

VILLAGE OF WEST SALEM, OHIO

ZONING ORDINANCE

REVISED - 1986

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ZONING REGULATIONS
OF
THE VILLAGE OF WEST SALEM, OHIO
ORDINANCE NO. 86-08

AN ORDINANCE OF THE VILLAGE OF WEST SALEM, OHIO, ENACTED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 713 (303,519), OHIO REVISED CODE, DIVIDING THE VILLAGE INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND, PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS, PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES, LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAYS, PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND, PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE, DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS ORDINANCE OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT AND GENERAL WELFARE, AND FOR THE REPEAL THEREOF,

THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WEST SALEM, STATE OF OHIO:

ARTICLE 1 - TITLE, INTERPRETATION AND ENACTMENT

SECTION 1

This Ordinance shall be known and may be cited as the Zoning Ordinance of the Village of West Salem, Ohio.

SECTION 2

Provisions of Ordinance Declared to be Minimum Requirements: In their interpretation and application, the provisions of this ordinance shall be held to be of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

SECTION 3

Separability Clause: Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4

Repeal of Conflicting Ordinance, Effective Date: All ordinances or parts of ordinances in conflict with zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

ARTICLE 2 - DEFINITIONS

For the purpose of this ordinance, certain words and terms are herewith defined:

Words in the present tense include the future; the singular includes the plural and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

SECTION 1

Accessory Building or Accessory Use: A subordinate building or use located on the same lot with and customarily incidental to the use or building.

SECTION 2

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasture, agriculture, horticulture, floriculture and animal and poultry husbandry, and the necessary/excessory uses; provided that the operation of such accessory use shall be secondary to that of normal agricultural activities. A use shall be classified as agriculture only if it is the principle or main use of the land and contains five (5) or more acres.

SECTION 3

Alley: A permanent service way providing a secondary means of access to abutting properties.

SECTION 4

Alterations: As applied to buildings means a change or replacement of walls, partitions, floors, roof, foundations or openings.

SECTION 5

Building: A structure designed or used for the shelter of persons, animals or chattel. Structures such as stadiums, platforms, taverns, sheds, signs and fences over five feet in height shall be considered as buildings.

SECTION 6

Building Accessory: An accessory building is a building (such as private detached garage, private swimming pool, private tool house or a non-commercial greenhouse) which is subordinate and necessary to a principal building on the same lot and which is used for purposes customarily incidental to those of the principal building.

SECTION 7

Building Inspector: The Building Inspector is the Building Inspector of the Village of West Salem, Ohio.

SECTION 8

Dwelling, single family: A building, other than a trailer, camp car or other vehicle on or off wheels, designed or used exclusively as living quarters for a single family.

SECTION 9

Dwelling, two family: A detached or semi-detached building arranged or designed for use as living quarters for two families.

SECTION 10

Dwelling, multi-family: A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

SECTION 11

Family: Any number of individuals living and cooking together on the premises as a single housekeeping unit, but shall not include a group or more than five (5) individuals not related by blood or marriage.

SECTION 12

Garage, private: An accessory building for the storage of not more than three (3) automobiles, including not more than one truck and in which no business is carried on.

SECTION 13

Ground floor area: Means the area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

SECTION 14

Height of buildings, structures: The vertical distance measured from the average level of the proposed grade at the front of the building, to the highest point of the roof for flat or shed roofs, to the deck line for a mansard type roof, to the highest point of the roof on a gable roof.

SECTION 15

Home occupation: Any use or service conducted for profit solely by the inhabitants of a dwelling and operated entirely within the dwelling, which use is clearly incidental and secondary to the use of the premises for dwelling purpose and does not change the appearance or character thereof. Such home occupation shall occupy no more than twenty-five (25%) percent of the floor area of only one story of the building and basement and shall not be objectional because of odors, noise, dust, vibrations or added traffic. The office of a physician, dentist, musician, or

other practitioner of a recognized profession, are included. No sign other than a name plate not more than two (2') square feet in an area may be permitted. Clinics, hospitals, barber shops, beauty parlors, tea rooms, tourist homes and animal hospitals, or boarding kennels shall not include any of the uses enumerated under B-1, B-2, or C-1 uses.

SECTION 16

Lot: Is a parcel or plot of land occupied or designed to be occupied by one principal building or use or dwelling and its necessary buildings if any, including such yards or open spaces as are required to be provided with such buildings. A lot may or may not be recorded as such.

SECTION 17

Lot Area: The total area of a lot within the property lines, excluding any portion of a street or alley.

SECTION 18

Lot, Corner: A parcel of land at the junction of and fronting on two (2) or more intersecting streets.

SECTION 19

Lot Line, front: The line of a property at the right-of-way or the street or easement that afford the principal means of access to the premises. In case of a corner lot it is the street line designated by the owner.

SECTION 20

Lot Line, rear: The lot line generally opposite the front lot line.

SECTION 21

Lot Line, side: A lot line other than a front or rear lot line.

SECTION 22

Main Building: A building in which is conducted the principal use of the lot on which it is situated. In residential districts any dwelling shall be considered to be a main building on the lot on which it is located.

SECTION 23

Mobile Home: Means a vehicle or other portable structure more than thirty (30') feet in length that is designed, used or intended to be used for movement on the highway, and designed or used as a dwelling.

SECTION 24

Mobile Home Park: Means an area of land on which three (3) or more mobile homes are regularly accommodated or intended for such use, with or without charge, including any building, other structures, fixtures, or equipment that is used or intended to be used in providing that accommodation.

SECTION 25

Motel or Tourist Court: One or more buildings arranged and constructed for the overnight accommodations of the automobile traveling public.

SECTION 26

Non-conforming use: A lawful use of land or building which is existing at the time of the passage of this ordinance which does not conform to the regulations of the use district in which it is located.

SECTION 27

Outdoor Advertising Sign: Any card, paper, metal, painted surface, glass, wooden, plaster, stone or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or other thing whatsoever. The term "placed" as used in the definition of "Outdoor Advertising Sign" and "Outdoor Advertising Structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, glueing, sticking, carving or otherwise fastening, affixing, or making visible in any manner whatsoever.

SECTION 28

Planned Unit Development: Means any subdivision of land where both individual building sites and common property devoted to parks, playgrounds or school sites is designed and organized to be capable of satisfactory use and operation as a self-contained residential area. A Planned Unit Development may include shopping centers, and planned industrial park developments.

