

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
GLEN DALE, WEST VIRGINIA, SUPPLEMENTING THE ZONING  
ORDINANCE OF THE CITY OF GLEN DALE, WEST VIRGINIA  
AND PROHIBITING THE USE OF MOBILE OFFICES  
FOR ANY BUSINESS IN ANY DISTRICT OF SAID CITY

The Council of the City of Glen Dale, West Virginia, hereby ordains:

That the Zoning Ordinance of the City of Glen Dale, West Virginia, be supplemented as follows:

That mobile offices, being portable units designed and built to be towed on their own chassis, connected to utilities, and occupied for business purposes on a year-round basis, be prohibited within the City of Glen Dale, in all zoning districts.

This Ordinance is not intended to prohibit the use of temporary mobile offices during construction in the City of Glen Dale.

This Ordinance shall become effective from and after its date of passage.

First Reading: May 11 / 1987

Second Reading: May 26, 1987

Jan R. Duffell  
City of Glen Dale by its Mayor

Attest:

Clifton Wilson  
City Recorder



**CODIFIED ORDINANCES OF GLEN DALE**  
**PART THIRTEEN - PLANNING AND ZONING**

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**CHAPTER ONE - Zoning Ordinance**

- Art. 1305. Zoning Authority and Purpose.
  - Art. 1309. Definitions.
  - Art. 1313. Zoning Districts and Boundaries.
  - Art. 1317. Application of Regulations.
  - Art. 1321. S-C Special Conservation District.
  - Art. 1322. CFHP-Cockayne Farmstead Historical Preservation District.
  - Art. 1325. R Residential District.
  - Art. 1329. C-N Neighborhood Commercial District.
  - Art. 1333. LC-N Limited Neighborhood Commercial District.
  - Art. 1337. C-H Highway and Integrated Commercial District.
  - Art. 1343. I Industrial District.
  - Art. 1347. Supplemental Regulations.
  - Art. 1348. Limited Video Lottery Establishments.
  - Art. 1349. Nonconforming Uses and Structures.
  - Art. 1353. Administration and Enforcement.
  - Art. 1357. Board of Zoning Appeals.
  - Art. 1361. Amendments.
- APPENDICES

**CHAPTER THREE - Land Subdivision Regulations**

- Art. 1365. Purpose and Interpretation.
  - Art. 1369. Application of Regulations.
  - Art. 1373. Plat Processing Procedures.
  - Art. 1377. Final Plats.
  - Art. 1381. Design Standards and Improvements.
  - Art. 1385. Administration and Enforcement.
- TABLE I: Construction Standards and Requirements for Streets and Sidewalks.



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**ARTICLE 1305**  
**Zoning Authority and Purpose**

- |                |                        |                |                              |
|----------------|------------------------|----------------|------------------------------|
| <b>1305.01</b> | <b>Grant of power.</b> | <b>1305.04</b> | <b>Interpretation.</b>       |
| <b>1305.02</b> | <b>Purpose.</b>        | <b>1305.05</b> | <b>Conflict and control.</b> |
| <b>1305.03</b> | <b>Short title.</b>    |                |                              |

**CROSS REFERENCES**

Zoning authority generally - see W. Va. Code 8-24-39  
Conflict of laws - see W. Va. Code 8-24-70

**1305.01 GRANT OF POWER.**

Pursuant to the authority contained in Article 24, Chapter 8 of the Code of West Virginia, Urban and Rural Planning and Zoning Law of 1969, as amended, there is hereby enacted an Ordinance to amend and reenact the Zoning Ordinance of the Town of Glen Dale, relating to the regulation and restriction of the height and bulk of buildings; to regulate and determine the area of yards; to regulate and restrict the location of trades and industries and the buildings designed for specified uses, and for such purpose to divide the City of Glen Dale into districts, and prescribe for each such district the trades and industries that shall be excluded or subject to special regulation, and the uses for which buildings may not be erected or altered; said regulations being designed to promote the public health, safety, morals and general welfare; being made with reasonable consideration, among other things to the most desirable use to which the land of each district may be adapted, the peculiar suitability for particular use of a district and the conservation of property values, and the direction of building development in accordance with a well considered plan.

**1305.02 PURPOSE.**

This Ordinance is enacted for the purpose of promoting the health, safety, morals and general welfare of the City of Glen Dale. The regulations hereinafter set forth are made in accordance with a comprehensive plan and are designated to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout said City.

**1305.03 SHORT TITLE.**

This Zoning Ordinance, which is codified as Chapters One and Three of Part Thirteen - Planning and Zoning Code, shall be known and may be cited as the Zoning Ordinance of the City of Glen Dale.

**1305.04 INTERPRETATION.**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for adequate light, pure air, safety from fire and other danger, undue concentration of population and ample parking facilities.

**1305.05 CONFLICT AND CONTROL.**

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the City is a party.

Where this Ordinance imposes a greater restriction upon the land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control.

Wherever the provisions of any other ordinance or regulation require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be unoccupied, or impose other higher standards than are required by the provisions of this Ordinance, the provisions of such other ordinance or regulation shall govern.





**ARTICLE 1309**  
**Definitions**

**1309.01 Word usage.**

**1309.02 Meaning of words.**

**CROSS REFERENCES**

Statutory definitions - see W. Va. Code 8-24-3

General definitions - see ADM. 101.02

**1309.01 WORD USAGE.**

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

- (a) Words used in the present tense shall include future tense.
- (b) Words used in singular shall include the plural.
- (c) The word "person" includes a corporation, as well as a partnership, association or an individual.
- (d) The words "shall" and "will" are always mandatory.
- (e) The words "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended", "arranged", or "designed" to be used or occupied.
- (f) The word "building" includes the word "structure" and "premises" and the word "premises" includes the building and land and also includes the words "vacant land".
- (g) The words "vacant land" shall include the word "premises".

**1309.02 MEANING OF WORDS.**

As used in this Zoning Ordinance:

- (1) "Accessory use or structure" means a use or structure subordinated to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.
- (2) "Agriculture" means cultivating the ground, including harvesting of crops and the rearing and management of livestock and the necessary accessory uses for packing, treating and storing produce; the operation of any such accessory use shall be secondary to that of the normal agricultural activity.
- (3) "Alley". See "Street".
- (4) "Alterations, structural" means any change in the supporting members of a building such as bearing walls, columns, beams or girders.
- (5) "Apartment house" or "multiple dwelling" means a building arranged, intended or designed to be occupied by three or more families living independently of each other.

- (6) "Automobile service station", "gas service station", "gasoline station" or "filling station" means a building or place of business where gasoline and other products such as oil and grease, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade, at retail, and also, where minor repair service may be rendered.
- (7) "Basement" means a story (or portion of a story) having part but not more than one-half of its height below grade. It is not to be considered a story except when occupied for living purposes.
- (8) "Board" means the Board of Zoning Appeals of the City of Glen Dale, West Virginia.
- (9) "Boarding house" means a dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.
- (10) "Building" or "premises" means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattels. "Building" or "premises" shall mean and apply to both vacant and improved real property.
- (11) "Building height" means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs.
- (12) "Cellar" means a portion of a building partly underground, having more than one-half of its clear height below the average grade of the adjoining ground. A cellar shall not be considered a story for purposes of height measurement in determining the permissible number of stories.
- (13) "Club" means an association of persons for social, fraternal, religious or patriotic purposes whose activities are confined to the members and their guests and are not extended to the general public.
- (14) "Court" means any open, unoccupied space bounded by three or more attached building walls.
- (15) "Dwelling" means a building designed or used exclusively as the living quarters for one or more families.
- (16) "Dwelling, multiple" means a building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses and apartment hotels.
- (17) "Dwelling, one-family" means a detached building designed for or occupied exclusively by one family. Servants living in shall for the purpose of the definition, be considered members of the family.
- (18) "Dwelling, two-family" means a building designed for or occupied exclusively by two families living independently of each other.
- (19) "Dwelling unit" means a dwelling or portion thereof providing complete living facilities for one family.
- (20) "Existing use" means the actual, lawful use of the premises at the time the Zoning Ordinance is adopted or at the time a permit has been issued, provided work has been actually done thereon or a valid contract made for such work within the intent of the permit and before the amendment of this Ordinance insofar as it affects the use allowed under the permit, or the adoption of a new Zoning Ordinance.

