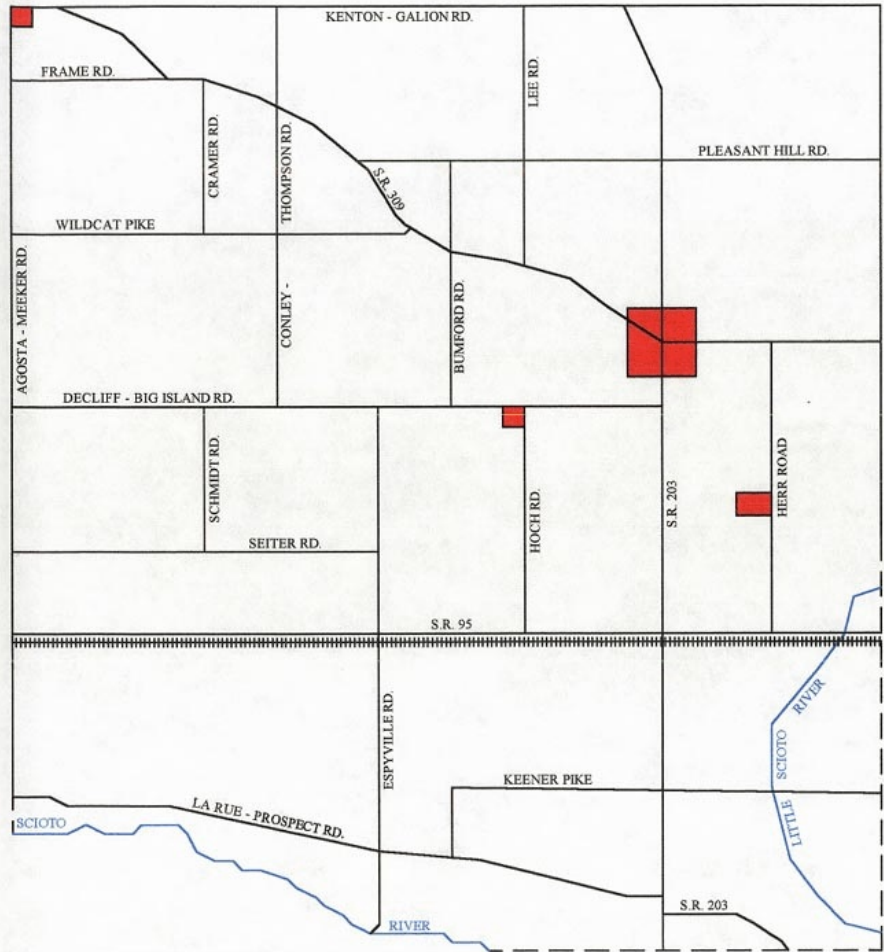





*Big Island Township
Zoning Resolution*

Revised: 1/19/06

BIG ISLAND TOWNSHIP GENERALIZED ZONING MAP



ZONING DISTRICT LEGEND

-  AG-RES, AGRICULTURAL - RESIDENTIAL DISTRICT
-  "IFA", INDUSTRIAL / FACTORY AGRICULTURAL DISTRICT
-  COMMERCIAL DISTRICT



Map Source: 1977 RPC Marion County Highway Map.

Date: 3/16/01

Zoning Code of Big Island Township, Marion County, Ohio

Zoning Inspector:

Robert Handley 465-5050

Zoning Commission:

Tim Fogle, Chairman

Linda Stacy

Walter Yancey

Mark Lambert

Paul Snare

Zoning Appeals:

Marshall Baker, Chairman

Mary Plough

Bill Gracely

George Kalb

John Hesse

Township Trustees:

Cletus E. Uhl, Chairman

Phil Schaber, Vice Chairman

Clyde Sappington

Charles Fogle, Clerk

Table of Contents

INTRODUCTION.	<u>1</u>
Big Island Township Zoning Resolution.	<u>1</u>
Purpose - Intent.	<u>1</u>
Interpretation.	<u>1</u>
Effect of Invalidity of One Section.	<u>2</u>
SECTION I.	<u>3</u>
Industrial/Factory Agricultural District.	<u>3</u>
SECTION II.	<u>4</u>
"Ag-Res" Agricultural - Residential District.	<u>4</u>
Principal Permitted Uses.	<u>4</u>
Conditional Permitted Uses	<u>4</u>
Accessory Permitted Uses	<u>4</u>
Conformance Requirements of "Ag/Res" District.	<u>5</u>
Dwellings on Farm.	<u>5</u>
Maximum Building Height.	<u>5</u>
SECTION III.	<u>6</u>
Development Standards.	<u>6</u>
Lot Size - All Districts.	<u>6</u>
Set Back.	<u>6</u>
Side and Rear Lot Clearance.	<u>6</u>
Minimum Dwelling Sizes.	<u>6</u>
Number of Lots	<u>6</u>
SECTION IV.	<u>7</u>
Modular or Industrialized Homes.	<u>7</u>
Mobile Home or Manufactured Home Outside a Mobile Home Park.	<u>7</u>
SECTION V.	<u>8</u>
Commercial District.	<u>8</u>
Principal Uses.	<u>8</u>
Conditional Permitted Uses.	<u>8</u>
SECTION VI.	<u>10</u>
Natural Resources / Public Utilities.	<u>10</u>
Natural Resources.	<u>10</u>
Public Utilities.	<u>10</u>
SECTION VII.	<u>11</u>
Outdoor Advertising.	<u>11</u>

SECTION VIII.....	<u>12</u>
Applications and Permits.....	<u>12</u>
SECTION IX.....	<u>13</u>
Zoning Permit Fees & Driveway Culvert Requirements.....	<u>13</u>
SECTION X.....	<u>14</u>
Boards of Zoning Appeals, Zoning Commission, and Zoning Inspector.....	<u>14</u>
Powers of the Board of Zoning Appeals.....	<u>14</u>
Office of Zoning Inspector.....	<u>15</u>
SECTION XI.....	<u>16</u>
Amendments.....	<u>16</u>
SECTION XII.....	<u>17</u>
Enforcement and Violations.....	<u>17</u>
Visible Detractions From Property Appearance.....	<u>17</u>
SECTION XIII.....	<u>19</u>
Mobile Home Parks.....	<u>19</u>
Purposes and Characteristics.....	<u>19</u>
Procedures and Requirements.....	<u>19</u>
Review By Zoning Commission.....	<u>20</u>
SECTION XIV.....	<u>25</u>
Authorized, Limited, and Prohibited Solid Waste Disposal Methods.....	<u>25</u>
Solid Waste Disposal Facility Plan Approval.....	<u>25</u>
Incinerator and Composting Operations.....	<u>33</u>
Operation of Solid Waste Disposal Facilities.....	<u>34</u>
Sanitary Landfill Operations.....	<u>36</u>
Closure of Sanitary Landfills.....	<u>41</u>
Waivers.....	<u>43</u>
Solid Waste Disposal Permit Required.....	<u>43</u>
Solid Waste Disposal Permit Application.....	<u>44</u>
Expiration of Permits.....	<u>44</u>
Exemptions.....	<u>44</u>
SECTION XV.....	<u>46</u>
Definitions.....	<u>46</u>
Definitions - Landfill Zoning.....	<u>51</u>
Big Island Township Resolution 95-014.....	<u>54</u>
Driveway Culvert Standards.....	<u>56</u>

INTRODUCTION

Big Island Township Zoning Resolution

Whereas, the board of trustees of Big Island Township, deems it in the interest of the public health, safety, morals, and general welfare of said township and its residents to establish a general plan of zoning for the said township.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Big Island Township that such zoning resolution is hereby created.

Purpose - Intent

This zoning resolution is adopted to promote the public health, safety, morals, comfort, appearance and general welfare, to protect and conserve property and property values; to secure the most appropriate use of land and facilitate adequate but economical provisions of public improvements. More specific purposes are:

1. To protect the character and the values of the agricultural, residential, institutional, business and manufacturing uses, and to insure their orderly and beneficial development.
2. To improve the public safety by constructing buildings and uses adjacent to thoroughfares, so they will cause the least interference with and be damaged least, by traffic movements.
3. To provide open space for light and air, to prevent excessive concentration of the population where public water supply and sanitary sewers are not now available, to prevent scattered and uncoordinated development.
4. To guide the future development of the township, and to assure economical extension of public improvements and services.

Interpretation

1. The provisions of this Resolution shall be construed as minimum requirements. They do not prevent other more restrictive requirements.
2. Where this Resolution imposes greater restrictions upon the use of land or buildings or upon the bulk of buildings, and where it requires higher standards than are required by other laws, ordinances, rules, or regulations, this Resolution shall prevail and where other laws, ordinances, rules, or regulations are more restrictive, they shall prevail.

Effect of Invalidity of One Section

Should any section or provision of this resolution be decided by the courts to be unconstitutional or invalid, such decision shall not effect the validity of the resolution as a whole, or any part thereof other than the part so held to be unconstitutional or invalid. All resolutions or parts thereof which are in conflict with the provisions of this resolution are hereby repealed.

SECTION I

Industrial/Factory Agricultural District

The purpose of an Industrial / Factory Agricultural (here after known as "IFA") district is to provide for some regulation of such use and to provide for some cohesive existence between this use and other uses or districts within the township.

Use definition: The IFA District shall be land in any district of Big Island Township. IFA shall apply when there are 3,000 or more head of any animal, including cattle, poultry, horses, and pigs at any one site or under one corporation operating within the township.

1. Owners or operators of IFA shall be required to obtain a building permit, conform to zoning regulation, conform to state regulations and laws, and conform to Ohio E.P.A. regulations.
2. Owners or operators of IFA shall post with the Big Island Township Trustees a One Million Dollar Bond. This bond will be held through the term of operation and use, and for a period of two years after termination of operations. The bond will be used by the trustees of the township to handle, but not limited to, any liabilities, contamination, pollution, detrimental environmental effects, and any adverse health effects which the operation, by determination of the trustees, has caused.
3. An IFA operation may not be located within 1,500 feet of any school. It may not be located within 1,000 feet of any multiple residential area. It may not be located within 1,000 feet of any single residence. It may not locate within 1,000 feet of a Business District.
4. Upon termination of operations, the land shall revert to "Ag-Res" use. All buildings and structures shall be removed at the expense of the operator within six months of termination date.

Because of potential problems associated with new residential uses locating near an IFA use, the following regulations are set forth.