SECTION 29

Public Notice of Hearing: Shall be a written notice sent by mail of a public hearing before the Board of Zoning Appeals to those property owners or residents who may be aggrieved or affected by the request made. Such notice containing the time, place and date of hearing, also the nature of the request shall be mailed at least five (5) days prior to the date of hearing.

SECTION 30

Satellite Dish Antennas: Also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two (2) or more of the following:

ARTICLE 3 - ESTABLISHMENTS OF DISTRICT

SECTION 1

In order to classify, regulate and restrict the location of trades, industries, residences, recreation and other land uses and the location of buildings designed for special uses; to regulate and limit the height, bulk, number of stories and size of buildings and other structures hereafter erected or altered; to regulate and limit the percentage of lot area which may be occupied, setback or building lines, size of yards, courts and other open spaces within such buildings, and the density of population, the Village of West Salem, Ohio, is hereby divided into eight (8) classes of districts. All such regulations are uniform for each class or kind of building or structure or use throughout each class of district and shall be known as:

"R-1"	Residential District	(low density)
"R-2"	Residential District	(medium density)
"R-3"	Residential District	(high density)
"B-1"	Business District	(light business)
"B-2"	Business District	(medium business)
"B-3"	Business District	(heavy business)
"C-1"	Industrial District	(manufacturing)
"MH"	Mobile Home District	(mobile home parks)

SECTION 2

The districts and their boundary lines are indicated upon the District Zoning Map of the Village of West Salem, Ohio, which said map is made a part of this ordinance. The said District Zoning Map together with all notation, references and other matters shown thereon is hereby declared a part of this Ordinance.

SECTION 3

Whenever any street or public way is vacated by official action of the Village Council, the Zoning Districts adjoining each side of the street or public way, shall be automatically extended to the center of such vacations and all areas included in the vacation shall thereafter be subject to all regulations of the extended districts.

ARTICLE 4 - GENERAL PROVISIONS

SECTION 1 Except as hereinafter provided:

SECTION 1.1

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the district regulations by this Ordinance for the district in which the building or land is located.

SECTION 1.2

The minimum yards and other spaces, including the density of population provisions contained in this Ordinance for each and every building existing on the effective date of this Ordinance, or any building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements for any other building.

SECTION 1.3

Nothing contained in this Ordinance shall hinder the construction of a building or prohibit its use where construction has started before the effective date of this Ordinance, providing the ground story framework including structural parts of the second floor, if any, shall have been completed before said effective date of this Ordinance, in case of a single story building, provided that the ground story framework has been completed and the owner is proceeding in good faith to forthwith complete the building.

ARTICLE 5 - "R-1" RESIDENTIAL DISTRICT REGULATIONSSECTION 1

Use Regulations: A building or premises within "R-1" Residential District shall be used only for the following purposes:

SECTION 1.1

Agriculture, including greenhouses and the usual agricultural buildings and structures, except on numbered lots within a recorded allotment.

SECTION 1.2

Single family dwelling

SECTION 1.3

Churches and other places of worship, Sunday School buildings and Parish Houses, Parochial Schools and necessary accessory buildings.

SECTION 1.4

Public Elementary and High Schools.

SECTION 1.5

Public owned or operated buildings or properties including Village Hall, Community Center buildings, fire stations, waterworks plants, sewage disposal plants, parks, playgrounds, cemeteries and conservation areas.

SECTION 1.6

Cemeteries, other than Village cemeteries, including mausoleums, provided that any new cemetery shall contain at least twenty (20) acres and have been approved by the Board of Zoning Appeals.

SECTION 1.7

Golf courses, except miniature courses and practice driving tees operated for business purposes, including such buildings as are necessary for their operation except those chief activities of which is a service carried on as a business.

SECTION 1.8

Accessory buildings incidental to principal use which do not include any activity conducted as a separate business.

SECTION 1.8-A

Private garage, tool house, home occupation.

SECTION 1.8-B

Roadside stand; offering for sale only agricultural products grown on the premises.

SECTION 1.8-C

Satellite dish antennas shall be permitted as an accessory building and shall be subject to the requirements within this section. The following applies specifically to satellite dish antennas:

- a. No dish greater than three (3') feet in diameter shall be permitted on the roof or elevated platform of any building on the lot.
- b. The height of any dish may not exceed fifteen (15') feet or the height of any building on the lot, whichever is lessor.
- c. A Zoning Permit must be filed and approved with the Village of West Salem, Ohio, before construction can begin.
- d. Shall not be located in the front yard.

SECTION 1.8-D

One sign not to equal eight (8') square feet in area appertaining to the lease, hire or sale of a building or premises, which shall be removed when said building or premises is leased, hired or sold.

SECTION 2

Height Regulations: No building shall exceed two and one-half ($2\frac{1}{2}$) stories or thirty-five (35') feet in height, except as provided in Article 15 of this Ordinance.

SECTION 3

Area Regulation: There shall be a front yard having a minimum depth of thirty (30') feet on Village streets and fifty (50') feet on State highways (measured from the right-of-way line). However, if a front yard line has been established by existing residences in the block, the average distance of residences within the block from the front property line shall be the building line exclusive of open porches. In no case shall the enclosed portion of the building be less than fifteen (15') feet from said front property line.

SECTION 3.1

Side Yards: There shall be provided a side yard on each side of a principal building. The least dimension of a side yard shall be five (5') feet. At least twenty-five (25%) percent of the width of the lot shall be devoted to side yards, but the sum of the width of the side yards need not be more than fifteen (15') feet. When there is an attached garage at least twenty (20%) percent of the width of the lot shall be devoted to side yards, but said sum need not be more than twelve (12') feet. On a corner lot, where one side yard abutts a street, such side yard shall have a minimum width of fifteen (15') feet. The owner may choose on which street the house shall face.

SECTION 3.2

Rear Yards: Except as provided in Article 15 there shall be provided a rear yard having a depth of not less than twenty-five (25') feet.

SECTION 3.3

Intensity of use: Every lot or tract of land shall have an area of not less than nine thousand (9,000) square feet and a width of not less than sixty (60') feet at the building line. Only one residence may be erected on a lot.

ARTICLE 6 - "R-2" RESIDENTIAL DISTRICT REGULATIONSSECTION 1

Use Regulation: A building or premises within an "R-2" Residential District shall be used only for the following purposes:

SECTION 1.1

Single family dwellings, two family dwellings.

