (C-2).....42  
505-A Industrial District (I-1).....43  
505-B Proposed Industrial (I-2).....44

**ARTICLE VI - Supplemental Regulations**

601 Keeping of Animals, Fowl, or Bees .....45  
602 Public Nuisances and Hazards .....45  
603 Permanently - Sited Manufactured Dwellings ...46  
604 Manufactured Dwellings Parks and  
Subdivisions .....47  
605 Campgrounds .....49  
606 Temporary Structures .....49  
607 Deteriorated or Abandoned Structures .....50  
608 Junk .....50  
609 Mineral Extraction, Storage and Processing ...50  
610 Accessory Buildings .....51  
611 Storage Buildings.....51  
612 Yard Requirements.....52  
613 Home Occupation.....52  
614 Corrections Period.....53  
615 Flood Hazard Areas .....53  
616 Signs .....54  
617 Nonconforming Buildings and Uses .....56  
618 Conditional Uses .....56  
619 Residential Enterprise Business.....58

**ARTICLE VII - Zoning Commission**

701 Membership ... 59  
702 Rules Of the Commission ... 59  
703 Changes and Amendments ... 60

**ARTICLE VIII - Board of Zoning Appeals**

801 Membership ... 64  
802 Rules of the Board ... 64  
803 Powers and Duties of the Board ... 65  
804 Procedures ... 66

**ARTICLE IX - Administration**

901 Zoning Inspector ... 68  
902 Zoning Certificates... 68  
903 Enforcement and Penalties ... 69  
905 Wireless Telecommunications Towers... 70  
906 Fire Department Recommendations... 71

## **ARTICLE I - Purpose and Title**

### **101 Purpose**

Whereas the Trustees of the Township of Sullivan deem it necessary in the interest of the public health, safety, public convenience, comfort, prosperity, and general welfare of what is known as Sullivan Township to regulate therein the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, and trailer coaches, and uses of land for trade, industry, residence, recreation, or other purposes; the districts and regulations of this Zoning Resolution, in accordance with the comprehensive plan, are hereby adopted and established and shall thereafter apply as provided by O.R.C. 519.02

Effective Date: 29 December 2008

### **102 Title**

This resolution shall be known as the Sullivan Township Zoning Resolution and may be referred to as the Zoning Resolution, this Resolution, or as these regulations.

Effective Date: 29 December 2008

## ARTICLE II - General Provisions

### 201 Pending Applications for Zoning Certificate

1. The Sullivan Township Zoning Inspector will not issue a zoning certificate to any applicant unless evidence of a valid health (sewage) permit from the Ashland County Board of Health is in force unless such sewage permit is not required by the health department for the land use in question. Any subsequent actions by the Health Department condemning the land use or rescinding the health permit or finding the dwelling unfit for human habitation shall also render the Sullivan Township Zoning Certificate null and void. A new zoning permit is required before construction or use of the property may recommence. As assistance to applicants for a zoning certificate, the approved procedure and order for obtaining both health permits and zoning certificate is:

- A. Apply to the Zoning Inspector for a Zoning Certificate.  
    Will need to have drawing of lot and proposed structure, copy of applications  
    For culvert and sanitation permits
  - B. Apply to the health department for a sewage permit.
  - C. Approval of the zoning certificate by the township-zoning inspector.
  - D. Final inspection and approval by the health department.
2. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof, for which a zoning permit has been granted before the enactment of this Zoning Resolution and the construction of which, from such plans, shall have been started within ninety (90) days of the enactment of this Zoning Resolution.
3. Zoning Certificate shall be valid for 18 months from date of issue. Construction that is not completed at the end of 18 months will require another certificate.

Effective Date: 29 December 2008

### 202 Uses Exempted From Zoning Resolution

1. Nothing in this Zoning Resolution shall confer power to prohibit the use of any land for Agricultural purpose or the construction or use of building or structures incident to the use of Agricultural purposes of the use of land which such building or structures are located. A Zoning Certificate is not required for any Agricultural building or structure and a Zoning Certificate Exemption shall be issued to the landowner at no cost by the Sullivan Township Zoning Inspector.

### **203 Farm Dwellings Not Considered Incidental to Agriculture**

A structure used only as a dwelling for a person engaged in agriculture is not considered incidental to an agricultural use of the land so as to be exempt from township zoning pursuant to Section 519.01 of the Ohio Revised Code. All farm dwellings as permitted in this Zoning Resolution shall be subject to Zoning Certificate and all other regulation of this Zoning Resolution.

Effective Date: 29 December 2008

### **204 Agricultural Exemption Not Applicable to Small Parcels**

1. In all districts all parcels of land less than five (5) acres of land area, and having more than seventy (70) percent of their land area used for purposes other than agricultural shall not be considered as agricultural land and shall not be eligible for the agricultural exemption of Section 519.21 of the Ohio Revised Code and shall adhere to the provisions of the district in which such parcel is located.

2. All lots less than two (2) acres shall not, in any case, be considered as agricultural land and shall not be eligible for the agricultural exemption of Section 519.21 of the Ohio Revised Code and shall adhere to the provisions of the district in which said parcel is located.

Effective Date: 29 December 2008

### **205 Greater Restrictions Prevail**

Where this Zoning Resolution imposes greater restrictions than are imposed or required by other provisions of law, the requirements of this Zoning Resolution shall prevail.

Effective Date: 29 December 2008

### **206 Alterations**

No building or structure shall be built or altered for uses other than those permitted in the district in which the structure is located.

Effective Date: 29 December 2008

### **207 New Land Uses**

New land uses, other than those listed in these regulations, shall be prohibited on property in Sullivan Township.

Effective Date: 29 December 2008



**208 Height Exemptions**

Parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, exhaust stacks, stage towers, silos, scenery lofts and necessary mechanical accessories are exempt from the height restrictions listed in these regulations.

Effective Date: 29 December 2008

**209 New Lots**

New lots of record shall meet all minimum size requirements for the district in which they are located.

Effective Date: 29 December 2008

**210 Additions**

Any addition to an existing building shall not intrude into any required yard, open space, or setback area.

Effective Date: 29 December 2008

**211 Contiguous Parcels**

Two or more lots of record, or platted lots, when contiguous and owned by the same individual or entity, may be treated as a single lot for the purposes of this resolution as long as the property in question is located in a single district.

Effective Date: 29 December 2008

**212 Existing Lots**

Any lot of record existing at the time of adoption of this resolution and held in separate ownership different from that of adjoining parcels may be used for any purpose normally permitted in that district even though its area, width and depth are less than the requirement of that District as long as the minimum setback and side yard requirements are met.

Effective Date: 29 December 2008

**213 Sales of New Lots**

No sales of property are permitted which fail to meet the minimum size requirements as outlined in this resolution.

Effective Date: 29 December 2008

**214 Sanitary Landfill, Solid Waste Site and Recycle Facilities**

1. ENGINEERING STUDY: Before sanitary landfill operations may be permitted within Sullivan Township an engineering study of the landfill site shall be submitted to the Sullivan Township Zoning Inspector, Sullivan Township Board of Appeals, Township Trustees and Zoning Commission, the Ashland County Commissioners, Ashland County Engineer, Ashland County Solid Waste District, Ashland County Health Department, State Health Department, Ashland County Regional Planning Commission, Ashland County Soil and Water Conservation Services for review and approval, and subsequent application to the Ohio Environmental Protection Agency, Federal Environmental Protection Agency, Army Corp. of Engineers, Federal Aviation Administration for permits to install and copies of EPA permits issued shall be submitted to these same offices. This survey shall include topographic map of the entire site, adjacent lands at a scale of not over two hundred (200) feet to the inch with five (5) foot contour intervals showing:

- A.) Location of existing buildings on site and adjacent property, including the location of their water supply.
- B.) Location of access road, type of surface and maintenance.
- C.) Location of equipment facilities.
- D.) Location of employee facilities.
- E.) Location of property lines and periphery fences.
- F.) Wind direction data for five (5) year period and velocity (Wind Rose).
- G.) Location of communication.
- H.) Location of water supply for drinking and fire protection.
- I.) Location of test boring's and resulting data.
- J.) Acreage.
- K.) General description of land.
- L.) Drainage.
- M.) Rainfall data Spring, Summer, Fall, and Winter for past five (5) years.
- N.) Outfall conditions up to one (1) mile down stream of open drains etc.
- O.) Agriculture soil classification of site (U.S.D.A. Classification).
- P.) Utility locations.
- Q.) Zoning of site and adjacent lands.
- R.) Proposed truck route.
- S.) Condition, road limit, and location of nearby bridges, culverts.
- T.) Population to be served.
- U.) Life of site.
- V.) Type of railroad crossing.
- W.) Landfill method used and procedure of fill.
- X.) Capacity of site.
- Y.) Typical cross section of lift.
- Z.) Location of weighing facilities.
- AA.) Grades for proper drainage and special drainage devices.
- BB.) Water movement – ground water and surface water.
- CC.) Number and type of equipment.

- DD.) Number of personnel, Jobs.
- EE.) Safety program.
- FF.) Inspection procedures.
- GG.) Fire fighting agreement with local control agency.
- HH.) Routing procedure.
- II.) Policing routine.
- JJ.) Equipment and maintenance check.
- KK.) Final proposed elevation.
- LL.) Beautification and landscaping plan.
- MM.) Plans for use of site before, during and after operation.
- NN.) Any other pertinent information as deemed necessary by the governing agencies.

2. ACCESS ROADS: All weather, dirt – free access roads, negotiable by loaded collection vehicles shall be designed and constructed so that traffic will flow smoothly and not be interrupted during inclement weather.

3. EMPLOYEE FACILITIES: Suitable shelter and sanitary facilities shall be provided for employees including safe drinking water, sanitary hand washing, toilet facilities, suitable heating facilities and meet A.D.A. requirements.

4. MEASURING FACILITIES: All refuse entering the landfill shall be measured in tons and records kept to determine depletion rates.

5. COMMUNICATIONS: Telephone or radio communications shall be provided at the location.

6. FIRE PROTECTION: Suitable measures shall be provided to prevent and control fires by providing water under pressure for a 2-1/2" fire hose and fire extinguishers on all equipment and in buildings. Open burning shall be prohibited.

7. LIMITED ACCESS: Access to the site shall be limited to those hours when an attendant is on duty by providing chain link fencing around the entire site with a strong gate, which will be locked when the site is not in operation. Receiving hours shall be limited to 7:00 A.M. to a maximum of one (1) hour prior to sunset or 7:00 P.M. which ever comes first. NO SUNDAY operations are permitted.

8. UNLOADING of REFUSE: The unloading of refuse shall be restricted and controlled to provide systematic placement of refuse on the working face, facilitating the spreading and compacting of disposed refuse. No indiscriminate disposal of refuse shall be allowed.

9. SIZE of WORKING FACE: The working face of the sanitary landfill shall be confined so that it can be easily maintained with equipment and the area of refuse to be exposed and compacted lessened.

10. BLOWING LITTER: Blowing litter shall be controlled by installing temporary fences near the working area and policing the entire site daily and more often as conditions may warrant such actions. Site shall be enclosed entirely around the perimeter with an eight (8) foot chain link fence.

11. SPREADING and COMPACTING of REFUSE: Refuse shall be spread and compacted in shallow layers according to EPA Standards.

12. DEPTH of CLAY BOTTOM: At least eight (8) feet of virgin clay shall be left undisturbed below the maximum depth of each excavation per EPA Section 241.100.

13. DAILY COVER: A uniformly compacted layer of at least six (6) inches of suitable cover material with the working properties of "SANDY LOAM" as classified by the U.S. Department of Agriculture shall be placed on all exposed refuse by the end of each working day or at more frequent intervals as may be necessary.