1. Single- or multiple-family dwellings shall not locate within 1,000 feet of such operation.
2. No business shall locate within 1,000 feet of such operation.
3. No school shall locate within 1,500 feet of such operation. The exception shall be dwellings owned and occupied by the operators of such use.

SECTION II

"Ag-Res" Agricultural - Residential District

Purpose: The purpose of the Ag-Res Zoning District is to provide areas for low-density residential development and various agricultural land uses. The comparatively low-density residential development is desirable due to the reduced level of public services and utilities existing and programmed for the near future. The promotion of agricultural land uses is desirable given the fundamental importance of agricultural products and the potential for the unnecessary and irreversible loss of farmland through unplanned and premature urban development. Any use allowed in the principal permitted uses of the commercial district are prohibited in the Ag-Res District.

Principal Permitted Uses

Agriculture
Public Uses
Semi Public Uses
Single-Family Dwellings
Mobile Homes

Conditional Permitted Uses

(Subject to approval by the Big Island Board of Zoning Appeals)

Business and Professional Offices, provided that such uses shall maintain the external appearance of residential nature. It shall not include the manufacture or sale of goods.
Commercial storage and or sales of fertilizer and agricultural chemicals
Funeral Homes
Nurseries, lawn and garden centers
Schools or day care centers
Private recreation facilities
Hospitals, Rest Homes
Seasonal Dwellings
Veterinary clinics or Hospitals
Cemeteries
Airports
Utility substation
Mobile Home Park

Accessory Permitted Uses (Zoning Permit Required)

Private garages
Porches and decks over 10 square feet

Private swimming pools
 Green houses, storage sheds, tool houses, play houses (over 8 x10 feet in size.)
 Home occupations
 Temporary roadside stands for produce
 Temporary living quarters (not to exceed one year)
 Signs over six square feet
 Fences

Conformance Requirements of "Ag/Res" District

Nothing contained in this resolution shall prohibit the use of any land for agricultural purposes. No zoning permit shall be required for the construction of buildings incidental to the agricultural operation on the land where such buildings shall be located. The owners or operators of land used for agricultural purposes shall not be required to obtain a zoning permit or conform to the zoning resolution when remodeling an existing farm residence or building a new farm residence provided that the new residence is to be occupied by the owners or operators of the agricultural operation. However, any additional residential structures shall be required to have a zoning permit and conform to the zoning requirements. State law provides that to be considered as Agricultural, two tests must be met. They are:

1. The land must be devoted to agriculture or devoted to federal government land retirement or conservation program in the year of application and at least three years prior to year of application.
2. The land is composed of tracts, lots, or panels that total not less than 10 acres in size, or an average gross income of at least \$2,500 during the past three years or the owner can present evidence of an anticipated gross income of \$2,500.

Dwellings on Farm

A maximum of five permanent single-family dwelling units may be located on a farm parcel. These dwelling units are to be occupied only by families or persons engaged in the operation of the farm on the parcel. Ownership of the sites on which such dwellings are located shall not be transferred as separate parcels except in accordance with the Marion County Subdivision Regulations and the standards set forth in this resolution.

Maximum Building Height

No structure or building shall exceed 60 feet in height. The height limitation may be appealed to the Big Island Township Board of Appeals. Telecommunication or cellular communication towers exceeding 60 feet in height shall be subject to the requirements listed in the Section VI – Public Utilities.

SECTION III

Development Standards

Lot Size - All Districts

Lot size shall be a 2 (two) acre (87,120 square feet) minimum.

Lot shall have a minimum of 270 frontage feet.

Set Back

The minimum set back for any structure or any portion, except steps and uncovered porches less than 10 feet in width, shall not be erected within 75 feet of the right-of-way line of any road. This shall apply to corner lots as well. In most instances this means 105 feet from the center of the road.

Side and Rear Lot Clearance

Lots shall provide a minimum side and rear lot clearance of 50 feet. This area shall remain open and unoccupied by any building or structure. On pre-existing lots, of less than two acres, the setback for side and rear, for new construction, shall be 25 feet.

Minimum Dwelling Sizes

No dwelling shall be erected with less than fifteen hundred square feet of gross living space, exclusive of breezeways, porches, decks, and garages.

The Zoning Code of Big Island Township shall prohibit more than one dwelling to be built on an existing parcel.

The Zoning Code of Big Island Twp. shall prohibit construction of a dwelling on a parcel which attaches to the immediate rear of a parcel with a dwelling. The exception to this shall be corner lots at a legal road intersection.

All dwellings shall be oriented so that they are parallel with the road.

Number of Lots

Any parcel of land may be subdivided for residential use in the Ag/Res or Commercial Districts in accordance with its resolutions minimum lot size and dimension standards and as follows:

- A. To provide up to four residential lots not including the remainder as one of the lots.
- B. A residential lot is defined as any lot under 10 acres with a home in use, planned, or as a potential use.

SECTION IV

Modular or Industrialized Homes

Modular or Industrialized Homes must be inspected and bear a certificate or plate indicating the same from the State of Ohio.

Mobile Home or Manufactured Home Outside a Mobile Home Park

A zoning permit shall be issued for placement of a mobile home on a lot apart from a Mobile Home Park. All codes of the "Ag-Res" district shall apply and be met no matter what district the mobile home shall be in. In addition:

1. The mobile home shall be placed on a permanent foundation and the tongue removed. The mobile home shall be anchored making it a permanent dwelling.
2. It must have at least fifteen hundred feet of gross living space.
3. It must have a shingled sloped roof.
4. It must be placed parallel with the road.
5. It must have a federal (H.U.D.) inspection plate attached.
6. Skirting must be added to completely enclose the home.

SECTION V

Commercial District

A commercial district is hereby designated as a "B" district for the Big Island area. It extends 500 feet north, south, east, and west of the intersection of State Route 309 and State Route 203. In section 6, 500 feet east on State Route 309 from County Road 31 and 500 feet south on County Road 31 from State Route 309. A limited commercial district of 4.59 acres in Section 15 at the south west corner of DeCliff Big Island Road and Hoch Road for the purpose of a radio broadcast tower. A limited commercial district of 5.04 acres in northwest quarter of Section 24 on the west side of Herr Road.

Principal Uses

Any use as permitted in the principal "Ag-Res" district.

Conditional uses, which may be permitted only after approval of the zoning commission. Excluding IFA.

Offices

Shops

Conditional Permitted Uses

(Subject to approval by the Big Island Board of Zoning Appeals)

Service and or filling stations

General merchandise, grocery, produce sales, agricultural waste sales

Any use requiring business and or tax license

Any use requiring one or more employees

Adult-only entertainment establishments (see definitions below) if all of the following applies (Effective 8/13/02)

1. DEFINITIONS:

Adult-only Entertainment Establishments:

Section 1: For purposes of the Resolution, "adult entertainment business" means a business or enterprise which present material or performances whose tendency is the selling, showing, exhibition, or presenting entertainment involving nudity or semi nudity.

Section 2: For purpose of this Resolution, “nudity” means the appearance of a human bare buttock, anus, male genitals, female genitals, or areola of the female breast.

Section 3: For purposes of this Resolution, “semi-nude” or “semi-nudity” means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

CONDITIONS:

1. The site is a minimum of 1,500 linear feet from any residential dwelling unit.
2. The site is a minimum of 1,500 linear feet from the lot line of any school, church, park, or public cemetery.

SECTION VI

Natural Resources / Public Utilities

Natural Resources

The mining or quarrying of rock, sand, gravel or clay, mineral ore deposits, and the drilling for oil or gas shall be permitted provided:

1. Such operations are at least two thousand feet from an established residential development.
2. Such operations are at least one thousand feet from an established single isolated residence, provided such residence is not on land where the operation is performed.
3. Application and plans for such operations shall be made to the Zoning Commission. Upon approval, Zoning Inspector shall issue a permit for same. The permit cost shall be \$100.00. Permit shall be valid for one year and renewable annually at \$40.00 per annum.
4. Upon termination of operations, land shall revert to the original use. All buildings and structures shall be removed at the expense of the operator within six months of termination date.
5. The operator shall return the land to its original state.
6. A bond of One Million Dollars shall be posted by the operator to the Big Island Township Trustees to assure compliance of regulations. The bond shall remain in effect for two (2) years after termination of operations.

Public Utilities

1. Telecommunication or cellular communications towers shall be a minimum of two times the tower height from any roads or buildings.
2. Cellular and communication towers, in any district, shall be of mono pole construction only. They shall be illuminated at night by red incandescent beacons only. They shall have proper tower identification plaques, as required by the F.A.A. and F.C.C. Emergency contact information, as well as subsequent changes, shall be provided to the Zoning Inspector.

SECTION VII

Outdoor Advertising

For the purposes of this resolution, outdoor advertising shall be permitted in any district, subject to the regulations contained in this resolution:

1. Signs no larger than six square feet are permitted when the use of the sign is in direct relation to the premises. Conformity with the above limitation shall not require a zoning permit.
2. An outdoor advertising sign or billboard, other than mentioned above, shall require a zoning permit before being erected, constructed, or replaced.
3. "Sign" does not include signs erected and maintained by any governmental function or required by law, ordinance, or regulation.
4. Illuminated signs shall be of constant intensity. Signs shall not flash, rotate, or beam onto public thoroughfare or adjacent premises.
5. Signs may not project from the face of a building more than two (2) feet.
6. Portable signs are not permitted.
7. All signs shall be plainly marked with the name and telephone number of the person responsible for maintaining or owning the sign.
8. Any sign that is unsafe or in danger of falling shall at once be put in a secure condition or removed.
9. No signs shall be placed in the public right of way.
10. No portion of a sign shall be located nearer than ten (10) feet from any utility line.
11. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature.
12. No sign shall be closer than twenty-five (25) feet from any side or rear lot line.
13. All electrical wiring shall be done in generally accepted electric code standards for safety.
14. No sign shall be hung from a tree or utility pole.
15. Any sign closer than twelve (12) feet from the public right of way must have at least a twelve (12) foot vertical clearance.