SECTION 1.2

Churches and other places of worship, Sunday School buildings and Parish Houses, Prochial Schools and necessary accessory buildings.

SECTION 1.3

Public Elementary and High Schools.

SECTION 1.4

Public owned or operated buildings or properties including Village Hall, Community Center buildings, fire stations, waterworks plants or towers, parks, playgrounds.

SECTION 1.5

Accessory buildings incidental to principal use which do not include any activity conducted as a separate business.

SECTION 1.5-A

A private garage, home occupation.

SECTION 1.5-B

Satellite dish antennas shall be permitted as an accessory building and shall be subject to the requirements within this section. The following applies specifically to satellite dish antennas:

- a. No dish greater than three (3') feet in diameter shall be permitted on the roof or elevated platform of any building on the lot.
- b. The height of any dish may not exceed fifteen (15') feet or the height of any building on the lot, whichever is lessor.
- c. A Zoning Permit must be filed and approved with the Village of West Salem, Ohio, before construction can begin.
- d. Shall not be located in the front yard.

SECTION 1.5-C

One sign not equal to eight (8) square feet on area appertaining to the lease, hire or sale of a building or premises, which shall be removed when said building or premises is leased, hired or sold.

SECTION 2

Height Regulations: No building shall exceed two and one-half ($2\frac{1}{2}$) stories or thirty-five (35') feet in height, except as provided in Article 15 of this Ordinance.

SECTION 3

Area Regulation: There shall be a front yard having a minimum depth of twenty-five (25') feet on Village streets and forty (40') feet on State highways (measured from the right-of-way line). However, if a front yard line has been established by existing residences in the block, the average distance of residences within the block from the front property line shall be the building line exclusive of open porches. In no case shall the enclosed portion of the building be less than fifteen (15') feet from said front property line.

SECTION 3.1

Side Yards: The side yard provisions shall be the same as under "R-1" Residence District Regulations.

SECTION 3.2

Rear Yards: The same as under "R-1" Residence District Regulations.

SECTION 3.3

Intensity of use: Where a two (2) family dwelling is erected or a building is altered to accommodate two (2) families, the number of square feet for two (2) families and frontage of lot shall be the same as under "R-1" Residence District Regulations.

ARTICLE 7 - "R-3" RESIDENTIAL DISTRICT REGULATIONS

SECTION 1

Use Regulations: A building or premises within an "R-3" Residential District shall be used only for the following purposes:

SECTION 1.1

Single family dwellings, two family dwellings, multiple family dwellings, nursing homes and retirement home centers.

SECTION 1.2

Churches and other places of worship, Sunday School buildings and Parish Houses, Parochial Schools and necessary accessory buildings.

SECTION 1.3

Public Elementary and High Schools.

SECTION 1.4

Public owned or operated buildings or properties including Village Hall, Community Center buildings, fire stations, waterworks plants or towers, parks, playgrounds.

SECTION 1.5

Accessory buildings incidental to principle use which do not include any activity conducted as a separate business.

SECTION 1.5-A

Private garage, home occupation.

SECTION 1.5-B

Satellite dish antennas shall be permitted as an accessory building and shall be subject to the requirements within this section. The following applies specifically to satellite dish antennas:

- a. No dish greater than three (3') feet in diameter shall be permitted on the roof or elevated platform of any building on the lot.
- b. The height of any dish may not exceed fifteen (15') feet or the height of any building on the lot, whichever is lessor.
- c. A Zoning Permit must be filed and approved with the Village of West Salem, Ohio, before construction can begin.
- d. Shall not be located in the front yard.

SECTION 1.5-C

One sign not to equal eight (8) square feet in area appertaining to the lease, hire or sale of a building or premises, which shall be removed when said building or premises is leased, hired or sold.

SECTION 2

Height Regulations: No building shall exceed forty-five (45') feet in height, except as provided in Article 15 of the Ordinance.

SECTION 3

There shall be a front yard having a minimum depth of twenty-five (25') feet on a Village street and forty (40') feet on State highways (measured from the right-of-way line).

However, if a front yard line has been established by existing residences in the block, the average distance of residences within the block from the front property line shall be the building line exclusive of open porches. In no case shall the enclosed portion of the building be less than fifteen (15') feet from said front property line.

SECTION 3.1

Side Yards: The side yard provisions shall be the same as under "R-1" Residence District Regulations.

SECTION 3.2

Rear Yards: The same as under "R-1" Residence District Regulations.

SECTION 3.3

Intensity of use: Where a multiple family dwelling is erected or a building is altered to accommodate three (3) or more families, the number of square feet of lot must not be less than one thousand five hundred (1,500) square feet per dwelling unit. The minimum lot width shall be sixty (60') feet at the building line.

SECTION 3.4

Off Street Parking Requirements: 1.5 off street parking spaces must be provided per dwelling unit in multiple dwelling units. Nursing homes and retirement home centers must have one (1) off street parking space for every five (5) patients and one (1) off street parking space for every two (2) employees.

ARTICLE 8 - "B-1" BUSINESS DISTRICT REGULATIONSSECTION 1

Use Regulations: A building or premises within a "B-1" Business District shall be used only for the following purposes:

SECTION 1.1

All uses listed in an "R-1", "R-2" or "R-3" District.

SECTION 1.2

Advertising signs attached to the main building or a free-standing sign identifying the name or use of the building.

- a. No sign shall be erected or maintained at any location, where by reason of its position, working, illumination, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control signal, sign or device.
- b. No sign shall contain or make use of any phrase, symbol, shape, form or character in such a manner as to interfere with, mislead, or confuse moving traffic.
- c. No part of any free-standing sign, shall be erected to a height greater than that specified for accessory structure in the district in which the sign is located.
- d. The minimum setback of "free-standing or pole" signs, from the street right-of-way line shall not be less than five (5') feet and ten (10') feet from the side or front property line. The maximum sign area shall be sixty (60) square feet.

- e. Any sign in a Residential District shall not exceed twenty (20) square feet in area. Except home occupation signs which shall be no greater than two (2) Sq. F
- f. No free-standing signs are permitted in any Residential District.

SECTION 1.3

Stores and shops for the conducting of any business of sales or services as: Studios, cafes, tea rooms, and other eating places, grocery stores, retail markets, drugstores, wearing apparel stores, shoe repair shops, tailoring and pressing shops, dry cleaning shops in which not more than five (5) persons are employed; provided non-explosive and non-inflamable solvents are used, that for heating boiler only liquid or gas fuel is used and in its operation the same is not noxious by reason of the emission of odor, dust, lint, smoke, gas or noise.

