

**ZONING REGULATIONS OF  
THE VILLAGE OF WEST SALEM, OHIO  
ORDINANCE No. 26-07**

AN ORDINANCE OF THE VILLAGE OF WEST SALEM, OHIO ENACTED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 713 (303, 519), OHIO REVISED CODE,

The Planning Commission of the Village of West Salem may frame and adopt a plan for dividing the municipal corporation or any portion thereof into zones or districts, representing the recommendations of the commission, in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare, for the limitations and regulation of the height, bulk, and location, including percentage of lot occupancy, set back building lines, and area and dimensions of yards, courts, and other open spaces, and the uses of buildings and other structures and of premises in such zones or districts.

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

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**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**

**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 3**

**Repeal of Conflicting Ordinance, Effective Date:** All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.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 this ordinance, certain words and terms are herewith defined:

Words in the present tense include the future; the singular include 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" means mandatory and/or required, not recommended.

**Accessory Building or Accessory Structure:** Any structure or building that is attached to the primary building, or detached and located on the same lot as the primary building and serves the principal building or is customarily incidental to the primary building. Examples include, but are not limited to: garage, porch, storage shed, swimming pool, and screened in patios.

**Accessory Use:** Any additional use located on the same lot with and customarily incidental to the primary use.

**Agricultural Purposes:** Includes agriculture, farming, dairying, pasturage, apiculture, algaculture means the farming of algae, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry., and the necessary/accessory uses; provided that the operation of such accessory use shall be secondary to that of the primary agricultural activities.

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

**Board of Zoning Appeals:** The duties of the Board include to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Code, to authorize variances from the terms of the Zoning Code as may be appropriate and proper by law, to grant conditional zoning certificates where appropriate upon application, and to revoke variances or conditional zoning certificates that have been granted if any condition of the variance or certificate is violated.

**Building:** Any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or any combination of any of these parts, with or without other parts or appurtenances.

**Building, Height:** The vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between the eaves and ridge of gable, hip, or gambrel roof.

**Building (Insecure, Unsafe, Structurally Unsound):** Dangerous, damaged, decayed, rotten, liable to give way or collapse.

**Building, Non-residential:** Any building that is not a residential building or a manufactured or mobile home.

**Building, Public Nuisance:** A building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety because of inadequate maintenance, dilapidation, obsolescence, or abandonment.

**Building, Principal:** The building that is used for the primary purpose to which a lot and zoning district are devoted.

**Building, Residential:** A one, two, or multi family dwelling house, and any accessory structure incidental to that dwelling house.

**Family:** One or more persons occupying a dwelling unit and living as a single housekeeping unit, if related or not to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house, hotel, tourist dwelling, sorority, or fraternity. A family may also include domestic and gratuitous guests.

**Fence or Wall:** Any structure composed of wood, steel, iron, masonry, stone, plastic, vinyl, or other material erected in such a manner and positioned as to enclose or partially enclose any property or any part of any property. Structures erected other than on lot lines or near lot lines, which have solely an ornamental purpose and which do not in fact serve the purpose of enclosing or partially enclosing property or of separating property from adjoining property, shall not be included within the definition of the word fence or wall.

**Fence, Vision Impairing:** Any type fence, wall or grouping of bushes, shrubs or plants, which impede, bar, block or obscure vision.

**Garage, Motor Vehicle Repair:** A building, or portion thereof, in which motor vehicles are repaired, and in which vehicle painting and body and fender work are incidental.

**Garage, Private:** A building or portion of a dwelling, devoted to the purpose of sheltering or storing motor vehicles, trailers, equipment, and implements.

**Garage, Public:** A building, or portion of a building, in which more than four (4) motor vehicles are, or are intended to be, housed under arrangements made with patrons for renting or leasing such space and accommodation, and in which no repair work is carried on.

**Ground Floor Area:** 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, aka Gross Living Area (GLA).

**Home Occupation:** An accessory use for a revenue-producing art, craft or profession, which is conducted entirely within the confines of a dwelling and/or an accessory building solely by the inhabitants thereof, which use is clearly incidental to the use as a dwelling. Motor vehicle repair or adjustment of any nature whatsoever shall be specifically excluded.

**Hotel or Motel:** A building in which lodging is provided to the public for compensation and is open to temporary or transient guests. This includes Bed & Breakfast establishments, hostiles, and boarding houses. It does not include group homes for the elderly, mentally or physically disabled.

**Lot:** A parcel of land, legally surveyed, described and platted, having fixed boundaries, used for placement for principal and accessory buildings, or utilized for principal and accessory uses together with such open spaces and frontage on a dedicated public street as are required.

**Lot, Area:** The area contained within the lot lines. No area within the confines of road right-of-way shall be included for purposes of any of these regulations.

**Lot, Building Line:** The line, parallel to the front property line, described by the minimum front setback distance.

**Lot, Corner:** A lot at the point of intersection of any two intersecting streets.

**Lot, Coverage:** The portion of a lot that is covered by any building.

**Lot, Depth:** The mean horizontal distance between the road right-of-way line of the street and the rear lot line.

**Lot, Double-Frontage:** A lot, other than a corner lot, that abuts more than one (1) street.

**Lot, Flag/Irregularly Shaped:** A lot not meeting the minimum frontage requirements and where access to the public road is by an easement or driveway.

**Lot, Frontage:** The width of a lot as measured along the road right-of-way line. Corner lots shall be construed as having frontage on both streets that they abut.

**Lot, Interior:** A lot other than a corner lot.

**Lot of Record:** A lot which is part of a recorded subdivision, or which has been individually legally recorded with the appropriate Wayne County offices.

**Lot Lines:** The property lines defining the limits of a lot.

**Lot Line, Front:** The line separating a lot from the street upon which it fronts.

**Lot Line, Rear:** The lot line opposite and most distant from the front lot line.

**Lot Line, Side:** A lot line other than the front lot line or the rear lot line.

**Lot, Parcel:** A division of land separated or proposed to be separated from other divisions of land by description on a recorded Subdivision Plat, recorded survey map, or by metes and bounds for purposes of sale, lease, or separate use.

**Lot, Principal Use:** The primary use of a lot as stipulated for the various zoning districts.

**Lot, Width:** The width of a lot as measured at the minimum building setback line, and parallel to the front lot line, and to a distance equal to the minimum rear yard setback from the rear of the principal building, not including accessory structures.

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

**Mobile Home:** A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) feet in length or, when erected on site, is three hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home.

**Mobile Home Park:** A lot or parcel of land under single ownership, upon which three (3) or more mobile homes are parked, either free of charge or for revenue purposes.

**Motor Vehicle:** Any vehicle, including manufactured homes and recreational vehicles, propelled or drawn by power other than muscle power, other than construction equipment not designed for or employed in general highway transportation, or farm machinery.

**Motor Vehicle, Inoperable:** Any motor vehicle which is unable to move under its own power due to defective or missing parts.

**Motor Vehicle, Part:** Any portion or part of any motor vehicle as detached from the vehicle.

**Motor Vehicle, Unsafe:** Any motor vehicle which does not comply with all safety laws and equipment provisions for motor vehicles found in the Codified Ordinances of the Village or requirements of the State of Ohio.

**Motor Vehicle, Unlicensed:** Any motor vehicle which does not display, in plain view, on the rear of such motor vehicle the distinctive number and registration mark, including any County or identification sticker and a current validation sticker issued under Sections 4503.19 of the Ohio Revised Code.

**Nude or Nudity:** The state in which a human is fully bare, naked, or unclothed.

**Nude, Semi-nude or Semi-Nudity:** The state in which a human is partially covered or clothed, but in which the genitals, pubic region, anus, or areolas or nipples of the female breast are not completely and opaquely covered.