SECTION VIII

Applications and Permits

1. Before construction any building or structure, changing use of or altering any building or structure application shall be made to the Zoning Inspector for a Zoning Permit. The applicant shall indicate the exact location of the proposed building, structure, or alteration. The applicant shall also submit a plot plan showing the proposed location, dimensions, and proposed use. The applicant shall also provide copies of any other required permits and approvals.
2. Upon receipt of the above, the Zoning Inspector shall take up to a maximum of ten (10) days to study and inspect all facets of the application to assure compliance with the zoning code.
3. A Zoning Permit is revocable. If among other things, the actual use, construction, or alteration does not conform to the terms of the application and the permit granted thereon.
4. Zoning Permits will be issued for the length of one (1) year. A Zoning Permit may be renewed for an additional year. After the renewal period has expired, the applicant must apply for a new Zoning Permit which will be issued under the current zoning laws.
5. No permit shall be required for minor alterations, remodeling or repairs on any building, providing that the gross ground floor area is not enlarged. No permit shall be required for temporary removable structures erected as part of a construction project, nor for construction on roads, sewers, service lines, utility lines or driveways.
6. All requests for permits shall include information regarding drainage and plans for said drainage, to meet minimum requirements of the county and state Soil Conservation Service. Drainage plans shall be reviewed by the Technical Staff of the Marion Soil and Water Conservation District.
7. All requests for permits shall include copies of any permits necessary from the County, State, or Federal Government.

SECTION IX

Zoning Permit Fees & Driveway Culvert Requirements

Zoning permit fees are established in Township Resolution 149.

Driveway culvert requirements are established in Township Resolution 149.

SECTION X

Boards of Zoning Appeals, Zoning Commission, and Zoning Inspector

The Board of Township Trustees shall appoint a Township Board of Zoning Appeals and a Board of Zoning Commission comprising five members each who shall be residents of the township. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and the same manner as provided by Section 519.04 of the Revised Ohio Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members shall serve with compensation as determined by the Township Trustees.

Powers of the Board of Zoning Appeals

A. Appeals for Variances

The Board of Appeals may:

1. Hear and decide appeals where it is alleged there is error in a any order, requirement, decision, or determination made by any administrative official.
2. Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution, will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.

In exercising the above-mentioned powers, such board may, in conformity with such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

B. Applications for Conditional Uses

The Board shall have the power and original jurisdiction to hear and decide, in accordance with the provisions of this resolution, applications, filed herein before provided, for special exceptions, conditional uses, or for decisions upon other special questions on which the board is authorized by this resolution to pass. In considering an application for a special exception or conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency there with of the proposed use and development. Before authorizing a use, a special exception, or conditional use, the Board shall determine whether the proposed exception or use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood. Upon authorizing a conditional use or exception, the Board shall impose such requirements and conditions with respect to location, construction, maintenance,

and operation in addition to those expressly stipulated in this Resolution for the particular conditional use or exception, as the Board may deem necessary for the protection of adjacent properties and public interest.

C. Organization and Procedures

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

Appeals may be taken to the Board by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be taken within twenty days after the decision by filing with the officer from whom the appeal is taken and with the board, a notice of appeal specifying the grounds. Each application shall be accompanied by a check payable to the Board of Trustees or cash payment sufficient to cover the cost of publishing and mailing notices of the hearing or hearings. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

Variance / conditional use permit requests must be written in complete detail to the Appeals Board. Persons making an appeal / request for conditional use permit must furnish names and addresses of all adjoining property owners. The Board will notify the adjoining property owners by first class mail.

The Board shall fix a reasonable time for the hearing of the appeal, give ten (10) days notice to the parties in interest, and decide the appeal within a reasonable time after it is submitted. Upon the hearing any party may appear in person or by an attorney. Any person adversely affected by a decision of a Board may appeal to the Court of Common Pleas of Marion County on the ground that the decision was unreasonable or unlawful. The court may affirm, reverse, vacate, or modify the decision complained of in the appeal.

Office of Zoning Inspector

The position of Township Zoning Inspector is hereby created. He/she shall be appointed by the Board of Township Trustees and shall receive such compensation, as the trustees shall provide.

He/she shall keep records of all applications for Zoning Permits and the action taken there of.

SECTION XI

Amendments

The Township Zoning Commission shall meet when necessary and may initiate amendments to this resolution from time to time. Amendments may also be initiated by the Township Trustees or by petition. Before submitting a recommendation of any amendment to the Zoning Resolution to the Board of Township Trustees, the Township Zoning Commission shall not hold less than one (1) public hearing thereon, notice of which shall be given by one (1) publication in one (1) or more newspaper or general circulation in the township at least thirty days before the date of such hearing. When the Township Zoning Commission has completed its recommendations for an amendment, it shall certify the same to the Board of Township Trustees.

After receiving the certification of proposed amendment to the Zoning Resolution from the Township Zoning Commission and before adoption of any such zoning amendment, the Board of Township Trustees shall hold a public hearing thereon, at least thirty (30) days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the township. Such hearing may be continued from time to time if in the public interest.

No change in or departure from the text or maps of the amendment as certified by the Township Zoning Commission shall be made unless the same be first submitted to the Township Zoning Commission for its approval, disapproval, or suggestions. If such changes are disapproved by the Township Zoning Commission, provisions so disapproved must receive the favorable vote of that entire membership of the Board of Township Trustees in order to be adopted.

After receiving a recommended amendment to the zoning plan from the Township Zoning Commission and holding the public hearing provided for, the Board of Township Trustees shall consider such recommendation and vote upon the recommended amendment to the zoning resolution. If the amendment to the zoning resolution is adopted by the Board of Township Trustees, it shall take effect thirty (30) days thereafter, unless within said period 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 amendment to the zoning resolution and affected by the amendment, equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last general election in which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at the next primary or general election, in which event the amendment shall not take effect unless a majority of the electors voting on said issue approve the same.

Each application for an amendment, except those initiated by the Zoning Commission or trustees, shall be accompanied by a check payable to the Trustees or a cash payment sufficient in the amount to cover the cost of the publishing, posting and or mailing the notices of the hearing or hearings required by the foregoing provisions.

SECTION XII

Enforcement and Violations

1. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this resolution or any amendment thereto. Any hundred (\$100) dollars. Each day and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.
2. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of law or of this resolution or any amendment thereto, the Board of Township Trustees, the prosecuting attorney of the county, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location erection, construction, reconstruction; enlargement, change, maintenance or use. The Board of Township Trustees may employ special counsel or represent it in any proceedings or to prosecute any actions brought under this section.

Visible Detractions From Property Appearance

The following will apply to all districts:

- A. Any items such as trucks, tractors, cars, movers, buses, farm or construction equipment, etc., parts of such which because of age, or broken or partly worn out condition is no longer in original intended use, but is maintained for a possibility of future use or for removal of parts, for use on other equipment, if not stored in buildings shall be located in an area which would not be visible so as not to detract from the general appearance of property or where questionable objectionable complaints could be issued by neighboring property owners.
- B. The storage of trash, material for recycling, or waste materials including but not limited to discarded household goods, discarded commercial products, industrial by-products and other similar materials shall not be visible from the property line on which such materials are being stored or placed otherwise. All such materials shall be housed in an appropriate container or enclosure, excepting trash that is properly placed in an appropriate enclosed container at an assigned location for regularly scheduled trash pickup. In all cases, there shall be full compliance with applicable zoning district standards.
- C. There shall be no more than one (1) wrecked, unlicensed or otherwise inoperable automobile allowed per one (1) dwelling unit. Such automobile may be stored only for a period not to exceed 60 days per year and such parking or storage space shall be enclosed

by structure, fence or otherwise protected so that the automobile cannot be entered upon or seen from an adjacent lot or street.

On April 11, 1995 the Trustees of Big Island Township adopted a resolution to further regulate the storage of junk motor vehicles in all districts, which may be applied in conjunction with the above or alone. This resolution is pursuant to and under the authority of the O.R.C. 505.173, a copy of which is found at the end of this book.

SECTION XIII

Mobile Home Parks

A. Purposes and Characteristics

The purpose of this section is to recognize the increasing demand for the mobile home park type of residential area, and to provide for the appropriate development of such parks. It is intended to provide locational requirements and development standards which will lead to the development of stable and desirable mobile home parks, compatible with other uses in the vicinity.

B. Procedures and Requirements

The owner of a tract of land twenty (20) acres or more in area, shall submit to the Zoning Inspector and the Zoning Commissioner a plan for the development and use of such tract as a Mobile Home Park under the provisions of this resolution. Such plan shall be accompanied by written agreement, in form acceptable to the County Prosecutor, on behalf of the owner, his successors and assigns, as follows:

- a. That the fixed installations of the proposed development, as shown on the plans and as set forth in the specifications, will be completed within such a time period as may be agreed upon by the Township Zoning Commissioner and The Zoning Inspector.
- b. That all land and improvements intended for the common use of all residents, including drives, walks, parking areas, recreation facilities and equipment and all landscaped and other common open space will be maintained for as long as such Mobile Home park is in existence, including such servicing as may be required for the use of such land and improvement.
- c. That no future changes in the Mobile Home Park shall be made which would encroach upon any land used to comply with the requirements of the resolution as to density, open space, yards, vehicular access or parking.
- d. That all private drives shall be open at all times for access by publicly employed personnel and equipment for police and fire protection, for inspection of utility systems and for other public purposes.
- e. That tenant occupancy regulations, acceptable to the Commission and the Marion County Board of Health, shall be posted on the premises and enforced at all times.

C. Review By Zoning Commission

The Commission shall base its action on finding that the plans for the proposed Mobile Home Park comply with the following sections:

- C-1 Uses Permitted
- C-2 Locational Requirements
- C-3 Development Standards
- C-4 Mobile Home Site Standards

C-1 Uses Permitted

Notwithstanding the uses otherwise permitted in the Zoning Code, the uses permitted in a Mobile Home Park shall be limited to the following:

Principal Uses

Mobile Homes, limited to a single family residential occupancy, not including transient or vacationing families or persons and not including the storage, display or sale of mobile homes on the premises.

Accessory Uses

Home occupations.

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

Facilities for recreation, children's nursery, kindergarten, laundry, or similar services for the occupants.

Off-street parking lots or garages.

C-2 Locational Requirements

In addition to the requirements set forth in Section B here-in-before, each Mobile Home Park shall comply with the following requirements as to location:

Shall be free of objectionable environment, such as poor drainage, air pollution, noise or unsightliness, in the same manner as other residential areas.

Shall be located as to assure a maximum of compatibility with other types of residential developments.