Self-serve laundry, provided for heating boilers, only liquid or gas fuel, is used in the operation of the same. Hardware, paint, wall paper, furniture and household appliance and automobile accessory stores. Book and stationary stores, flower shops, variety and gift shops, barber and beauty shops, bank, hotel, business, professional offices, funeral homes and veterinary clinics (no outside pens permitted). Gasoline service stations, where no repairing of a major type is carried on such as: body, fender, clutch, transmission, differential, axel, spring or frame repairs, overhauling of engine or motor requiring the removal of cylinder head or crank case pan, repairs of radiators requiring the removal thereof. Newspaper printing, job printing, parking lots.

SECTION 1.4

Any garage or accessory use which is clearly incidental to the main uses are permitted in this district.

SECTION 1.5

Off-street parking and off-street loading space shall be provided for places of general assembly and all retail service or business outlets hereinafter erected, altered or enlarged in "B-1" Business District. For churches and other places of general assembly there shall be provided two hundred (200) square feet off-street parking for each six (6) seats. For all retail business establishments there shall be provided off-street parking space which in area shall be three (3) times that of the ground floor area of the business structure. Such off-street parking space shall be smoothly graded and covered with a suitable road material or hard surface adequately drained and free from dust.

SECTION 2

Height Regulations: No building shall exceed fifty (50') feet in height, except as provided in Article 15 of this Ordinance.

SECTION 3

Area Regulations.

SECTION 3.1

Front Yard Regulations: No front yard is required except in the case of a gasoline service station. No part of a gasoline service station including pumps may be erected nearer than fifteen (15') feet to the street line.

SECTION 3.2

Side Yard Regulations: The side yard regulations for dwellings shall be the same as those in an "R-2" Residential District. No residential use may be made of the first story of a building in this district unless side yards are provided as an "R-2" Residential District. In all other cases a side yard is not required except

on the side adjoining a Residence District, in which case there shall be a side yard of not less than five (5') feet and except in case of a gasoline service station where the side yard shall be not less than ten (10') feet.

SECTION 3.3

Rear Yards: The rear yard regulations for dwellings are the same as those in a "R-2" Residential District. In all other cases there shall be required a rear yard of not less than ten (10') feet in depth.

SECTION 3.4

Intensity of use: The area provided in case of a residential use of a lot in a "B-1" Business District shall be the same as required for an "R-2" Residential District. A business structure, a church or place of general assembly, in a "B-1" Business District shall have a lot whose total area is not less than three (3) times the ground floor area covered by the main building or structure.

ARTICLE 9 - "B-2" BUSINESS DISTRICT REGULATIONSSECTION 1

Use Regulations: A building or premises within a "B-2" Business District may be used for any of the following purposes:

SECTION 1.1

All uses permitted within an "R-1", "R-2" and "R-3" Residential District and within a "B-1" Business District.

SECTION 1.2

Advertising signs attached to the main building or a free-standing sign identifying the name or use of the building.

- a. No sign shall be erected or maintained at any location, where by reason of its position, working, illumination, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control signal, sign or device.
- b. No sign shall contain or make use of any phrase, symbol, shape, form or character in such a manner as to interfere with, mislead, or confuse moving traffic.
- c. No part of any free-standing sign, shall be erected to a height greater than that specified for accessory structure in the district in which the sign is located.
- d. The minimum setback of "free-standing or pole" signs, from the street right-of-way line shall not be less than five (5') feet and ten (10') feet from the side or front property line. The maximum sign area shall be sixty (60) square feet.

e. Any sign in a Residential District shall not exceed twenty (20) square feet in area. Except home occupation signs which shall be no larger than two (2) square feet in area.

f. No free-standing signs are permitted in any Residential District.

SECTION 1.3

Motels, theaters, greenhouses, kennels for boarding small animals, veterinary establishments. Automobile sales or services, garage repair shop, radiator repair shop, body and fender shop. Roller skating and dance halls. Warehousing, railroad, passenger or freight station.

SECTION 1.4

Any necessary use of buildings which are clearly accessory to the users permitted in this district.

SECTION 1.5

Off-street parking and loading spaces shall be the same as required in the "B-1" Business District.

SECTION 2

Area Regulations: All area regulations within this district shall be the same as required in the "B-1" Business District.

ARTICLE 10 - "B-3" BUSINESS DISTRICT REGULATIONSSECTION 1

Use Regulation: A building or premises within a "B-3" Business District may be used for any of the following purposes:

SECTION 1.1

All uses permitted within an "R-1", "R-2", "R-3" Residential District and within a "B-2" Business District.

SECTION 1.2

Advertising signs attached to the main building or a free-standing sign identifying the name or use of the building.

- a. No sign shall be erected or maintained at any location, where by reason of its position, working, illumination, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control signal, sign or device.
- b. No sign shall contain or make use of any phrase, symbol, shape, form or character in such a manner as to interfere with, mislead, or confuse moving traffic.
- c. No part of any free-standing sign, shall be erected to a height greater than that specified for accessory structure in the district in which the sign is located.
- d. The minimum setback of "free-standing or pole" signs, from the street right-of-way line shall not be less than five (5') feet and ten (10') feet from the side or front property line. The maximum sign area shall be sixty (60) square feet.

- e. Any sign in a Residential District shall not exceed twenty (20) square feet in area.. Except home occupation signs which shall be no larger than two (2) square feet in area.
- f. No free-standing signs are permitted in any Residential District.

SECTION 1.3

Feed stores, agricultural services, contractor's equipment, carpenter shop. Manufacturing of canvas, food, wood, paper, rubber, leather products, metal and electronics products. Wholesale business, wholesale baking, motor truck terminal, lumber yard and building materials such manufacturing may be conducted only between the hours of 7:00 a.m. and 11:00 p.m..

SECTION 1.4

Any necessary use of buildings which are clearly accessory to the uses permitted in this district.

SECTION 1.5

Off-street parking and loading spaces shall be the same as required in the "B-1" Business District.

SECTION 2

Area Regulations: All area regulations within this district shall be the same as required in the "B-1" Business District. In addition, manufacturing activities conducted pursuant to Section 1.3 of this Article shall be limited to a total area of eight thousand (8,000) square feet, in any one building.