- (21) "Family" means any number of individuals living and cooking together on the premises as a single housekeeping unit.
- (22) "Frontage" means that part of a building or land which fronts on or is bounded by a public street or place.
- (23) "Garage, private" means a detached or attached accessory building used principally for the storage of private passenger vehicles.
- (24) "Garage, public" means any garage, other than a private garage available to the public and which is used for the storage of private passenger automobiles.
- (25) "Garden apartment" means an architectural and functioning grouping of dwelling units in one or more buildings which is the central feature of a development plan composed of building area, parking area, service area, landscape reservations and plantings, and other land features appropriate for its use as dwelling space and which conforms to the standards and requirements of this Ordinance.
- (26) "Grade, established" means the elevation of the centerline of the streets as officially established by the Municipal authorities.
- (27) "Gross floor area" means the area included within surrounding walls of a building (or portion thereof) exclusive of vent shafts and courts and stairwell, but including all floors.
- (28) "Hotel" means a building designed for occupancy as the temporary residence of individuals who are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.
- (29) "Industry" means the manufacturing, compounding, assembling, processing, packaging or treatment of raw materials or other products.
- (30) "Line, street" means the dividing line between the street and the lot.
- (31) "Lot" means a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building that is united by a common interest, or use, and the customary accessories and open spaces belonging to the same.
- (32) "Lot, corner" means a parcel of land at the junction of and fronting on two or more intersecting streets.
- (33) "Lot, depth of" means the mean horizontal distance between the front and rear lot lines.
- (34) "Lot, through" means an interior lot having frontage on two (2) parallel or approximately parallel streets.
- (35) "Lot, width" means the mean horizontal distance across the lot between the side lot lines, measured parallel to the front lot line and the rear lot line.
- (36) "Nonconforming lot" means any zone lot which does not conform with the minimum area required in the district where such lot is situated.
- (37) "Nonconforming structure" means a structure or sign which does not conform to the regulations of this Ordinance for the district in which it is located.
- (38) "Nonconforming use" means the lawful employment, occupancy or use of a building, structure or premises, at the time of adoption of this Ordinance, or any amendment thereto, which does not conform with the provisions of this Ordinance.
- (39) "Open space" means that part of a zoning lot, including courts or yards, which is:
  - A. Generally open and unobstructed from its lowest level to the sky; and
  - B. Accessible to and usable by all persons occupying a dwelling or rooming unit(s) on the zoning lot; and
  - C. Not part of the roof of that portion of a building containing dwelling or rooming unit(s).

- (40) "Parking space" means the area required for parking one automobile, which in this Ordinance is held to be an area eight (8) feet wide and twenty (20) feet long, exclusive of passageways for ingress and egress.
- (41) "Plat" means a map, plan or layout of the City, section or subdivision indicating the location of the boundaries of individual properties.
- (42) "Planned residential development" means a dwelling structure or apartment or group of dwelling structures or apartments, designed to be maintained and operated as a unit in single ownership or controlled by an individual, partnership, corporation or cooperative group and which has certain facilities in common such as yards and open spaces, recreation areas, garages and parking areas.
- (43) "Rooming house" or "lodging house". See subsection (9) "boarding house".
- (44) "Sanitarium" means a health retreat for the care of invalids or an institution for the treatment of disease.
- (45) "Sign" means any board or contrivance upon which an advertisement appears; name, notice or other lettering. This shall not include usual board notices in or about church property, not exceeding nine square feet in area.
- (46) "Stand" or "vendor's stand" means a place in the open where articles are displayed for the purpose of sale or promotion of sales, or of samples of merchandise to be sold, whether contained upon boxes, crates or a framework of temporary or permanent character. Such display in a store or building within ten (10) feet of an open show window facing the street is hereby defined also as a stand or vendor's stand.
- (47) "Storage" means a degree of permanent use as distinguished from transient use.
- (48) "Store" means a structurally enclosed building in which food or merchandise is kept or stored, or offered for sale, either at wholesale or retail and which building or structure complies with the provisions of the Zoning Ordinance of the City.
- (49) "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it.
- (50) "Story, half" means a story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
- (51) "Street" means a public or private thoroughfare which affords the principal means of access to abutting property. Any other vehicular right of way that is not a street is an alley.
- (52) "Structure" means anything constructed, the use of which requires permanent location on the ground, or attachment to something having permanent location on the ground.
- (53) "Swimming pool" means a pool, pond, lake or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.
- A. "Private" means exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club or the patrons of a motel or hotel; an accessory use.
- B. "Community" means operated with a charge for admission; a primary use.
- (54) "Wall, front" means the main wall of a building fronting on the street excluding a porch, front bay windows, vestibules and chimneys.

- (55) "Yard" means an open space which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.



**ARTICLE 1313**  
**Zoning Districts and Boundaries**

**1313.01 Establishment of districts.**                      **1313.03 Boundaries.**  
**1313.02 Zoning Map.**

CROSS REFERENCES  
Zoning districts generally - see W. Va. Code 8-24-40

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**1313.01 ESTABLISHMENT OF DISTRICTS.**

In order to classify, regulate and restrict the location of trades, residences and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of the lot areas, and to regulate and determine the areas of yards and other open spaces surrounding such buildings, for the purpose of promoting the public health, safety, morals and general welfare of the community, the City of Glen Dale is hereby divided into the following types of districts:

S-C Special Conservation District  
R Residential  
C-H Highway and Integrated Commercial District  
C-N Neighborhood Commercial District  
LC-N Limited Neighborhood Commercial District  
I Industrial District.

**1313.02 ZONING MAP.**

The districts are bounded and defined as shown on a map entitled "Zoning Map of the City of Glen Dale", which accompanies this Ordinance and is hereby made a part hereof.

**1313.03 BOUNDARIES.**

District boundary lines are intended generally to follow the boundary lines of streets, the center lines of railroad rights of way, existing lot lines, the mean water level of rivers, streams and other waterways, or City boundary lines, all as shown on the "Zoning Map of the City of Glen Dale"; but where a zone boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated. In case of uncertainty as to the true location of a zone boundary line in a particular instance, Council or such officer as Council may hereafter designate shall request the Board of Zoning Appeals to render its determination with respect thereto. If a zone boundary line does not follow an existing lot line but is within ten feet of an existing lot line, said lot boundary line shall be considered as the zone boundary line.





**ARTICLE 1317  
Application of Regulations**

- |                |                               |                |                                      |
|----------------|-------------------------------|----------------|--------------------------------------|
| <b>1317.01</b> | <b>Use of property.</b>       | <b>1317.04</b> | <b>Sign and parking restriction.</b> |
| <b>1317.02</b> | <b>Building restrictions.</b> | <b>1317.05</b> | <b>One principal building.</b>       |
| <b>1317.03</b> | <b>Yard restrictions.</b>     |                |                                      |

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**1317.01 USE OF PROPERTY.**

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, converted, moved, enlarged, reconstructed or structurally altered unless in conformance with the regulations herein specified for the district in which it is located.

**1317.02 BUILDING RESTRICTIONS.**

No building shall hereafter be converted, moved, enlarged, reconstructed or structurally altered: to exceed the height; to accommodate a greater percentage of lot area; or to have narrower or smaller rear yards or side yards than are specified herein for the district in which such building is located.

**1317.03 YARD RESTRICTIONS.**

No part of a yard or other open space required about any building for the purpose of complying with the provisions of these zoning standards shall be included as a part of a yard or other open space similarly required for another building.

**1317.04 SIGN AND PARKING RESTRICTION.**

All uses must comply with the sign and parking provision of Article 1347, except where otherwise noted. Provided that notwithstanding any other provisions of this Ordinance to the contrary, permits for political or ballot-related signs shall be issued, used and are valid for a period of sixty (60) days from issuance, and if said signs are not removed after the expiration of said sixty (60) days, they will be removed by the City and the issuee of said permit will be punished in accordance with the terms of Section 1353.99.

**1317.05 ONE PRINCIPAL BUILDING.**

Every building hereafter erected or structurally altered shall be located on a lot as herein provided.



**ARTICLE 1321  
S-C Special Conservation District**

- |  |  |
|--|--|
| <b>1321.01 Permitted principal uses.</b><br><b>1321.02 Permitted special exceptions.</b><br><b>1321.03 Accessory uses.</b> | <b>1321.04 Lot, area and parking requirements.</b> |
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**CROSS REFERENCES**  
 District established - see P. & Z. 1313.01  
 Supplemental regulations - see P. & Z. Art. 1347

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**1321.01 PERMITTED PRINCIPAL USES.**

- (a) Parks, playgrounds, hiking trails and similar recreational facilities making extensive use of the natural environment, but not containing permanent or enclosed buildings.
- (b) Flood control, water protection works and similar uses for the purpose of preserving natural resources.
- (c) Tree farms and botanical nurseries.

**1321.02 PERMITTED SPECIAL EXCEPTIONS.**

The following uses require approval by the Board of Zoning Appeals following a public hearing held by the Board and that the Board has been assured that care will be practiced to conserve the quality and quantity of trees, soil, water and other natural resources in the District and that sufficient measures are taken to protect life and property.

- (a) Recreational area making extensive use of the natural environment having permanent and other enclosed recreational structures but not including temporary residence quarters such as cabins.
- (b) Fishing and hunting preserves and hatcheries.
- (c) Essential services.

**1321.03 ACCESSORY USES.**

Signs for identification purposes only, provided they are no larger than four square feet in size.

**1321.04 LOT, AREA AND PARKING REQUIREMENTS.**

None specified.