**Nuisance:** An act or circumstance which causes annoyance or offense to another or to the community at large, is offensive to the senses, or endangers personal health or safety.

**Outdoor Advertising Sign:** Any card, paper, metal, painted surface, glass, wood, 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, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.

**Person:** Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

**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 (PUD) may include shopping centers, and planned industrial park developments.

**Private Property:** Shall mean any real property which is owned by a private individual or entity, excluding any real property which is owned by the State of Ohio, the Village of West Salem.

**Story:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or the top story, that part between the surface of the floor and the ceiling above it.

**Story, basement:** Shall be counted as a story if it is used as a separate dwelling.

**Story, first:** For determining its height in stories, is the lowest story where exterior walls (or at least all the area of one and at least eighty (80%) percent of the area of each of the remaining exterior walls) are entirely above the level of the ground adjacent to the building.

**Street:** A public thoroughfare which affords the principal means of access to the abutting property and having a minimum width of thirty (30) feet. Any public thoroughfare having less width shall be considered an alley.

**Yard, front:** The space within and extending the full width of the lot, from the front lot line to the enclosed portion of the principal building, which is nearest to such front lot line. The rear line of the front yard shall be considered the building line.

**Yard, rear:** The space within and extending the full width of the lot line, from the front yard to the rear lot line, to the part of the principal building which is nearest to a side lot line.

**Yard, side:** The space within the lot extending the full distance from the front yard to the rear yard, and from the side lot line to any enclosed part of the principal building, which is nearest to a side lot line.

**Zone, district:** A designated area with a classification of use, and the standards pertaining thereto, as described in this Ordinance and as applied to certain areas of the Village.

**Zoning, Inspector:** Zoning Inspector of the Village of West Salem

**ARTICLE 3**

**ESTABLISHMENT OF DISTRICTS**

**SECTION 301**

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 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 nine (9) 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 | Single Family            |
| “R – 2 “ | Residential          | District | Multi Family             |
| “B – 1”  | Business             | District | Light Business           |
| “B – 2”  | Business             | District | Medium Business          |
| “C – 1”  | Industrial           | District | Manufacturing/Industrial |
| “MH”     | Mobile Home District |          | Mobile Home Parks        |

**SECTION 302**

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 notations, references and other matters shown thereon is hereby declared a part of this ordinance.

**SECTION 303**

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 401

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 the District Regulations of this Ordinance for the district in which the building or land is located.

#### SECTION 402

The minimum yards and other spaces, including the density of population provisions contained in this Ordinance for 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 403

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.

#### SECTION 404

##### STORAGE OF MOTOR VEHICLES

###### A. Prohibition:

No person, firm or corporation shall park, store, or leave or permit the parking or storing of any dismantled, inoperable or unsafe motor vehicle, vehicle parts, or unlicensed vehicle, upon any private or public property within the Village.

###### B. Exception:

This Ordinance shall not apply to the storage of motor vehicles or motor vehicle parts which are completely enclosed within a building, fence or other structure which completely obscures the view of said motor vehicles and their parts from view of the public. Any such building, fence or structure shall be constructed in compliance with applicable building and zoning codes within the Village.

###### C. Nuisance:

The accumulation and storage of inoperable motor vehicles, unsafe motor vehicles and motor vehicle parts in violation of this Ordinance is hereby declared to be a nuisance, detrimental to the health, safety and welfare of the Village and its inhabitants.

D. Penalty:

Whoever fails to remove or enclose a violating motor vehicle or part thereof is guilty of a minor misdemeanor on the first offense and a fourth degree misdemeanor on any subsequent offense. Each day's continuation of violation may be considered a separate offense.

SECTION 405

SWIMMING POOLS

For the purpose of these provisions, the phrase "private swimming pool" shall mean a structure or improvement which has been created and constructed by excavation and is imbedded with substantial permanence on private property, in which water is deposited and regularly kept or which maintains the capacity for the deposit and keeping of water at any point therein to a depth of twenty-four (24) inches and which is utilized for the purpose of swimming or bathing. Private swimming pools shall be accessory uses in Zoning Districts of the Village of West Salem, in which such structures are permitted, shall require the issuance of a zoning permit, and shall be subject to the following regulations:

(1) Each swimming pool shall be enclosed itself or the yard in which the swimming pool is located shall be enclosed fully with a continuous fence not less than four (4) feet in height, of design and construction appropriate and sufficient to render the area inaccessible by small children and animals, and equipped with a self-closing mechanism on each gate therein. Further, each gate must have provision in its latch for the placement of a padlock to secure the same, or must be provided with other locking facilities. A residential structure, a garage, or another accessory building may constitute a portion or portions of the enclosure so long as it is at least four (4) feet in height and of solid construction to provide a full and complete enclosure.

(2) Swimming pools shall be permitted only in side and rear yards of properties in Zoning Districts in which the location and placement of the same as accessory uses is permitted and each swimming pool shall have a minimum setback of three (3) feet from each lot and property line.

(3) All electrical connections, including power supply cords used with a pool shall be protected by properly installed and functioning Ground Fault Interrupters (GFCI), and no pool shall be constructed, installed, or maintained so that any portion of the pool structure is closer than ten (10) feet in distance from any overhead power line.

(4) Any connection or connections, direct or indirect, from a pool to the water supply of the Village shall include a properly designed, installed, and maintained protective device to prevent back flow into the Village water system.

(5) Each swimming pool shall be constructed, installed, and maintained so that drainage from and as to the pool shall not affect adversely any adjacent lots or property.

## SECTION 406

### FENCES AND WALLS

As previously noted in the definitions, the phrase “fence” shall mean; any structure composed of wood, steel, iron masonry, stone, plastic, vinyl, or mother material erected in such a manner and positioned as to enclose or partially enclose any property or any part of any property. Structures erected other than on or near lot lines, which have solely an ornamental purpose and which do not in fact serve the purpose of enclosing or partially enclosing property or of separating property from adjoining property, shall not be included within the definition of the word fence or wall.

- (1) No person shall erect or alter a fence or wall without first obtaining a certificate from the Village Zoning Inspector.
- (2) No fence or wall shall be erected, constructed, or maintained which because of its design or materials is likely to inflict bodily harm to persons or animals.
- (3) No fence or wall shall be erected, constructed, or maintained which interrupts, impedes or otherwise alters the natural flow of storm water.
- (4) All fences or walls shall be maintained in good, structurally sound condition with the decorative or finished side facing the neighboring property.
- (5) All repairs or replacement sections to existing fences shall meet the updated and/or current code.
- (6) Fences or walls in front yards of any District shall not exceed a maximum of four (4) feet in height.
- (7) Fences or walls in front yards of Residential and Business Districts shall be decorative in nature.
- (8) Fences or walls in side or rear yards of Residential and Business Districts shall not exceed six (6) feet in height.
- (9) Fences or walls in side or rear yards of Commercial and Industrial Districts shall not exceed ten (10) feet in height.
- (10) The height of a fence or wall shall be measured from the finished grade of the ground on which it is erected.
- (11) All fences and walls shall be erected, constructed, and maintained on the property of the owner no closer than one (1) foot of the property boundary and shall not encroach upon any adjoining lands.
- (12) It shall be the landowners responsibility to determine the location of all lot lines, any professional survey needed shall be at the landowners expense.

## Section 407

### Setbacks and Area Requirements

Porches, patios, breezeways, terraces, garages, stairways, steps, eaves, and any other portions of a structure which extend beyond the outside walls of the structure should be considered in calculating living area, square footage, setbacks, and other requirements of distance to the lot line, right-of-way, front footage line, or other reference of the lot. This applies to structures in all districts of this Zoning Code.