ARTICLE 11 - "C-1" INDUSTRIAL DISTRICT REGULATIONSSECTION 1

Use Regulations: The following uses from Section 1.1 to 1.16 inclusive which are offensive by reason of emission of odor, dust, gas or noise may be permitted by the Board of Zoning Appeals after approval by the Village Planning Commission and confirmed by the Village Council, when in the opinion of these groups such uses are not injuries to neighboring properties and sufficient safeguards by the Board have been established as to warrant the establishment of such use:

SECTION 1.1

All uses enumerated under "R-1", "R-2" and "R-3" Residential Districts, and "B-3" Business District.

SECTION 1.2

Acetylene gas manufacture or storage, acid manufacture or wholesale storage, ammonia manufacture or wholesale storage, asbestos manufacture, asphalt manufacture or refining. Automobile wrecking yard or dismantling yard, motor vehicle dumps or junk yard.

SECTION 1.3

Babbit metal manufacture, bag cleaning, blast furnace or cupolas, bleaching powder or chlorine manufacture, boiler works. bronze powder manufacture.

SECTION 1.4

Carbon, lampblack or graphite manufacture, explosive or flammable cellulose or pyroxyline products manufacture. Cement, lime, gypsum or plaster of paris manufacture. Coke ovens. Cooperage works. Copper, iron, tin, lead or zinc. Creosote manufacture or treatment.

SECTION 1.5

Disinfectant, insecticide or poison manufacture. Distillation of bones, coal or wood. Dyestuff manufacture.

SECTION 1.6

Emory cloth or sand paper manufacture. Enameling, japanning or laquering except where incident to a permitted use. Exelsior of fiber manufacture. Explosive or fireworks manufacture or storage.

SECTION 1.7

Fat rendering, tallow, grease or lard refining or products manufactured from fats except where incident to a permitted use. Felt manufacturing except where dust is controlled by means of effective devices. Forge plants.

SECTION 1.8

Garbage, offal or dead animal reduction or dumping. Glue, size or geletin manufacture.

SECTION 1.9

Junk, iron or rag storage or baling.

SECTION 1.10

Match manufacture.

SECTION 1.11

Nitrating processes or potasch refining.

SECTION 1.12

Oil cloth or linoleum manufacture. Oiled rubber goods manufacture.

SECTION 1.13

Paint, oil, shellac, size enamel, turpentine or varnish manufacture. Printing ink manufacture. Radium extraction. Rock crushing. Roller mills.

SECTION 1.14

Shoe polish manufacture. Smelting or reduction of ores or metalurgical products. Soap, soda ash, caustic soda or washing powder manufacture. Starch, dextrine or glucose manufacture. Stock yards. Sugar refining.

SECTION 1.15

Tanning, curing of raw hides or skins. Tar distillation or manufacture. Tar or asphalt roofing or waterproofing manufacture.

SECTION 1.16

Vinegar manufacture. Yeast plant. Pickle manufacture.

SECTION 2

Permitted uses:

SECTION 2.1

All uses not enumerated previously in this Article including garages or excessory uses incidental thereto.

SECTION 2.2

Off-street parking space and off-street loading space shall be provided on the premises for buildings and uses above. For all uses permitted under "C-1" Industrial District there shall be provided off-street parking space which in area shall be three (3) times the ground floor area of the main structures erected on the premises.

SECTION 3

Height Regulations: No building shall exceed three (3) stories or forty-five (45') feet in height.

SECTION 4

Area Regulations: (As described in 4.1 through 4.4)

SECTION 4.1

Front Yards: The front yard depth within a "C-1" Industry District shall not be less than twenty (20') feet. The rear line of the front yard shall be considered the building line.

SECTION 4.2

Side Yards: A side yard is not required except adjacent to a Residence District or on the side of a corner lot. In both cases the least dimension of such a side yard need not be more than fifteen (15') feet.

SECTION 4.3

Rear Yard: No rear yards within this District are required.

SECTION 4.4

Intensity of use: In a "C-1" Industry District, the principal structures shall not be erected on a lot which is less than three times the floor area of such structures.

SECTION 5

In the industrial district, each business or industrial use shall be permitted identification signs on the lot only as incidental uses, not to exceed two (2) such signs or a net area of three hundred (300) square feet.

ARTICLE 12 - MOBILE HOME PARK REGULATIONSSECTION 1

This section is set up to make reference to the Ohio Department of Health, Mobile Home Park Laws and Rules, which shall be the regulations that must be complied with in regards to any Mobile Home Park constructed in the Village of West Salem, Ohio. The most current revision shall be the document that must be followed. (See Appendix)

SECTION 2

The above-mentioned document covers the following items as related to Mobile Home Parks: Sections of the Ohio Revised Code pertaining to House Trailer Parks, rules of the Ohio Department of Health, Public Health Council - Mobile Home Parks Chapter 3701-27, definitions, license and application of rules, contents of license, application for license, inspection, approvals required, contents of submission for approval of plans, site, mobile home lots, free standing auxiliary buildings, tiedowns, streets, walkways, auto parking, lighting, environmental protection agency standards, water supply systems, outlets, location of lines, park service building, number of plumbing fixtures, laundry facilities, sewage, mobile home connections, solid waste collection and storage, insects, rats and mice, electrical systems, fire protection, recreation area and facilities, maintenance, rules, on duty records, independent rules, validity or constitutionality.

SECTION 3

Mobile home parks may be permitted in the Mobile Home District under the above-mentioned regulations.

SECTION 4

Should the requirements of this Article conflict with other provisions of this Ordinance, this section shall take precedence.

ARTICLE 13 - PLANNED UNIT DEVELOPMENTSECTION 1

Intent and Purpose: The intent and purpose of this Article shall be to accommodate and encourage development of large tracts of land for residential, commercial, industrial, public, or compatible mixed uses, in accordance with an overall plan for the area.

SECTION 2

Procedure: The applicant or applicants shall apply in writing to the Commission for a Planned Unit Development Permit; said application to be accompanied by all necessary, general and detailed plans for determinations.

SECTION 2.2

The Commission shall treat such application as an amendment, certifying its recommendations to the Council.

SECTION 2.3

The Council of the Village shall act in the same manner prescribed by law for amending this Ordinance.

SECTION 2.4

If a Planned Unit Development is permitted, permits shall be issued according to such approval given by Council; and the approved development shall become a part of this Ordinance as would any other amendment.

SECTION 2.5

If after twenty-four (24) months, no construction has been started, and if within five (5) years the development has not been completed, the area involved shall revert back to the original district.