14. INTERMEDIATE COVER: In all but the final lift of the Landfill, a layer of suitable cover material with the working properties of "SANDY LOAM" as classified by the U.S. Department of Agriculture, compacted to the minimum uniform depth of one (1) foot shall be placed daily of all surfaces of the fill except those where operations will continue the following working day, and seeded to appropriate grasses if allowed to stand more than thirty (30) days.

15. FINAL COVER: Uniform layer of suitable cover material with the working properties of "SANDY LOAM" as classified by the U.S. Department of Agriculture compacted to the minimum depth of two (2) feet shall be placed over the entire surface of each portion of the final lift no later than one (1) week following the placement of refuse within the portion of the final lift.

16. FINAL GRADE: The completed fill shall be graded to those elevations specified on the final plan. The finished construction shall not in any way cause interference with proper drainage on adjacent lands. Seeding of finished portions shall be performed to insure the stabilization of cover materials.

17. SEWAGE SOLIDS, LIQUIDS, HAZARDOUS MATERIALS, and MEDICAL WASTE: Shall be prohibited. Hazardous waste shall be defined as per the definitions of the Ohio Environmental Protection Agency and Federal Environmental Protection Agency, which ever shall be more stringent at the time.

18. LARGE BULKY ITEMS: There shall be no disposal of large, heavy or bulky items unless special provisions are made to handle such items with heavy equipment and in a special area. Drums, Tanks and other containers of five (5) gallons or more shall have both ends entirely removed before entering the landfill. Drums not meeting this requirement must be returned to the generator.

19. BURNING: There shall be no burning or incinerating of any kind at the site.

20. RECYCLING: ALL recycling materials shall be sorted on site and handled accordingly.
21. SALVAGING: Salvaging shall be permitted at any landfill site.
22. COMPOSTING: All organic waste shall be composed.
23. VECTOR CONTROL: Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out operations promptly. If needed as determined by the responsible authority, supplement vector control shall be instituted immediately.
24. DUST CONTROL: Before dust becomes a nuisance, suitable control measures shall be taken.
25. PLACEMENT OF GROUND WATER: The depositing or placement of refuse in locations where continuous or intermittent contact occurs between refuse and the ground water table shall be prohibited. It shall be considered desirable to maintain a minimum vertical distance of five (5) feet between disposed refuse and ground water.
26. DRAINAGE of SURFACE WATER: Landfill operators are to work with Ashland County Soil and Water Conservation and the Ashland County Engineer prior to the use of any land as a landfill to determine existing water flow. A plan must be developed in conjunction with the above so that the erection of a landfill will in no way determine, but in fact may enhance the drainage of surrounding properties. Drainage should be at least as good as it was prior to the landfill being constructed. This plan is to be provided to the Zoning Board prior to the issue of a Zoning Permit. A fifty (50) foot occupied zone shall surround the landfill measured from the base of the surrounding mound.
27. EQUIPMENT MAINTENANCE: Provisions shall be made for the routine operational maintenance of equipment at the landfill site and for the prompt repair and / or replacement of landfill equipment.
28. ANIMAL FEEDING: All animals shall be excluded from the site.
29. ACCIDENT PREVENTION and SAFETY: Accident prevention measures shall be taken at the site and all employees shall be instructed in the principles of first aid and safety.
30. OPERATIONAL RECORDS and PLAN EXECUTION: A daily log shall be maintained by the sanitary landfill supervisor and monitor to record operational information, including the types and quantity of refuse received, the portion of landfill used each day and any deviations made from the original plans and specifications. The daily log shall be filed with the Sullivan Township Trustees and Solid Waste District on a monthly basis.

31. **COLD WEATHER OPERATIONS:** To facilitate operations during the winter months, precautionary measures shall be taken to insure continued operations of the sanitary landfill. Such measures shall include:
- A. Sanitary landfill trenches being dug in advance of cold weather.
  - B. Covering areas to be excavated with straw or leaves to a sufficient depth so as to prevent frost penetration.
  - C. Stockpiling cover material loosely (without packing) or covering with straw or leaves, or mixing with straw, leaves or road salt to prevent frost penetration.
32. **PERFORMANCE BOND:** All Persons, Group of Persons, Corporations, Private Contractors wishing to operate a Sanitary Landfill, Solid Waste Site or Recycling Center within the boundaries of Sullivan Township shall submit to the Township Trustees a BOND for a sum to be determined by the Township Trustees which shall be held during the operation of the site and for a period of five (5) years after removal of all equipment from the site. The condition of this BOND shall be that Persons, Group of Persons, Corporations, Private Contractors responsible for the operations of the site shall faithfully perform all conditions of the Zoning Regulations as set forth and shall pay anyone who may perform or cause to be performed any work, labor or furnish or cause to be furnished any skill, labor, equipment or material in the execution of such contract and such BOND shall provide that the full amount thereof shall be forfeited upon the failure of the Persons, Group of Persons, Corporations or Private Contractors to comply here with.
33. **SETBACK REQUIRED:** The working area of the sanitary landfill district shall be eight hundred (800) feet from the road right-of-way, landscaped and maintained with fast growing evergreen trees, shrubs and other ornamental landscaping to form a barrier for aesthetic value to prohibit public view eight hundred (800) feet from the property line on the sides and at the rear measured from the base of the surrounding mound and maintained.
34. **SITE ACCESS:** The entrance shall be set back two hundred (200) feet from the right-of-way sideline, be of suitable pavement and a speed limit of fifteen (15) MPH to be posted and maintained.
35. **NON-EXCLUSION:** Arrangements shall be made between the Sullivan Township Trustees and the operators of said facility so that residents of Sullivan Township shall have access to the use of the landfill for the duration of its operations at no cost, excluding commercial and industrial waste or refuse.
36. **BERM REQUIREMENTS:** Landfill site will have perimeter drainage installed prior to the site being used as a sanitary landfill.
37. **LANDFILL LIMITS:** Total fill space acreage excluding required setback, berm area and outside drainage shall not exceed twenty (20) acres. This acreage is to include present and future sanitary landfills.

38. LANDFILL VOLUME of OPERATION: All sanitary landfills constructed in Sullivan Township shall dispose of only Ashland County waste not to exceed 50,000 tons annually.

39. IDENTIFICATION of COMMERCIAL VEHICLES: All commercial vehicles using any sanitary landfill, solid waste site or recycling facility in Sullivan Township shall be identified by name and individual numbers at least eight (8) inches in height, clearly legible in contrasting colors on both the front, rear and both sides of the vehicle.

40. HOST FEES: Host Community Fee to be established by Sullivan Township Trustees and shall include all material brought to premises for disposal, recycling, storage or other processing.

41. SECURED LOADS: All vehicles entering shall be enclosed or securely tarped. Vehicles not meeting this requirement shall be rejected.

42. TRAFFIC CONTROL: Proper steps to be taken to insure mud and other debris are not carried from site to public roadways.

43. TRUCK ROUTE: At the cost of the owner, all truck routes used within Sullivan Township to be brought up to the standards of Ashland County Engineer and Sullivan Township Trustees and maintained as such.

Ref: ORC 3737.02(A) –Chapter 119/and 3437.05/3745-27-06 -07-08 and all other Regulation codes to Landfills.

Effective Date: 29 December 2008

### **215 Fireworks**

Manufacturing, sales, storage or distribution of fireworks or explosives is expressly forbidden in Sullivan Township.

Effective Date: 29 December 2008

### **216 Restoring Unsafe Buildings or Structures**

Nothing in this Zoning Resolution shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared insecure, unsafe, or structurally defective by Sullivan Township Fire Chief or other authority responsible under Chapter 3781 of the Ohio Revised Code.

Effective Date: 29 December 2008

### **217 Compliance with Zoning Resolution**

A lot may be used and a structure, altered, occupied, or used only as this Zoning Resolution permits.

Effective Date: 29 December 2008

## **218 Pipeline**

1. **ENGINEERING STUDY:** Before a pipeline permit is issued within Sullivan Township, an engineering study of the pipeline site shall be submitted to the Sullivan Township Inspector, Sullivan Township Board of Appeals, Township Trustees, Zoning Commission, Ashland County Commissioners, Ashland County Engineer, Ashland County Solid Waste District, Ashland County Health Department, State Health Department, Ashland County Regional Planning Commission, Ashland County Soil and Water Conservation Services for review and approval, and subsequent application to the Ohio Environmental Protection Agency, Army Corp. of Engineers, Federal Aviation Administration for permits to install and copies of EPA permits issued shall be submitted to these same offices. This survey shall include topographic map of the entire site, adjacent lands at a scale of not over two hundred (200) feet to the inch with five (5) foot contour intervals showing:

- A. Location of existing buildings and their water supplies within fifteen hundred (1500) foot on either side of proposed pipeline right of way.
- B. Location of where all pipelines crosses Township, State and County roads.
- C. Location of equipment, facilities and pumping stations.
- D. Location of all property lines and fences.
- E. Location of water supply for drinking and fire protection.
- F. Location of test boring's and resulting data.
- G. General description of land.
- H. Drainage.
- I. Agriculture soil classification of site (U.S.D.A. Classification).
- J. Utility locations.
- K. Proposed construction access roads.
- L. Location of railroad crossings.
- M. Condition, road limit, and location of nearby bridges, culverts.



- N. Grades for proper drainage and special drainage devices.
- O. Water movement – ground water and surface water.
- P. Safety Program.
- Q. Inspection Procedures.
- R. Fire fighting agreement with local control agency.
- S. Policing routine.

2. MATERIAL SAFETY DATA SHEET: Required to be submitted to Sullivan Township Trustees and Sullivan Township Fire Department for any products transported in the pipeline.

3. SECURED LOADS: All vehicles entering a public road shall have a secured load.

4. TRAFFIC LOADS: Proper steps to be taken to insure mud and other debris are not carried from site to public roadways.

5. TRUCK ROUTE: At the cost of the pipeline owner, all truck routes used within Sullivan Township to be brought up to standards of Ashland County Engineer and Sullivan Township Trustees and maintained as such.

6. Pipelines are not to be used to transport **Waste, Hazardous Waste, Toxin** or noxious **Gases or By Products**.

7. Pipelines shall not pass through any residential districts.

8. Pipeline right of way shall be twenty-five (25) feet of either side of pipe centerline. Right of ways through non-cropland areas has to be mowed once a year during June, July, or August.

9. There shall be only one pipe per pipeline right of way.

10. Right of ways must be at least two hundred fifty (250) feet apart except where they cross.

11. Right of ways shall not be any closer the five hundred (500) feet to any structure or one thousand (1000) feet of schools, churches, or child care facilities.

12. Placard shall be installed at each property line and at both sides where the pipe passes under the road.

13. Placard shall be double sided and have name of company or owner, a 24 hour Emergency Toll Free Number, and placard shall be inspected on a monthly basis. Repairs made to placards as necessary.
14. Pipe depth shall be no less than eight (8) feet to top of pipe, except where it passes under a road or waterway, where it shall be twelve (12) feet in depth.
15. Maximum diameter of pipeline shall not exceed twelve (12) inches or one hundred fifteen (115) square inch. Maximum pressure in pipeline shall not exceed one thousand (1000) PSI.
16. Any pipeline installed in Sullivan Township for use shall meet the ASME or API codes that are applicable to that use.
17. All public or private utilities damaged or disturbed whether above ground or underground shall be repaired or replaced by the company, at their expense, after obtaining the proper permits, if necessary.
18. Any underground drainage systems damaged by pipeline installation shall be returned to operating condition, back to or better than original state. This includes drainage systems in pipe right of ways that may have been crushed by equipment used for the installation of pipeline.
19. Ground material that is disturbed by installation of buried material shall be restored to a depth of three (3) feet in a manner that returns the disturbed material to its original condition. This is especially true in regards to compaction, contour, PH, fertility, drainage structure and surface vegetation. This applies to all surfaces in the Sullivan Township including farmland, residential, wooded areas, and any other area that had been disturbed by construction.
20. When repairs are made, crews must return land to its original topography and reseed accordingly.
21. All roadways and their drainage systems shall be returned to the original configuration prior to construction.
22. During construction, before dust becomes nuisance, suitable control measures shall be taken.
23. There shall be no burning or incinerating of any kind at the construction site. All waste or litter shall be contained.
24. Access to area isolated during construction shall be provided as necessary.