C-3 Development Standards

All Mobile Home Parks shall comply with the requirements of the Ohio Department of Health, and shall be approved by said department before zoning approval is given under the provisions of this resolution. In addition to requirements of the Ohio Department of Health, the location and arrangement of land, structures and mobile homes within Mobile Home Park shall be in accordance with the following standards:

1. Minimum size of park, twenty (20) acres.
2. Minimum size of site within a Mobile Home Park, 10,000 square feet.
3. Utilities Required:
 - a. Each site for an individual mobile home shall be provided with an outlet to a water supply, and a connection to a sanitary sewer, both of which have been approved by the County authority having jurisdiction.
 - b. The entire tract shall be provided with storm water drainage in accordance with a drainage plan approved by the County Engineer.
4. General Dimensions:

Dimensions relating to the Mobile Home Park tract as a whole shall be as follows:

 - a. Minimum tract width at the abutting public street - 300 feet.
 - b. Minimum front yard depth - 30 feet
 - c. Distance between each mobile home site and interior property lines of the tract - 50 feet.
5. Private Drives and Public Streets:
 - a. Private drives may be used to provide vehicular access to mobile home sites. Such drives may be dedicated streets, provided that they comply in all respects with the standards of the Sub-division Regulations for dedicated streets.

- b. Where private drives are provided, the width thereof shall be not less than 50 feet and each drive shall be paved for a width of not less than thirty (30) feet. Such pavement shall be constructed of not less than six (6) inches of impervious material on a prepared sub-grade.

There shall be common walks three (3) feet or more in width within all private drives and dedicated streets, providing pedestrian access to all mobile home sites. Such walks shall be constructed of not less than four (4) inches of impervious pavement material on a prepared sub-grade.

6. Landscaping:

The entire Mobile Home Park shall be constructed or planted and maintained with landscape plants or other materials including the following:

- a. Lawn, covering all areas not specifically requiring other surfacing.
- b. Trees, intended to provide shade for the mobile home sites
- c. Shrubs or other material to provide reasonable separation of mobile home sites.

C-4 Mobile Home Site Standards

The site of each individual home in the park shall comply with the following requirements:

- a. Minimum size of each lot shall be no less than ten thousand (10,000) square feet in area, shall be, not less than one-hundred (100) feet in width at the point where the mobile home sets, and shall abut on a street or access drive for not less than twenty (20) feet.
- b. Minimum floor area of any mobile home used as a dwelling on the premises shall be seven hundred and twenty (720) square feet.
- c. Each mobile home site shall be provided with a paved outdoor living area of not less than one hundred eighty (180) square feet. Such area shall be paved with not less than four (4) inches of concrete or other rigid impervious paving materials, and shall be connected to common walks by a similarly paved walk of not less than two (2) feet in width.

D. Camps

- a. A camp shall be classified. A zoning permit for each specific type and size will be required prior to inhabitation. A permit will be issued for a specific type camp. future changes in type of camp will require reclassification and a new permit issued, upon approval of the Zoning Commission.

Class 1	Cottage Complex Camp
Class 2	Primitive Camp
Class 3	Resident Camp
Class 4	Day Camp

- b. A camp shall be the total area of any tract of land having facilities used for the camping purposes, such as construction work, recreation, health, educational, sectarian tourist, picnic, or resort. Total camp area shall be limited to area designated by camp owners or operators and as specified on permit
- c. Prior to issuance of zoning permit for any type camp the following requirements must be met. Plans and specifications shall show:
1. Entrance and exit roads, access roads and trails.
 2. Contour map showing the general layout of the entire camp.
 3. Camp buildings and service buildings.
 4. Description and sizes of camp sites and lots.
 5. Swimming facilities, including swimming pools and other bathing places
 6. Sewage disposal facility size and location.
 7. Fresh palatable water supply, type and location.
 8. Trash collection facilities and method of disposal
- d. Upon approval of the Zoning Inspector will issue a permit. Cost of permit for newly created camp will be \$500.00 permit for reclassification of camp will be \$10.00.

- e. Camps shall conform to Ohio Camp Regulations guide Part I and II as used in regulations of HE-25-01 to HE-25-43.
- f. The Zoning Inspector no longer will inspect camp grounds.

SECTION XIV

Authorized, Limited, and Prohibited Solid Waste Disposal Methods

- A. Solid wastes shall be disposed of only by the following methods or combination thereof:
 - 1. Sanitary landfill, or
 - 2. Incineration, or
 - 3. Composting, or
 - 4. Methods not mentioned by paragraphs (1) through (3) above and not prohibited by this Zoning, provided that such methods are demonstrated to the satisfaction of the County Sanitarian and the Zoning Inspector to be capable of disposing solid wastes without creating a nuisance or a health hazard, without causing water pollution, and without violating these regulations.
- B. Solid waste disposal by means of open burning other than wood burning, as defined in Chapter EP-12 of the Regulations of the Ohio EPA, is permitted only as provided therein.
- C. No person shall conduct, permit, or allow open dumping.

Solid Waste Disposal Facility Plan Approval

- A. After January 28, 1978, any person proposing to establish a new solid waste disposal facility, or proposing to substantially modify an existing solid waste disposal facility is required to submit to the Zoning Inspector in triplicate detail plans, specifications, and information relating to the facility.

Such detail plans, specifications, and information shall be drawn up in such a manner acceptable to the Zoning Inspector or his authorized representative in detail sufficient to allow clear understanding and intelligent review thereof, and to provide assurance that the site or facility is designed and will be operated in accordance with this Zoning. The method or operation of the site or facility shall be described by detail and clarity as to be readily understandable by operating personnel at the facility.

The person submitting the plans or any revision or alteration thereof shall send one copy of the plans by certified mail to the County Sanitarian within seven days after submitting such items to the Zoning Inspector shall send one copy of the plans as approved to the Zoning Board, shall return a copy to the person submitting them, and shall give ~the third copy to the Township Trustees.

- B. Detail plans; specifications, and information for sanitary landfills required by paragraph (A) above shall show by means of drawings on 24" by 36" paper, and, except where otherwise indicated, by narrative description at the margins of said paper:
1. Such identification as:
 - a. the name of the sanitary landfill, and
 - b. the precise geographical location and boundaries of the sanitary landfill, which shall be indicated on a 7 1/2" USGS topographical map and by a legal description; and
 - c. the name and address of the operator of the sanitary landfill; and
 - d. the name and address of the owner(s) of the land to be used for the sanitary landfill; and
 - e. the name and address of the person who prepared the plans; and
 2. Such site information as:
 - a. all land owned, leased, or proposed to be leased or purchased for the site; and
 - b. all existing land uses on or within 10,000 feet of the site; and
 - c. all public roads, access roads, communities, and habitable buildings on or within 5,000 feet of the site; and airport runways within 10,000 feet of the site (5,000 feet if used only by propeller-driven aircraft) (runways may be projected on a scale insert); and
 - d. the location of all existing or proposed maintenance buildings, weighing facilities, storage buildings, and buildings for the shelter or other use of employees; and
 - e. the location of existing or proposed utilities, including water, sewerage and sewage treatment, electricity, gas, and telephone or other means of communications; and any utility company easements on or bordering upon the site; and
 - f. the location of any water, oil, or gas wells; strip mines; or deep mines; within 5,000 feet of that portion of the site where waste materials are to be deposited; and the current status of each, including depth use, and, where applicable, abandonment date; and

- g. the limits of the regulatory flood plain, if applicable; and
 - h. all fencing (opaque fence will be placed back 100 feet from the road), gates and natural or other screening on the site (may be shown on an aerial photograph); and
 - i. existing topographical, topography of the area within 5,000 feet of the site, maximum depths of excavations, and final topography, with clear indications showing all portions of the site where waste materials are to be deposited. The scale on drawings required by this paragraph shall be maximum of 1 inch = 200 feet, and contour lines shall have intervals no greater than five feet; and
 - j. the location and typical cross-section of all onsite roads, and vertical profiles of each road, showing maximum grades; and
3. Such hydro geologic and surface drainage information as:
- a. the direction of flow and points of concentration of all surface waters on the site; and
 - b. drainage plans which shall show:
 - 1. grades; and
 - 2. diversion trenches; and
 - 3. special drainage devices to be used for control of surface erosion, and for disposition of ground water which outlets within the site; and
 - 4. all main existing drainage tiles (such tiles should not be broken)
 - c. a complete log (description) of each boring made during the exploratory program (may be presented in an accompanying report) showing:
 - 1. the location, depth, surface elevation, and water level measurements of all borings; and
 - 2. textural classification (Unified Soil Classification System - USCS and USDA Soil Classification); and
 - 3. grain size distribution curves for representative samples of each group of borings of similar soil composition; and

4. coefficient of permeability, based on field and /or laboratory determinations; and
- d. depth, lithology (physical character), and hydrologic characteristics of the bedrock formations encountered during the boring operations and/or which crop out on or adjacent to the site (may be presented in an accompanying report); and
 - e. the following information relating to the ground water (may be shown in an accompanying report):
 1. the depth maximum elevation of ground water; and
 2. direction of the flow of ground water; and
 3. ground water development potential of the underlying aquifer system(s), and
 4. the following information on existing ground water quality, determined by laboratory analysis of such a number of samples from such a number of wells as the County Sanitarian and Zoning Inspector deems necessary to determine existing ground water quality in the area:
 1. Temperature (measured at the time sample is collected); and
 2. Conductivity; and
 3. pH; and
 4. Total Alkalinity; and
 5. Ammonia Nitrogen; and
 6. Total Kjeldahl Nitrogen (TKN); and
 7. Nitrate Nitrogen; and
 8. Sulfate (SO); and
 9. Chloride (CL); and
 10. Total Dissolved Solids (TDS); and
 11. Calcium (Ca); and
 12. Magnesium (Mg); and
 13. Sodium (Na); and
 14. Iron (Fe); and
 15. Chemical Oxygen Demand (COD); and
 16. Total Organic Carbon (TOG); and
 17. Methylene Blue Active Substances (MBAS)

4. Such operational information as:
- a. the direction of the prevailing winds during each season
 - b. the types of waste materials that will be received (e.g. residential, commercial, industrial, hazardous, construction, demolition, mining, agricultural, other), and the anticipated average weekly quantity of each type. Semi-solid, liquid, and hazardous wastes shall be described in detail.
 - c.
 1. methods of unloading waste materials from transportation vehicles on the site; and
 2. methods of on-site handling of said waste materials; and
 3. traffic patterns on the site; and
 4. disposal methods; and
 5. the systemic use of the portions of the where waste materials are to be deposited, including the location, size, and order of use of trenches and backfill areas; and
 6. typical cross sections of the completed cells; and
 7. typical cross section of the site. A minimum of one cross section for each 300 o length and width shall be shown.
 - d.
 1. the USCS textural classification and estimated quantity of any cover material on the site; and
 2. the USCS textural classification and estimated quantity of any cover material to be brought from off site; and
 3. the location of the cover material before operations; and
 4. the handling, movement, stockpiling, and placement of the cover material during operations; and
 - e. such equipment information as:
 1. weights and types of equipment to be used to operate and maintain the facility; and
 2. the availability of any standby equipment, and/or ;an adequate contingency plan for the proper handling and disposal of waste materials in case of equipment failure; and