PUD

SECTION 2.6

All duly approved Planned Unit Developments, shall be designated as an overlaid district on the official Zoning Map as P.U.D..

SECTION 2.7

A P.U.D. is restricted to "R-1", "R-2", "R-3", "B-1", "B-2", "B-3" Districts.

SECTION 3

Performance Standards: All Unit Development Plans, must meet the following requirements:

SECTION 3.1

The Plan must be in conformity with a Comprehensive Plan, as now or in the future adopted, or amended.

SECTION 3.2

The minimum site area shall be ten (10) acres.

SECTION 3.3

Layout and design must meet the general requirement of the subdivision regulations for the uses involved.

SECTION 3.4

The plan must be in the interest of the public, generally following the purposes and intentions of this Ordinance; and must be in complete conformance with all other applicable regulations.

SECTION 3.5

The Commission and Council may require such information and agreements as necessary

to protect the intent of this Article.

SECTION 3.6

Mixed density, open spaces, mixed uses and the location and arrangement thereof, shall be compatible with one another and with the surrounding area; and must be in the interest of total community development.

ARTICLE 14 - NON-CONFORMING USES

SECTION 1

The lawful use of any dwelling or structure or any land or premises existing and lawful at the time of the enactment of this Ordinance, supplement or amendment thereto, may continue although such use does not conform with the provisions of this Ordinance, supplement or amendment. If no structural alterations are made, a non-conforming use of building may be changed to another non-conforming use of the same or more restricted classification. Whenever a non-conforming use has been changed to a more restricted or a non-conforming, such use shall not thereafter be changed to a less restricted use.

SECTION 2

Whenever the use of any dwelling, building or structure and any land or premises becomes non-conforming through an amendment of this Ordinance, such use may continue and if no structure alterations are made, it may be changed to another non-conforming use of the same of a more restricted classification.

SECTION 3

In the event that a non-conforming use of any dwelling, building or structure and of any land or premises is voluntarily discontinued for a period of two (2) years or more, any future use of said land, building or structure shall be in conformity with the provisions of this Ordinance.

SECTION 4

The Board of Zoning Appeals as herinafter provided may grant the right to increase the size of any building in which a non-conforming use is now carried on provided that the extension of the building is made on property owned and of recorded title at the time of the passage of this Ordinance or amendment thereto, in the name of the one carrying on the non-conforming use.

SECTION 5

However, an existing building, structure or premises devoted to arranged or constructed as a non-conforming use may hereafter be extended, re-constructed, moved, enlarged or altered to an extent not to exceed, in any ten (10) year period, sixty (60%) percent of the value thereof as assessed for taxation at the beginning of such period by the Board of Zoning Appeals.

SECTION 6

Nothing in this Ordinance shall be construed to prevent the strengthening or restoration to a safe condition of any building or structure pursuant to the order of any lawful authority.

SECTION 7

When a building, the use of which does not conform to the provisions of this Ordinance, is damaged by fire, explosive, act of God, or the public enemy, to the extent of more than sixty (60%) percent of its reproduction value, it shall not be restored except in conformity to the District Regulations of the district in which the building is situated.

ARTICLE 15 - ADDITIONAL - USE, HEIGHT AND AREA REGULATIONS AND EXCEPTIONS

SECTION 1

The District Regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the District Regulations appearing elsewhere in this Ordinance.

SECTION 2

Public, semi-public service buildings, or schools, when permitted in a district, may be erected to a height not to exceed sixty (60') feet, and Churches and Temples may be erected to a height not to exceed seventy-five (75') feet if the building is set back from each lot line at least one (1') foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.

SECTION 3

Chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, tanks, water towers, grain elevators, silos, farm buildings or necessary mechanical appurtenances may be erected to any lawful and safe height.

SECTION 4

Any lot of record or lot for which a land contract has been issued or any lot within an unrecorded allotment of which at least one half ($\frac{1}{2}$) of said lots are of record or have been sold on land contract on the effective date of this Ordinance, may be used for the purpose permitted within an "R-1", "R-2" or "R-3" irrespective of the area or width of said lot. The width of the side yard of any such lot need not exceed ten (10%) percent of the width of the lot. The depth of the rear yard need not exceed twenty (20%) percent of the depth of the lot, provided however, that in no instance shall the minimum dimensions of the side and rear yards be not less than five (5') and twenty (20') feet respectively. The building lines established on lots within a recorded allotment shall prevail over those established in this Ordinance.

SECTION 5

Upon the acceptance by Council of any subdivision, allotment or dedication plat and following the recording thereof with the County Recorder, any building line shown thereon shall become the building line along the streets delineated thereon.

SECTION 6

Accessory buildings in an "R-1" and "R-2" may be built in the rear yard within three (3') feet of the rear and side lot lines if of frame construction. Accessory buildings of masonry construction may be built on the side and rear lot lines.

SECTION 7

Accessory buildings which are used for storage purposes only may be erected on a lot prior to the construction of the main building, but no accessory building shall be used for residence purposes. No accessory building may exceed fourteen (14') feet in height in a Residential District.

SECTION 8

No basement house shall be permitted in an "R-1", "R-2" or "R-3" district.

SECTION 9

Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylight, sills, beltcourse, cornices, and ornamental features projecting not to exceed eighteen (18") inches.

SECTION 10

Terraces, uncovered porches, platforms and ornamental features which do not extend more than two (2') feet above the level of the ground adjoining the first story, may project into a required side yard, provided these projections be distant at least

two (2') feet from the adjacent lot line. The ordinary projections of chimneys or flues are permitted into the required side and front yards.

SECTION 11

An open unenclosed or screened porch, or paved terrace may project into the front yard for a distance of not more than eight (8') feet.

SECTION 12

Trailers, trailer coaches, camp cars or other cars on or off wheels, shall not be permitted on lots or lands in any of the eight district classifications herein established, except the Mobile Home Park District. The Board of Zoning Appeals may however, upon application, after notice to parties in interest, permit a trailer or trailer coach to occupy space upon a lot or lands for a period of two (2) years, subject to a one year renewal, where the same is used as a temporary home preparatory to the erection of a permanent residence thereon. A trailer or a trailer coach may however, be permitted on an occupied premises by visiting relatives or friends for a period of time not to exceed thirty (30) days, in any one (1) year.