**ARTICLE 1322**  
**CFHP-Cockayne Farmstead Historical Preservation District**

|                |                                  |                |                                   |
|----------------|----------------------------------|----------------|-----------------------------------|
| <b>1322.01</b> | <b>Permitted principal uses.</b> | <b>1322.03</b> | <b>Lot and area requirements.</b> |
| <b>1322.02</b> | <b>Accessory uses.</b>           | <b>1322.04</b> | <b>Off street parking.</b>        |

**CROSS REFERENCES**

District established - see P. & Z. 1313.01  
Supplemental regulations - see P. & Z. Art. 1347

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**1322.01 PERMITTED PRINCIPAL USES.**

- (a) All uses permitted in the Special Conservation District;
- (b) A museum housing the Cockayne artifacts;
- (c) An educational and cultural center relative to this period in history which may be used to host cultural, educational and historical exhibitions, workshops, festivals and other events featuring the lifestyles, values, art and work ethic of this period in West Virginia history, to host archeological workshops, programs and other events related to the Indian Burial Mound on the premises, and to provide a site for fundraising events relevant to the restoration, maintenance and operation of the Cockayne Farm, and the structures thereon;
- (d) An office for the Cockayne Preservation Committee and the Museum;
- (e) A welcome center or visitors bureau to promote tourism not only for the Cockayne Property, but for Marshall County in general;
- (f) Activities designed to promote local communities, businesses and other points of interest and attractions in Marshall County;
- (g) A gift shop relating to the Cockayne properties; and
- (h) Vending machines for dispensing refreshments to committee members, employees and invitees. (Ord. 12-14-09.)

**1322.02 ACCESSORY USES.**

- (a) Accessory uses permitted in the Special-Conservation District.
- (b) Parking area or public parking garage.
- (c) Accessory uses customarily incidental to a permitted principal use.
- (d) Signs as hereinafter provided are permitted provided they are not in conflict with any City Ordinances:
  - (1) Signs for following purposes:
    - A. Signs directing and guiding traffic.
    - B. Advertising signs indicating the location of the premises, services and materials for sale.
  - (2) Lot, area, height and other requirements:
    - A. One sign per museum, educational and cultural center, or other permitted principal use.
    - B. Total area of the advertising sign shall not exceed 12 square feet. Said signs can be two sided, but square footage will only be calculated on one side.
    - C. All advertising signs on and in front of building shall be immobile and non-flashing. They may be lighted from within or indirectly. (Ord. 12-14-09.)

**1322.03 LOT AND AREA REQUIREMENTS.**

- (a) Main Floor Area Requirement.
  - (1) 6000 square feet.
- (b) Maximum Lot Area Requirement.
  - (1) None.
- (c) Minimum Lot Width Requirement.
  - (1) None.
- (d) Minimum Front Yard Requirement.
  - (1) 30 feet.
- (e) Minimum Side Yard Requirement.
  - (1) 10 feet.
- (f) Minimum Rear Yard Requirement.
  - (1) 25 feet.
- (g) Maximum Building Height Requirement.
  - (1) Principal use -----no building shall exceed 30 feet in height.
  - (2) Accessory use---no building shall exceed 20 feet in height. (Ord. 12-14-09.)

**1322.04 OFF STREET PARKING.**

- (a) There shall be a minimum of nine off-street parking spaces. (Ord. 12-14-09.)

**ARTICLE 1325**  
**R Residential District**

|   |  |
|---|--|
| <p><b>1325.01 Permitted principal uses; special exceptions.</b></p> <p><b>1325.02 Accessory uses.</b></p> | <p><b>1325.03 Lot and area requirements.</b></p> <p><b>1325.04 Off-street parking.</b></p> |
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**CROSS REFERENCES**

District established - see P. & Z. 1313.01

Supplemental regulations - see P. & Z. Art. 1347

**1325.01 PERMITTED PRINCIPAL USES; SPECIAL EXCEPTIONS.**

In this District, no building or premise shall be used, no building erected or altered, which is arranged, intended or designed to be used for other than any of the following:

(a) Permitted Principal Uses.

- (1) All uses permitted in the Special-Conservation District.
- (2) Single family or two family detached dwellings.
- (3) Educational, medical and religious uses provided the building is designed and constructed for these purposes.
- (4) Apartment houses or multiple dwellings, no more than four (4) dwelling units per structure.
- (5) Home gardening without the sale of products (noncommercial).

(b) Permitted Special Exceptions. Where the Board of Zoning Appeals has held a public hearing and has been assured that the following conditions have been met within the spirit of these zoning standards and that no hazardous conditions will result:

- (1) Home occupations and professional offices as a subsidiary and subordinate use to residential units are permitted as special exceptions under the following conditions:
  - A. Official residence shall be maintained on the premises by the occupant who may be an owner, renter, or a lessee, engaged in said occupation.
  - B. This subordinate use shall be located in the principal dwelling.
  - C. This subordinate use shall not occupy more than 60 percent of the ground floored area of the principal building.
  - D. There shall not be any nonresidents employed on the premises.
  - E. There shall not be an animal hospital or clinic in connection therewith.

- F. There shall be a minimum of five off-street spaces located behind the building line in addition to those required under the provisions of these zoning standards.
  - G. No more than 50 percent of the interested parties as defined by this section shall object to the proposed home occupation or professional office either in person at the hearing held thereon, or by submitting a proper written petition. For the purposes of this subsection, there is only one vote to be considered per parcel of real estate.
- (2) Cluster development as set forth in Section 1347.04.
  - (3) Planned residential development as set forth in Section 1347.15.
  - (4) Essential service installations essential to the adequate distribution of services provided it shall not be a business facility, storage of material outside a structure, storage of a vehicle or housing or quarters for an installation. It shall be subject to approval by the Planning Commission with respect to use, design, yard area, setback and height.
  - (5) Cemeteries.  
(Ord. 4-9-90.)

### **1325.02 ACCESSORY USES.**

- (a) Accessory uses permitted in the "S-C" District.
- (b) Private garages or parking areas.
- (c) Other accessory uses customarily incidental to a permitted principal use.
- (d) Signs as hereafter permitted:
  - (1) Temporary signs advertising the sale, rental or development of property; temporary signs indicating the location and direction of premises and not exceeding 4 square feet in area; temporary signs erected by churches, schools, civic organizations or other similar institutions provided the area of the sign does not exceed 12 square feet. All temporary signs shall not be erected or displayed more than 30 consecutive days, except signs advertising the sale, rental or development of property which may be erected or displayed no more than 90 consecutive days.
  - (2) A permanently illuminated sign designating the name of the occupant and street number and house number may be erected if the letters and numbers are not in excess of three inches.
  - (3) Permanent announcement wall signs designating professional offices or home occupations such as those of a surgeon, attorney, engineer, architect, beautician or similarly employed persons provided such signs do not exceed 4 square feet in area.
  - (4) Permanent signs erected by churches, schools and other institutions provided that the area of the sign does not exceed 9 square feet; the light sources must be within the sign back or sides but entirely within the cover glass.



(e) Permanent signs shall be located a minimum distance of 10 feet from the street or road right of way if no sidewalk exists and 4 feet from the inside edge of the sidewalk if such a sidewalk exists.

(Ord. 4-9-90.)

**1325.03 LOT AND AREA REQUIREMENTS.**

(a) Maximum Floor Area Requirements.

- (1) Single family dwelling unit - 3,000 square feet.
  - (2) Two family dwelling unit - 2,500 square feet/unit.
  - (3) Multi-family dwelling unit - 2,500 square feet/unit.
  - (4) Other principal uses - 6,000 square feet.
  - (5) Parks, playgrounds - none.
- (Ord. 4-9-90.)

(b) Minimum Lot Area Requirements.

- (1) Single family - 3,600 square feet.
  - (2) Two family - 6,250 square feet.
  - (3) Multi-family - 8,000 square feet.
  - (4) Other - 8,000 square feet.
  - (5) Parks - none.
- (Ord. 11-10-08.)

(c) Minimum Lot Width Requirements.

- (1) Single family dwelling unit - 30 feet.
- (2) Parks, playgrounds - none.
- (3) Other - 50 feet.

(d) Minimum Front Yard Requirements.

- (1) Single family - 20 feet.
- (2) Two family - 20 feet.
- (3) Multi-family - 30 feet.
- (4) Parks, playgrounds - none.
- (5) Other - 25 feet.

(e) Minimum Side Yard Requirements.

- (1) Single family - 10 feet both sides, 5 feet one side.
- (2) Two family - 10 feet both sides, 5 feet one side.
- (3) Multi-family - 20 feet both sides, 8 feet one side.
- (4) Parks, playgrounds - none.
- (5) Other - 20 feet both sides, 8 feet one side.

(f) Minimum Rear Yard Requirements.

- (1) Single family - 25 feet.
- (2) Two family - 25 feet.
- (3) Multi-family - 25 feet.
- (4) Parks, playgrounds - none.
- (5) Other - 30 feet.

(g) Maximum Building Height Requirements.

- (1) Permitted principal use - no building shall exceed 30 feet in height.
- (2) Accessory uses - 20 feet.

(h) Maximum Lot Area Coverage.

- (1) Single family dwelling unit - 36%.
- (2) Two family dwelling unit - 40%.
- (3) Other - 40%.

(i) Accessory structures shall comply with all yard requirements except rear yard requirements shall be 5 feet.  
(Ord. 4-9-90.)