3. for each piece of equipment listed in (1) above, the maximum period of equipment down time before any standby equipment is placed into service; and
 - f. Areas and procedures to be used for disposal of waste materials during inclement weather; and
 - g. detailed description of any salvaging or resource recovery operations to take place at the facility; and
 - h. use of that portion of the site where waste materials are not to be deposited; and
 - i. hours of operation; and
5. Such control information as:
 - a. locations, surface elevation, depths, construction details, materials penetrated, water levels, available reports on, future plans for chemical sampling, and other relevant characteristics of all monitor wells to be used for ground water sampling and detection of leachate production and migration, where such wells are required by the County Sanitarian and the Zoning Inspector; and
 - b. such measures for the collection, containment, treatment or disposal of leachate as may be required by the County Sanitarian and the Zoning Inspector to prevent water pollution; and c. measures to be utilized for control of fire, dust, gas, scavenging, erosion, and blowing debris; and
6. Such closure information as:
 - a. how the portion of the facility where waste materials were not deposited will be blended in with the finished area where waste materials were deposited; and

- b. how the site will be closed. This information shall include descriptions of:
 - 1. composition, depth, and placement of final cover material; and
 - 2. final grades, which shall be a minimum of 0.25% and a maximum of 5%; and
 - 3. maximum height of the completed fill; and
 - 4. vegetative cover to be established; and
 - 5. means by which access to the site will be limited; and
 - 6. provisions for corrective measures in case of settling, fire, gas migration, or leachate formation; or erosion of final soil and vegetative cover after site closure; and
 - 7. intended use of the site after closure, if known.
- c. Detail plans, specifications, and information required by paragraph (a) above shall be shown on 8 1/2" X 11" paper:
 - 1. reports from such other agencies as the Zoning Inspector may require; and
 - 2. in the case of sanitary landfills, calculations showing the anticipated amount of cover material on the site; and
 - 3. in the case of sanitary landfills, calculations showing the anticipated capacity of the sanitary landfill.
- d. At the time of submission to the Zoning Inspector of detail plans, specification, and information required by paragraph (a) above, there shall be submitted to the Zoning Inspector:
 - 1. letter(s) of acknowledgment from:
 - a. the owner or lessee of any easement or right of way adjacent to or running through the facility concerning the excavation, building, or traveling over or next to the easement; and

2. copies of letters of intent to;
 - a. the government of the general purpose political subdivisions wherein the site of facility is situated, i.e. County Commissioners, legislative authority of a municipal corporation or the Board of Township Trustees; which letters shall notify the owner, agency, district, or political subdivision of the intent to establish a solid waste disposal facility, and which shall state the exact location and legal description of the area proposed for development; and
 3. a notarized statement that, to the best of the knowledge of the person who prepared the plans, the detail plans, specifications and information are true and accurate.
- e. Copies of agreements or contracts for standby equipment or cover material shall be forwarded to the County Sanitarian and the Zoning Inspector within 30 days of the signing thereof.
 - f. If detail plans, specifications, and information submitted to the Zoning Inspector or his authorized representative do not conform to paragraphs (a) through (d) above, the Zoning Inspector or his authorized representative may, within 60 days of receipt thereof, notify the person submitting said plans of the nature of the deficiency, and of the Zoning Inspector's refusal to consider the plans until the deficiency is rectified. If the Zoning Inspector is satisfied that, notwithstanding their deficiency, the detail plans, specifications, and information are sufficient to determine whether the criteria set forth in paragraphs (h) through (i) below will be satisfied, he shall consider and act upon such detail plans, specifications, and information, notwithstanding their deficiency.
 - g. If the Zoning Inspector or his authorized representative determines that information in addition to that required by paragraphs (b) through (d) above is necessary to determine whether the criteria set forth in paragraphs (h) through (i) below are satisfied, he may require that the person submitting the plans supply such information as a precondition to further consideration of the detail plans, specifications, and information.
 - h. The Zoning Inspector shall not approve any detail plans, specifications, and information unless he determines that:
 1. establishment of modification and operation of the solid waste disposal facility will not create a nuisance or a health hazard, and will not cause water pollution; and

2. the person identified as the operator of the solid waste disposal facility is competent and qualified to operate the solid waste disposal facility; and
 3. the sanitary landfill is not located in a floodway.
- i. The County Sanitarian and Zoning Inspector shall not approve plans for a sanitary landfill under any of the following conditions:
1. the sanitary landfill is not located in a regulatory flood plain outside of a floodway; or
 2. the sanitary landfill is not located in a sand or gravel pit; or
 3. the sanitary landfill is not located in a limestone quarry or a sandstone quarry; or
 4. those portions of the sanitary landfill where materials are to be deposited will be located within 1500 feet of a water well in existence on the date the plans were received by the Zoning Inspector; or
 5. those portions of the sanitary landfill where waste materials are to be deposited will be located within 300 feet of a stream or lake; or
 6. the seasonal high ground water table and the lowest level of waste materials in the sanitary landfill will be separated by less than 5 feet of soil of low permeability; or
 7. the seasonal high ground water table will be less than 5 feet below the existing surface of the site.
- j. Appeals from disapproval of detail plans, specifications, and information may be made only in accordance with Section X of the Zoning Regulations.

Incinerator and Composting Operations

- A. The operator shall insure that all waste materials delivered to the incinerator are placed into the charging pit as soon as practicable, except waste materials not intended to be incinerated.
- B. All incinerators shall be operated in strict compliance with Ohio Revised Code Chapters 3704 and 6111 and all regulations adopted by the Zoning Inspector pursuant to those Chapters.

- C. The site for and method of incinerator residue disposal or use shall be approved by the Zoning Inspector in order to insure that the method of disposal or use will not cause water pollution, create a nuisance or a health hazard.
- D. Waste materials intended for composting shall be maintained in a condition free of nuisance, insects, and rodents prior to, during, and after the composting operation.

Operation of Solid Waste Disposal Facilities

- A. All operations shall be conducted in strict compliance with approved detail plans, specifications, and information and terms and conditions of the permit.
- B. All weather access roads shall be constructed and maintained in such a manner as will withstand the anticipated degree of use and allow passage of loaded refuse vehicles at all times, with minimum erosion and dust generation.
- C. The operator shall not permit access to the facility by persons other than employees of the facility except during operating hours when operating personnel are present. The operator shall at all times limit access to the facility as necessary to prevent scavenging or salvaging operations not conducted in accordance with paragraph (J) below, and as necessary to prevent interference with proper operating procedures. This paragraph shall not apply to the County Sanitarian or the Zoning Inspector or their authorized representative, who upon proper identification may enter the facility at any reasonable time, subject to safety requirements.
- D. The operator of a facility shall not admit waste materials to any area of the facility until all site preparation for that area have been completed, all necessary equipment brought to the facility, the facility adequately prepared for operation, 12: of top soil removed to be used as final cover soil and the prepared site inspected by the Zoning Inspector, the Township Trustees and Zoning Commission.
- E. The operator shall confine unloading of waste materials to the smallest practical area and shall insure that unloading is supervised by competent operating personnel.
- F. The operator shall employ all reasonable measures to collect, properly, contain, and dispose of scattered litter including the use of portable wind screens where necessary, and frequent policing of the area.
- G. The operator shall manage the facility in such a manner that noise, dust, and odors are strictly controlled so as not to cause a nuisance or a health hazard.
- H. The operator shall manage the facility in such a manner that the attraction, breeding, and emergence of insects, rodents, and other vectors (meaning anything, man or animal, that carries off things) are strictly controlled so as not to cause a nuisance or health hazard. The operators shall initiate supplemental effective vector control measures as deemed

necessary by the County Sanitarian or the Zoning Inspector or his authorized representative.

- I. The operator shall operate the facility in such a manner that operation does not create a nuisance or a health hazard and does not cause water pollution.
- J. Salvaging may be conducted only in a manner specified in plans submitted to and approved by the Zoning Inspector.
- K. The operator shall exclude live domestic and farm animals from the operating areas of the facility, except for animals employed for security purposes.
- L. The operator shall have adequate fire control equipment, material, and services available at or to the facility and shall act immediately to control or extinguish any fire.
- M. The operator shall keep a daily log of operations of the facility. Logs shall be on forms prepared by the County Sanitarian. All entries required by the log form shall be made. A copy of the log shall be available for inspection by the Zoning Inspector or his authorized representative during normal operating hours. When required by the Zoning Inspector or his authorized representative, log forms or summaries of daily logs shall be submitted to the Zoning Inspector and/or the County Sanitarian on forms prepared by the County Sanitarian.
 - 1. Such logs will be maintained by all licensed refuse persons.
- N. All operations at solid waste disposal facilities shall be carried out by individuals who are thoroughly familiar with proper operational procedures and with the approved detail plans, specifications, and information.
- O. A copy of the approved detail plans, specifications, and information shall be available and may be inspected by the Zoning Inspector, the Township Trustees and the Zoning Commission during normal operating hours.
- P. The operator shall insure that operable equipment adequate size and quantity for the operations of the facility will be available at all times, or that an appropriate contingency plan is prepared to properly handle and dispose of waste materials in case of equipment failure.
- Q. Vegetation occurring on the site shall be cleared only to the extent necessary for proper operation of the facility. This land may be farmed during operation.