## Section 408

### Driveway Installations

Driveways may be installed and/or upgraded with various paving materials. However, all property owners shall be required to obtain a permit from the Zoning Inspector, prior to the installation and/or upgrade of any driveway. All concrete drives will stop three feet short of the roadway surface and any flexible material may be utilized to complete paving to the street surface. The Zoning Inspector will inspect the property to insure the driveway exhibits adequate drainage and grading to the street.

## Section 409

### Raising Of Small Livestock

Property owners are permitted to raise and keep small livestock on all properties in districts other than Industrial and Mobile Home Parks, as an accessory use, in accordance with the provisions of this section.

The raising of small livestock shall include the keeping of up to six (6) chickens, rabbits, or other small livestock as approved by the Zoning provided that:

- (1) The principal use of the lot is a single family dwelling;
- (2) No person shall keep any rooster;
- (3) The livestock shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced yard at all times;
- (4) No enclosure shall be located closer than twenty five (25) feet to any residential structure on an adjacent lot.

## Section 410

### Solar Energy Systems

#### Ground Mounted Solar Energy Systems

- (1) Ground mounted solar energy systems shall only be permitted in the side or rear yard and shall be set back a minimum of ten (10) feet from all lot lines.
- (2) No ground mounted system shall exceed six (6) feet in height as measured from the average grade at the base of the system.
- (3) Ground mounted solar energy systems shall be screened/fenced from any adjacent lot lines of lots used for residential purposes by complying with the screening/fence requirements of Section 406.

#### Roof Mounted Solar Energy Systems

- (1) Roof mounted solar panels that are integrated with the surface layer of the roof structure or are mounted flush with the roof structure may be permitted on any roof surface of a principal building or accessory building.
- (2) Roof mounted solar panels that are mounted at an angle to the roof structure shall only be permitted on roof surfaces that face the side or rear lot.

- (3) Solar panels may be mounted on flat roofs provided there is a parapet wall or other structural feature that screens the view of the panels. Such panels may be mounted on an angle provided they do not extend more than five (5) feet above the roof surface.

## ARTICLE 5

### “R-1” RESIDENTIAL DISTRICT – SINGLE FAMILY

#### SECTION 501

This District is established to provide the use regulations for building or premises with the R-1 Single Family Residential District.

#### SECTION 501.1

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

- A. Agriculture, including greenhouses and the usual agricultural buildings and structures, except on numbered lots within a recorded allotment.
- B. Single Family dwellings
- C. Churches and other places of worship, Sunday Schols buildings and Parish houses, Parochial Schools and accessory buildings.
- D. Public Elementary, Middle, and High Schools.
- E. Public owned or operated buildings or properties including Village Hall, Community Center buildings, fire or police stations, waterworks plants, sewage disposal plants, parks, playgrounds, cemeteries, and conservation areas.
- F. Cemeteries, other than Village operated 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.
- G. Accessory buildings incidental to principal use which do not include any activity conducted as a separate business
- H. Private garage, tool house, home occupation.
- I. Roadside stand, offering for sale only agricultural products, 50% of which are grown on the premises.
- J. One sign, eight (8) square feet or less 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 501.2 Height Regulations: No building shall exceed two and one half stories (2.5) or thirty five feet (35') in height, except as provided in Article 15 of this Ordinance.

SECTION 501.3 Area Regulations: 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 those residences 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 501.4 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 percent (25%) 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 percent (20%) 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 abuts 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 501.5 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 501.6 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.

SECTION 501.7 Off Street Parking Requirements: Two (2) off-street parking spaces must be provided per single family dwelling. To reduce traffic problems and hazards by eliminating on-street parking, every use of land hereafter stated or changed must include on-premise 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 supplied, are in addition to and not in place of the spaces herein required.

- A. Each parking space shall be at least nine (9') feet wide and twenty-two (22') feet long for parallel parking, or twenty (20') feet long for right angle parking, or eighteen (18') feet long for sixty (60) degree parking or seventeen (17') 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.
- B. The parking spaces required herein shall be located on the premises, or within three hundred (300') feet of the premises, and shall not be part of an alley, street, or other roadway.
- C. Parking spaces may not be located in the required front yard, except in Business and Industrial Districts.
- D. Any parking space for a commercial use, must be paved with a hard or dustproof surface.
- E. 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.
- F. A Church, Temple, or other place of worship that requires parking area at times when nearby uses do not need their parking facilities may, by agreement approved by the Planning Commission, use those facilities instead of providing their own; except that such other facilities must be off-street, dust-free, and meet the total requirements for said paves of worship.

SECTION 501.8 Outdoor Advertising Sign Regulations: Reference the "Outdoor Advertising Sign" in the definition section.

- A. Size limitations: the face of any sign erected or maintained in this District shall not exceed twelve (12) square feet.
- B. No illuminated sign shall be permitted in a residential district.
- C. Exempt from permitting signs: temporary signs such as those notifying the populace of a sale or local event, the offering of a property for sale, rent, or lease, or advertising the ongoing improvement of or construction upon the premises; all of which are transitory and are permitted to remain during the period of the condition at issue; and signs which advocate the election of a candidate for public office or other election matters or issues. These signs are to be placed on private property, with owner consent, and not in the public right-of-way or on other public ground. Temporary signs shall erected and maintained only during the course of the activity which the same announces or advertises, and promptly removed thereafter.

- D. Permits: Applications for sign permits shall be submitted to and on forms prescribed by the Zoning Inspector of the Village of West Salem. The application shall be accompanied by such reasonable processing charge or fee as the Village Council may deem appropriate, The Zoning Inspector shall act upon such application in a timely manner, and shall approve the same unless the erection of the sign in question is, in some manner, in contradiction to any Ordinance and/or Regulation of the Village. Any person aggrieved by the action of the Zoning Inspector, in this regard, may appeal the same to the Planning Commission of the Village by filing notice of said appeal with the Village Administrator, or the Village Fiscal Officer, or the Planning Commission Chairman within a period of not more than ten (10) days after receipt of notice of the same.
- E. Unsafe Signs: If the Zoning Inspector finds that any sign is Insafe or insecure, or is a menace to the public or has been constructed, erected, or maintained in violation of the provisions of the Ordinance, notice shall be given in writing by the Zoning Inspector to the owner, agent, or person having beneficial use of such sign who shall immediately correct the condition for which said notice was given.
- F. Violations: In case any sign shall be installed, erected, constructed, or maintained in violation of any terms of this Ordinance, the Zoning Inspector shall notify, in writing, the owner or lessee thereof to alter such sign so as to comply with the Ordinance. *Failure to comply with any of the provisions of this article shall be deemed a violation and shall be subject to a fine of \$150 - \$500 per day as long as the violation remains.*

#### Section 502 Space Requirements for Dwelling Units

- A. One family units with one or two bedrooms shall contain a minimum of eleven hundred twenty five (1125) square feet in above grade gross living area (GLA).
- B. One family units with three bedrooms shall contain a minimum of twelve hundred (1200) square feet in above grade gross living area (GLA).
- C. One family units with four or more bedrooms shall contain a minimum of fifteen hundred (1500) square feet in above grade gross living area (GLA).

## ARTICLE 6

### "R-2" RESIDENTIAL DISTRICT – MULTI FAMILY

#### SECTION 601

This District is established to provide the use regulations for buildings or premises with the R-2 Multi Family Residential District.

SECTION 601.1 Use Regulations: A building or premises within an R-2 Residential District shall be used only for the following purposes:

- A. Single family dwellings, two family dwellings, multiple family dwellings, nursing homes and retirement home facilities.
- B. Churches and other places of worship, Sunday School buildings and Parish houses, Parochial Schools and necessary accessory buildings.
- C. Public Elementary, Middle, and High Schools.
- D. Public owned or operated buildings or properties including Village Hall, Community Center buildings, fire or police stations, waterworks plants or towers, parks and playgrounds.
- E. Accessory buildings incidental to the principal use which do not include any activity conducted as a separate business.
- F. Private garage, home occupation.
- G. One sign, eight (8) square feet or less 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 602 Height Regulations: No building shall exceed forty-five (45') feet in height, except as provided in Article 15 of this Ordinance.