**1325.04 OFF-STREET PARKING.**

(a) An off-street parking space shall be an area of 200 square feet used exclusively for a parking stall plus 150 square feet used exclusively for turning and access to the parking stall.

- (1) Residential uses - two off-street parking spaces per family dwelling unit, minimum.
- (2) Recreational uses - one off-street parking space per 3,000 square feet.
- (3) Public assembly uses - one off-street parking space for each four seats.
- (4) Education uses - one off-street parking space per teacher, employee, or administrator plus one per six seats in the assembly hall, one per ten students.
- (5) Fire, police and other residential services - one off-street parking space per 500 square feet of gross floor area.

(b) Other Off-Street Parking Requirements. See Sections 1347.10 and 1347.11.  
(Ord. 4-9-90.)

**ARTICLE 1329**  
**C-N Neighborhood Commercial District**

|                |                                      |                |                                   |
|----------------|--------------------------------------|----------------|-----------------------------------|
| <b>1329.01</b> | <b>Permitted principal uses.</b>     | <b>1329.04</b> | <b>Lot and area requirements.</b> |
| <b>1329.02</b> | <b>Permitted special exceptions.</b> | <b>1329.05</b> | <b>Off-street parking.</b>        |
| <b>1329.03</b> | <b>Permitted accessory uses.</b>     | <b>1329.06</b> | <b>Appeals.</b>                   |

**CROSS REFERENCES**

District established - see P. & Z. 1313.01

Supplemental regulations - see P. & Z. Art. 1347

**1329.01 PERMITTED PRINCIPAL USES.**

- (a) Police and fire stations.
- (b) All uses permitted in the Residential District.
- (c) Retail sales for local or neighborhood needs to the following limited extent and when such business is conducted entirely within a building:
  - (1) The sale of baked goods and pastries, candy and confectionaries and dairy products and ice cream.
  - (2) The sale of books, magazines, newspapers, tobacco, drugs, gifts and stationery.
  - (3) Service establishments, including barber and beauty shops, laundry agencies, shoe repair, dry cleaning, pressing or tailoring shops and florist retail outlets in which only nonexplosive and nonflammable solvents and materials are used and where no work is done on the premises for retail outlets elsewhere. Not included herein under this section are self-service laundries.
- (d) Professional offices.
- (e) Essential service installations essential to the adequate distribution of service provided it shall not be a business facility, repair facility, storage of material outside a structure, storage of a vehicle or housing or quarters for an installation or repair crew. The installation shall be subject to approval by the Planning Commission with respect to use, design, yard area, setback and height.

**1329.02 PERMITTED SPECIAL EXCEPTIONS.**

(a) Mixed uses for business and residential uses are permitted as a special exception where the Board of Zoning Appeals finds after a public hearing that such uses will not create a health problem nor a hazardous condition and will otherwise meet requirements set forth:

- (1) Dwelling units located on second floors only.
- (2) Dwelling units contain 500 sq. ft. habitable living space minimum.
- (3) Each dwelling unit contains one bathroom and three habitable rooms at least one of which shall be a bedroom.
- (4) Each dwelling unit is provided with its own separate and private sanitary facilities, cooking and dining accommodations.
- (5) Each dwelling unit is provided a private entrance separate from the business use.
- (6) Each dwelling unit meets fire, health and safety provisions of the City's Fire Prevention and Housing Codes.
- (7) Off-street parking provided per dwelling unit. (See Sections 1347.10 and 1347.11.)
- (8) Residential use is limited to two dwelling units per structure.

(b) Planned residential development meets requirements as set forth in Section 1347.15.

**1329.03 PERMITTED ACCESSORY USES.**

(a) Accessory uses as permitted in the "R" District.

(b) Only those uses necessarily and customarily incidental to the "C-N" District.

(c) Parking lots and parking garages.

(d) Signs as hereafter set forth:

- (1) Three wall signs per lot having a cumulative total of 100 sq. ft. used for the following purposes:
  - A. Signs advertising the sale, rental or development of property.
  - B. Signs indicating the location of premises of property.
  - C. Signs advertising business conducted, services, materials or equipment for sale on the premises.
- (2) All signs on or in front of buildings shall be immobile, nonflashing and in no way resemble traffic signals or other warning devices. No sign shall cause glare outside of the premises.
- (3) No sign shall exceed the height of the associated building or 25 feet whichever is greater.
- (4) No sign shall be located within a public right of way.
- (5) No sign shall extend over or onto a public sidewalk.

**1329.04 LOT AND AREA REQUIREMENTS.**

- (a) Minimum Lot Area Requirements. All permitted principal and special exception uses: 2,500 square feet.
- (b) Minimum Lot Width Requirements. All permitted principal and special exception uses: 25 feet.
- (c) Minimum Front Yard Requirements.  
(1) All permitted principal and special exception uses: 25 feet.  
(2) No accessory uses except surface parking permitted within a front yard.
- (d) Minimum Side Yard Requirements.  
(1) All permitted principal and special exception uses:  
A. Adjoining other commercial and/or industry uses - none.  
B. Adjoining residential uses - whichever is more: 10 feet or ½ height of building.  
C. Building or uses located on corner lots - side yard 20% of lot width.  
(2) Accessory uses to rear of principal use.
- (e) Minimum Rear Yard Requirements.  
(1) All permitted principal and special exception uses:  
A. Adjoining residential districts - 30 feet.  
B. Adjoining commercial and/or industry districts - 25 feet.  
(2) Accessory uses - 4 feet.
- (f) Maximum Building Height Requirements.  
(1) All permitted principal and special exception uses - 35 feet maximum.  
(2) Accessory uses - 20 feet maximum.
- (g) Maximum Lot Coverage Requirements.  
(1) All permitted principal and special exception uses - 35%.  
(2) Accessory uses may cover an additional 5%.

**1329.05 OFF-STREET PARKING.**

- (a) An off-street parking space shall be an area of 200 sq. ft. used exclusively for a parking stall.
- (b) Retail shops: one space per every 200 sq. ft. plus one space per every two persons employed.
- (c) Off-street parking requirements. (See Section 1347.11.)

**1329.06 APPEALS.**

Sections 1357.05 and 1357.06 of the Zoning Code of the City of Glen Dale, West Virginia, shall now be applicable to appeals made regarding Planning Commission decisions concerning Section 1329.02. These sections will be amended for the purposes of this section in that any reference to the Board of Zoning Appeals or the Board shall, for purposes of this section, refer to the Planning Commission of Glen Dale, West Virginia. These sections are otherwise incorporated by reference in that the provisions will now apply herein to this section affecting Section 1329.02 and in addition, a requirement will be added requiring that approval of any such appeal will be automatically rejected if the Planning Commission finds that less than 51% of the persons legitimately in attendance, being interested parties, refuse to approve the desired special exception(s) asked for in the appeal.

This special appeal to the Planning Commission of Glen Dale, West Virginia, shall only apply in regard to Neighborhood Commercial District "C-N" and Limited Neighborhood Commercial District "LC-N".

**ARTICLE 1333**  
**LC-N Limited Neighborhood Commercial District**

**1333.01 Permitted principal uses.**

**1333.02 Miscellaneous.**

**CROSS REFERENCES**

District established - see P. & Z. 1313.01

Appeals - see P. & Z. 1329.06

Supplemental regulations - see P. & Z. Art. 1347

**1333.01 PERMITTED PRINCIPAL USES.**

(a) All uses not permitted in the Neighborhood Commercial District which are not permitted in any other district and which are not listed specifically under permitted principal uses in Section 1329.01, said uses being strictly limited to those categorized herein below.

- (1) Self-service laundries.
- (2) Grocery stores.
- (3) Stores which sell meat and butcher shops.
- (4) Stores which sell fruits and vegetables or other similar produce.
- (5) Stores which sell a combination of items listed in subsections (a)(2) and (4) hereof.

(b) All uses as to be amended in the future by City Council from time to time may be removed from Article 1329 or be a new use not currently covered in any district, and removed to this Article 1333.

**1333.02 MISCELLANEOUS.**

This article shall otherwise conform to Sections 1329.02 through 1329.06 pertaining to the Neighborhood Commercial District "C-N". These parts of Article 1329 are herein incorporated by reference.





**ARTICLE 1337**  
**C-H Highway and Integrated Commercial District**

|   |  |
|---|--|
| <p><b>1337.01 Permitted principal uses.</b></p> <p><b>1337.02 Permitted special exceptions.</b></p> <p><b>1337.03 Permitted accessory uses.</b></p> | <p><b>1337.04 Lot and area requirements.</b></p> <p><b>1337.05 Off-street parking.</b></p> |
|---|--|

**CROSS REFERENCES**

District established - see P. & Z. 1313.01

Supplemental regulations - see P. & Z. Art. 1347

**1337.01 PERMITTED PRINCIPAL USES.**

(a) All uses permitted in the Neighborhood Commercial District "C-N", except residential uses.

- (b) Retail sales except those permitted by special exception.
- (c) Motel, hotel, motor inns and tourist homes.
- (d) Recreation uses not otherwise prohibited by these zoning standards.
- (e) Eating places.