Sanitary Landfill Operations

- A. Temporary roads shall be constructed and maintained on the site in a manner that allows passage of loaded refuse vehicles and other heavy vehicles with minimum erosion and dust generation.
- B. The operator shall make such preparations, that, during inclement weather, the sanitary landfill is able to receive, compact, and cover waste materials in the amounts customarily received. The preparations shall include, but need not be limited to, designation and preparation of areas where waste materials will be deposited, compacted, and covered during inclement weather; construction and maintenance of all-weather roads leading from the point at which loaded refuse vehicles enter the site to the inclement weather areas; and stockpiling or cover materials.
- C.
 - 1. No operator of a solid waste disposal facility shall accept sewage solids, semi-solids, or liquids; other semi-solid or liquid wastes; or hazardous wastes, unless detail plans for such disposal have been approved by the County Sanitarian. Plans shall be approved only if the applicant demonstrates to the County Sanitarian's satisfaction that disposal of the above types of waste materials in the manner proposed will not cause water pollution or create a nuisance or a health hazard.
 - 2. The Zoning Inspector shall review plans approved under previous paragraph and modify or attach additional conditions and requirements to such plans, or may revoke the approval to accept sewage solids, semi-solids, or liquids, other semi-solid wastes or hazardous wastes, whenever necessary to prevent water pollution or the creation of a nuisance or a health hazard.
 - 3. Whenever plans or detail plans have been approved or permits issued as required in paragraph (1) above, all activities authorized thereby shall be conducted in strict accordance with such plans and the terms and conditions of such permits. No sanitary landfill shall receive sewage solids, semi-solids, and liquids; ;other semi-solids and liquids; or hazardous wastes at rates materially in excess of those specified in the plans, detail plans or permits; or of a materially different character from that specified in the plans, detail plans, or permits.
 - 4. The Zoning Inspector and County Sanitarian shall be consulted prior to approval of such detail plans and issuance of such permits.
- D. Except as provided in paragraph (E) below, the operator shall insure that all waste materials admitted to the site are deposited at the working face and spread in layers not more than two feet in depth and compacted to a minimum of 1100 lb. per cu yd. During periods when inclement weather prevents compliance with the preceding sentence, the waste materials shall be deposited at the area prepared in accordance with paragraph (B) above.

Waste materials that are burning, highly flammable, or at a temperature likely to cause fire shall not be deposited at the working face. Such material shall be deposited in a separate location at a sufficient distance from the working face to prevent fires from spreading to the working face; shall be immediately covered with a sufficient amount of earth or other material, or sprayed with water or other appropriate fire suppressant, in order to extinguish or prevent fire; and shall be placed in a cell when cooled.

- F.
1. A well compacted layer of cover material not less than six inches thick shall be placed over all exposed waste materials by the end of the working day, unless paragraph (2) below applies. In no event shall solid wastes be exposed for more than 24 hours after unloading. Cover material shall be applied more frequently than required by the preceding sentences if necessary to control fire or fire hazards, blowing litter, odors, insects, or rodents.
 2. A well compacted layer of cover material at least one foot thick shall be applied by the end of the working day to all exposed surfaces of a cell where additional waste materials are to be deposited 30 days or more after completion of the cell.
 3. A well-compacted layer of final cover material shall be applied to all exposed surfaces of a cell upon reaching final elevation. The final cover material shall be applied in such amounts that all waste materials are covered to a depth of at least two feet with the top one foot being of a soil originally there. The completed area shall be seeded with such grasses or other vegetation as will form a complete and dense cover, which seeding shall be done as many times as necessary to insure compliance with this requirement. Weather permitting; application of final cover and seeding shall be accomplished within 60 days of reaching final elevation unless the land is to be returned to farming the next season.
- G. The operator shall install such a number of monitor wells in such locations as the Zoning Inspector or the County Sanitarian deems necessary to determine the effect of the facility upon the quality of ground water. Each monitor well and/or such other wells as the Zoning Inspector or his authorized representative or the County Sanitarian deems necessary to determine the effect of the facility upon the quality of ground water shall be pumped for one hour each day and shall be sampled every April and October for the following substances:
1. Chloride (Cl)
 2. Chemical Oxygen Demand (COD)
 3. Total Organic Carbon (TOC)
 4. Total Dissolved Solids (TDS)
 5. Methylene blue Active Substances (MBAS)

Where the Zoning Inspector or his authorized representative or the County Sanitarian determines that a substantial threat of water pollution exists, he may require more frequent sampling and may require sampling for additional substances.

All monitor wells installed shall conform to Marion County's standard well configuration.

- H. If leachate is detected on the site, or is draining from the site, in such quantities that the Zoning Inspector or his authorized representative or the County Sanitarian believes, based on a review of geologic, hydro logic, engineering and other factors, that a substantial threat of water pollution exists:
1. a. leachate shall be contained on the site and property treated, or
b. leachate shall be collected and transported from the site and properly treated, and
 2. action shall be taken to minimize, control or eliminate the conditions which contribute to the production of leachate.
- I.
1. Surface waters on the site shall be diverted from the portion of the site where waste materials are being or have been deposited. The landfill shall be properly graded and provided with such additional drainage facilities as are necessary to insure minimal percolation of water through the cover material and minimal erosion of the cover material.
 2. If ponding or erosion occurs on those areas of the site where waste materials are being or have been deposited, the operator shall as soon as weather permits undertake such remedial actions as the County Sanitarian or the Zoning Inspector deems necessary to eliminate the ponding or erosion.
 3. A well-compacted layer of final cover material shall be applied to all exposed surfaces of a cell upon reaching final elevation. The final cover material shall be applied in such amounts that all waste materials are covered to a depth of at least two feet with the top one foot being of a soil originally there. The completed area shall be seeded with such grasses or other vegetation as will form a complete and dense cover, which seeding shall be done as many times as necessary to insure compliance with this requirement. Weather permitting, application of final cover and seeding shall be accomplished within 60 days of reaching final elevation unless the land is to be returned to farming the next farming season.
 4. All cover material required by paragraphs (1) through (3) above shall consist of non-putrescible materials having low permeability to water, good comparability, cohesiveness, and relatively uniform texture. Such cover material shall not contain stone, cobbles, boulders or other large objects in such quantities as may interfere with its application and intended purposes. Suitable cover materials

include, but may not be limited to, loam, sandy loam, silty loam, silty clay and sandy clay. Other soil classifications may be used if it can be demonstrated to the satisfaction of the Zoning Inspector or his authorized representative or the County Sanitarian that such other soil classifications meet the requirements of this paragraph. In determining whether to allow the use of other soil classifications, the Zoning Inspector or his authorized representative or the County Sanitarian may require a sieve analysis and/or a permeability test to be conducted.

- J. The operator of each solid waste disposal facility in existence on or before January 28, 1978 shall submit to the Zoning Inspector and County Sanitarian an operational report for the facility. This operational report shall include a notarized statement that, to the best of the operator's knowledge, the information set forth in the operating report is true and correct. This operating report shall include the following information:
1. a map or aerial photograph on which is indicated:
 - a. all the property owned and/or leased for the facility, which map or aerial photograph shall include all areas within 10,000 feet of such facility; and
 - b. all areas where waste materials have been, are being, or will be deposited and
 - c. all areas used for related operations, such as excavating or stockpiling of cover material; and
 - d. the area and depth of all active and proposed excavations; and
 - e. the proposed final topography of the facility.
 2. a narrative description of:
 - a. if any area is being excavated prior to deposit of waste materials, the specific criteria which will determine the maximum depth of excavation (for example, "This area will be excavated to the upper surface of the Bedford shale."); and
 - b. current methods of operation, including:
 1. methods of receiving and unloading loaded vehicles; and
 2. orientation and location of daily cells; and

3. procedures and techniques for compacting and covering waste materials; and
 4. methods, if any, used for control of odors, noise, litter, and leachate; and
 5. weights and types of equipment used to operate the site or facility; and
 6. types of wastes received and approximate weekly quantity of each type; and
- c. a description of how the facility will be closed.
- K. If detail plans, specifications and information are disapproved, and all remedies for such disapproval have been exhausted or waived by failure to timely pursue such remedies, the operator shall cease receipt of waste materials not later than 60 days after such disapproval becomes effective.
- L.
1. when a large earth crack, abandoned earthen or piped water well is uncovered, excavation shall cease at once.
 2. The Zoning Inspector, County Sanitarian, County Sanitary engineer, and County Board of Health shall be called or notified of problem at once.
 3. It is assumed "surface" in the following paragraph is the bottom of the landfill excavation.
 - a. The hole or well casing shall be filled to the surface with grouting material such as bentonite or cement with a 3% mixture or aquagel.
 - b. The grout shall be "pumped into place" starting at the bottom of the hole.
 - c. After the hole has been pumped full to the surface a pad of concrete eight feet (8') in diameter shall be poured using 5 1/2 bags of cement per cubic yard of mix, to be placed four inches (4") below the top of the casing, after the outside of the casing has been properly cleaned, and four inches (4") above the top of the casing. A total of eight inches concrete depth with a mat of half inch concrete rods placed one foot apart in each direction in the center of the concrete.
 - d. The contractor to fill the hole must be licensed and approved by the Board of Health having jurisdiction before undertaking the closure.

- e. The Board of health and at least one of the other bodies named in paragraph (2) shall be present at all times during the operation.

Closure of Sanitary Landfills

- A. Closure of a sanitary landfill shall be deemed to occur if:
 - 1. the operator declares the facility closed; or
 - 2. a solid waste disposal permit held by the sanitary landfill expires, and no further permit has been applied for; or
 - 3. a solid waste disposal permit held by the sanitary landfill has expired, a further permit has been applied for and denied, and all remedies for such denial have either been exhausted or waived by timely failure to pursue such remedies; or
 - 4. a solid waste disposal permit held by the sanitary landfill has been suspended or revoked and all remedies for such revocation or suspension have either been exhausted or waived by timely failure to pursue such remedies; or
 - 5. detail plans, specifications and information submitted as required are disapproved and all remedies for such disapproval have either been exhausted or waived by failure to timely pursue such remedies.
- B. If closure will occur as described in paragraph (A-1) or (A-2) above, notice of intent to close the sanitary landfill shall be provided to the County Sanitarian, Township Trustees, Zoning inspector and the Zoning Commission.
- C. Not later than 60 days after closure of a sanitary landfill, the operator shall complete the following actions:
 - 1. All waste materials deposited in the sanitary landfill shall be covered with a least two feet of soil; the top one foot being the top soil from the original site; and
 - 2. The site shall be seeded with such grasses or other vegetation as will grow to form a complete and dense cover, which seeding shall be done as many times as necessary to insure compliance with this requirement unless the land is to be used for farming the next season; and
 - 3. All land surfaces shall be graded to slopes of no less than .25% and no greater than 5%; and
 - 4. All land shall be graded and drainage facilities shall be provided so as to direct surface water off the site and not allow ponding of water on the site; and