SECTION 603 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 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 604 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 percent (25%) 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 percent (20%) 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 abuts 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 605 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 606 Intensity of Use: Where a two (2) family dwelling is erected or a building is altered to accommodate two (2) families the 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. Where a multiple family dwelling is erected or a building 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 607 Off-Street Parking Requirements: Two (2) off-street parking spaces shall be provided per single family dwelling. Four (4) off-street parking spaces shall be provided for each two-family dwelling. Two (2) off-street parking spaces shall be provided per dwelling unit for all multiple family dwellings (three family or more). All parking spaces shall have minimum dimensions of nine (9') feet wide and twenty-two (22') feet in length. No off-street parking spaces shall be included in the required front yard dimensions. Nursing homes, and retirement home centers shall provide a minimum of one (1) off-street parking space for every two (2) patients and/or residents, and one (1) off-street parking space for every on-duty employee.

SECTION 608 Outdoor Advertising Sign Regulations: Reference the "Outdoor Advertising Sign" in the definition section.

- A. Size limitations: the face of any sign erected or maintained in this District shall not exceed twelve (12) square feet.
- B. No illuminated sign shall be permitted in a residential district.
- C. Exempt from permitting signs: temporary signs such as those notifying the populace of a sale or local event, the offering of a property for sale, rent, or lease, or advertising the ongoing improvement of or construction upon the premises; all of which are transitory and are permitted to remain during the period of the condition at issue; and signs which advocate the election of a candidate for public office or other election matters or issues. These signs are to be placed on private property, with owner consent, and not in the public right-of-way or on other public ground. Temporary signs shall erected and maintained only during the course of the activity which the same announces or advertises, and promptly removed thereafter.
- D. Permits: Applications for sign permits shall be submitted to and on forms prescribed by the Zoning Inspector of the Village of West Salem. The application shall be accompanied by such reasonable processing charge or fee as the Village Council may deem appropriate, The Zoning Inspector shall act upon such application in a timely manner, and shall approve the same unless the erection of the sign in question is, in some manner, in contradiction to any Ordinance and/or Regulation of the Village. Any person aggrieved by the action of the Zoning Inspector, in this regard, may appeal the same to the Planning Commission of the Village by filing notice of said appeal with the Village Administrator, or the Village Fiscal Officer, or the Planning Commission Chairman within a period of not more than ten (10) days after receipt of notice of the same.
- E. Unsafe Signs: If the Zoning Inspector finds that any sign is Insafe or insecure, or is a menace to the public or has been constructed, erected, or maintained in violation of the provisions of the Ordinance, notice shall be given in writing by the Zoning Inspector to the owner, agent, or person having beneficial use of such sign who shall immediately correct the condition for which said notice was given.

- F. Violations: In case any sign shall be installed, erected, constructed, or maintained in violation of any terms of this Ordinance, the Zoning Inspector shall notify, in writing, the owner or lessee thereof to alter such sign so as to comply with the Ordinance. *Failure to comply with any of the provisions of this article shall be deemed a violation and shall be subject to a fine of \$150 - \$500 per day as long as the violation remains.*

Section 608 Space Requirements for Multi-Family Dwelling Units

- A. Two family dwelling units with one or two bedrooms per unit shall contain a minimum of seven hundred (700) square feet of above grade gross living area (GLA) per unit.
- B. Two family dwelling units with three bedrooms per unit shall contain a minimum of nine hundred (900) square feet of above grade gross living area (GLA) per unit.
- C. Two family dwelling units with four or more bedrooms shall contain a minimum of twelve hundred (1200) square feet of above grade gross living area (GLA) per unit.
- D. Multi-Family dwellings with three or more units per structure and one bedroom per unit shall have a minimum of six hundred (600) square feet of above grade gross living area (GLA) per unit.
- E. Multi-Family dwellings with three or more units per structure and two bedrooms per unit shall have a minimum of seven hundred (700) square feet of above grade gross living area per unit.
- F. Multi-Family dwellings with three or more units per structure and three or more bedrooms per unit shall have a minimum of nine hundred (900) square feet of above grade gross living area (GLA) per unit.

## ARTICLE 7

### “B-1” LIGHT BUSINESS DISTRICT REGULATIONS

#### SECTION 701

This District is established to provide the use regulations for building or premises with the “B-1” Light Business District.

SECTION 701.1 USE REGULATIONS: A building or premises with the “B-1” Light Business District shall be used only for the following purposes:

- A. All uses listed in “R-1” and R-2” Residential Districts.
- B. Stores and shops for the conducting of any business of sales or services as:  
Studios, cafes, and other eating places, grocery stores, retail markets, pharmacies, wearing apparel stores, shoe repair, clothing alterations, dry cleaning shops provided non-explosive and non-flammable solvents are used, and its operation is not noxious by reason of the emission of odor, dust, lint, smoke, gas or noise.
- C. Self-serve laundry, hardware, paint, wallpaper, furniture and household appliance and automobile accessory stores. Book, stationary stores, flower shops, variety, antique, and gift shops, barber and beauty shops, banks and financial institutions, business and professional offices, electronics and/or computer stores, funeral homes and associated businesses, veterinary clinic (no outside pens permitted).
- D. Gasoline stations, automotive service shops where no repairing of a major type is performed such as; body repair and painting, frame repairs, removal, replacement, or overhauling of engines and transmissions. Printing shops and parking lots.
- E. Any garage or accessory use which is clearly incidental to the main uses are permitted.

#### SECTION 702 Area Regulations

SECTION 702.1 Height Regulations: No building shall exceed fifty (50’) feet in height, except as provided in Article 15 of this Ordinance.

SECTION 702.2 Front Yard Regulations: No front yard is required for business uses except in the case of a gasoline service station. No portion of the service station, including pumps, may be erected nearer than twenty (20’) feet from the street. In the case of residential dwellings constructed in this District, there shall be a minimum front yard 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 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 702.3 Side Yard Regulations: No side yard is required for business uses except in the case of a gasoline service station where the side yard shall be not less than ten (10’) feet. In the case of residential dwelling construction in this District, 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 percent (25%) 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 percent (20%) 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 abuts 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. No residential use may be made of the first story of a building in this District unless side yards are provided.

SECTION 702.4 Rear Yard Regulations: For all business uses in this District a rear yard shall be required with a minimum depth of ten (10') feet. In the case of residential dwelling construction in this District, 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 702.5 Intensity of Use: A business structure, a Church or other house of worship, or a place of general assembly, in a "B-1" Light 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. In the case of residential dwelling construction in this District, where a two (2) family dwelling is erected or a building is altered to accommodate two (2) families the 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. Where a multiple family dwelling is erected or a building 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 703 Off-Street Parking Requirements: 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" Light Business District. For Churches and other places of general assembly there shall be provided two hundred (200) square feet of off-street parking for each six (6) seats. For all retail business establishments there shall be provided off-street parking spaces, which in area shall be three (3) times that of the ground floor area of the business structure. The general parking space shall be a minimum of nine (9') feet in width and twenty-two (22') feet in length. 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 704 Advertising Sign Regulations:

- A. Advertising signs may be attached to the main building or a free-standing sign identifying the name or use of the building.
- B. No sign shall be erected or maintained at any location, whereby reason of its position, working, illumination, size, shape or color it may obstruct, impair, obscure, or interfere with the view of, or be confused with any authorized traffic control signal, sign, or device.
- C. 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.
- D. 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.
- E. The minimum setback of free-standing or pole signs, from the street right-of-way shall be not 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.
- F. Exempt from permitting signs: temporary signs such as those notifying the populace of a sale or local event, the offering of a property for sale, rent, or lease, or advertising the ongoing improvement of or construction upon the premises; all of which are transitory and are permitted to remain during the period of the condition at issue; and signs which advocate the election of a candidate for public office or other election matters or issues. These signs are to be placed on

private property, with owner consent, and not in the public right-of-way or on other public ground. Temporary signs shall be erected and maintained only during the course of the activity which the same announces or advertises, and promptly removed thereafter.