**1337.02 PERMITTED SPECIAL EXCEPTIONS.**

(a) Outdoor commercial uses including automobile sales and outdoor recreation where the Board of Zoning Appeals finds after public hearing that such uses will not create hazardous conditions and will otherwise meet the following requirements:

Such uses shall neither be less than 100 ft. from a residential district as established in these zoning standards, a church or school nor designed to relate thereto, as would interfere with peaceful enjoyment of such properties by reason of lights, noise or other physical factors.

(b) Automobile-oriented drive-in uses relating to the auto and retail services, food, amusement centers, automobile service and gasoline stations are permitted as special exceptions where the Board of Zoning Appeals finds after public hearings that such uses will not create hazardous conditions and will otherwise meet the following requirements:

- (1) No street entrance or exit for vehicles and no portion or equipment of such service station or other drive-in uses shall be located:
  - A. Within 200 feet of a street entrance or exit of any school, park or playground conducted for and attended by children.
  - B. Within 100 feet of any hospital, church or library.
  - C. Within 75 feet of a lot in a residential district as established in these zoning standards.
- (2) No equipment or structure above the surface of the ground for the service of motor vehicles shall be closer than 30 feet to any property line.
- (3) The width of any entrance driveway leading from the public street to such service station or other drive-in use shall not exceed 30 feet at its intersection with the curb line or edge of pavement.
- (4) No two driveways leading from a public street to such service station or other drive-in shall be within 15 feet of each other at their intersection with the curb line or street line.
- (5) Parking and vehicle access shall be so arranged that there will be no need for the motorists to back over sidewalks or into streets.

#### **1337.03 PERMITTED ACCESSORY USES.**

(a) Accessory uses on the same lot with and customarily incidental to the principal uses permitted in the "C-H" District.

(b) Parking lots, parking garages and parking facilities for accommodating the integrated business centers or regional shopping centers.

(c) Signs as hereinafter provided are permitted provided they are not in conflict with any City ordinance:

- (1) Signs used for the following purposes only:
  - A. Signs directing and guiding traffic and parking on private property provided they bear no advertising matter.
  - B. Advertising signs; indicating the location of the premise, indicating the sale, rental or development of property and signs indicating the business conducted, services, materials and equipment for sale on the premises.
- (2) Lot, area, height or other requirements:
  - A. Three advertising signs per individual lot or in the case of integrated shopping centers, three advertising signs per individual commercial use including pole signs, wall signs, projecting signs and signs on marquees or canopies.
  - B. The total cumulative area of the three advertising signs shall not exceed 150 square feet.
  - C. All advertising signs on and in front of the building or buildings shall be immobile, nonflashing and in no way resemble traffic signals or other warning devices. They may be lighted indirectly or from within.

- D. Projecting signs and signs on marquees or canopies:
1. Shall not exceed 30 square feet in area.
  2. Shall be attached to the main wall of the building or to a support within the building line.

**1337.04 LOT AND AREA REQUIREMENTS.**

- (a) Minimum Lot Requirements. Individual uses - 3,000 square feet.
- (b) Minimum Lot Width Requirements. Individual uses - 50 feet.
- (c) Minimum Front Yard Requirements.
- (1) All permitted uses - 15 feet.
  - (2) Accessory uses (except off-street parking) - 15 feet.
- (d) Minimum Side Yard Requirements.
- (1) All permitted uses and special exceptions:
    - A. Adjoining other commercial or industrial districts - none.
    - B. Adjoining residential uses and/or districts - 10 feet or  $\frac{1}{2}$  height of structure, whichever is greater.
    - C. Building or use located on a corner lot - 20% of lot width.
- (e) Minimum Rear Yard Requirements.
- (1) All permitted uses:
    - A. Adjoining residential district - 30 feet.
    - B. Adjoining commercial uses or commercial and industrial uses - 25 feet.
  - (2) Accessory uses - 4 feet.
- (f) Maximum Building Height Requirements.
- (1) All permitted uses and special exceptions - 60 feet.
  - (2) Accessory uses - 20 feet.
- (g) Maximum Lot Coverage Requirements. None.

**1337.05 OFF-STREET PARKING.**

See Sections 1347.10 and 1347.11.



**ARTICLE 1343**  
**I Industrial District**

|   |  |
|---|--|
| <p><b>1343.01 Permitted principal uses.</b></p> <p><b>1343.02 Permitted special exceptions.</b></p> <p><b>1343.03 Permitted accessory uses.</b></p> | <p><b>1343.04 Lot and area requirements.</b></p> <p><b>1343.05 Off-street parking and loading.</b></p> |
|---|--|

**CROSS REFERENCES**

District established - see P. & Z. 1313.01  
Supplemental regulations - see P. & Z. Art. 1347

**1343.01 PERMITTED PRINCIPAL USES.**

Only those industrial, manufacturing, compounding, processing, packaging or treatment uses and processes from the following list are permitted when and if they do not represent a health or safety hazard to the community through air, water and noise pollution including the production or emission of dust, smoke, refuse matter, toxic or noxious odors, explosives, gas and fumes, excessive noise or vibration, similar substances and conditions based on determination by the Zoning Official after review of the intended use with both the Planning Commission and Board of Zoning Appeals.

- (a) Wholesale warehousing and storage.
- (b) Highway freight, transportation and warehousing.
- (c) Transportation terminals.
- (d) Parking lots and parking garages.
- (e) Distributing plants, beverage bottling and/or distribution.
- (f) The manufacturing, compounding, processing, packaging, treatment and distribution of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food and kindred products.
- (g) Laboratories devoted to research, design, experimentation, processing and fabrication incidental thereto.
- (h) Utility operations (electric and gas company operators, sewer and water authorities).
- (i) Radio and television facilities and operations, telephone exchange and transformer stations.

- (j) Carpenter, electrical, plumbing, welding, heating, or sheet metal shop, furniture upholstering shop, laundry and clothes cleaning or dyeing establishments, printing shop or publishing plant.
- (k) Building material supplies, including stone crushing or concrete mixing.
- (l) The manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, metals, stone, shells, textiles, tobacco, wax, wood, yarn, tars and paints.
- (m) The manufacture of ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas, and the manufacturing of glass products.
- (n) The manufacture of musical instruments, toys, novelties, rubber or metal stamps and other small molded rubber products.
- (o) The manufacture or assembly of electrical equipment and appliances, electronic instruments and devices.
- (p) Police and fire stations.
- (q) Essential services.

#### **1343.02 PERMITTED SPECIAL EXCEPTIONS.**

Where the Board of Zoning Appeals has held a public hearing; been assured that the industrial use does not represent a health or safety hazard to the community through air, water and noise pollution including the production and emission of dust, smoke, refuse matter, toxic or noxious odors, explosives, gas and fumes, excessive noise or vibrations; the location of such use shall have been approved after review and report by the Planning and Zoning Commission, and if it shall have been shown that such use or its location is not in conflict with any ordinances of the City of Glen Dale, a special exception shall be granted.

#### **1343.03 PERMITTED ACCESSORY USES.**

- (a) Those accessory uses which are necessary and customary to the above uses when located in the same building or upon the same lot.
- (b) Parking lots and garages.
- (c) Signs as hereafter permitted provided they do not conflict with any City ordinances:
  - (1) Signs used for the following purposes only:
    - A. Signs directing and guiding traffic and parking on private property provided they bear no advertising matter.
    - B. Advertising signs; indicating the location of the premises, indicating the sale, rental or development of property and signs indicating the business conducted, services, materials and equipment for sale on the premises.
  - (2) Lot, area, height and other requirements:
    - A. Three advertising signs per individual lot or in the case of an industrial park, three advertising signs per individual industrial use including pole signs, wall signs, projecting signs and signs on marquees or canopies.

- B. The total cumulative area of the three advertising signs shall not exceed 150 sq. ft.
- C. All advertising signs on and in front of the building or buildings shall be immobile nonflashing and in no way resemble traffic signals or other warning devices. They may be lighted indirectly or from within.
- D. Projecting signs and signs on marquees or canopies:
  - 1. Shall not exceed 40 sq. ft. in area.
  - 2. Shall be attached to the main wall of the building or to a support within the building line.
  - 3. Shall not extend over any building line more than 4 feet and none shall extend past the centerline of a public sidewalk.
  - 4. Shall be erected at a height of not less than ten feet above the ground level nor shall a sign exceed 28 feet above the average grade of the lot.
- E. Pole sign - one pole sign for each individual use is permitted provided:
  - 1. It shall not exceed 40 sq. ft. in surface area.
  - 2. It shall be at least 15 feet from any street right-of-way line and so located as to allow clear and ample sight lines for driveways leading into a street and at intersecting streets and alleys.
  - 3. It shall not exceed 28 feet in height above the average grade of the lot.
- F. Identification signs for industrial park:
  - 1. Shall not exceed 150 sq. ft. in area.
  - 2. Shall be at least 15 feet from any street right-of-way line and shall be so located as to allow clear and ample sight lines for driveways leading into a street and at intersecting streets and alleys.
  - 3. Shall not exceed 30 feet in height above the average grade of the site.
- G. Wall signs:
  - 1. Shall be attached to the wall of a building and projected horizontally not more than 12 inches therefrom.
  - 2. On a one-story building, a sign shall not extend more than three feet above the roofline.
  - 3. On buildings of more than one story, a sign shall not extend beyond the roofline or 28 feet, whichever is greater.
  - 4. A wall sign shall not be more than 12 feet in height.