SECTION 13

The Board of Zoning Appeals may in specific cases, after public notice and hearing, and subject to appropriate conditions, regulations and safeguards, determine and vary the application of the Use, Height, Area District Regulations and the Building Line Regulations established by this Ordinance and permit the establishment of a Trailer Camp in any of the use districts, provided such location will not seriously injure the appropriate use of neighboring property not will tend to alter the character of the neighborhood.

SECTION 14

Automobile wrecking yards, dismanteling yards, motor vehicle dumps or junk yards shall not be permitted in any of the eight (8) District Classifications herein established.

SECTION 15

Upon appeal, rubbish dumps may be permitted by the Board of Zoning Appeals, after approved by the Village Council, where use of property may be made without undue injury to neighboring properties.

SECTION 16

Dwelling Bulk

SECTION 16.1

In the "R-1" District, no dwelling shall have a total living area of less than seven hundred fifty (750) square feet, nor a ground floor area of less than five hundred (500) square feet in area.

SECTION 16.2

In the "R-2" District, no dwelling shall have a total living area of less than six hundred (600) square feet of floor area, nor a ground floor area of less than five hundred (500) square feet.

SECTION 16.3

In all other Districts, no dwelling shall have a total living area of less than four hundred fifty (450) square feet of floor area per dwelling unit, nor a ground floor area of less than five hundred (500) square feet, plus one hundred (100) square feet per unit.

SECTION 16.4

Should the requirements of this section conflict with other provisions of the Ordinance, this section shall take precedence.

SECTION 17

Off-Street Loading Berths: All non-residential uses as described herein shall have a minimum number of off-street loading berths of dustproof surface as prescribed below:

SECTION 17.1

All uses generally permitted in the Business District shall have one (1) berth for three thousand (3,000) to fifteen thousand (15,000) square feet of total gross floor area and an additional berth for each addition of twenty-five thousand (25,000) square feet, or fraction thereof, of total gross floor area.

SECTION 17.2

All uses generally permitted in the Industrial District shall require one (1) loading berth for fifteen thousand (15,000) square feet or less of total floor area, two (2) berths for fifteen thousand (15,000) to forty thousand (40,000) square feet of total gross floor area, three (3) berths for forty thousand (40,000) to one hundred thousand (100,000) square feet and one (1) additional berth for each forty thousand (40,000) square feet or fraction thereof, above one hundred thousand (100,000) square feet of total gross floor area.

SECTION 17.3

Each loading berth shall be at least twelve (12') feet by forty-five (45') feet in size with a minimum of fourteen (14') feet height clearance.

SECTION 17.4

"Loading Berth" herein means an off-street, off-alley area designed or used to load or unload goods.

SECTION 18

Off-Street Parking: To reduce traffic problems and hazards by eliminating on-street parking, every use of land hereafter stated or changed must include on-premises parking sufficient for the needs normally generated by the use as provided herein. Parking spaces or bays contiguous to the street, required by subdivisions or other Ordinances, or voluntarily supplies, are in addition to and not in place of the spaces herein required.

SECTION 18.1

Each parking space shall be at least nine (9') feet wide and twenty-two (22') feet long for parallel parking, or twenty (20') feet only for right angle parking, or eighteen (18') feet long for sixty (60°) degree parking or seventeen (17') feet long for forty-five (45°) degree parking; the length of non-parallel parking being measured at right angles to the edge of the usable parking and formed by the angles exclusive of passageway.

SECTION 18.2

The parking spaces required herein shall be located on the premises, or within three hundred (300') feet of the premises, and shall not be a part of an alley, street or other roadway.

SECTION 18.3

Parking spaces may not be located in the required front yard except in Business and Industrial Districts.

SECTION 18.4

Any parking space for a commercial use, if in the open, must be paved with a hard or dustproof surface.

SECTION 18.5

A group of uses may provide a joint parking area if the number of spaces in the area at least equals the aggregate of the spaces required for the several uses, and other regulations are met.

SECTION 18.6

A Church or Temple that requires parking area at times when nearby uses do not need their parking facilities may by agreement approved by the Commission, use those facilities instead of providing their own; except that such other facilities must be off-street, dustfree, and meet the total requirements for Churches and Temples.

ARTICLE 16 - ADMINISTRATION

SECTION 1

Office of Zoning Inspector: A Zoning Inspector designated by the Mayor shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Mayor may direct.

SECTION 2

Duties of Zoning Inspector: For the purpose of this Ordinance the Zoning Inspector shall have the following duties:

SECTION 2.1

Upon finding that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;

SECTION 2.2

Order discontinuance of illegal uses of land, buildings, or structures;

SECTION 2.3

Order removal of illegal buildings or structures or illegal additions or structural alterations;

SECTION 2.4

Order discontinuance of any illegal work being done;

SECTION 2.5

Take any other action authorized by this Ordinance to ensure compliance with or to prevent violation(s) of this Ordinance. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

SECTION 3

Proceedings of Planning Commission: The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission.

SECTION 4

Duties of Planning Commission: For the purpose of this Ordinance the Commission shall have the following duties:

SECTION 4.1

Initiate proposed amendments to this Ordinance.

SECTION 4.2

Review all proposed amendments to this Ordinance and make recommendations to the Village Council, as specified in Article 17.

SECTION 4.3

Review all planned unit developments and make recommendations to the Village Council.

SECTION 5

Board of Zoning Appeals: A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Mayor, one (1) of which shall be a member of the Planning Commission. Each shall have a term of five (5) years, except the initial appointments shall be one (1) member each for one (1), two (2),

three (3), four (4), and five (5) year terms. Each member shall be a resident of the Village of West Salem, Ohio. Members of the Board may be removed from office by the Village Council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Mayor for the unexpired term of the member affected. Village Clerk shall act as secretary of the Board.

SECTION 6

Proceedings of the Board of Zoning Appeals: The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

SECTION 7

Duties of the Board of Zoning Appeals: In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant or any matter upon which it is required to pass under this Ordinance or to effect any variation in the application of this Ordinance. For the purpose of this Ordinance the Board has the following specific responsibilities:

SECTION 7.1

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.

SECTION 7.2

To authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.

SECTION 8

Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal: It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the Village Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance the Village Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges as stated in this Ordinance. Nothing in this Ordinance shall be interpreted to prevent any official of the Village of West Salem, Ohio from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

SECTION 9

Procedure and Requirements for Appeals and Variances: Appeals and variances shall conform to the procedures and requirements of Sections 10 through 17, inclusive, of this Ordinance. As specified in Section 7, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

SECTION 10

Appeals: Appeals to the Board of Zoning Appeals concerning interpretation of administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

SECTION 11

Variances: The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.