Effective Date: 29 December 2008

## **219 Validity**

If any article, section, sentence, clause, provision, requirement, or portion of this Zoning Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other article, section, sentence, clause, provision, requirement, or portion of this Zoning Resolution which is not in itself invalid or unconstitutional.

Effective Date: 29 December 2008

## ARTICLE III - Definitions

### 301 Explanations

For the purposes of this resolution, certain terms and words are described as follows: The words "used for" include "designed for" and vice versa; words used in the present tense include the future and vice versa; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word residence; the word "lot" includes the word "plot" and "parcel"; and the word "shall" is mandatory and not directory.

Effective Date: 29 December 2008

### 302 Accessory Uses:

A use of land or of a structure or a portion thereof customarily incidental and subordinate to the principal use of land or buildings and located on the same lot with such principal use.

Effective Date: 29 December 2008

### 303 Agriculture:

Includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry; including, but not limited to, the care and raising of livestock equine; and fur bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops; tobacco; fruits; vegetables; nursery stock; ornamental shrubs; ornamental trees; flowers; sod; or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or productions. ORC 519.02-519.25

Effective Date: 29 December 2008

### 304 Bed and Breakfast:

An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee.

Effective Date: 29 December 2008

### 305 Board:

Shall mean the Sullivan Township Zoning Board of Appeals.

Effective Date: 29 December 2008

**306 Building:**

A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate structure.

Effective Date: 29 December 2008

**307 Building Height:**

The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface.

Effective Date: 29 December 2008

**308 Campground:**

A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

Effective Date: 29 December 2008

**309 Commercial Butchering:**

A facility established to slaughter livestock. Said facility may offer meat for wholesale or retail trade.

Effective Date: 29 December 2008

**310 Comprehensive Plan:**

The term Comprehensive Plan in this Resolution refers to the Ashland County Comprehensive Plan & Land Use Map approved by the Ashland County Commissioners on February 28, 2000

Effective Date: 29 December 2008

**311 Conditional Use:**

A use which is subject to approval by the Sullivan Township Board of Zoning Appeals. A conditional use may be granted by the Board when there is a specific provision for such exception made in this Resolution. A Conditional Use Certificate shall be valid for one

(1) year. A new application shall be required if additional time is required to complete construction or set up for the conditional use.

Effective Date: 29 December 2008

**312 Contiguous Parcels:**

Sharing an edge or boundary, touching, nearby or neighboring. Or adjoining lot lines.

Effective Date: 29 December 2008

**313 Custom Butchering:**

A facility established to slaughter livestock owned by an individual. Said facility shall not offer meat for wholesale or retail trade. A facility of clearly limited nature for the convenience of individuals raising livestock for their own consumption.

Effective Date: 29 December 2008

**314 Dwelling:**

A building, or portion thereof, designed exclusively for residential occupancy, including single family dwellings, two family dwellings, multi family dwellings, permanently sited manufactured homes, vacation and seasonal dwellings, but not including hotels, motels, boarding houses or rooming houses.

Travel trailers, park trailers, and mobile homes, as these terms are defined in section 4501.01 of the Revised Code, and manufactured homes that do not qualify as a permanently sited manufactured home, are prohibited in any district or zone, nor can they be used as an addition to any home or existing structure.

1. **Manufactured Dwelling:** Means a building unit or assembly of closed construction that is fabricated in off-site facility and constructed in conformance with the Federal Construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label tag affixed to it, as specified in 42 U.S.C.A 5415, certifying compliance with all applicable Federal Construction and Safety Standards.

2. **Mobile Home:** Means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured

home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C) (3) of section 3781.06 of the Revised Code.

3. **Single Family Dwelling**: A dwelling which is designed for and occupied by not more than one family and containing a minimum of one thousand three hundred and ninety (1390) sq. ft. of livable floor area, excluding porches, basements, or garages.

4. **Two Family Dwelling**: A structure on a single lot of record containing a maximum of two (2) dwelling units, each of which is totally separated from the other by an un-pierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior wall to exterior wall, except for a common stairwell exterior to both units. Each unit shall contain a minimum of one thousand (1000) sq. ft. of livable floor area, excluding of porches, basements or garages.

5. **Multi Family Dwelling**: A structure on a single lot of record containing a maximum of three (3) dwelling units, each of which is totally separated from the others by an un-pierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior to all dwelling units. Each unit shall contain a minimum of six hundred (600) sq. ft. of livable floor area with one bedroom, and eight hundred (800) sq. ft. of livable floor area with two bedrooms, excluding porches, basements or garages.

6. **Mixed Use Dwelling**: A Business Building that is partially used as a dwelling by the owner operator only. The dwelling must conform to the minimum of one thousand three hundred and ninety (1390) sq. ft. of livable floor area, excluding porches, basements or garages.

7. **Permanently Sited Manufactured Home**: Means a manufactured home that meets all of the following criteria:

A. The structure is affixed to a permanent masonry, concrete footing or foundation approved by the manufactured homes commission pursuant to Chapter 4781 of the Revised Code, to which a manufactured or mobile home may be affixed and is connected to appropriate facilities;

B. The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and total living area, excluding garages, porches, or attachments, of at least one thousand three hundred and ninety (1390) sq. ft.;

C. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and six-inch minimum eave overhang, including appropriate guttering;

D. The structure was manufactured after January 1, 1995;

E. The structure is not located in a manufactured home park as defined by section 3733.01 of the Revised Code.

Additional requirements are outlined in Article VI Supplemental Regulations 603.

Effective Date: 29 December 2008

**315 Essential Services:**

The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of gas-, electrical, water or communications, supply, distribution or service facilities, including poles, wires, mains, drains, pipes, signals or hydrants including any necessary structures or buildings reasonably required to assure the provision of adequate supplies of public utilities by the utility or branch of government and not to supercede conditions outlined in **Pipeline 218**. Including, but not limited to libraries, hospitals, school facilities, public utilities, Board of Education, and Department of Natural Resources.

Effective Date: 29 December 2008

**316 Family:**

One or more persons occupying a single family dwelling as a single housekeeping unit under a common housekeeping management plan based on a single internally structured relationship providing organization and stability.

Effective Date: 29 December 2008

**317 Fences:**

**Must comply with the Ohio Revised Code 971.01 thru 971.99.**

Our recommendations for all other type of fencing shall be as follows: You as a property owner must be able to maintain both sides of the fence without trespassing onto the adjoining property.

Effective Date: 29 December 2008

**318 Flood Protection Elevation:**

The elevation to which uses regulated by this resolution are required to be elevated or flood proofed.

Effective Date: 29 December 2008



**319 Front Yard:** A yard extending across the width of the lot between the nearest front building and the front lot line; the depth of the required front yard shall be measured horizontally from the nearest point of the front lot line.

Effective Date: 29 December 2008

**320 General Manufacturing:**

Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors. All raw materials shall be stored in totally enclosed structures.

Effective Date: 29 December 2008

**321 Home Occupation:**

A home occupation is a business conducted solely within the livable area of the dwelling, excluding attached garages of the owner of the residence. Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The home occupation shall not create undue amounts of traffic, noise or nuisances for neighboring property owners. Home occupations include, but are not limited to the following: real estate office, leather shops, or crafts. Specifically excluded from the home occupation category are the following: heavy equipment and truck repair, except for a maximum of two (2) trucks owned and operated by the property owner as his primary occupation.

Effective Date: 29 December 2008

**322 Institution:**

A publicly owned and operated facility such as a public library, hospital, or prison.

Effective Date: 29 December 2008

**323 Kennels:**

Any land used to house more than three (3) dogs not belonging to the owner of the property. Any resident who purchases a kennel license from Ashland County shall be deemed as maintaining a kennel. A kennel can also be an accessory use of a veterinary clinic. Said accessory use shall be clearly incidental to the main use of the facility as a clinic. Measures shall be taken to keep noise levels at a minimum so as to not disturb neighboring property owners. A form can be obtained from the Ashland Humane Society to document offensive noise.

Effective Date: 29 December 2008

### 324 Junk Yards/ Sales

An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk.

1. Junk refers to scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber (excluding tires), iron, steel, and other ferrous or nonferrous materials as per 4737.05 of the Ohio Revised Code.
2. Fence means a barrier at least six feet in height, constructed of non-transparent material, and maintained so as to obscure the junk from the ordinary view of persons passing upon those state, county, municipal, and township highways, roads, and streets. The use of trees, evergreens, and shrubs shall be encouraged to enhance outward appearance. Storage between the street and such fence is strictly prohibited.
2. Scrap Metal Processing Facility is an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for re-melting purposes.
3. All industrial processes involving the use of equipment for cutting, compressing, or packing shall be conducted within a completely enclosed building located at least one thousand (1,000) feet of the nearest edge of a right of way.
4. All outside salvage or stored material shall be located no closer than seventy-five (75) feet to the side and rear property lines when located adjacent to a non-residential district and a two hundred (200) foot transition area measured from the fence to any residential district boundary shall be maintained. Such strip shall be planted with trees, shrubs, and grass. No open burning shall be permitted.
5. A minimum of two (2) parking spaces plus one (1) parking space per employee in addition to one (1) space for each one hundred (100) square feet of retail floor area shall be provided.
6. A minimum of two (2) acres shall be provided.
7. A development plan shall be submitted at the time of application showing: Building location, accessory building or structures locations, fence locations, fence type and specifications, planting plan, parking area, street access point or points and drawn to scale.
8. Junk yards and scrap metal processing facilities shall be established and maintained according to all applicable State of Ohio statues. The stricter Regulations, either State, or Local, shall prevail.
9. Property is to be kept environmentally safe.

Effective Date: 29 December 2008

**325 Local Businesses:**

An enterprise engaged in retail trade of a clearly limited nature for the convenience of surrounding residents, excluding adult oriented businesses. These may include, but are not limited to, repair shops, cleaning establishments, drug stores, beauty or barber shops, hobby shops, tanning shops, small appliance repair shops, new/used car/truck lots excluding semi's, and businesses for the sale of food and beverages for consumption either on or off the immediate premises.

Effective Date: 29 December 2008

**326 Lot:**

A parcel of land of sufficient size to meet minimum zoning requirements and to provide such yards and other open spaces as herein required. Such lots shall have frontage on improved streets or roads and may include:

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or portions of lots of record.
  - A. Corner Lot: A lot located at the intersection of two (2) or more streets. A lot abutting on a current street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
  - B. Interior Lot: A lot other than a corner lot.
  - C. Reversed Corner Lot: A corner lot the side street line of which is substantially a continuation of the front line of the lot to its rear.
  - D. Through Lot: An interior lot having frontage on two or more streets but not qualifying as a corner lot.

Effective Date: 29 December 2008

**327 Lot Areas:**

The total horizontal area within the lot lines of a piece of property.

Effective Date: 29 December 2008

**328 Lot Coverage:**

The percentage of enclosed ground floor area of all buildings to total lot area.

Effective Date: 29 December 2008

**329 Lot Depths:**

The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

Effective Date: 29 December 2008

**330 Lot Lines:**

The lines bounding a lot as defined herein.

Effective Date: 29 December 2008

**331 Lot Widths:**

The horizontal distance between the side lot lines measured at right angles to the lot depth at the building setback line.

Effective Date: 29 December 2008

**332 Main Building:**

A building in which is conducted the principal use of the lot on which it is located.