- G. Permits: Applications for sign permits shall be submitted to and on forms prescribed by the Zoning Inspector of the Village of West Salem. The application shall be accompanied by such reasonable processing charge or fee as the Village Council may deem appropriate, The Zoning Inspector shall act upon such application in a timely manner, and shall approve the same unless the erection of the sign in question is, in some manner, in contradiction to any Ordinance and/or Regulation of the Village. Any person aggrieved by the action of the Zoning Inspector, in this regard, may appeal the same to the Planning Commission of the Village by filing notice of said appeal with the Village Administrator, or the Village Fiscal Officer, or the Planning Commission Chairman within a period of not more than ten (10) days after receipt of notice of the same.
- H. Unsafe Signs: If the Zoning Inspector finds that any sign is unsafe or insecure, or is a menace to the public or has been constructed, erected, or maintained in violation of the provisions of the Ordinance, notice shall be given in writing by the Zoning Inspector to the owner, agent, or person having beneficial use of such sign who shall immediately correct the condition for which said notice was given.
- I. Violations: In case any sign shall be installed, erected, constructed, or maintained in violation of any terms of this Ordinance, the Zoning Inspector shall notify, in writing, the owner or lessee thereof to alter such sign so as to comply with the Ordinance. *Failure to comply with any of the provisions of this article shall be deemed a violation and shall be subject to a fine of \$150 - \$500 per day as long as the violation remains.*

## ARTICLE 8

### “B-2 BUSINESS DISTRICT REGULATIONS

#### SECTION 801

This District is established to provide the use regulations for buildings or premises within the “B-2” Business District.

SECTION 801.1 Use Regulations: A building or premises within a “B-2” Business District may only be used for any of the following purposes;

- A. All permitted uses within an “R-1” and R-2” Residential District and within a “B-1” Business District.
- B. Stores and shops for the conducting of any business of sales and/or service such as; motels, hotels, boarding houses, theaters, greenhouses, kennels, automobile sales and service, truck sales and service, agricultural or construction equipment sales and service, body and frame repair shop, and warehousing.
- C. Feed stores, agricultural services, contractor equipment sales service and rental, light manufacturing, general wholesale business, motor truck terminal, lumber yard, and building materials.
- D. With the exception of motels, hotels, and boarding houses all permitted uses described in Section 801.1 (B) & (C) are only permitted operation during the hours of 7:00 am to 11:00 pm.

#### SECTION 802 Area Regulations:

SECTION 802.1 Height Regulations: No building shall exceed fifty (50’) feet in height, except as provided in Article 15 of this Ordinance.

SECTION 802.2 Front Yard Regulations: No front yard is required for business uses except in the case of a gasoline service station. No portion of the service station, including pumps, may be erected nearer than twenty (20’) feet from the street. In the case of residential dwellings constructed in this District, there shall be a minimum front yard 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 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 802.3 Side Yard Regulations: No side yard is required for business uses except in the case of a gasoline service station where the side yard shall be not less than ten (10’) feet. In the case of residential dwelling construction in this District, 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 percent (25%) 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 percent (20%) 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 abuts 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. No residential use may be made of the first story of a building in this District unless side yards are provided.

SECTION 802.4 Rear Yard Regulations: For all business uses in this District a rear yard shall be required with a minimum depth of ten (10') feet. In the case of residential dwelling construction in this District, 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 802.5 Intensity of Use: A business structure, a Church or other house of worship, or a place of general assembly, in a "B-1" Light 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. In the case of residential dwelling construction in this District, where a two (2) family dwelling is erected or a building is altered to accommodate two (2) families the 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. Where a multiple family dwelling is erected or a building 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 803 Off-Street Parking Requirements: 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" Light Business District. For Churches and other places of general assembly there shall be provided two hundred (200) square feet of off-street parking for each six (6) seats. For all retail business establishments there shall be provided off-street parking spaces, which in area shall be three (3) times that of the ground floor area of the business structure. The general parking space shall be a minimum of nine (9') feet in width and twenty-two (22') feet in length. 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 804 Advertising Sign Regulations:

- A. Advertising signs may be attached to the main building or a free-standing sign identifying the name or use of the building.
- B. 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, or interfere with the view of, or be confused with any authorized traffic control signal, sign, or device.
- C. 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.
- D. 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.
- E. The minimum setback of free-standing or pole signs, from the street right-of-way shall be not 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.
- F. Exempt from permitting signs: temporary signs such as those notifying the populace of a sale or local event, the offering of a property for sale, rent, or lease, or advertising the ongoing improvement of or construction upon the premises; all of which are transitory and are permitted to remain during the period of the condition at issue; and signs which advocate the election of a candidate for public office or other election matters or issues. These signs are to be placed on private property, with owner consent, and not in the public right-of-way or on other public ground. Temporary signs shall erected and maintained only during the course of the activity which the same announces or advertises, and promptly removed thereafter.

- G. Permits: Applications for sign permits shall be submitted to and on forms prescribed by the Zoning Inspector of the Village of West Salem. The application shall be accompanied by such reasonable processing charge or fee as the Village Council may deem appropriate, The Zoning Inspector shall act upon such application in a timely manner, and shall approve the same unless the erection of the sign in question is, in some manner, in contradiction to any Ordinance and/or Regulation of the Village. Any person aggrieved by the action of the Zoning Inspector, in this regard, may appeal the same to the Planning Commission of the Village by filing notice of said appeal with the Village Administrator, or the Village Fiscal Officer, or the Planning Commission Chairman within a period of not more than ten (10) days after receipt of notice of the same.
- H. Unsafe Signs: If the Zoning Inspector finds that any sign is Insafe or insecure, or is a menace to the public or has been constructed, erected, or maintained in violation of the provisions of the Ordinance, notice shall be given in writing by the Zoning Inspector to the owner, agent, or person having beneficial use of such sign who shall immediately correct the condition for which said notice was given.
- I. Violations: In case any sign shall be installed, erected, constructed, or maintained in violation of any terms of this Ordinance, the Zoning Inspector shall notify, in writing, the owner or lessee thereof to alter such sign so as to comply with the Ordinance. *Failure to comply with any of the provisions of this article shall be deemed a violation and shall be subject to a fine of \$150 - \$500 per day as long as the violation remains.*

## ARTICLE 9

### “C-1” INDUSTRIAL DISTRICT REGULATIONS

#### SECTION 901

This District is established to provide the use regulations for buildings or premises within the “C-1” Industrial District.