**1343.04 LOT AND AREA REQUIREMENTS.**

- uses:
- (a) Minimum lot area requirements for all permitted principal and special exception uses:
    - (1) Industrial parks - 30,000 sq. ft.
    - (2) Individual uses - 20,000 sq. ft.
  
  - (b) Minimum lot width requirements for all permitted principal and special exception uses - 100 feet.
  
  - (c) Minimum front yard requirements for all permitted principal and special exception uses:
    - (1) Adjoining a residential district - 50 feet.
    - (2) Otherwise, the front yard shall be 25 feet.
  
  - (d) Minimum side yard requirements:
    - (1) All permitted principal and special exception uses.
      - A. One-half the height of the structure but in no case less than 20 feet on either side.
      - B. However, when adjoining a residential district, the requirements shall be 40 feet on either side.
      - C. Where buildings or uses are located on a corner lot, the street side yard shall be 20 percent of the lot width.
    - (2) Accessory uses - street side corner lot 20 feet, otherwise no requirement.
  
  - (e) Minimum rear yard requirements:
    - (1) All permitted principal and special exception uses.
      - A. 25 feet.
      - B. However, when adjoining a residential district, the requirement shall be 40 feet.
    - (2) Accessory uses - 4 feet.
  
  - (f) Maximum building height requirements:
    - (1) All permitted principal and special exception uses - no building or use shall exceed 75 feet in height.
    - (2) Accessory uses - no building or use shall exceed 35 feet in height.
  
  - (g) Maximum lot coverage requirements - no requirement except as necessary for off-street parking and loading as provided herein.

**1343.05 OFF-STREET PARKING AND LOADING.**

See Sections 1347.10 to 1347.12.



**ARTICLE 1347  
Supplementary Regulations**

|  |   |
|--|---|
| <p>1347.01 <b>Introductory provision.</b><br/> 1347.02 <b>Additional dwellings.</b><br/> 1347.03 <b>Visibility at intersections.</b><br/> 1347.04 <b>Cluster development.</b><br/> 1347.05 <b>Accessory buildings and structures.</b><br/> 1347.06 <b>Fences or hedges.</b><br/> 1347.07 <b>Height exceptions.</b><br/> 1347.08 <b>Yard exceptions.</b><br/> 1347.09 <b>Building lines.</b><br/> 1347.10 <b>Off-street parking.</b><br/> 1347.11 <b>Off-street parking requirements.</b><br/> 1347.12 <b>Off-street loading and unloading.</b></p> | <p>1347.13 <b>Joint facilities for parking or loading.</b><br/> 1347.14 <b>Development and maintenance of parking areas and structures and loading areas.</b><br/> 1347.15 <b>Planned residential development.</b><br/> 1347.16 <b>Private swimming pools.</b><br/> 1347.17 <b>Community or club swimming pools.</b><br/> 1347.18 <b>Special provisions for commercial and industrial uses.</b></p> |
|--|---|

**1347.01 INTRODUCTORY PROVISION.**

The provisions of these zoning standards shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations.

**1347.02 ADDITIONAL DWELLINGS.**

(a) Residential Uses. Individual lots or subdivided parcels ten (10) acres or less in size shall have no building or buildings in addition to the principal building on the same lot used for living purposes except that buildings within planned residential developments and cluster developments approved by the Board of Zoning Appeals shall conform to those regulations stated within Section 1347.15 and 1347.04, respectively. Notwithstanding limitations imposed by any other provisions of these zoning standards, a permit shall be issued for the erection of a dwelling for one (1) or two (2) families on any lot, separately owned or under contract of sale and containing, at the time of the passage of the zoning standards, an area or a width smaller than that required for a one (1) or two (2) family dwelling, except that there shall be compliance with the front yard setback requirements.

Where a residence district is bounded by a portion of a commercial or industrial district (referred to hereafter as business district), any side street extending through such residence district into such business district shall not be used for any business purpose except as herein set forth. The business structure erected in said business district shall face and open upon the street set aside for business purposes, except that show windows in such business structure may be built and exposed upon said side street within the area set aside as a part of such business district and an entrance may be made at the corner of such business and residential street, and all other entrances thereto must face on the business street, except that entrances may be made from such residential street to the upper stories of such business structure.

(b) Nonresidential Uses. Where a lot or tract is used for a nonresidential purpose, more than one principal building may be located upon the lot or tract, but only when such buildings conform to all open space and yard requirements around the lot for the district in which the lot or tract is located.

#### **1347.03 VISIBILITY AT INTERSECTIONS.**

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such manner as to materially impede vision between a height of three (3) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty feet from the point of intersection.

#### **1347.04 CLUSTER DEVELOPMENT.**

Upon approval of the Board of Zoning Appeals and the Planning Commission, minimum lot area requirements for single-family dwellings in the residential district may be reduced by 15% provided that 15% of the net land area (total minus 20% of this total area allocated for streets) is dedicated to the public open space.

#### **1347.05 ACCESSORY BUILDINGS AND STRUCTURES.**

No accessory building in the residential district shall be erected in any open space except a rear yard, except that accessory buildings on a corner lot may be erected in the yard space adjacent to the street affording secondary access to such lot, provided such building complies with the building lines established for said street.

Open fire escapes may extend into any required yard not more than four feet, six inches (4' 6").

Architectural projections such as covered porches, eaves, sills, bay windows, cornices, canopies, balconies, platforms, carports, covered patios and similar structural appurtenances considered parts of the building to which they are attached may not project beyond the building line restrictions of this Zoning Ordinance, the original Plat of Glen Dale, or any addition thereto, nor shall they project beyond the side yard restrictions or rear yard restrictions set forth in this Zoning Ordinance, nor may they extend closer than the minimum distance set forth in this Zoning Ordinance between buildings. Nor, may mechanical appurtenances such as air conditioning units, ventilators, etc., considered parts of the building to which they are attached project into the minimum front, side or rear yard.

**1347.06 FENCES OR HEDGES.**

No barbed wire shall be strung.

Subject to the following conditions, fences may be erected along the boundaries of a lot:

- (a) Fences, hedges or other plantings, structures or walls at street and alley corners shall not be located so as to interfere with the clear sight triangle. The height of such objects is restricted to three feet within the clear sight triangle.
- (b) In a residential district and "C-N", Neighborhood Commercial District, fences may be erected to a height not exceeding six feet.
- (c) All fences shall be constructed so that ribs and braces are either internal, or on the inside of the fence, and shall not be on the side facing adjoining properties, alleys or streets.
- (d) All fences and hedges in the front yard (the area between front building line and the front lot line) are restricted to a height of three feet or less.  
(Ord. 10-23-06.)

**1347.07 HEIGHT EXCEPTIONS.**

(a) Public, semipublic or public services buildings, hospitals, public institutions or schools when permitted in a district may be erected to a height not exceeding 75 feet if the building is set back from each yard line at least one foot for each additional two feet of building height above the height limit, otherwise provided in the district in which the building is located.

(b) Special industrial structures such as cooling towers, elevator bulkheads, fire towers, tanks, water towers which require a greater height than provided in the district may be erected to a greater height than permitted providing:

- (1) The structure shall not occupy more than 25 percent of the lot area; and
- (2) The yard requirements of the district in which the structure is erected shall be increased by one foot for each foot of height over the maximum height permitted.

(c) The height limitations of these zoning standards shall not apply to flag poles, church spires, belfries, chimneys, antennas or water tanks.

**1347.08 YARD EXCEPTIONS.**

Where a lot in a business district or industrial district abuts a lot in a residence district, there shall be provided along such abutting lot, a yard equal in width or depth to that required in this residence district. Such yard need not be in excess of ten (10) feet.

**1347.09 BUILDING LINES.**

No building or any part thereof shall be erected or altered in any district so as to be nearer the street right-of-way upon which it fronts than 15 feet. On those streets wherein building line restrictions have been created for the City, or any of the additions thereto, or otherwise by deed restrictions these shall be observed in lieu of the requirements of this section, insofar as such building line restrictions are more restrictive than the requirements of this Ordinance.

- (a) Wheeling Avenue. On all portions of Wheeling Avenue lying within the residential district, a building line of thirty (30) feet from the street right-of-way is hereby established in lieu of the building line created in this article.