5. Ventilation structures shall be installed and maintained as necessary to control gas migration; and
 6. The site shall be baited for rodents and treated for other vectors if necessary; and
 7. Except for facilities receiving only wastes generated on the premises where the facility is located, signs stating in letters not less than three inches high that the facility is permanently closed shall be posted in such a manner as to be easily visible from all access roads leading onto the site, which signs shall be maintained legible condition for not less than two years after closure of the site; and
 8. A plat of the site shall be filed with the County Sanitarian and Zoning Inspector, which plat shall accurately locate and describe the completed site and include information relating to the area, depth, volume and nature of the waste materials deposited in the sanitary landfill; and this information shall also be placed on the deed.
- D. The County Sanitarian and the Zoning Inspector or his authorized representative, upon proper identification may enter any closed sanitary landfill at any reasonable time for the purpose of determining compliance with his regulation.
- E. If, within three years after closure, settling occurs to such an extent that ponding of water occurs on those portions of the site where waste materials are deposited, the operator, owner, or lessee shall promptly regrade the site and/or add additional cover material and re-seed as necessary to eliminate the ponding.
- F. If, within five years after closure, cracking or erosion of the cover material occurs to such an extent that water may enter the cells, the operator, owner, or lessee shall promptly regrade the site and or add additional cover material, and re-seed as necessary to eliminate the cracking and erosion.
- G. All monitor wells required by this Chapter shall be maintained by the operator, owner or lessee in such condition that water samples may be obtained for a period of ten years after closure.
- H. If, within the ten year monitoring period required by paragraph (G) above, leachate is detected on the site, or is draining from the site, in such quantities that the Zoning Inspector or the County Sanitarian believes that a substantial threat of water pollution exists,
1. a. leachate shall be contained on the site and properly treated, or

- b. leachate shall be collected and transported from the site and properly treated, and
- 2. action shall be taken to control, minimize, or eliminate the conditions which contribute to the production of leachate, and
- 3. monitor wells shall be maintained by the owner, operator or lessee in such condition that water samples may be obtained.

Actions required by this paragraph shall be continued until the Zoning Inspector or his authorized representative or the County Sanitarian is satisfied that actual or potential pollution or ground or surface water has been effectively controlled, minimized or eliminated.

Waivers

- A. If both the County Sanitarian and the Zoning Inspector or his authorized representative determine that a natural disaster or other catastrophic occurrence justifies temporary noncompliance with the Regulation, they may grant an oral waiver thereof. Requests for such waivers shall be justified in writing by the applicant within fifteen days after the granting thereof. Waivers shall be confirmed in writing by the County Sanitarian and the Zoning Inspector as soon as practicable, and in no case more than thirty days after the waiver is granted.
- B. In granting any waiver, the Zoning Inspector shall state with precision the provision or provisions of the regulations a waiver of which is being granted, and shall also state with precision any terms or conditions imposed upon the applicant in place of compliance with the provision or provisions a waiver of which is being granted, and may also, where appropriate, specify the time period for which the waiver is being granted.
- C. The Zoning Inspector shall grant a waiver only if the applicant demonstrates to the Zoning Inspector's satisfaction that construction and/or operation of the solid waste disposal facility in the manner allowed by the waiver and any terms or conditions imposed as part of said waiver will not cause water pollution, will not create a nuisance or a health hazard, and will not result in a violation of any of these regulations.
- D. The Zoning Inspector shall issue a proposed or final action to grant or deny any requested waiver within ninety days of the date on which a complete application for a waiver is received.

Solid Waste Disposal Permit Required

- A. No person shall operate a solid waste disposal facility unless such person holds a valid and unexpired solid waste disposal permit for such facility issued by the Zoning Inspector.

- B. No solid waste disposal permit shall be issued until the facility has placed a bond of \$5,000,000 and paid the Zoning Inspector a permit fee of ten cents (\$.10) per ton of refuse; the payment being made to the Zoning Inspector by the 10th of the following month.
- C. The solid waste disposal permit must be renewed each year.
- D. A copy of the permit shall be posted in a prominent location at the facility and shall be subject to inspection by any person during normal operating hours.

Solid Waste Disposal Permit Application

- A. An incomplete application shall not be considered. Within thirty days of the receipt of an incomplete application, the applicant shall be notified of the nature of the deficiency and of refusal by the Zoning Inspector to consider the application until the deficiency is rectified and the application completed.
- B. Application for solid waste disposal permits shall be signed
 1. in the case of political subdivisions, by the chief administrative officer or contractual officer of said subdivision; or
 2. in the case of corporations, by the corporate officer having direct responsibility for the facility; or
 3. in the case of organizations other than corporations by an equivalently responsible individual; or
 4. in all other cases, by the operator.
- C. Application for solid waste disposal permits shall be made prior to start-up.
Any permit application not filed in the manner set forth shall not be considered.

Expiration of Permits

- A. All solid waste disposal permits shall expire one year from date of issue.
- B. There shall not be any transfer of permits.

Exemptions

This Zoning shall not apply to:

1. solid wastes generated on the premises of a single family residence, or

2. the temporary storage of solid wastes. For purposes of these regulations, temporary storage of putrescible solid wastes not to exceed seven days, in the judgment of the County Sanitarian or the Zoning Inspector or his authorized representative, such storage causes a nuisance or a health hazard, shall be considered open dumping.
3. sites and facilities for feeding garbage to swine or poultry, and ,governed by Ohio Revised Code Chapter 942, or
4. any “junk yard,” “automobile graveyard,” or “scrap metal processing facility,” as defined by ORC Section 4737.05. This exemption shall not be construed to include sanitary landfills or garbage dumps.

SECTION XV

Definitions

- A. **Intent** - The following terms shall have, throughout this text, the meaning given herein:
1. The word "shall" is to be interpreted as mandatory and not directory; the word may is permissive.
 2. All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicated the contrary.
 3. The word "Township" shall mean Big Island Township, Marion County, Ohio; the term "Commission" shall mean the Zoning Commission of said Township; the term "Board" shall mean the Board of Zoning Appeals of said Township; and the term "Trustees" shall mean the Board of Township Trustees of said Township. The term "Zoning Inspector" shall mean the zoning inspector of said Township.
- B. **Areas**
1. Area of Buildings - that area at the ground level of the main building and all accessory buildings (excluding unenclosed porches, terraces and steps) measured from the outside surface of exterior walls.
 2. Area of Lot the total horizontal area within the lot boundary lines of a zoning lot.
- C. **Structure** - that which is constructed, located more or less permanently on the ground or attached to something located on the ground.
1. Including: building, barriers, bridges, bulkheads, coal bunkers, fences, outdoor seating facilities, platforms, pools, poles, tanks, above or below ground, tents, towers, roadside stands, sheds, signs and walls.
 2. This definition shall not be construed as to prohibit those items generally known as improvements of a residential lot, such as picnic areas, fireplaces, patios, clothes-lines, TV antennas, decorative or restraining fences, not to exceed five feet in height, items erected for the entertainment or amusement of children such as tents, swings, slides, or other playground equipment.
 3. Excluding trailers or other vehicles whether on wheels or other supports.

Building - a structure which is permanently affixed to the land, has one or more floors and a roof, is bounded by either open space or lot lines, and used as a shelter or enclosure for persons, animals, and/or property. This term shall be used synonymously with “structure” unless otherwise noted, and shall be construed as if followed by the words “or parts thereof.”

Main Building- the building occupied by the chief use of activity on the premises, all parts of which are connected in a substantial manner by common walls or a continuous roof.

Accessory Building - a subordinate building detached from, but located on the same zoning lot -as the main building, the use of which is customarily incident to that of that main building or use.

Building Line - (Synonymous with set back line) - a line established by this resolution, generally parallel with a lot line, defining the limits of a yard in which no building or structure above ground may be located, except as otherwise provided.

D. **Dwellings and Other Living Accommodations**

1. **Dwelling Unit** - Space, within a dwelling, comprising Living, dining, sleeping room or rooms, storage closets, as well as space and equipment for bathing and toilet facilities - all used by only one family.
2. **Dwelling** - A building designed or occupied exclusively for not-transient residential use (including one family, buildings).
3. **One-Family Dwelling** - A building consisting of one unit only, detached or separated from other dwelling units by open space.
4. **Rooming House** - A building operated by a resident family accommodating for compensation, one to four (inclusive) persons by the week, or for a more extended period of time.
5. **Tourist House** - A one-family dwelling, operated by a resident family in which only overnight guests are lodged for compensation.

E. **Family** - Either an individual, two or more persons who live together in one dwelling unit and maintain a common household, related by blood, marriage or adoption.

F. **Home Occupation and Professional Offices**

1. **Home Occupation** - A gainful occupation clearly incidental and secondary to the use of the dwelling for residential purposes, conducted wholly within a dwelling, or in a building accessory thereto, only by members of the resident family.

2. **Home Professional Office** - Secondary office clearly accessory to and located in the dwelling occupied by a person practicing in any of the recognized professions (including accountant, architect, artist, engineer, lawyer, musician, physician).
- G. **Junk or Auto Wrecking Yard** - Land used to dismantle more than one motor vehicle or trailer, or land used to store, sell or dump partly dismantled, obsolete or wrecked vehicles or their parts, second-hand building materials, junk, paper, containers or other salvaged materials.
- H. **Lot**
1. **Zoning Lot** - a single tract of land abutting a dedicated street, occupied or intended to be occupied by a use, building or group of buildings and their accessory used and buildings as a unit, together with such open spaces as are required by this resolution (it may not coincide with a lot of record). Unless the context clearly indicates the contrary, the term lot is used synonymously with zoning lot throughout this resolution.
 2. **Corner Lot** - a lot abutting on two streets at their intersections, where the interior angle or intersection is not more than 135 degrees.
 3. **Interior Lot** - a lot other than a corner lot or through lot.
 4. **Front Lot Line** - the lot line separating an interior lot from the street on which it abuts; or the shortest lot line of a corner lot which abuts a street.
 5. **Lot Depths** - the mean horizontal distance of a lot measured between the front and rear lot lines.
 6. **Lot Widths** - the horizontal distance of a lot measured along the building line at right angle to the mean lot depth line.
- I. **Nonconforming Building and Use**
1. **Nonconforming Building** - a building existing lawfully at the time this resolution, or an amendment thereto, became effective but which does not conform to the use regulations of the district in which it is located.
 2. **Nonconforming Use**- the use of a building or land existing lawfully at the time this resolution, or an amendment thereto, became effective but which does not conform to the use regulations of the district in which it is located.
- J. **Roadside Stand** - a removable structure used only, or intended to be used, only for the sale of seasonal agricultural products produced on the premises.