SECTION 901.1 Use Regulations: The following uses which may be offensive by reason of emission of odor, dust, gas, or noise may be permitted by the Village Planning Commission and an affirmative vote by the Village Council, when in the opinion of the Village such uses are not damaging to neighboring properties and sufficient safeguards by the Village have been established as to warrant the establishment of such use:

- A. All permitted uses in “R-1” and “R-2” Residential Districts, and “B-1” and “B-2” Business Districts.
- B. Acetylene gas manufacturing and storage, acid manufacturing and storage, ammonia manufacturing and storage, asphalt manufacturing or refining, automobile wrecking yard, motor vehicle dumps, junk yards.
- C. Metal manufacturing, blast furnace or cupulas, bleaching powder or chlorine manufacturing, boiler works, bronze powder manufacturing.
- D. Carbon, lampblack, or graphite manufacturing, explosive or flammable cellulose or pyroxyline products manufacturing. Cement, lime, gypsum or plaster manufacturing. Coke ovens, cooper works, copper, iron, tin, lead, or creosote manufacturing, storage, and treatment.
- E. Disinfectant, insecticide or poison manufacturing. Distillation of bones, coal, or wood. Dyestuff manufacturing.
- F. Emory cloth or sandpaper manufacturing. Enameling or lacquering except where incidental to a permitted use. Excelsior or fiber manufacturing. Explosives or fireworks manufacturing or storage. Match manufacturing or storage.
- G. Fat rendering, tallow, grease or lard refining or products manufactured from fats except where incidental to a permitted use. Felt manufacturing except where dust is controlled by means of effective devices. Forge plants.
- H. Garbage, dead animal reduction or dumping. Glue, size, or gelatin manufacturing.
- I. Junk, iron or rag storage or baling.
- J. Nitrating processes or potash refining.
- K. Oil cloth or linoleum manufacturing. Oiled rubber goods manufacturing.
- L. Paint, oil shellac, size enamel, turpentine or varnish manufacturing. Printing ink manufacturing. Radium extraction. Rock crushing or roller mills.
- M. Smelting or reduction of ores or metallurgical products. Soap, soda ash, caustic soda or washing powder manufacturing. Starch, dextrin or glucose manufacture. Stock yards. Sugar refining.
- N. Tanning, curing of raw hides or skins. Tar distillation or manufacture. Tar or asphalt roofing or waterproofing manufacture.
- O. Vinegar, yeast, and pickle manufacturing or processing.

SECTION 902 Area Regulations:

SECTION 902.1 Height Regulations: No building shall exceed fifty (50') feet in height, except as provided in Article 15 of this Ordinance.

SECTION 902.2 Front Yard Regulations: The front yard depth within a "C-1" Industrial District shall not be less than twenty (20') feet, measured from the right-of-way line. The rear line of the front yard shall be considered the building line.

SECTION 902.3 Side Yard Regulations: A side yard is not required within a "C-1" Industrial District, except when adjacent to a Residential District or on the side of a corner lot. In both cases the least dimension of such side yard need not be more than fifteen (15') feet.

SECTION 902.4 Rear Yard Regulations: A rear yard is not required within a "C-1" Industrial District.

SECTION 902.5 Intensity of Use: In the "C-1" Industrial District, the principal structures shall not be erected on a lot which is less than three times the floor area of such structures.

SECTION 902.6 Off-Street Parking Regulations: Off-street parking space and off-street loading space shall be provided on the premises for buildings and uses above noted. For all uses permitted under "C-1" Industrial District there shall be provided off-street, dust free, parking space which in area shall be three (3) times the ground floor area of the main structures erected on the premises.

SECTION 903 Sign Regulations: In the "C-1" Industrial District each business or industrial use shall be permitted identification signage on the lot only as incidental uses, not to exceed two (2) such signs or a net area of three hundred (300) square feet.

- A. Total permanent sign area may be allocated to any of the following sign types subject to restrictions and requirements set forth herein.
- B. Wall signs shall not be larger than ten (10%) percent of the building or the maximum signage square footage, whichever is smaller.
- C. A wall sign shall not project from the face of the wall more than eighteen (18) inches and shall not extend above or beyond the building wall.
- D. Buildings facing more than one (1) adjacent right-of-way may have one (1) wall sign facing each adjacent right-of-way.
- E. Free-standing signs: each use, building, parcel or land under common ownership or control shall be permitted the signs provided in either E (1), E (2) or E (3) below:
  1. One monument sign, which shall not exceed thirty-two (32) square feet in area or six (6) feet in height. Parcels which have frontage on two or more streets may have a second monument sign provided the second sign is located on a different street. Minimum setback from the right-of-way and all other property lines shall be twenty (20') feet.
  2. On a lot on which are located two or more businesses operating independently in two or more separate spaces or buildings, one (1) free-standing sign not exceeding thirty-two (32) square feet per business nor ten (10) feet in height. Minimum setback from the right-of-way or all other property lines shall be forty (40') feet.
  3. Pedestal type signs may be allowed with approval from the Planning Commission.

- F. Entrance Signs: One general, monument type, businesses located sign at the entrance of an industrial development will be permitted. Individual businesses would be allowed a maximum of thirty-six (36) square feet with a maximum height of eighteen (18') feet.
- G. Exempt from permitting signs: temporary signs such as those notifying the populace of a sale or local event, the offering of a property for sale, rent, or lease, or advertising the ongoing improvement of or construction upon the premises; all of which are transitory and are permitted to remain during the period of the condition at issue; and signs which advocate the election of a candidate for public office or other election matters or issues. These signs are to be placed on private property, with owner consent, and not in the public right-of-way or on other public ground. Temporary signs shall be erected and maintained only during the course of the activity which the same announces or advertises, and promptly removed thereafter.
- H. Permits: Applications for sign permits shall be submitted to and on forms prescribed by the Zoning Inspector of the Village of West Salem. The application shall be accompanied by such reasonable processing charge or fee as the Village Council may deem appropriate, The Zoning Inspector shall act upon such application in a timely manner, and shall approve the same unless the erection of the sign in question is, in some manner, in contradiction to any Ordinance and/or Regulation of the Village. Any person aggrieved by the action of the Zoning Inspector, in this regard, may appeal the same to the Planning Commission of the Village by filing notice of said appeal with the Village Administrator, or the Village Fiscal Officer, or the Planning Commission Chairman within a period of not more than ten (10) days after receipt of notice of the same.
- I. Unsafe Signs: If the Zoning Inspector finds that any sign is unsafe or insecure, or is a menace to the public or has been constructed, erected, or maintained in violation of the provisions of the Ordinance, notice shall be given in writing by the Zoning Inspector to the owner, agent, or person having beneficial use of such sign who shall immediately correct the condition for which said notice was given.
- J. Violations: In case any sign shall be installed, erected, constructed, or maintained in violation of any terms of this Ordinance, the Zoning Inspector shall notify, in writing, the owner or lessee thereof to alter such sign so as to comply with the Ordinance. *Failure to comply with any of the provisions of this article shall be deemed a violation and shall be subject to a fine of \$150 - \$500 per day as long as the violation remains.*

SECTION 904 Sexually Oriented Business Regulations: Sexually-oriented business shall be permitted as Conditional Uses in the "C-1" Industrial District, subject to the following:

- A. Sexually-oriented business definition: For the purpose of these provisions, certain terms and words used herein shall be interpreted as set forth herein below. The word "person" includes a firm, association, organization, partnership, trust, company, corporation, or limited liability corporation, as well as an individual. The present tense of any verb includes the future tense. The singular number includes the plural, and the plural number includes the singular. The words "used" or "occupied" include the phrases "intended", "designed", or "arranged" to be used or occupied. The word "building" includes the word "structure". In case of any difference of meaning or implication between the text of the content of these provisions and any caption set forth therein, the text shall control.
- B. Adult Arcade: An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, computers, or other image producing devices, other visual representations, and/or other similar machines or devices, for viewing by five or fewer persons are used regularly to show films, motion pictures, video cassettes, digital video discs, slides, or

other photographic reproductions which are characterized by or include the depiction of “specified” sexual activities or “specified anatomical areas”.