(b) Other Areas. (Note: The following is a list of existing front building lines now required by plat, deed or other restriction, which exceed the requirements of this Ordinance. Other restrictions may exist, and will be required although not listed here.)

|                   |                                       |
|-------------------|---------------------------------------|
| 3rd Street        | 20 feet                               |
| 4th Street        | 15 feet                               |
| 5th Street        | 15 feet                               |
| 6th Street        | 15 feet                               |
| 7th Street        | 20 feet                               |
| 8th Street        | 20 feet                               |
| 9th Street        | 20 feet                               |
| 10th Street       | 20 feet                               |
| Lee Street        | 20 feet                               |
| 12th Street       | 20 feet                               |
| 13th Street       | 20 feet                               |
| Elizabeth Street  | 15 feet                               |
| Zane Street       | 15 feet, north side                   |
| Baltimore Street  | 30 feet, east side, 50 feet west side |
| Tomlinson Avenue  | 20 feet                               |
| Wheeling Avenue   | 30 feet, 50 feet, Burgess Addition    |
| Washington Avenue | 50 feet, east side, 20 feet west side |
| Burley Avenue     | 20 feet                               |
| Alta Vista Avenue | 15 feet                               |
| Carole Avenue     | 15 feet.                              |

(c) The front building lines shall be adjusted in those situations where 70% or more of the frontage on one side of street between two or more intersecting streets is developed with buildings that have observed a front building line greater or lesser than herein required, and new buildings shall be erected on the line so established by the existing buildings. (Ord. 10-23-06.)

#### **1347.10 OFF-STREET PARKING.**

The following regulations are hereby established as requirements for off-street parking:

- (a) Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet exclusive of access drives or aisles. Except in the case of dwellings, no parking area provided hereunder shall be established for less than three (3) spaces. There shall be adequate provision for ingress and egress to all parking spaces. No access drive or driveway shall be located in any residential zone to provide access to uses other than those permitted in such zone.
- (b) Off-street parking spaces and structures for four or more family structures shall not be located between the required setback line and right-of-way line. On corner lots, no parking area or parking structure for four or more family structures shall be located between the side street right-of-way line and the required front yard setback line for structures on the side street.
- (c) The number of off-street parking spaces required is set forth in Section 1347.11. In the case of any building, structure or premises, which is not specifically mentioned herein, the Board of Zoning Appeals shall determine the amount of off-street parking required.

- (d) All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same lot as the use to which such spaces are accessory, except that such spaces may be provided within a radius of 25 feet from the lot lines. Said spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restrictions filed with the County, binding the owner and his heirs, successors and assigns to maintain the required number of spaces available throughout the life of such use.
- (e) The number of required off-street parking spaces may be eliminated or reduced if there exists within 500 feet of the church, synagogue or house of worship, public or private parking lots containing a sufficient number of off-street parking spaces to satisfy the requirements of Section 1347.11. The church, synagogue or house of worship must provide the difference if the number of parking spaces in the private or public lots is below the number required by Section 1347.11. Any spaces provided in public or private lots must be shown to be available for worshippers on the day or days of greatest use.

#### **1347.11 OFF-STREET PARKING REQUIREMENTS.**

| <u>Uses</u>   | <u>Minimum Required Off-Street Parking Spaces</u>  |
|---|--|
| Bowling lanes   | Five (5) parking spaces for each lane.   |
| Churches, synagogues and<br>and houses of worship   | One (1) parking space for each 4 seats<br>except as noted in Section 1347.10(e).                                       |
| Community buildings, country<br>clubs, social halls, lodges,<br>fraternal organizations and<br>similar uses | One (1) space for each 500 sq. ft. of<br>floor area occupied by all principal<br>and accessory structures.             |
| Doctors and dentists (in<br>other than office buildings   | Five (5) spaces for patients' use<br>for each doctor's office  |
| Motels and rooming houses   | One (1) space for each rentable unit   |
| Funeral homes and mortuaries  | Five (5) parking spaces for each parlor  |
| Hospitals   | One (1) space for every two (2) beds, one<br>(1) space for every three (3) employees,<br>plus one (1) space per doctor |
| Nursing, convalescent, old<br>age and rest homes  | One (1) space for each three (3) beds  |

| <u>Uses</u>  | <u>Minimum Required Off-Street Parking Spaces</u>   |
|--|---|
| Manufacturing, industrial and general commercial uses not otherwise specified herein | One (1) space for each four (4) employees in the maximum working shift  |
| Offices  | One (1) space for every 500 sq. ft. of rentable floor area  |
| Restaurants, bars and cafes  | One (1) space for each four (4) seats   |
| Retail shops, store groups, shops, etc.  | One (1) space for each 300 sq. ft. of floor area where the floor area exceeds 1,000 sq. ft.                                   |
| Wholesale establishments or warehouses   | One (1) space for each 4 employees on maximum shift   |
| Medical clinics  | One (1) space for each doctor   |
| Schools; elementary (public or private)  | One (1) space for every two (2) teachers, employees or administrators, one (1) space for every six (6) seats in assembly hall |
| High school or other institution of higher learning                                  | One (1) space for every two (2) teachers, employees, or administrators; one (1) space for each ten (10) students              |
| Hotels   | One (1) space for each rentable unit  |

**1347.12 OFF-STREET LOADING AND UNLOADING.**

In any district, in connection with every building or building group or part thereof hereafter erected, which is to be occupied by manufacturing or commercial uses or distribution by vehicles or material or merchandise where required, there shall be provided and maintained, on the same lot with such building, off-street loading berths in accordance with the requirement of subsection (a) hereof.

- (a) One loading space shall be not less than ten (10) feet in width, forty (40) feet in length, and have a minimum clearance of fourteen (14) feet, and may occupy all or any part of any required yard.
- (b) Off-street loading and unloading requirements:

| <u>Uses</u>                                    | <u>Square Feet of Total Floor Area</u>                                       | <u>Required Off-Street Loading Berths</u> |
|--|--|---|
| Schools  | 15,000 or more   | 1   |
| Hospital (in addition to space for ambulances) | From 10,000 - 30,000<br>For each additional 30,000 or major fraction thereof | 1<br>1 additional                         |

| <u>Uses</u>  | <u>Square Feet of Total Floor Area</u>               | <u>Required Off-Street Loading Berths</u> |
|--|--|---|
| Undertakers and funeral parlors  | 5,000  | 1   |
|  | For each additional 5,000 or major fraction thereof  | 1 additional                              |
| Offices; hotels; retail, commercial wholesale, manufacturing, storage and miscellaneous uses | From 10,000 - 25,000                                 | 1   |
|  | From 25,000 - 40,000                                 | 2   |
|  | From 40,000 - 60,000                                 | 3   |
|  | From 60,000 - 100,000                                | 4   |
|  | For each additional 50,000 or major fraction thereof | 1 additional                              |

### 1347.13 JOINT FACILITIES FOR PARKING OR LOADING.

Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Board of Zoning Appeals in accordance with the purposes and procedures set forth herein.

### 1347.14 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS AND STRUCTURES AND LOADING AREAS.

Every parcel of land hereafter used as a public or private parking area for five or more cars, or structure used as a parking garage, or loading area, including a commercial parking lot, shall be developed and maintained in accordance with the requirements of this section. Plans for such areas shall be reviewed by the City Engineer to insure compliance with the following regulations:

- (a) Off-street parking areas and structures for five or more vehicles and off-street loading areas shall be effectively screened by a fence or hedge. The screening shall be on the sides which adjoin, abut, are adjacent to, or face premises situated in the residential zone or institutional buildings.
- (b) No off-street loading area or parking area or part thereof for five or more vehicles shall be closer than ten (10) feet to any dwelling, school, hospital, or institution for human care located on an adjoining or adjacent lot.
- (c) Any off-street parking of five or more vehicles or off-street loading area shall be surfaced with an asphaltic or portland cement pavement or similar durable and dustless surface. All areas shall be marked so as to provide for the orderly and safe loading, parking and storage of automobiles or trucks.
- (d) Any lighting used to illuminate any off-street parking or loading area shall be so arranged as to reflect the light away from adjoining premises. Off-street parking facilities for multi-family structures containing four or more families shall be adequately lighted.

- (e) Any off-street parking area and off-street loading area shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses.
- (f) Parking shall be permitted on the roof of any structure provided a four-foot wall is constructed around the perimeter of the roof.

#### **1347.15 PLANNED RESIDENTIAL DEVELOPMENT.**

The following action must be taken prior to the approval of a Planned Residential Development as permitted in the residential and neighborhood commercial zones.

- (a) Review and Approval. Before any action on any of the plans for a Planned Residential Development, the plan and any supplemental information shall be submitted to the Planning Commission for study and report. Reasonable additional requirements may be recommended by the Planning Commission for the protection of adjoining residential property. After notice and hearing for the requested development as required by this section, the Commission shall report its recommendations for approval or disapproval, together with the reasons therefor and additional requirements, if any, to Council for action.
- (b) Delay in Construction. In the event that construction of the Planned Residential Development has not begun within two years from the date of final approval, the district shall revert to the same zoning classification which existed prior to the approval of the Planned Residential Development and the zoning regulations of said prior zone shall thereupon be in full force and effect; the Planning Commission may, however, grant a reasonable extension of time beyond the two-year period, for the beginning of construction if, in its opinion, good cause has been shown for the delay.
- (c) Procedures and Standards for Planned Residential Developments.
  - (1) Any applicant wishing to construct a planned residential development area may submit to the Planning Commission the overall plan to contain the following:
    - A. The name of the property owner or owners who must be the applicant, except when a residential renewal project, in which instance property ownership is not required. This condition, however, will be satisfied if, at the time the applicant submits his overall plan, he is the owner of an option to purchase the property includable within the residential development area.
    - B. A site plan indicating the planned location and heights of buildings and their use, off-street parking areas, driveways, recreation area, easements, walks, the location, type and heights of walls, and the extent of landscaping.
    - C. A copy of any deed restrictions intended to be recorded.
    - D. A map showing existing topographic characteristics of the land within the proposed development area.
    - E. Existing and proposed land uses.
    - F. The character and approximate density of the dwellings.
    - G. The character and approximate percentage of nonresidential acreage and floor space per structure.