SECTION 12

Application and Standards for Variances: A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until a written

application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

SECTION 12.1

Name, Address, and phone number of applicants.

SECTION 12.2

Legal discription of property.

SECTION 12.3

Description of nature of variance requested.

SECTION 12.4

A narrative statement demonstrating that the requested variance conforms to the following standards:

- A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
- B. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
- C. That special conditions and circumstances do not result from the actions of the applicant.
- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

A variance shall not be granted unless the Board makes specific findings of the fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by Section 12.4 of this section have been met by the applicant.

SECTION 13

Supplementary Conditions and Safeguards: Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance.

SECTION 14

Public Hearing by the Board of Zoning Appeals: The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

SECTION 15

Notice of Public Hearing in Newspaper: Before holding the public hearing required in Section 14, notice of such hearing shall be given in one (1) or more newspapers of general circulation of the Village of West Salem, Ohio at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

SECTION 16

Notice to Parties in Interest: Before holding the public hearing required in Section 14, written notice of such hearing shall be mailed by the Chairman of the Board of

Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 15.

SECTION 17

Action by Board of Zoning Appeals: Within thirty (30) days after the public hearing required in Section 14, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 13, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 8.

ARTICLE 17 - BUILDING PERMITS AND CERTIFICATIONS OF OCCUPANCY

SECTION 1

No construction, reconstruction, alteration, enlargement or moving of any building or structure or excavation for any of these purposes, shall be started without a permit approved by the Zoning Inspector in compliance with the provisions of this Ordinance. However, no permit or certificate of occupancy shall be necessary for occupancy or reoccupancy of an existing building or premises for a purpose which conforms to the Zone District in which the property lies. All applications for building permits shall be accompanied by plans showing the actual dimensions of the lot to be built upon, the size of the building to be erected and such other information as may be necessary to provide for the enforcement of these regulations. Any building permit or certificate of occupancy shall be valid for a period of six (6) months from the date of issuance and shall continue to be valid provided such construction or use is being continuously pursued. Applications for renewal of such permit or certificate shall be subject to the same procedure as an original application.

SECTION 2

Fees for Permits and Certificates.

SECTION 2.1

There shall be paid to the Zoning Inspector at the time of issuance of said permits and certificates such fees as are set forth in the Building Code of the Village of West Salem, Ohio.

ARTICLE 18 - ENFORCEMENT AND PENALTIES

SECTION 1

This Ordinance shall be enforced by the Zoning Inspector under the rules and regulations of the Board of Zoning Appeals and by such officer or officers as may be designated by the Mayor of the Village of West Salem, Ohio. Any person, firm or corporation who violates any of the provisions of this Ordinance shall upon conviction be subject to a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars. Every day during which such violation shall continue shall constitute a separate offence.

ARTICLE 19 - AMENDMENT

SECTION 1

Procedure for Amendment or District Changes: This Ordinance may be amended utilizing the procedures specified in Sections 2 through 12, inclusive, of this Ordinance.

SECTION 2

General: Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by Ordinance after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

SECTION 3

Initiation of Zoning Amendments: Amendments to this Ordinance may be initiated in one of the following ways:

SECTION 3.1

By adoption of a motion by the Planning Commission.

SECTION 3.2

By adoption of a resolution by Village Council.

SECTION 3.3

By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

SECTION 4

Contents of Application: Applications for amendments to the Official Zoning Map adopted as part of this Ordinance by Article 3, Section 2, shall contain at least the following information:

SECTION 4.1

Name, Address, and phone number of applicant.

SECTION 4.2

Proposed amending Ordinance, approved as to form by the Village Legal Advisor.

SECTION 4.3

Present use.

SECTION 4.4

Present Zoning District.

SECTION 4.5

Proposed use.

SECTION 4.6

Proposed Zoning District.

SECTION 4.7

A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares existing and proposed zoning and such other items as the Zoning Inspector may require.

SECTION 4.8

A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel (s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned.

SECTION 4.9

A statement on how the proposed amendment relates to the comprehensive plan.

SECTION 4.10

A fee as established by Village Council.

SECTION 4.11

Applications for amendments proposing to amend, supplement, change or repeal portions of this Ordinance other than the Official Zoning Map shall include items 1, 2, 9 and 10 listed above.

SECTION 5

Transmittal to Planning Commission: Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said resolution of application shall be transmitted to the Commission.

SECTION 6

Recommendation by Planning Commission: Within sixty (60) days from the receipt of the proposed amendment, the Planning commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

SECTION 7

Public Hearing by Village Council: Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than forty (40) days from the receipt of the recommendation from the Planning Commission.

SECTION 8

Notice of Public Hearing in Newspaper: Notice of the public hearing required in Section 7 shall be given by Village Council by at least one (1) publication in one (1) or more newspapers of general circulation in the Village of West Salem, Ohio. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

SECTION 9

Notice to Property Owners by Village Council: If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the clerk of Council, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Village Council. The notice shall contain the same information as required of notices published in newspapers as specified in Section 8.

SECTION 10

Action by Village Council: Within thirty (30) days after the public hearing required by Section 7, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three-fourths (3/4) of the full membership of Village Council. No such Ordinance shall be passed unless it has been fully and distinctly read on three (3) different days except that such Ordinance may become emergency legislation if three-fourths (3/4) of the members of Village Council vote to dispense with this rule.

SECTION 11

Effective Date and Referendum: Such Amendment adopted by Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the Ordinance there is presented to the Village Clerk a petition signed by a number of qualified voters residing in the Village equal to not less than ten (10%) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the Zoning Amendment to the electors of the Village for approval or rejection at the next general election.

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

SECTION 12

Annexation: All land annexed to the Village subsequent to the adoption of this Ordinance shall remain subject to the previous County or Township Zoning District until such time as the Official Zoning Map is amended according to the provisions of this Article. All land annexed to the Village which, prior to annexation, is not subject to County or Township zoning shall remain unzoned until the Official Zoning Map is amended according to the provisions of this Article.

ARTICLE 20 - EFFECTIVE DATE

This Ordinance shall take effect and be in full force from the earliest period as provided by law.

Passed the 14th day of May, 1986.
DATE MONTH

Dean A. Reed

Mayor

James S. Sheppard

Council President

Patricia Foradori

Clerk-Treasurer