Effective Date: 29 December 2008

**333 Nonconforming Building:**

A building or a portion thereof lawfully existing at the time this resolution is adopted which was designed, erected or structurally altered for a use that does not conform to the use of the Regulations of the District in which it is now located.

Effective Date: 29 December 2008

**334 Nonconforming Use**

A use which lawfully occupied a building or land at the time of adoption of this Resolution and which does not conform with the Regulations of the District in which it is located.

Effective Date: 29 December 2008

**335 Person:**

An individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau or agency, or any other entity recognized by law as the subject of rights and duties.

Effective Date: 29 December 2008

**336 Professional Services:**

The use of offices and related spaces for such services as, but not limited to, medical practitioners, veterinarians, lawyers, architects, dentists, and engineers.

Effective Date: 29 December 2008

**337 Public Uses:**

Public parks, schools and adjunctive administrative uses, cultural uses and service buildings devoted solely to the storage and maintenance of equipment and material.

Effective Date: 29 December 2008

**338 Rear Yard:**

A yard extending across the full width of the lot between the nearest rear main building and the rear lot line.

Effective Date: 29 December 2008

**339 Recreational Uses:**

**1. Commercial Recreational Facilities:**

Recreational facilities established for profit, such as but not limited to, commercial golf courses, swimming pools, ice-skating and race tracks.

**2. Non-Commercial Recreational Facilities:**

Private and semi-private recreational facilities which are not operated for commercial gain, such as but not limited to, country clubs, riding clubs, private golf courses, game

preserves or community swimming pools. Noncommercial recreational facilities may be leased to outside groups or organizations provided the fees for such purposes are limited to incidental and custodial expenses.

Effective Date: 29 December 2008

**340 Regional Flood:**

Large floods which have previously or which may be expected to occur on a particular stream because of local physical characteristics.

Effective Date: 29 December 2008

**341 Regional Flood Plain:**

That land inundated by the 100-year flood (regional flood).

Effective Date: 29 December 2008

**342 Residential Enterprise:**

An occupation owned and conducted by the resident on the same parcel, as the enterprise owner's principle residence.

Residential Enterprise shall be limited to low intensity activities that generate a limited amount of additional vehicular traffic and shall not create a nuisance to neighboring property owners, nor alter the appearance of the neighborhood. Residential Enterprise shall require a Conditional Use Certificate.

Effective Date: 29 December 2008

**343 Rezoning:**

An amendment to, or a change in the Zoning Resolution, rezoning can take three (3) forms:

1. A comprehensive revision or modification of the Zoning Resolution text and map.
2. A change in the zone requirements.
3. A change in the zoning map.

Effective Date: 29 December 2008

**344 Roadside Stands:**

Small structures (maximum of one hundred (100) square feet) for the sale of agricultural and plant nursery products, a minimum of fifty (50) per cent of the produce shall be raised on the premises. Parking off the highway must be provided.

Effective Date: 29 December 2008

**345 Semi-Public Uses:**

EMS, Fire Departments, Churches and other places of worship, Sunday Schools, Parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

Effective Date: 29 December 2008

**346 Service Station/ Fuel Mart**

Service Station; A retail establishment at which motor vehicles are refueled, serviced, and sometimes repaired.

Fuel Mart; A retail establishment at which motor vehicles are refueled, and a convenience store.

Effective Date: 29 December 2008

**347 Setback Line:**

A line established by zoning, platting or other legal authority on a lot of specified distance and parallel to the lot line to restrict the intrusions of buildings onto a lot line and providing free movement of air and adequate amounts of light.

Effective Date: 29 December 2008

**348 Side Yard:**

A yard between a main building and the side lot lines extending from the front yard, or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line towards the nearest point of the main building.

Effective Date: 29 December 2008

**349 Structures:**

Anything constructed or erected with a fixed location on the ground. Among other things, structures include signs, towers, poles and similar constructions.

Effective Date: 29 December 2008

**350 Structural Alterations:**

Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Effective Date: 29 December 2008

**351 Variance:**

A variance is a relaxation of requirements where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Resolution would result in unnecessary and undue hardship. An application for a variance shall be valid for one (1) year. If the work necessary to complete the activity described in the variance is not completed, a new application shall be filed.

Effective Date: 29 December 2008

**352 Yard:**

An open space at grade between a building and the adjoining lot line unoccupied and unobstructed by any portion of a structure from the ground upwards, except as otherwise provided herein.

Effective Date: 29 December 2008

**353 Storage Building:**

A structure to be rented to an individual for the storage of personal possessions.

Effective Date: 29 December 2008

**354 Zoning District:**

Shall mean the Zoning Districts and land uses therein as established by the Zoning Resolution of Sullivan Township.

Effective Date: 29 December 2008

**355 WOOD PROCESSING:**

Wood Processing is the cutting or processing of wood (including but not limited to) the cutting, sawing, chipping, splitting, shredding, milling and or storing. Wood Processing does not include the fabrication of manufactured or pre-fab structures.



**Milling:**

Milling- is the refacing of a piece of wood or lumber through the use of equipment designed for that purpose.

**Processing:**

Processing- is the changing of raw material to a finished product, a continuous action, operation, or series of changes taking place in a definite manner to treat or prepare by some particular process.

**Chemical:**

A substance produced by or used in a chemical process. IE: Including but not limited to pressure treated wood products and or particle products.

**Sawmill:**

1. A facility where timber is sawed into boards.
2. A large machine for sawing lumber.

**Lumber Yard:**

1. A facility that provides Building Materials, whether it be for building or wood for heating or retail distribution or warehousing.
2. An Establishment that sells lumber and other building materials from a yard.

Effective Date: 29 December 2008

**356 Swimming Pools / Ponds**

1. For the purpose of this resolution, Swimming Pools shall be defined as all IN GROUND POOLS and ABOVE GROUND SWIMMING POOLS.
2. Before constructing or installing an IN GROUND swimming pool, a valid ZONING CERTIFICATE shall be obtained from the ZONING INSPECTOR.
3. All SWIMMING POOLS shall be located in the rear yard.
4. All IN GROUND SWIMMING POOLS shall be surrounded by a cyclone fence or solid wood fence at least FORTY-EIGHT (48") INCHES HIGH.
5. All gates shall be securely locked from the inside.

6. No SWIMMING POOL/ POND shall be located closer than TWENTY (20') FEET of any property line.

Effective Date: 29 December 2008

## **ARTICLE IV - Establishment of Zoning Districts**

### **401 Classification and Location of Zoning Districts**

#### **Agricultural/Residential (A-)**

Purpose: To provide Agricultural areas with low density residential development.

Location: Encompasses the whole of Sullivan Township that is not otherwise zoned by the Zoning Districts Map of Sullivan Township, Ashland County, Ohio and Sullivan Township Zoning Resolution.

Authorized and Conditional uses will be in accordance with section 502.

#### **Rural Center (R-2)**

Purpose: To provide for a small Rural Center or “ Cross Roads Community”, where limited mixed land uses co-exist supplying convenience goods and services to the residents of the Township.

Location: The Rural Center District is as depicted on the Zoning Districts Map of Sullivan Township, Ashland County, Ohio.

Authorized and Conditional uses will be in accordance with section 503.

#### **Commercial (C-1)**

Purpose: To provide for the commercial needs of the Township Residents as well as Tourists and Travelers.

Location: The Commercial District is as depicted on the Zoning Districts Map of Sullivan Township, Ashland County, Ohio.

Authorized and Conditional uses will be in accordance with section 504-A

#### **Proposed Commercial District (C-2)**

Purpose: To provide for the future Commercial needs of the Township Residents as well as Tourists and Travelers.

Location: The Proposed Commercial District is as depicted on the Zoning Districts Map of Sullivan Township, Ashland County, Ohio.

Authorized and Conditional uses will be in accordance with section 504-B.

#### **Industrial District (I-1)**

Purpose: To provide for the Agribusiness and desirable Industrial Development in appropriate locations and to protect surrounding areas from environmental nuisances such as smoke, noise and pollution, etc.

Location: The Industrial District is depicted on the Zoning Districts Map of Sullivan Township, Ashland County, Ohio.

Authorized and Conditional uses will be in accordance with section 505-A

**Proposed Industrial District (I-1)**

Purpose: To provide for future Agribusiness and desirable Industrial Development in appropriate locations and to protect surrounding areas from environmental nuisances such as smoke, noise and pollution, etc.

Location: The Proposed Industrial District is as depicted on the Zoning Districts Map of Sullivan Township, Ashland County, Ohio.

Authorized and Conditional uses will be in accordance with section 505-B.

Effective Date: 29 December 2008

**402 Zoning Districts**

1. The districts and their boundary lines are depicted upon the map entitled “ Zoning Districts Map of Sullivan Township, Ashland County, Ohio,” and said map is made a part of this Resolution. The Zoning Districts Map together with all notations, references, and other matters shown thereon are hereby declared a part of this Resolution.

2. If changes are made in District Boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map on the effective date of the amendment.

Effective Date: 29 December 2008

**403 Zoning Districts Map of Sullivan Township, Ashland County, Ohio**

1. The Zoning Districts Map of Sullivan, Ashland County, Ohio shall be prepared by the authority of the Sullivan Township Zoning Commission. The Map shall be dated with the effective date of the Resolution that adopts the Map and shall be signed by the Sullivan Township Zoning Commission members, the Township Trustees and the Fiscal Officer.

2. A certified copy of the Zoning District Map shall be maintained in the Sullivan Township Community Room for viewing by the Township Residents. The Sullivan Township Zoning Commission, the Sullivan Township Zoning Board of Appeals, and the Sullivan Township Zoning Inspector and the Sullivan Township Records Room will be provided with a Certified Copy. Residents may purchase a copy of the Zoning District Map from the Township Fiscal Officer. A certified print will be filed with the Ashland County, Ohio Recorders Office.

Effective Date: 29 December 2008

**404 Interpretation of District Boundaries**

The following rules shall be used to determine the precise location of any Zoning District Boundary when there is a discrepancy or uncertainty as to the precise location of the boundary as shown on the Zoning District Map. The Sullivan Township Zoning Board of Appeals shall be the final authority for any Zoning Boundary disputes.

A. Boundaries Which Follow Lot Lines.

Where District Boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

B. Boundaries Which Follow Streets, Alleys or Highways.

Where District Boundaries are indicated as approximately following the centerline or right-of-way line of streets, the centerline or alley line of alleys. Or the centerline or right-of-ways of constructed lines of highways, such lines shall be construed to be such District Boundaries.

C. Boundaries Which Adjoin Railroad Lines.

Where a District Boundary Line is shown as adjoining a railroad, it shall, unless otherwise fixed, be construed to coincide with the nearest boundary line of the railroad right-of-way.

Effective Date: 29 December 2008

## **ARTICLE V - Use Regulations and Permitted and Conditional Uses**

### **501 Use Regulations**

1. The Permitted and Conditional Uses for each district are shown in the following tables. Uses given in the following categories shall be interpreted according to the definitions (when given) in this Zoning Resolution. Uses not specifically listed or not interpreted to be included in the categories shall not be permitted except by amendment or exception to this Zoning Resolution.
2. The following uses are permitted in the indicated district only upon the application and approval of a valid Zoning Certificate or upon the application and approval of a valid conditional use certificate.