- C. Adult Bookstore, Adult Novelty Store, or Adult Video Store: A commercial establishment which has at least fifty (50%) percent of its stock-in-trade, or derives at least fifty (50%) percent of its revenues, or devotes at least fifty (50%) percent of its interior business or advertisement from or to the sale or rental, for any form of consideration, of any one or more of the following or in combination:
1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, computer programs, digital video discs, or other visual representations which are characterized by the depiction of “specified sexual activities” or “specified anatomical areas”
  2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for the sadomasochistic use or abuse by an individual or himself or herself or others. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of material depicting or describing “specified sexual activities” or “specified anatomical areas”, and still be characterized and categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store if the above definition is met.
- D. Adult Cabaret: A nightclub, bar, restaurant, bottle club, juice bar, or similar commercial establishment, whether or not alcoholic beverages are served there, which regularly features:
1. A person or persons who appear nude or semi-nude, or in a state of nudity or semi-nudity
  2. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities” or
  3. Films, motion pictures, video cassettes, computer programs, digital video discs, or other photographic reproductions which are characterized by the depiction of “specified sexual activities” or “specified anatomical areas”
- E. Adult Motel: a motel, hotel, or similar commercial establishment which offers public accommodation, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction of “specified sexual activities” or “specified anatomical areas”, and which advertise the availability of this sexually-oriented material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, internet exposure or solicitation, radio, or television.
- F. Adult Motion Picture Theater: a commercial establishment where films, motion pictures, video cassettes, digital video discs, slides, or similar photographic reproductions which are characterized by the depiction of “specified sexual activities” or “specified anatomical areas” are shown, for any form of consideration.
- G. Adult Theater: a theater, concert hall, auditorium, or other commercial establishment or gathering place which, for any form of consideration, regularly features or provides a person or persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of “specified sexual activity” or “specified anatomical areas”.
- H. Massage Parlor: any place where, for any form of consideration, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with “specified sexual

activities” is offered, or where any person providing such treatment, manipulation, or service related thereto, exposes one or more of his or her “specified anatomical areas”. The definition of “massage parlor” shall not include; the practice of massage in or by a licensed hospital, or by a licensed physician, surgeon, chiropractor, osteopath, or any nurse or technician working under the supervision and direction of a licensed physician, surgeon, chiropractor, or osteopath, or by certified trainers for any amateur, semi-professional, or professional athlete or athletic team, or school athletic program, or any licensed barber shop, beauty salon, or spa in which massages are administered to areas of the body which are other than “specified anatomical areas” or by any individual licensed by the State of Ohio to perform massages and/or massage therapy.

- I. Nude or Nudity: the state in which a human is fully bare, naked, or unclothed.
- J. Semi-Nude or Semi-Nudity: the state in which a human is partially covered or clothe, but in which the genitals. Pubic region, anus, or areolas or nipples of the female breast are not completely and opaquely covered.
- K. Semi-Nude Model Studio: any place where any person or persons regularly appear in a state of nudity or semi-nudity, or display any “specified anatomical area”, fir any form of consideration, to be observed, sketched, drawn, sculptured, photographed, or otherwise depicted. Semi-nude model studios do not include those maintained and operated for legitimate educational purposes by a school, college, or university licensed or otherwise authorized to operate by the State of Ohio.
- L. Sexual Encounter Establishment: a business or commercial establishment that, as one of its principal business purposes, offers, for any form of consideration provides a place where two or more persons may congregate, associate, or consort for the purpose of engaging in “specified sexual activities” or the exposure of “specified anatomical areas” or where two or more persons engage in activities during which one or more of the persons is in a state of nudity or semi-nudity. A “sexual encounter establishment” shall not include an establishment where a licensed medical practitioner, psychologist, psychiatrist, or similar professional person engages in medically approved and recognized sexual therapy.
- M. Stiptease Parlor/Escort Agency: a person, business association, or other entity offers to furnish or advertises exchange for any consideration, person or persons in a state of observation of another person or enterprise that furnishes for hire and in striptease appearances of a nudity or semi-nudity for the person or persons.
- N. Specified Anatomical Areas: includes all of the following:
  - 1. The human genitals, pubic region, anus, or nipples of the female breast which are completely, and opaquely covered.
  - 2. The human genitals in a discernibly turgid state, even if completely covered.
- O. Specified Sexual Activities: includes all of the following:
  - 1. The fondling or other intentional touching of human genitals, pubic region, anus, or female breasts.
  - 2. Sex acts, normal or a perverse nature, whether actual or simulated, including, but noy limited to fellatio, cunnilingus, copulation, and sodomy.
  - 3. Masturbation or the masturbation of another person, whether actual or simulated.
  - 4. Human genitals in a state of sexual stimulation, arousal, or tumescence.
  - 5. Excretory functions as part of or in connection with any of the activities set forth in the above subsections.

## **ARTICLE 10**

### **MOBILE HOME PARK REGULATIONS**

#### **Section 1101**

This District is established to provide use regulations for the placement of Mobile Home Parks located within the Village. Mobile Home Parks in the State of Ohio are regulated at the state level and covered in the Ohio Revised Code (ORC) Chapter 4781. Further, Mobile Home Parks are supervised, regulated, licensed, and inspected by the Ohio Department of Commerce, Division of Industrial Compliance.

## **ARTICLE 11**

### **PLANNED UNIT DEVELOPMENT**

#### **Section 1201**

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

#### **Section 1202**

The applicant shall contact the Village Zoning Inspector, who will arrange for the applicant to meet with the Village Planning Commission. The applicant shall apply to the Commission in writing for a Planned Unit Development Permit; said application to be accompanied by all necessary, general, and detailed plans for determination.

#### **Section 1203**

The Planning Commission shall treat such application as an amendment to the Zoning Ordinance, certifying its recommendations to the Village Council. The Village Council shall act in the same manner prescribed by law for amending the Zoning Ordinance.

#### **Section 1204**

If a Planned Unit Development is permitted, the permits shall be issued by the Village Zoning Inspector according to the provisions and approvals directed by the Village Council. The approved development shall become part of this Ordinance as would any other amendment.

#### **Section 1205**

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.

#### **Section 1206**

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

#### **Section 1207**

All Planned Unit Development Plans must meet the following requirements;

- (1) The Plan must be in conformity with a Comprehensive Plan, as now, or in the future adopted, or amended.
- (3) The layout/design must meet the general requirements of the Village Subdivision Code.
- (4) The plan must be in the interest of the public, generally following the purposes/intentions of this Ordinance, and must be in complete conformance with all other applicable regulations.
- (5) The Planning Commission and/or Village Council may require such information and agreements as necessary to protect the intent of this Article.
- (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 12**

### **NON-CONFORMING USES**

#### **Section 1301**

The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enacting a Zoning Ordinance or an amendment to the Ordinance may be continued, although such use does not conform with the provisions of such Ordinance or amendment. If no structural alterations are made, a non-conforming use of a 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 non-conforming use, such use shall not thereafter be changed to a less restrictive use.

#### **Section 1302**

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 or more restricted classification.

#### **Section 1303**

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 not less than six months, that a municipal corporation otherwise provides by Ordinance, any future use of such dwelling, building, structure, or land shall be in conformity with current zoning.

#### **Section 1304**

The Board of Zoning Appeals shall permit, upon application, a pre-existing non-conforming use to be completed, restored, reconstructed, extended, or substitution of non-conforming uses, and strengthening and/or restoration of a structure to a safe condition upon reasonable terms in the spirit of this Zoning Code.

#### **Section 1305**

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

#### **Section 1306**

When a non-conforming use dwelling, building, or structure is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than sixty (60%) percent of its replacement value, it shall not be restored except in conformity to the Zoning Regulations of the district in which the building is situated.

## ARTICLE 13

### ADMINISTRATION

#### Section 1401

##### Office of the Zoning Inspector;

A Village Zoning Inspector appointed by the Mayor shall administer and enforce this Ordinance. He/she may be provided assistance from others as directed by the Mayor, such as; the Village Administrator, Fiscal Officer, Police Chief, Planning Commission Chairman, Administrative Assistants, etc.