K. **Signs**

1. **Sign** - a structure or part thereof, of any device attached to a structure or painted or represented on a structure, which shall display or include any letter, word, model, banner, pennant, insignia, device, or representation used as, or which is in the nature of, an announcement, direction or advertisement.
2. **Business Sign** - a sign which directs attention to a business, commodity, service or profession conducted, sold or offered upon the same lot.
3. **Real Estate Sign** - a "for sale" or "for rent" sign relating to and located on the zoning.
4. **Advertising Sign** - a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning lot (including billboard).

L. **Street** - An existing public way shown upon a plat heretofore approved by official action and duly filed and recorded and affording the principal means of access to abutting property.

M. **Trailers**

1. **House Trailers** - a self propelled or non-self propelled vehicle so designed, constructed, or added to by means of accessories in such manner as will permit the use and occupancy therein for human habitation whether resting on wheels, jacks or other foundations and used or so constructed as to permit its being used as a conveyance upon the public highways.
2. **Trailer Park or Tourist Camp** - any premise occupied by, or designed to be occupied by more than one family in house trailers, tents, camp cars or similar facilities, and shall include roadway, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such house trailer park.

N. **Use**

1. **Use** - any propose for which buildings, other structures or land may be arranged, designed, intended maintained, or occupied, or any occupation, business, activity or operation carried on in a building, other structure or on land.
2. **Main Use** - the principal purpose or activity of a building, other structure of zoning lot.
3. **Accessory Use** - a use located on the same lot with the main use of building or land but incidental to the main building or land.

- O. **Variance** - A modification of this resolution, permitted in instances where a literal application of these provisions would result in undue hardship as a result of some peculiar or unique condition or circumstance pertaining only to the zoning lot in question.
- P. **Yards**
1. **Yard** - that portion of the open area on a zoning lot extending between a building and the nearest lot line, open and unobstructed from the ground upward.
 2. **Front Yard** - the yard extending from the front wall of the building to -the front lot line across the full width of the lot.
 3. **Rear Yard** - the yard extending from the rear wall of the building to the rear lot line across the full width of the lot.
 4. **Side Yard** - the yard extending between a side lot line and the nearest wall of the building, and from the front yard to the rear yard; provided, that for a corner lot, the side yard extends from the front yard to the rear lot line on the street side.
 5. **Required Yard** - the minimum yard required between a lot line and a line for a building, to comply with the regulations of the district in which the zoning lot is located.
- Q. **Agriculture** - The use of land for farming including dairying, pasturage, horticulture, viticulture, animal and poultry husbandry. Use shall be classified as agriculture only if it is the principal or main use of the land.
- R. **Public Use** - A tract of land or a building or a structure and its site which is owned by a local, state or Federal Government, including parks, cemeteries, schools, libraries, buildings for governmental offices, auditoriums, museums, zoos, and similar uses, but not including buildings or sites used for purposes of industrial nature, such as utility yards, equipment storage and power plants, and not including airports or other uses listed specifically as permitted or as prohibited in certain districts.
- S. **Public Utility Facilities** - Facilities involved in the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems reasonably necessary for the furnishing of adequate community-wide service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings used solely for administrative purposes. Public utility services shall be deemed to exclude customarily accessory telephone, electrical, gas, sewer, or water connections to individual properties.

- T. **Semi-Public Use** - A use of the type defined as a public use, owned or operated permanently by a non-profit organization or agency which is general public use.

Definitions - Landfill Zoning

- A. **“Cell”** means compacted waste materials in a sanitary landfill that are enclosed by cover materials.
- B. **“Composting”** means the controlled biological decomposition of organic solid wastes under aerobic conditions. for purposes of this zoning, composting shall be considered a form of solid waste disposal.
- C. **“Facility”** means any site, location, tract of land, installation, or building used for the incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes.
- D. **“Floodway”** means the channel of the watercourse and those positions of the adjoining flood plains which are required to convey the regional 100 year flood.
- E. **“Groundwater”** means any water below the surface of the earth in a zone of saturation
- F. **“Hazardous wastes”** means those substances which, singly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which, singly or in combination, require special handling, processing, or disposal, because they are or may be flammable, explosive, reactive, corrosive, toxic, infectious, carcinogenic, bioconcentrative, or persistent in nature, potentially lethal, or an irritant or strong sensitizer.
- G. **“Incinerator”** means any equipment, machine, device, article, contrivance, structure, or part of a structure used to burn solid wastes.
- H. **“Leachate”** means the substance that results when any liquid percolates through solid waste and extracts dissolved or suspended materials from it.
- I. **“Open dumping”** means the depositing of solid wastes into waters of the township, and also means the final depositing of solid wastes on or into the ground at any place other than a solid waste disposal site.
- J. **“Nuisance”** means anything which is injurious to human health or offensive to the senses; interferes with the comfortable enjoyment of life or property; and affects a community, neighborhood, or any considerable number of persons (although the extent of annoyance or damage inflicted upon individual persons may be unequal).

- K. **“Operator”** means the person responsible for the direct control of operations at a solid waste disposal facility.
- L. **“Owner”** means the person who holds the title to the property on which the solid waste disposal facility is located.
- M. **“Person”** means the state, any political subdivision, public or private corporation, individual, partnership, or other entity.
- N. **“Regulatory Flood Plain”** means a watercourse and the areas adjoining a watercourse which have been or may be covered by a regional flood (100 year flood). The regulatory flood plain includes the floodway and the fringe areas of the flood plain outside the floodway.
- O. **“Resource recovery”** means the extracting, removing, or reclaiming of valuable materials and/or energy from solid wastes.
- P. **“Sanitary landfill”** means a land disposal site employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying a compacting cover material daily.
- Q. **“Solid wastes”** means such unwanted residual solid or semi-solid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, and slag and other substances which are not harmful or inimical to public health, and includes, but is not limited to, garbage, combustible and non-combustible material, street dirt, and debris.
- For purposes of this definition, "material from construction operations" and "material from demolition operations" are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation material.
- For purposes of this definition, solid wastes includes bulky items such as automobiles, furniture, bed springs, and large appliances.
- For purposes of the definition, “semi-solid” means that the material in question, while cohesive and viscous slowly flows or loses its shape when unconfined, and does not readily release liquids, under normal climatic conditions.
- R. **“Solid waste disposal”** means the final disposition of solid wastes.
- S. **“Surface water”** means any water on the surface of the earth.

- T. **“Unwanted material”** means a substance generated by an activity, entity, or person who wishes to be rid of said substance.
- U. **“Waste materials”** means solid wastes, hazardous wastes, and any other substance being disposed of at a solid waste disposal facility.
- V. **“Water Pollution”** means
1. In the case of any surface waters of the state, entrance of any substance into such waters in such quantities as to cause a violation of any water quality standards set forth in Chapter EP-1 of the Regulations of the Ohio EPA, or any violation of ORC Sec 1531.29; and
 2. in the case of any underground waters of the state, the entrance of any substance into such waters in such quantities as to prevent or materially interfere, either immediately or cumulatively, with any use of such waters otherwise possible, or in such quantities as would require such waters to be treated prior to use.
- W. **“Waters of the state”** means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, which are situated wholly or partly within, or border upon, this state or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surfaces or underground waters.
- X. **“Working face”** means that portion of a sanitary landfill where solid wastes are unloaded, spread, and compacted prior to placement of cover materials.
- Y. All paragraphs where reference is made to "County Sanitarian," the "County Sanitary Engineer" shall be included.

Big Island Township

IN THE MATTER OF A RESOLUTION TO REGULATE THE STORAGE OF JUNK MOTOR VEHICLES

The aforesaid matter came on for consideration and was adopted.

Resolution

WHEREAS, townships have been granted authority pursuant to R.C. 505.173 to regulate the storage of junk motor vehicles on private or public property within the unincorporated area of the township.

NOW THEREFORE BE IT RESOLVED that the storage of junk motor vehicles on private or public property in Big Island Township shall be prohibited except as provided in this resolution.

BE IT FURTHER RESOLVED that the definition of “junk motor vehicles” means any motor vehicle meeting all of the following requirements:

- A. Three (3) years or older;
- B. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
- C. Apparently inoperable;
- D. Having a fair market value of Four Hundred Dollars (\$400) or less.

BE IT FURTHER RESOLVED that this resolution shall in no manner restrict the operation of a scrap metal processing facility licensed under authority of Sections 4737.05 to 4737.12 of the Revised Code; the operation as a motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor vehicle pool of a person licensed under Chapter 4738 of the Revised Code; or the provision of towing and recovery services conducted under 4513.60 to 4513.63 of the Revised Code, including the storage and disposal of junk motor vehicles removed from public or private property in accordance with those sections;

BE IT FURTHER RESOLVED that this resolution shall not prevent a person from storing or keeping or restrict him in the method of storing or keeping, any collector's vehicle on private property with permission of the person having the right to the possession of the property except that a person having such permission shall be required to conceal, by means of buildings, fences, vegetation, terrain,

or other suitable screening any unlicensed collector's vehicles stored in the open. Such concealment shall be sufficient so that said vehicle will not be visible by anyone engaged in the normal use of an adjoining property or by anyone operating a motor vehicle upon any public highway;

BE IT FURTHER RESOLVED that this resolution shall not prevent a person from storing or keeping up to two junk motor vehicles on private property with permission of the person having the right to the possession of the property except that a person having such permission shall be required, to conceal, by means of buildings, fences, vegetation, terrain, or other suitable screening stored in the open, or concealed and stored inside a building. Such concealment shall be sufficient so that said vehicle will not be visible by anyone engaged in the normal use of an adjoining property or by anyone operating a motor vehicle upon any public highway;

BE IT FURTHER RESOLVED that this resolution shall be enforceable as set forth in R.C 505.173(B & C).

BE IT FURTHER RESOLVED that this resolution shall be severable and if any part of this resolution is determined to be unconstitutional, then that portion is to be severed and the rest to remain in full force and effect.

Roll Call resulted as follows: Ayes: Schaber, Uhl, Thacker
Nays: -0-

WHEREUPON, the Resolution was declared adopted on April 11, 1995.

Attest, _____ Clerk
Charles Fogle

Driveway Culvert Standards

New Construction Drainage:

A 10 inch by 30 foot or larger double wall plastic or steel driveway culvert will be required. Drainage must be approved at the time of obtaining a zoning permit.