Effective Date: 29 December 2008

## 502 Agricultural/Residential (A-1)

### 1. Permitted Uses:

Agriculture  
Single Family Dwellings - including permanently sited Manufactured Homes  
Home occupations  
Essential Services  
Accessory Uses  
Public Uses  
Semi-Public Uses  
Non-Commercial Recreational facilities  
Child Care Facilities and Nursing Homes

### 2. Conditional Uses:

Two Family Dwellings  
Multi Family Dwellings  
Bed and Breakfasts  
Campgrounds  
Mortuaries  
Nursery / Landscaping  
Cemeteries  
Radio or Television Station or Transmission Facility  
Kennels or Animal Hospitals  
Residential Enterprise Business  
Oil and Gas Wells

3. Minimum Lot Size: Three (3) acres (130,680 sq. ft.)
4. Minimum Lot Width: Three hundred (300) ft.
5. Minimum Front Yard Depth: One hundred (100) ft. from centerline of road.
6. Minimum Rear Yard Depth: Forty (40) ft.
7. Minimum Side Yard Setback: Twenty (20) ft.
8. Minimum Sum of Both Side Yards: Forty (40) ft.
9. Maximum Building Height: Thirty five (35) ft
10. Maximum Number of Stories: Two and one-half (2.5) stories
11. Maximum Percent of Lot Coverage: Fifteen (15) percent
12. Minimum Square Footage One thousand three hundred ninety (1390) sq. ft. (See 314 # 2-3-4-5-6).

Effective Date: 29 December 2008

## **503 Rural Center (R-2)**

### **1. Permitted Uses:**

Agriculture  
Single Family Dwellings – including permanently sited Manufactured Dwellings  
Two Family Dwellings  
Home occupations  
Essential Services  
Accessory Uses  
Public Uses  
Professional Services  
Semi-Public Uses

### **2. Conditional Uses:**

Multi Family Dwellings  
Child Care Facilities and Nursing Homes  
Bed and Breakfasts  
Mortuaries  
Cemeteries  
Local Business  
Radio or Television Stations or Transmission Facilities  
Non-Commercial Recreational Facilities  
Kennels or Animal Hospital  
Residential Enterprise Business

3. Minimum Lot Size: 20,000 sq. ft.
4. Minimum Lot Depth: Two hundred (200) ft.
5. Minimum Lot Width: One hundred (100) ft.
6. Minimum Front Yard Depth: Fifty (50) ft. from centerline of road
7. Minimum Rear Yard Depth: Forty (40) ft.
8. Minimum Side Yard Setback: Twenty (20) ft.
9. Minimum Sum of Both Side Yards: Forty (40) ft.
10. Maximum Building Height: Thirty five (35) ft.
11. Maximum Number of Stories: Two and one-half (2.5) stories
12. Maximum Percent of Lot Coverage: Fifteen (15) percent
13. Minimum Square Footage One thousand three hundred ninety (1390) sq. ft. (See 314 # 2-3-4-5-6).

Effective Date: 29 December 2008



## **504-A Commercial District (C-1)**

### **1. Permitted Uses:**

Agriculture  
Home Occupation  
Local Business  
Offices  
Banks  
Restaurants  
Essential Services  
Accessory Uses  
Public Uses  
Semi-Public uses  
Professional Services  
Hotels and Motels  
Manufactured Dwellings – Permanently sited  
Single Family Dwellings  
Two Family Dwellings  
Multi-Family Dwellings  
Mixed Use Dwellings

### **2. Conditional Uses:**

Child Care Facilities and Nursing Homes  
Bed and Breakfasts  
Mortuaries  
Service Station/Fuel Mart  
Highway Commercial Uses  
Public Service Facilities  
Mini Storage-For-Rent Buildings  
Public Shooting Ranges  
Nursery – Landscaping  
Kennels or Animal Hospital  
Car and Truck Dealers  
Residential Enterprise Business  
Telecommunications Tower

3. Minimum Lot Size: Three (3) acres (130,680 sq. ft.)
4. Minimum Lot Width: Three hundred (300) ft.
5. Minimum Front Yard Depth: One hundred fifty (150) ft. from centerline of road.
6. Minimum Rear Yard Depth: Forty (40) ft.
7. Minimum Side Yard Setback: Twenty (20) ft.
8. Minimum Sum of Both Side Yards: Forty (40) ft.
9. Maximum Building Height: Thirty five (35) ft.
10. Maximum Number of Stories: Two and one-half (2.5) stories

11. Minimum Square Feet of Business Building One thousand sq. ft.
12. Maximum Percent of Lot Coverage: Thirty (30) percent
13. Minimum Square Feet of livable area is One thousand three hundred ninety (1390) sq. ft. (See 314 # 2-3-4-5-6).

Effective Date: 29 December 2008

**504-B Proposed Commercial District (C-2)**

Permitted and Conditional uses are listed in section 501 Agricultural/Residential A-1

Property Owners who desire Commercial Development of land within the Proposed Commercial District shall request Re-Zoning of the property to Commercial (C-1) in accordance with section 703. Adjoining parcels may be submitted as a single Re-Zoning request.

Effective Date: 29 December 2008

## 505-A Industrial District (I-1)

### 1. Permitted Uses:

Single Family Dwellings  
Two Family Dwellings  
Multi-Family Dwellings  
Mixed Use Dwellings  
Manufactured Dwellings – Permanently sited  
Agriculture  
General Manufacturing  
Home Occupation  
Manufacture, Sale or Storage of Building Materials  
Equipment Storage, Service or Sales  
Wholesale or Warehouse Facilities  
Food Processing  
Transport and Trucking Terminals  
Grain Elevators or Feed Mills  
Research and Testing Facilities  
Offices  
Laboratories  
Restaurants  
Non-Commercial Recreational Facilities  
Commercial Recreational Facilities  
Essential Services  
Accessory Uses  
Service Stations/Fuel Mart  
Professional Services  
Semi-Public Uses  
Hotels and Motels  
Kennels or Animal Hospital  
Highway Commercial Uses  
Local Business – excluding Adult Oriented Business  
Nursery - Landscaping  
Residential Enterprise Business

### 2. Conditional Uses

Airport  
Commercial and Custom Butchering  
Mineral Extraction, Processing, and Storage  
Junk Yards / Sales  
Radio or Television Stations or Transmission Facilities  
Mini Storage-For-Rent Buildings  
Salvage Yards and Scrap Metal Processing Facilities  
Adult Oriented Business

Manufactured Dwellings Parks and Subdivisions  
Sanitation Landfill and Waste  
Institutions

3. Minimum Lot Size: Three (3) acres (130,680 sq. ft.)
4. Minimum Lot Width: Three hundred (300) ft.
5. Minimum Front Yard Depth: One hundred (100) ft. from centerline of road
6. Minimum Rear Yard Depth: Forty (40) ft.
7. Minimum Side Yard Setback: Twenty (20) ft.
8. Minimum Sum of Both Side Yards: Forty (40) ft.
9. Maximum Building Height: Thirty five (35) ft.
10. Maximum Number of Stories: Two and one-half (2.5) stories
11. Maximum Percent of Lot Coverage: Thirty (30) percent
12. Minimum Square Feet of One thousand (1000) sq. ft. (See Ref: 314 # 2-3-4-5-6).

Effective Date: 29 December 2008

**505-B Proposed Industrial District (I-2)**

Permitted and Conditional uses are listed in section 501 Agricultural/Residential A-1

Property owners who desire Industrial Development of land within the proposed Industrial District shall request Re-Zoning of the property to Industrial (I-1) in accordance with section 703. Adjoining parcels may be submitted as a single Re-Zoning request.

Effective Date: 29 December 2008

## **ARTICLE VI - Supplemental Regulations**

### **601 Keeping of Animals, Fowl, or Bees**

1. None of the following: Cow, Horse, Goat, Sheep, or Swine shall be raised or kept on lots of less than two (2) acres. No exotic animals shall be permitted in Sullivan Township.
2. Chickens, Fowl, or Rabbits kept on lots of less than one-fourth (1/4) acre shall be caged in such a way so that neighbors shall not be disturbed. The total number of such animals, or any combination of them, shall not exceed four (4) per Fair Project.
3. Colonies of Bees shall not be located on lots of less than one (1) acres. A minimum of one thousand (1,000) square feet of lot area shall be required for each additional colony. Bee colonies shall not be located within one hundred (100) feet of a property line or within fifty (50) feet of a dwelling.
4. Animal runs, barns, shelters, pens, or colonies shall be constructed no closer than one hundred (100) feet to any property line or within fifty (50) feet of a dwelling.
5. All health and sanitation requirements of the State of Ohio or County shall be followed.
6. All animals, fowl or bees shall be properly housed or caged and all food supplies shall be kept in rodent-proof containers.

Effective Date: 29 December 2008

### **602 Public Nuisances and Hazards**

1. No land, building or use shall be used or occupied so as to be a nuisance or hazard to adjoining property owners or adversely affect neighboring areas. All noxious or hazardous substances shall be stored, transported or used and disposed of in such a way so as to not be a hazard to adjoining property owners and uses. Adequate precautions shall be taken to insure the safety of adjoining property owners.
2. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
3. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

4. No vibration shall be permitted which is discernible without instruments on any adjoining parcel.
5. No direct or reflected glare shall be permitted which is visible from any property outside an Industrial District or from any street.
6. No erosion, either by wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
7. No pollution of any stream, reservoir, aquifer, or other body of water within or surrounding Sullivan Township shall be permitted, which would create a health hazard to the welfare, safety, or health of residents of the Township.
8. The Zoning inspector, or Board of Zoning Appeals, prior to approving a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. The Zoning Inspector shall investigate all nuisance violations or complaints and present his findings to the Zoning Commission for determination of any action to be taken.
9. Methods and procedures for the determination of the existence of any dangerous or objectionable elements which constitute a public nuisance may utilize any applicable and reliable measurement procedures or the assistance of reputable consultants, government organizations or other sources may be utilized.
10. Noise Pollution Included but not limited to; Barking dogs, 4 wheelers, snow mobiles, dirt bikes and loud exhaust shall not exceed 50 decibels at the property line.

Effective Date: 29 December 2008

### **603 Permanently Sited Manufactured Dwellings**

You must obtain a certificate to install any new or used manufactured home being set, permanent and temporary, in the State of Ohio. This certificate will include a plan review and three (3) required inspections. All inspections must be approved and an OMHC seal placed on your home by the inspector prior to occupancy. Manufactured homes must be installed by a licensed installer.

The installation of **ALL** manufactured homes in the State of Ohio requires that:

- Installation permits shall be obtained in advance of any work. All permits and inspections fees must be paid prior to any work and inspections being performed.
- Manufactured homes must be installed in accordance with the Ohio Manufactured

- Homes Installation Standards. See Chapter 4781-6 of the Ohio Administrative Code.
- All work must be inspected- The law requires minimum of 3 inspections will be required. Footing Inspection ( an open hole inspection done prior to concrete being poured), Electrical Inspection ( prior to electrification by the Power Co.) and final Inspection ( once the home is installed, completed and all utilities are connected). The final inspection MUST be completed and approved and the Commission Inspection Seal affixed before the homeowner is permitted to occupy the home.
- All permits, inspections and inspection seals must be issued and performed by the local authority having jurisdiction.
- UNLICENSED PERSONS SHALL NOT CONTRACT TO INSTALL MANUFACTURED HOMES OR INSTALL FOUNDATIONS (BASED SUPPORT SYSTEMS) FOR MANUFACTURED HOMES.

If you have any questions regarding the installation of a manufactured homes in Ohio. Contact your retailer, or the Ohio Manufactured Homes Commission at 5650 Blazer Parkway Suite 100 Dublin, Ohio 43017 or 614-734-8454 or [www.omhc.ohio.gov](http://www.omhc.ohio.gov)

Effective Date: 29 December 2008

#### **604 Manufactured Dwellings Parks and Subdivisions**

1. Manufactured dwelling parks and subdivisions are permitted in those districts specified in Article V of this Zoning Resolution. All manufactured dwellings parks and subdivisions shall meet the following conditions and criteria:

A. The applicant presents plans, specifications, design criteria and other data for the proposed park or subdivision in a form suitable for making the determination herein required by the Board of Zoning Appeals and all other pertinent information they may require in each individual application.