#### Section 1402

##### Duties of the Village Zoning Inspector;

For the purpose of this Ordinance, the Village Zoning Inspector shall have the following duties;

- (1.) Answer inquiries from architects, attorneys, real estate professionals, building contractors, and the general public regarding land use, zoning, property maintenance and related ordinances.
- (2.) Review and approves/disapproves all Zoning Permit Applications.
- (3.) Perform zoning permit inspections, based on approved plans, to ensure compliance with the Zoning Regulations.
- (4.) Research and review legal descriptions, plat maps, and property ownership information.
- (5.) Conduct field investigations to determine compliance of properties with the Zoning Regulations and issues notices of violations or citations for regulation non-compliance.
- (6.) Testify at hearings regarding notices of violation or citations issued.
- (7.) Maintain official record of all activities, including complaints of violations, photographs, and action taken.
- (8.) Prepare and submit monthly activity reports to the Mayor.
- (9.) Ensure proper advertising of any public hearings pertaining to Zoning Regulations.
- (10.) Order discontinuance of any illegal use of land, buildings, or structures, or any illegal work being performed.
- (11.) Issue permits for special exception/conditional uses and/or variances only after applications have been approved, in writing, by the Board of Zoning Appeals or the Village Council.
- (12.) Perform related work as directed, take any other action authorized by the Zoning Regulation and/or Property Maintenance Code to ensure compliance with or to prevent violations of the Village Ordinances.

#### Section 1403

##### Office of the Village Planning Commission;

As prescribed in the Ohio Revised Code (ORC) Section 713.01, the Village may establish a commission of five members, consisting of the Mayor, one member of the legislative authority (Village Council) to be elected thereby for the remainder of the members term on Council, two citizens of the Village, and one public member (need not be a Village resident) to be appointed by the Mayor for terms of six years each, except that the term of one of the members of the first commission shall be for four years and one for two years. All members shall serve without compensation. The Planning Commission shall adopt rules necessary to conduct its affairs, members shall elect a Chairman. Meetings will be held at the call of the Chairman, and such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings and records of its examinations and other official actions all of which shall be a public record.

**Section 1404**

**Duties of the Village Planning Commission;**

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

- (1.) Initiate proposed amendments to this Ordinance.
- (2.) Review all proposed amendments to this Ordinance, and make recommendations to Village Council.
- (3.) Review all Planned Unit Developments and make recommendations to Village Council.
- (4.) If requested, assist the Zoning Inspector with clarification, intent, and procedures for proper enforcement of this Ordinance.

**Section 1405**

**Office of the 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 a public hearing. The Mayor shall fill vacancies by appointment. The Village Fiscal Officer shall act as secretary of the Board. The Board shall adopt rules necessary to conduct its affairs, members shall elect a Chairman. Meetings shall be held at the call of the Chairman, and such other times as the Board may determine. The 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 filed in the office of the Board.

**Section 1406**

**Duties of the Board of Zoning Appeals;**

For the purpose of this Ordinance the Board of Zoning Appeals shall have the following duties;

- 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.
- 2.) In deciding appeals, the Board may reverse, affirm, or wholly or partially, or modify the Order, requirement, decision, or determination from which the appeal is taken.
- 3.) To authorize variances from the terms of the Zoning Code as may be proper and lawful.
- 4.) The concurring vote of four members of the Board shall be necessary in making a decision or termination on any appeal or variance.

**Section 1407**

**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 the recourse from the decisions of the Board shall be to the Courts as provided by Ohio law. It is further the intent of this Ordinance that the duties of the Legislative Authority (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 Legislative

Authority (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 (ORC) Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

#### **Section 1408**

##### **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 (Village Council) 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 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 action appealed from was taken.

#### **Section 1409**

##### **Variances**

A written application for a variance shall be submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

- A.) Name, address, and contact information (phone, email, etc) of applicants.
- B.) Legal description of property.
- C.) Description of nature of variance requested.
- D.) A narrative statement describing the conditions which support the variance being granted.

The Board of Zoning Appeals shall use legal standards in determining whether or not to grant a variance.

#### **Section 1410**

##### **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 not be deemed a violation of this Ordinance.

#### **Section 1411**

##### **Public Hearings**

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after receipt of an Application for and appeal or variance from the Zoning Inspector. Notice shall be given as set forth in Section 1412 hereof.

**Section 1412**

**Notice to Parties of Interest**

Written notice of the Public Hearing upon an application for an appeal or a variance shall be mailed or emailed by the Chairman of the Board of Zoning Appeals at least ten (10) days before the date of the Hearing to the Applicant, and the owners of record of all the adjoining properties to the subject property. The notice shall state the time and place of the Public Hearing and the nature of proposed appeal or variance.

**Section 1413**

**Action by the Board of Zoning Appeal**

Within thirty (30) days after the public hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, 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 in question. Appeals to decisions made by the Board of Zoning Appeals, referenced in Section 1407, shall be made to the Wayne County Ohio Court system.

**Section 1414**

**Zoning Permits**

No construction, reconstruction, alteration, enlargement or moving of any building or structure or excavation for any of these purposes, shall be started without a Zoning Permit approved by the Village Zoning Inspector. The Wayne County Building Department is responsible for all building permits and inspections in the Village of West Salem, but it requires an approved Zoning Permit prior to issuing any building permit. Applications for Zoning Permits shall be available at Village Hall or from the Zoning Inspector.

**Section 1415**

**Enforcement and Penalties**

Violation of any of the provisions of this Zoning Code by any person, firm, or corporation shall be a minor misdemeanor for a first offense and a fourth degree misdemeanor for any subsequent offense. Each day of such violation may constitute a separate offense.

**Section 1416**

**Procedure for Amending Zoning Ordinance**

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.

This Ordinance may be amended utilizing the following procedures;

- (1.) By adoption of a motion by the Planning Commission.
- (2.) By adoption of a resolution by Village Council.
- (3.) By the filing of an application by at least one (1) owner of property within the area proposed to be changed or affected by said amendment.

Applications for amendments to the Official Zoning Map adopted as part of this Ordinance shall contain at least the following information;

- (1.) Name, address, phone number/email of applicant.
- (2.) Proposed amending Ordinance, approved form by the Village Law Director.
- (3.) Present use.
- (4.) Present Zoning District.
- (5.) Proposed use.
- (6.) Proposed Zoning District.
- (7.) A vicinity map, at a scale approved by the Zoning Inspector, showing property lines, streets, existing and proposed zoning and other items as the Zoning Inspector may require.
- (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.
- (9.) A statement on how the proposed amendment relates to the comprehensive plan.
- (10.) A fee as established by Village Council.

Applications for amendments proposing to amend, supplement, change or repeal portions of this Ordinance **other than** the Official Zoning Map shall include;

- (1.) Name, address, phone number/email of applicant
- (2.) Proposed amending Ordinance, approved form by the Village Law Director.
- (3.) A statement on how the proposed amendment relates to the comprehensive plan.
- (4.) A fee established by Village Council.

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

- (1.) Notice of such hearing shall be given in one (1) or more publications of general circulation of the Village of West Salem, or posted in any public building in the Village, or on the Village website at least thirty (30) days before said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.
- (2.) If 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 Village Fiscal Officer, by first class mail, at least twenty (20) days before 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 Wayne County Auditors or Treasurers tax mailing list and to such other lists that may be specified by Village Council. The notice shall contain the time and place of the public hearing and a summary of the proposed amendment.
- (3.) Within thirty (30) days after the public hearing, 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 (3/4th) 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<sup>th</sup>) of the members of Village Council vote to dispense with this rule.

(4.) Such amendment adopted by Village Council shall become effective thirty (30) days after such adoption unless within thirty (30) days after the passage of the Ordinance there is presented to the Village Fiscal Officer a petition signed by a number of qualified voters residing in the Village equal to but 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 effect immediately.

### **Section 1417**

#### **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 un-zoned until the Official Zoning Map is amended according to the provisions of this Article.