B. Such plans including landscaping, at a scale approved by the Board of Zoning Appeals shall show the location and dimensions of streets and other roadways and lots.

C. All manufactured dwelling parks and subdivisions shall meet current state or local regulations governing their placement and occupancy.

2. Standards for manufactured dwelling parks and subdivisions

A. Size of site: Minimum of ten acres.

- B. Density: Maximum of four (4) manufactured dwelling per gross acre.
- C. Minimum Number of Sites: A Minimum of twenty-five (25) at first occupancy.
- D. Width: Minimum width of the development shall be three hundred (300) feet.
- E. Depth: Maximum depth of the development shall not exceed five (5) times the width.
- F. Minimum Square Feet of 1000 sq.ft of living space, excluding porches, basements and garages and dwelling cannot be more than 5 years old from the current year.
- G. Buffering: The outer boundaries of the park shall contain a buffer zone composed of a green strip of not less than fifty (50) feet in the front and twenty-five (25) feet on both sides and to the rear and shall be landscaped.
- H. Access: Shall be provided into the park or subdivision with a minimum right of way sixty (60) feet in width with a minimum of thirty feet to be a paved roadway.
- I. Roads: Marginal access roads may be required if deemed necessary by the Board of Zoning Appeals. These streets shall have a minimum right of way of sixty (60) feet and a pavement width of thirty (30) feet.
- J. Walkways: Shall be provided with a minimum width of three (3) feet and shall be paved.
- K. Recreation and Open Space: A minimum seven (7%) percent of the gross land area of the development shall be reserved for recreation and open space uses, excluding any yard requirements.

### 3. Standards for lots

- A. Lots shall follow the minimum standards required in the current Ohio Department of Health Regulations Chapter 3701-27.
- B. Setbacks: Required side yards shall be the same normally required for the district in which the park is located.
- C. Parking: A minimum of four hundred (400) square feet of off street parking per space or lot, for two (2) cars shall be provided and paved.
- D. Walkways: Each lot or space shall have a paved walkway of a minimum of three (3) feet in width leading to the main entrance from the walkway along the right of way.



- E. Tie-Downs: Must conform to Ohio Administrative Code Chapter 370I-27.
- F. Under-skirting: All manufactured dwellings shall have skirting around the entire perimeter made of material specially for under-skirting which is approved by the manufacturer of the manufactured dwelling.
- G. Lot Numbering: Each manufactured dwelling space or lot shall be numbered for identification purposes.

4 . All manufactured dwellings shall be taxed as real property.

Effective Date: 29 December 2008

**605 Campgrounds**

- 1. Campgrounds shall comply with all applicable State of Ohio and local Health Department and Subdivision Regulation requirements relative to the location, layout, construction, drainage, sanitation, safety, operation , and shall have a minimum of 40 acres.
- 2. Construction activities, other than stakes used to layout right-of-ways or lots and work related to surveying the parcel, is prohibited prior to the issuance of a permit from the State Department of Health and the approval of the final plat by the Sullivan township Trustees, Zoning Board and Zoning Inspector.

Effective Date: 29 December 2008

**606 Temporary Structures**

Temporary Structures incidental to the construction and/or reconstruction of a structure fall into two categories: either Temporary Living Quarters, or Temporary Construction Buildings.

**Temporary Living Quarters**

Temporary Living Quarters for Reconstruction: Temporary Living Quarters may be authorized by the Sullivan Township Zoning Inspector for the purpose of housing the property owner and family during the reconstruction of a primary residential dwelling which has been substantially damage by Fire, Flood, Wind or other Natural Disaster and as a result of such damage, is rendered uninhabitable.

A Zoning Certificate for Temporary Living Quarters is required and will be issued in conjunction with a Zoning Certificate for reconstruction of the dwelling to the owner of record at the time of the disaster and is not transferable. The Certificate is valid for 9 months and may be renewed once for an additional 9 months at the discretion of the Zoning Inspector. Renewal of the Temporary Living Quarters

Certificate will only be approved provided there has been significant progress in the reconstruction of the dwelling.

Temporary Living Quarters may be erected in any of the Zone Districts herein established; however, such temporary quarters shall be removed upon completion, abandonment of work, or transfer of the property.

Temporary Living Quarters for New Construction or for the Reconstruction of deteriorated or abandoned structures are not authorized.

### **Temporary Construction Buildings**

Temporary buildings, including tents and construction trailers, for uses incidental to construction work may be erected in any of the Zone Districts herein established; however, such temporary buildings or structures shall be removed upon the completion or abandonment of the construction work.

Effective Date: 29 December 2008

### **607 Deteriorated or Abandoned Structures**

Deteriorated or abandoned structures such as dwellings, barns, silos, sheds, oil storage tanks, box trucks, semi-trailers, campers, mobile homes, or other structures in a similar condition which create potential health hazards or nuisances shall be demolished and removed. Any of the above structures, destroyed by fire or other causes, must be demolished and the debris removed before a building permit shall be issued, or within 90 days, whichever comes first.

Effective Date: 29 December 2008

### **608 Junk**

Junk such as abandoned vehicles, household appliances, farm equipment or other similar articles that are not in operating condition or licensed as required by State Law or are creating a health or safety hazard or nuisances shall be removed from the view of the public right-of-way and or the view of the public. No more than 2 unlicensed vehicles will be permitted on one parcel.

Effective Date: 29 December 2008

### **609 Mineral Extraction, Storage and Processing**

1. Mineral extraction and related activities shall occur where permitted by these regulations and only after a valid Zoning Certificate has been obtained.

2. Mineral Extraction and related activities shall occur no closer than five hundred (500) feet from any structure intended for human occupancy.
3. The operator of any facility used for mineral extraction shall submit to the Zoning Inspector a map showing the areas to be mined and identifying adjacent property owners, roads, natural features and any additional information deemed necessary by the Inspector.
4. Operators of all mineral extraction facilities shall comply totally with Section 1514 and other relevant sections of the Ohio Revised Code and all related, applicable regulations and requirements of the Ohio Department of Natural Resources, Division of Reclamation.
5. These Regulations do not apply to oil or gas wells.

Effective Date: 29 December 2008

### **610 Accessory Buildings**

1. An Accessory building may be placed on a permanent foundation or may be constructed on skids.
2. Accessory buildings shall be located in the side or rear yard.
3. Accessory buildings shall be no closer than twenty (20) feet of any property line.
4. Accessory buildings shall not occupy more than ten (10%) percent of the required yard.
5. Accessory buildings exceeding one hundred forty-four (144) sq. ft. in size shall require a zoning permit.
6. Mobile homes, manufactured dwelling, truck bodies, semi-trailers, all trailers, vans, buses, train cars, and other similar vehicles shall not be utilized as an accessory building in any District in Sullivan Township.

Effective Date: 29 December 2008

### **611 Storage Buildings**

1. Storage buildings may only be located in those Districts identified in these regulations.
2. All storage buildings shall be permanent structures with a solid footer located below the frost-line.
3. The storage building maybe rented for inside storage only of personal possessions.

4. Truck bodies, a portion of a truck body, trailers, or structures placed on skids are specifically prohibited from being used as storage buildings.
5. Only structures capable of being taxed as real property may be considered storage buildings.
6. Accessory Buildings placed by property owners to store personal possessions of lawn and garden equipment are not considered storage buildings. However, in all cases truck bodies, a portion of a truck body, and trailers are prohibited.
7. Storage buildings maybe subdivided into individual compartments.
8. Storage of personal possessions outside the storage building or on the grounds surrounding the storage buildings is prohibited.

Effective Date: 29 December 2008

### **612 Yard Requirements**

1. Interior lots having frontage on two streets shall only be required to provide the required front yard on one street.
2. In the case of corner lots used for residential purposes, the required front yard shall be provided for along the right of way of both streets.
3. In situations where forty (40%) percent or more of the frontage on the same side of a street between two (2) intersecting streets is developed with new structures, new buildings shall be erected no closer or farther from the right-of-way than the average distance as established by existing buildings.

Effective Date: 29 December 2008

### **613 Home occupations**

1. Home Occupations shall occur only in the owners dwelling.
2. The Home Occupation shall be a use clearly incidental to the use of the dwelling as a residence.
3. Only residents of the dwelling may be employed by the Home Occupation.
4. Home Occupations include, but are not limited to: Beauty Shops, Seamstresses, Leather Working, or Craft supplies and training.
5. At least two (2) parking spaces sized for full size cars shall be available for the exclusive use of individuals using the services of the Home Occupation.

6. Only Home Occupations that do not generate noxious, dangerous or offensive odors, dust, smoke, noise fumes, flames, vibrations or other objectionable emissions are permitted.

7. No activity, materials, goods or equipment related to the Home Occupation shall be visible from any public right-of-way or adjacent property.

Effective Date: 29 December 2008

**614 Correction Period**

All Zoning violations shall be corrected within Ten (10) days, or a stipulated period established by the Sullivan Township Board of Trustees of receipt of a written notice of said violation by the owner of the property. Any violation not corrected in this period of time shall be reported to the County Prosecutor for legal action upon approval of the Sullivan Township Trustee's.

Effective Date: 29 December 2008

**615 Flood Hazard Areas**

1. Structures and land uses located in the Regional Flood Plain shall be subject to the following requirements.
2. Construction of any permanent structure in a Flood Hazard Area is prohibited by this resolution
3. The Zoning Classification of the property shall apply to areas in the flood plain.
4. Only those uses listed for that Zoning District shall occur in Flood Hazard Area.
5. Permitted Uses:
  - A. Residential/Agricultural District: Agriculture uses; all (except residences and related permanent structures) Residential uses; lawns, gardens and recreational areas.
  - B. Rural Center District: Agriculture uses; all (except residences and related permanent structures) Residential uses; lawns, gardens and recreational areas, Commercial uses; such as loading, parking or storage areas for items not subject to flood damage or easily moved.
  - C. Commercial District: Agriculture uses; all (except residences and related permanent structures) Residential uses; lawns, gardens and recreational areas,

Commercial uses; such as loading, parking or storage areas for items not subject to flood damage or easily moved.

D. Industrial District: Agriculture uses, all; Commercial uses; such as loading, parking or storage areas; Industrial uses, parking or loading areas, storage areas for items not subject to flood damage or easily moved.

6. Utility facilities such as dams, power plants, flowage areas, transmission lines, pipelines, water monitoring devices or dikes or earthen structures are also permitted.

7. Temporary structures located in the regional flood plain shall not be used for human habitation.

8. Hazardous or toxic substances shall not be stored in flood prone areas

Effective Date: 29 December 2008

### 616 Signs

1. All signs located in Sullivan Township shall follow the requirements of these Regulations.

2. The following signs shall be permitted in any District. No certificate shall be required:

A. Real Estate rental or sale signs are not to exceed (4) square feet per side.

B. Signs listing the name and address of occupants of a structure not exceeding four (4) square feet.

C. Signs or bulletin boards related to places of worship, public buildings or social clubs or societies not exceeding forty (40) square feet.

D. Entrance, exit or directional signs.

E. Temporary signs advertising special events must be removed after forty-eight (48) hours following the event.

F. Political signs: These signs must be removed within 72 hours after the election.

G. Signs erected by governmental agencies

H. Sign's advertising roadside stands must not exceed (12) square feet.

3. Zoning Certificates shall be required for the following types of signs:

A. Outdoor advertising signs not located on the premises of the establishment advertised.

4. Signs shall be set back from the edge of the right-of-way as required by the following table:

Size	Setback
Less than or equal to 10 sq. ft.	20 feet
11 to 33 square feet	40 feet
34 square feet or greater	50 feet

5. Signs shall be separated from each other a minimum of ten (10) times the average size of the sign; signs shall be not less than one hundred (100) feet apart.

6. Signs shall not be located less than one hundred (100) feet to a neighboring residential dwelling.

7. Signs advertising Home Occupations and Residential Enterprise Business must not exceed (4) square feet.

8. The following types of signs are prohibited:

A. Signs attached to or painted on trees, rocks or natural features; excluding address signs.

B. Any illuminated sign or lighting device or progressive text sign shall employ only light emitting a constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed upon a public or private road or adjacent lots so as to cause glare or reflection that may constitute a traffic hazard, nuisance, or distraction.

C. No sign shall include any part or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.

D. No sign shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window providing access to any fire escape or exit.

E. 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.

F. No sign shall be placed within any public right-of-way except governmental signs.

Effective Date: 29 December 2008

### **617 Nonconforming buildings and Uses**

1. Any legal use of a structure or land lawfully existing at the effective date of this Zoning Resolution may be continued, even though such use does not conform to the provisions of this Zoning Resolution. This nonconforming lawful use of a structure may be extended throughout those existing parts of the structure, which were arranged or designed for such use. No nonconforming structure shall be altered, except when authorized by the Board of Zoning Appeals in accordance with the provisions of this Zoning Resolution as hereinafter provided.
2. Whenever the lawful use of a structure or land becomes nonconforming through a change in the Zoning Resolution or in the district boundaries, such use may be continued subject to the same limitations and the same conditions set forth above.
3. A nonconforming lawful use which has been damaged by fire, explosion, act of God of the public enemy may be reconstructed and used as before the time of damage provided such repairs or reconstruction are completed within two (2) years of the date of such damage, provided that the new building, use, or structure shall not contain more than the original space of the replaced building, use or structure and shall conform to all building regulations of Ashland County and the State of Ohio. A Building Permit shall be required, after the two (2) years of said damage and must comply with the current Zoning Requirements.
4. If a nonconforming use is abandoned for two (2) years such use must conform to all provisions of the Zoning District in which such use is located and all other provisions of this current Zoning Resolution.

Effective Date: 29 December 2008

### **618 Conditional Uses**

1. Under special conditions, land uses other than those specifically permitted by this Zoning Resolution may occur in a District. A list of these uses is located in Article V of this Zoning Resolution. A special permit must be obtained from the Board of Zoning Appeals before the development of any land use identified in this resolution as a "Conditional Use".
2. All proposed "Conditional Uses" are subject to the following general standards:



- A. The uses will be harmonious with and in accordance with the general objectives, or with any specific objectives of the Sullivan Township's Zoning Resolution.
  - B. All structures and uses will be designated, constructed operated and maintained so as to be harmonious, safe and appropriate in appearance and use with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
  - C. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
  - D. The proposed use will be served adequately by essential public services (fire, police, highways, sewers, water, schools) or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
  - E. That the proposed use will not create excessive additional public costs or responsibilities for services or activities and will not be detrimental to the community.
  - F. The proposed uses will not involve activities, processes, materials or equipment detrimental to persons, property or the general welfare of the community because of excessive noise, smoke, odors, traffic, glare or fumes.
  - G. Adequate access to the use shall be provided that does not interfere with surrounding uses or disrupt current traffic patterns.
  - H. The proposed use will not result in the destruction, loss or damage of natural, scenic or historic features of major importance.
3. When making its review of the proposed use the Board of Zoning Appeals shall review the proposal on the basis of the above factors and any other criteria deemed pertinent by them. Such review shall follow the requirements established in Article VIII of this Zoning Resolution.
4. A Conditional Use Certificate shall be valid for one (1) year. If additional time is required to complete construction or set up of the conditional use, a new application shall be filed.
5. A Conditional Use Certificate transfers with the land, unless otherwise stipulated by the Zoning Board of Appeals.

Effective Date: 29 December 2008

**619 Residential Enterprise Business- Supplemental Regulations:**

1. All Residential Enterprise Business are a conditional use for a specific business. Conditional use applications must be filed by the property owner. In the case where the property becomes a rental, the owner of the property and the owner of the business, who is the renter, must apply jointly.
2. The owner of the Residential Enterprise Business must live on the premises. One or more resident(s) shall work at the enterprise. A maximum of two (2) non-residents may be employed by that enterprise.
3. The Residential Enterprise Business shall be a use that is secondary to the use of the property as a residence.
4. The Enterprise may operate in a garage or an accessory building providing the total does not exceed a maximum of 1,500 square feet per parcel.
5. A Residential Enterprise is permitted only after the property owners and Residential Enterprise Business Owner obtain a valid Conditional Use Certificate for the Enterprise. The permit is **non-transferable**.
6. The Residential Enterprise Business shall be subject to an inspection by the Zoning Inspector a minimum of once a year to ensure compliance with the approved certificate.
7. A Residential Enterprise Business shall be limited to low-intensity activities.
8. The Residential Enterprise Business must comply with the Home Occupation: Chapter 613 number 6; and shall not create noise or nuisance to neighboring property owners and shall not alter the appearance of the neighborhood.
9. A sign advertising the Residential Enterprise Business shall not exceed four (4) square feet and shall not be closer than (20) feet from the right of way and shall be kept in good repair.
10. Parking shall be limited to a maximum of six (6) spaces. Each parking space shall not exceed two hundred (200) square feet.
11. Adequate turn around space must be provided so as to eliminate vehicles from backing out on to a main thoroughfare.
12. All equipment and supplies must be capable of being stored within a total of the 1,500 square feet inside the garage or accessory building.

Effective Date: 29 December 2008

## ARTICLE VII - Zoning Commission

### 701 Membership

1. The Zoning Commission, hereinafter called the Commission, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none whom shall be concurrently appointed as a member of the Board of Zoning Appeals) who are residents of the unincorporated area of the Township.
2. Each member shall be appointed for a five (5) year term with the terms of the members to be of such length and so arranged that the term of one member will expire each year. A successor shall be appointed on the expiration of each term to serve five (5) years. Each member shall serve until his or her successor is appointed and qualified. Members of the Commission may be allowed their expenses, or such compensation, or both, as the Board of Trustees may approve and provide. The Board of Township Trustees may remove any member for cause, after a public hearing, in accordance with the provisions of Section 519.04 of the Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

Effective Date: 29 December 2008

### 702 Rules of the Commission

1. The Commission shall by majority vote of its members elect a Chairman, a Vice-Chairman and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Commission, which shall be held during the month of January each year.
2. Meetings of the Commission shall be at the call of the Chairman and at such times as the Commission may determine. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action, every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Commission and shall be filed in the Office of the Commission and shall be a public record.
3. If any member of the Commission is absent for four (4) consecutive meetings, he may be considered, at the option of the Chairman, to have resigned and the Chairman may request the Board of Township Trustees to appoint a replacement.
4. The Zoning Commission shall require a quorum of three (3) members at all of its meetings and the concurring vote of three (3) members shall be required to affect any decision of the Commission.

5. The Commission may, within the limits of the moneys appropriated by the Board of Trustees for the purpose, employ or contract with such planning consultants and executive and other assistants, as it deems necessary.

Effective Date: 29 December 2008

### **703 Changes and Amendments**

1. Authority: All provisions of current State Laws pertaining to Township Zoning shall be complied with. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Trustees may, by Resolution after report thereon by the Commission and subject to the procedure in this Section, and/or the current State Law, amend, supplement or change the Regulations, district boundaries or classification of property, now or hereafter established by this Resolution.
2. Initiation: Amendments or supplements to the Zoning Resolution may be initiated as follows:
  - A. By motion of the Township Zoning Commission;
  - B. By passage of a Resolution therefore by the Board of Township Trustees, and a certification of the same by the Commission;
  - C. By the filing of an application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission.
3. Applications: Applications initiated by private owners or lessees for any change of district boundaries or reclassification of districts as shown on the Zoning Maps shall be filed with the Zoning Commission upon forms approved by the Commission and accompanied by such data and information prescribed for the purpose of the Commission.
4. Fee: A fee established by the Township Trustees shall be paid to the Township upon the filing of each application for change of district classification, except for actions initiated by the Board of Township Trustees or the Commission. Said fee shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such application prior to any advertising. In addition, the fee shall not be refunded if the application is denied.
5. Transmittal to the Regional Planning Commission: Within five (5) days after the adoption of such motion, or the certification of such resolution, or the filing of such application, the Commission shall transmit a copy thereof, together with text map, to the Regional Planning Commission. The 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 Commission. Such recommendation shall be considered at the public hearing held by the Commission.

6. Hearing and Notice by Zoning Commission: Upon the adoption of such motion, or the certification of such resolution, or the filing of such application, the Township Zoning Commission shall set a date for the public hearing not less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution, or the adoption of such motion, or the date of the filing of such application. Notice of such hearing shall be given as follows:

A. A notice shall be published in one (1) or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing.

B. If the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure to deliver such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall include the following:

I. The time, date and place of the public hearing.

II. The name of the Zoning Commission that will be conducting the public hearing.

III. A statement indicating that the Motion, Resolution, or Application is an amendment to the Zoning Resolution.

IV. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current Tax List.

V. The present zoning classification of property named in the proposed Amendment and the proposed zoning classification of such property.

VI. The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least fifteen (15) days prior to the public hearing.

VII. The name of the person responsible for giving notice of the public hearing (mailed or published). This will usually be the Chairman or Secretary of the Zoning Commission or the Clerk.

VIII. Any other information requested by the Zoning Commission.

IX. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action. In the case where more than ten (10) parcels of land as shown on the Auditor's current Tax List are proposed for rezoning OR when the proposed amendment involves any change to the text of the Zoning Resolution, Items I thru IX and all the above must be included in the notices.

7. Records: The Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official action, all of which shall be filed in the Commission Office and shall be a public record.

8. Decision by Commission and Submittal to the Board of Township Trustees: The Commission shall study the proposed changes in the terms of public necessity, convenience, general welfare and good zoning practice. The Commission shall, within thirty (30) days after such hearing, recommend the approval, or denial of the proposed amendment or supplement on the basis, or the approval or some modification thereof, and submit such recommendation together with such application or resolution, the text and map pertaining thereof, and the recommendation of the Regional Planning Commission to the Board of Township Trustees.

9. Hearing and Notice by the Board of Township Trustees: The Board of Township Trustees, upon receipt of such recommendation from the Township Zoning Commission, shall hold a public hearing thereon. The Board of Township Trustees shall set a time for the public hearing on the proposed amendment or supplement not more than thirty (30) days from the date of the receipt of such recommendation from the Commission. Notice of such public hearing shall be given by the Board of Township Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least fifteen (15) days before the date of such hearing. Said Notice shall contain the information listed in Items 6.B.I. through 6.B.IX. of this Section.

10. Action by the Board of Township Trustees: Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Commission, or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees, shall be required to override the recommendation of the Commission.

11. Effect and Referendum: Such amendment or supplement adopted by the Board of Township Trustees 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 not less than eight (8%) per cent of the total vote cast for all candidates for governor in such areas at the last general election at which a governor was elected, requesting the Board of Township Trustees submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

12. 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 effect immediately. Aggrieved parties may appeal decisions to the Court of Common Pleas.

Effective Date: 29 December 2008

## ARTICLE VIII - Board of Zoning Appeals

### 801 Membership

1. The Board of Zoning Appeals, hereinafter called the Board, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none whom shall be con currently appointed as a member of the Township Zoning Commission) who are residents of the unincorporated area of the Township.
2. The members of the Board shall serve the same length of terms, and appointments should be staggered in the same manner as provided for the Township Zoning Commission in Article VII. The Board of Township Trustees may remove a member for cause, after a public hearing in accordance with the provisions of Section 519.04 of the Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

Effective Date: 29 December 2008

### 802 Rules of the Board

1. The Board shall by majority vote of its members elect a Chairman, a Vice-Chairman and Secretary who shall occupy such offices until their successors are duly elected at the next annual meeting of the Board.
2. If any member of the Board is absent for four (4) consecutive meetings, he may be considered, at the option of the Chairman, to have resigned, and the Chairman may request the Board of Township Trustees to appoint a replacement.
3. All meetings of the Board shall be open to the public.
4. Meetings of the Board shall be at the call of the Chairman and at such times as the Board may determine. The Board shall keep minutes of all meetings showing the proceedings, 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 be immediately filed in the Board Office and be a public record.
5. The Board shall require a quorum of three (3) members at all meetings, and the concurring vote of three (3) members shall be required to effect any decision of the Board.
6. The Board may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

Effective Date: 29 December 2008



### **803 Powers and Duties of the Board**

1. Appeals: To hear and decide appeals where it is alleged there is an error in any interpretation, order, requirement, decision or determination by the enforcement of the provisions of this Zoning Resolution.
2. Variances: To authorize upon appeal, where, by reason of exceptional narrowness, shallowness or shape or exceptional topographic conditions or other extraordinary situations or conditions of a lot, the strict application of the terms of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship upon the owner thereof, to authorize a variance from such strict application to relieve such difficulties or hardships, providing such relief may be granted without substantially impairing the intent of this Resolution, and provided that no variance shall be granted unless the Board finds that all of the following conditions exist:
  - A. The strict application of the provisions of the Resolution would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and the intent of this Resolution.
  - B. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.
  - C. The granting of such variance will not be of substantial detriment to the public interest or to the property or improvements in the district in which the variance is sought, and will not materially impair the purpose of this Resolution.
  - D. The application for the variance shall be valid for one (1) year. All work necessary to allow the variance to occur shall be completed in one (1) year. If the necessary work is not completed within one (1) year, a new application shall be filed. In granting a variance the Board of Zoning Appeals may impose such conditions as it may deem necessary to protect the public health and safety and to further the purpose and intent of this Zoning Resolution. These conditions shall be made a part of and be attached to the Zoning Permit which is required for a variance.
3. Conditional Uses: To hear and decide all Conditional Uses that are specifically listed within the various Districts; and to grant Conditional Use Zoning Certificates for the use of land, buildings or other structures as provided for in this Resolution. Conditional Uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such Districts. Since this is the case, the Board shall approve an application for a Conditional Use only when the following conditions are met:

A. The Conditional Use is specifically listed or interpreted as listed in the District in question.

B. The Conditional Use is in general accord with the Ashland County Optimum Land Use Plan.

C. The proposed development will be in keeping with the existing land use character and physical development potential of the area and will not have undesirable effects on the surrounding area. In granting a Conditional Use the Board may impose such conditions as it may deem necessary to protect the public health and safety and to further the purpose and intent of this Resolution.

4. Exception: The Board of Zoning Appeals shall have the authority to grant exceptions. An exception is a use permitted only after review of an application by the Board of Zoning Appeals, such review being necessary because of the provisions of this Zoning Resolution covering conditions, precedent or subsequent, are not precise enough to cover all applications without the Board of Zoning Appeals' interpretation. Request for an exception may be requested by the applicant or by the Zoning Inspector.

5. Fees: Fees as established by the Board of Trustees shall be paid upon the filing of any request for a variance, conditional use or exception. Said fees shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such request prior to any advertising. In addition, the fee shall not be refunded if the request is denied. If the request is approved, the fee shall cover the fee of the Zoning Permits required for a variance or conditional use.

Effective Date: 29 December 2008

#### **804 Procedures**

1. Meetings: Meetings of the Board shall be at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths, and the Board meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action, every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board and said records shall be filed in the Office of the Board of Township Trustees and shall be a public record.

2. Appeals: Appeals to the Board of Zoning Appeals may be made by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be made within twenty (20) days after the decision by filing with the administrative officer and with the Board, a notice of such appeal specifying the grounds on forms approved by the Board. The administrative officer shall transmit to the Board all the paper constituting the record upon which the action appealed was taken.

3. Variances, Exceptions and Conditional Uses: All applications for variances, conditional uses and exceptions shall be made to the Board of Zoning Appeals in writing and on forms prescribed.

4. Public Hearing and Decision: When a notice of appeal, variance, conditional use, or exception has been filed in proper form with the Board of Zoning Appeals, the Board shall fix a reasonable time for the public hearing for same, give at least ten (10) days' written notice to the parties in interest and to any person, firm,, or corporation owning premises located within five hundred (500) feet of the land to which such appeal, variance, conditional use, or exception is related; advertise notice of hearing by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. Upon the hearing, any person may appear in person or by attorney. The Board may recess such hearings from time to time, and if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required. The Board must decide the appeal, variance, conditional use, or exception within a reasonable time after it is properly submitted.

5. Refusal of the Appeal: The refusal of an applicant's request by the Board of Zoning Appeals can only be appealed to the Court of Common Pleas of Ashland County.

Effective Date: 29 December 2008

## ARTICLE IX - Administration

### 901 Zoning Inspector

1. The Board of Township Trustees shall appoint a Township Zoning Inspector, and affix his compensation. It shall be the duty of the Zoning Inspector to:

- A. Enforce the provisions of this Resolution.
- B. Issue permits as provided in this Resolution, and keep record of all permits issued or refused with a notation of any special conditions involved, and the expiration date.
- C. File and safely keep copies of all plans submitted, and the same shall form a part of the records in his or her office.
- D. Maintain a certified copy of the text of this Resolution and of the Zoning Map.
- E. Keep records of all violations and/or complaints.
- F. Make such records available for the use of the Board of Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the Public.
- D. Submit all zoning fees collected to the Township Clerk within twenty-four (24) hours.
- E. All applicants for zoning permits shall be furnished with a copy of Zoning Resolutions. Applicants must sign a receipt book for Zoning Resolutions Book and Address sign. Records are to be kept with the Zoning Inspector.

Effective Date: 29 December 2008

### 902 Zoning Certificates

1. Requirements: No person shall locate, erect, construct, reconstruct, enlarge or structurally alter a non-farm building or structure within the Township without obtaining a Zoning Certificate. No Zoning Certificate shall be issued unless the plans for the proposed building or structure fully comply with the Zoning Regulations.
2. Applications: Zoning Certificates shall hereinafter be secured from the Township Zoning Inspector prior to construction, erection or exterior alteration of any building, costing or valued at One Thousand Dollars (\$1,000.00) or more. Applications for Zoning Certificates shall be made in writing by the owner or by his authorized agent and shall include a statement of the use or intended use of the building or structure after construction, erection or alteration and shall be accompanied by a plan drawn to scale, showing the proposed building line and its exact relation to lot and road lines as well as

satisfactory evidence that the line or lines of the bounding road or roads have been accurately located on the ground. The required fee as established by the Board of Township Trustees shall accompany each application for a Zoning Certificate. Zoning Certificates are not transferable.

3. Fees: The Board of Township Trustees may adopt a system of Zoning Certificates, establish and collect reasonable fees thereof, and amend such fees, or adopt new fees, from time to time when necessary.

Effective Date: 29 December 2008

### **903 Enforcement and Penalties**

1. Enforcement: This Resolution shall be enforced by the Zoning Inspector or such enforcement Officer as may be designated by him.
2. Revocation of Zoning Certificates: Any Zoning Certificate issued upon a false statement shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the Zoning Certificate shall be revoked by notice, in writing, to be delivered to the holder of the void certificate upon the premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with this Resolution, shall be deemed guilty of violation thereof.
3. Violation: in case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is, or proposed to be, used in violation of this Resolution, the Board of Township Trustees, the County Prosecuting Attorney, the Township Zoning Inspector, or any neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute injunction, andamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
4. Fine: Any person, firm or corporation violating any provision of this Resolution shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined by a dollar amount as set by the Sullivan Twp. Board of Trustees. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use of continues may be deemed a separate offense.

Effective Date: 29 December 2008

## 905 WIRELESS TELECOMMUNICATIONS TOWERS

Wireless telecommunications facilities are permitted under varying conditions dependent upon their form and the Zoning Districts in which they are to be located. The following sections spell out these conditions.

1. The following requirements apply to all Wireless Telecommunications Facilities within Sullivan Township.
  - A. When the proposed Wireless Telecommunication Facility is to include a new tower, a plot plan at a scale of not less than one inch is equal to 100 feet shall be submitted. This plot plan shall indicate all buildings and uses within 1000 feet of the proposed facility.  
Aerial photos and / or renderings may augment the plot plan.
  - B. The location of the tower and equipment shelter shall have a letter of approval from Ashland County Engineer, Ashland County Regional Planning, Ashland County Soil & Water Conservation District, Ohio EPA, Federal EPA, Army Corp of Engineers, Ohio Dept. of Natural Resources, FAA, and comply with any other natural resource protection Agency.
  - C. An area of a minimum of 225 feet shall be enclosed by a security fence at least 8 feet high. No guide wires shall be less than 7 feet from the top of the security fence.
  - D. Existing vegetation (Trees and Shrubs) shall be preserved to the maximum extent possible without interference with the tower.
  - E. Any applicant requesting permission to install a new tower shall provide evidence of a written contact with all wireless service providers who supply service within a three-quarter (3/4) mile area of the proposed facility. The Applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquirer within 30 days. The Applicant's letter(s) as well as response(s) shall be presented to the Zoning Commission as a means of demonstrating the need for a new tower.
  - F. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
  - G. No advertising is permitted anywhere on the facility, with the exception of identification signage.
  - H. All providers utilizing towers shall present a report to Sullivan Township Trustee's notifying them of any tower facility located in Sullivan Township whose

use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for 180 days, a designated Township Trustee may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facility's owner/operator will receive a written notice from the Sullivan Township Trustee's and instructed to either reactivate the facility's use within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the Township will remove or will contract to have the facility removed, and assess the owner/operator the costs.

I. No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA. Security lighting around the equipment shelter is permitted.

J. "No Trespassing" signs shall be posted around the facility with a name, address and a phone number of who to contact in the event of an emergency.

K. Any decision to deny a request to place, construct, or modify a wireless telecommunications antenna and /or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Zoning Commission or the Board of Zoning Appeals to the applicant.

L. The location of the telecommunication tower shall be on local Government Property; any other place must have a variance.

M. A tower shall be limited to a maximum height of 500 feet. The tower must be located at least 1 1/2 (one and one half) times the height of the tower from any buildings, property lines or public right of ways.

N. Overnight outdoor storage of any supplies, vehicles or equipment related to the use of the facility is prohibited except during the facility construction period and to supply emergency power to the facility only during a power outage.

Effective Date: 29 December 2008

### **906 Fire Department Recommendation For Driveways**

Driveway construction and other driveway clearances, above and beyond guidelines already set forth by Sullivan Township due to the fact that our Fire & Safety Equipment is wide and high.

Driveways should be kept flat, quick drops are discouraged, because of low wheelbase Fire & Safety Equipment, as well as long wheel over hang.

Trees and Shrubs should be trimmed up at least 14' high and should also be trimmed back at least 12" wide. Also an additional 3' clearance on each side of the drive is also recommended.

Turns into driveways should be wider than the rest of the drive, to accommodate the swing of our Fire & Safety Equipment, this will vary according to how sharp the turn is.

Aerial crossings (creeks), Our Fire & Safety Equipment are heavy; our equipment comes close to 50,000 lbs., and bridges should be constructed to support this weight. Low water crossings are discouraged, because of the low ground clearance, and or the possibility of high water. We hope this has been helpful.

Thank You

Sullivan Volunteer Fire Department  
&  
Sullivan Zoning Board of Commissions

If you should have any questions regarding driveways please feel free to contact.  
Sullivan Volunteer Fire Department 419-736-2255

Effective Date: 29 December 2008