- H. The approximate location of public streets.
  - I. The approximate location of public uses such as schools, parks, playgrounds and other open areas.
  - J. A general timetable for the completion of the proposed development area.
  - K. A statement of the manner in which the common open space shall be maintained and operated following completion of the Planned Residential Development area.
- (2) Review and approval of the Planned Residential Development area shall conform with the requirements of Article 1361.
- (3) Within one year following the approval of the Planned Residential Development area, the applicant shall submit to the Planning Commission a preliminary plan for the development of all or a portion of the residential development area, which preliminary plan shall include the following:
- A. The information required in the overall development plan in detailed form.
  - B. A general development schedule stating the approximate date when construction of the project will begin and the approximate completion date of each stage of the project.
  - C. An off-street parking and loading plan.
  - D. A circulation diagram showing the proposed movement of vehicles, goods and pedestrians within the Planned Residential Development and traffic regulating devices needed to facilitate or insure the safety of the circulation pattern.
  - E. Landscape and tree planting plan.
- (4) Within one year following the approval by the Planning Commission of the preliminary plan or at such other time as the Planning Commission may direct, the applicant shall file a final plan for the residential development area with the Planning Commission, which final plan shall be approved by the Planning Commission if the plan meets the following requirements:
- A. The final plan must be in substantial compliance with the previously approved preliminary plan.
  - B. The final plan must be consistent with the comprehensive plan of the City.
  - C. All public improvements included within the residential development area must comply with the ordinances of the City regarding subdivisions and approval of the subdivision must be completed prior to the submission of the final plan.
  - D. The final plan for the residential development area must harmonize and be developed in accordance with the area surrounding and adjacent to the project area.
- (5) All standards of the residential zone in which the tract is located must be complied with except that the yard requirements need only be applied in relationship to tract boundaries.

- (6) All land shown on the final development plan and designated as common open space land must be conveyed to a public agency or a community association which agrees to maintain the common open space and any buildings, structures or other improvements which have been placed on it; no common open space may be used for any purpose not specified in the final development plan until the final development plan has been amended and approved by the Planning Commission to permit such use.
- (7) No changes may be made in the approved final plan for the residential development area during construction or following completion of the planned development except upon application to the Planning Commission as follows:
  - A. Minor changes in the use, location, siting, height of buildings, street alignment and structures may be authorized by the Planning Commission as required by engineering or other circumstances not foreseen at the time the final planned residential plan was approved provided that such changes will not affect street alignment or utility locations outside the planned residential development area.
  - B. If the Planning Commission finds that the proposed changes constitute major changes in use, rearrangement of lots, blocks, building tracts, changes in provisions of common open space or other major changes, approval shall only be granted as provided by Article 1357.

#### **1347.16 PRIVATE SWIMMING POOLS.**

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- (a) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
- (b) It may not be located closer than ten (10) feet to any property line;
- (c) The swimming pool, or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock.

#### **1347.17 COMMUNITY OR CLUB SWIMMING POOLS.**

Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements:

- (a) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- (b) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line.

- (c) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

#### **1347.18 SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES.**

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken and maintained if there are acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in the following paragraphs inclusive.

- (a) Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- (b) Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
- (c) Noise. Objectionable noise as determined by the Zoning Officer which is due to volume, frequency or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- (d) Vibrations. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- (e) Air Pollution. Air pollution shall be subject to the requirements and regulations established by the Federal Environmental Protection Agency.
- (f) Glare. No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.
- (g) Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring property.
- (h) Water Pollution. Water pollution shall be subject to the requirements and regulations established by the Federal Environmental Protection Agency.
- (i) Enforcement Provisions. The Zoning Officer, prior to the issuance of a zoning permit may required the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerance.
- (j) Measurement Procedures. Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States Bureau of Mines, and the Federal Environmental Protection Agency.



**ARTICLE 1348**  
**Limited Video Lottery Establishments**

**1348.01 Definition; conditional use permit required.**

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**1348.01 DEFINITION; CONDITIONAL USE PERMIT REQUIRED.**

Limited Video Lottery Establishments (LVL) are any establishment within the City in which limited video lottery machines are operated:

- (a) Prior to limited video lottery machines being operated in an establishment within the City, an application shall be filed with the City Clerk and the applicant shall apply for and receive a conditional use permit from the City Board of Zoning Appeals.
- (b) Limited video lottery establishments shall be permitted in the City zoning districts by a conditional use permit approved by the City Board of Zoning Appeals, which permit shall be approved subject to the following conditions:
  - (1) The limited video lottery establishment shall not be located within 1,000 feet of a church or place of worship, school, park, community or recreation facility, or other limited video lottery establishment.
  - (2) The 1,000 feet from a school, park, community or recreation facility shall be measured in a straight line from the nearest point of the wall of a limited video lottery establishment to the nearest property line of a school, park, community or recreation facility.
  - (3) The 1,000 feet from a church or place of worship shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a limited video lottery is conducted to the nearest point of a wall of a building in which church worship services or related activities are conducted.
  - (4) The 1,000 feet from another limited video lottery establishment shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a limited video lottery is conducted to the nearest point of a wall in which another limited video lottery may be conducted.

The provisions hereof shall not be deemed applicable to any limited video lottery establishment that was in operation as of May 23, 2005.  
(Ord. 7-11-05.)



**ARTICLE 1349**  
**Nonconforming Uses and Structures**

- |  |  |
|--|--|
| <p><b>1349.01 Intent.</b></p> <p><b>1349.02 Nonconforming lots of record.</b></p> <p><b>1349.03 Nonconforming uses of land.</b></p> <p><b>1349.04 Nonconforming structures.</b></p> <p><b>1349.05 Nonconforming uses of structures or of structures and premises in combination.</b></p> | <p><b>1349.06 Repairs and maintenance.</b></p> <p><b>1349.07 Uses under special exception provisions not nonconforming uses.</b></p> |
|--|--|

**CROSS REFERENCES**

Validation of existing ordinances - see W. Va. Code 8-24-49

Existing uses safeguarded - see W. Va. Code 8-24-50

**1349.01 INTENT.**

If within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited under the terms of this Ordinance or future amendment, it is the intent of this Ordinance to permit these nonconformities to continue until they are removed. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved.

**1349.02 NONCONFORMING LOTS OF RECORD.**

In any district in which residential dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area that are generally applicable in the district, provided that yard dimensions and other requirements not involving area, or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.

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

#### **1349.03 NONCONFORMING USES OF LAND.**

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance, as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such nonconforming use shall be enlarged or increased by more than 25 percent of the existing first floor area at the effective date or amendment of this Ordinance.
- (b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date or amendment of this Ordinance, unless occasioned by enlargement as provided in subsection (a) hereof.
- (c) If any such nonconforming use of land is ceased for any reason, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

#### **1349.04 NONCONFORMING STRUCTURES.**

Where a lawful structure exists at the effective date or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such structure may be enlarged or altered in a way which increases its nonconformity, except a residential structure located in the industrial zone may be increased by 25 percent of its existing floor area.
- (b) Should such structure be destroyed by any means to the extent where the cost of reconstruction exceeds 50% of the fair market value thereof at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### **1349.05 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION.**

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



- (a) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except as provided in Section 1349.04(a) or in changing the use of the structure to a use permitted in the district in which it is located.
- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- (c) If no structural alterations are made, any nonconforming use of a structure, or structure and premises may as a special exception be changed to another nonconforming use provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
- (d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter, conform to the regulations for the district, and the nonconforming use may not hereafter be resumed.
- (e) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one year (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at the time of destruction.

#### **1349.06 REPAIRS AND MAINTENANCE.**

A nonconforming structure may be maintained, repaired or altered but shall not be enlarged in any respect which increases its nonconformity. Nothing in this Ordinance shall prevent the restoration to a safe condition of any building or part thereof declared to be unsafe by the building official.

#### **1349.07 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING USES.**

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.



**ARTICLE 1353**  
**Administration and Enforcement**

|  |  |
|--|--|
| <p><b>1353.01</b> Zoning Official designated.</p> <p><b>1353.02</b> Certificate of zoning compliance.</p> <p><b>1353.03</b> Zoning and building permits.</p> <p><b>1353.04</b> Occupancy permit.</p> | <p><b>1353.05</b> Sign permit.</p> <p><b>1353.06</b> Violations.</p> <p><b>1353.07</b> Injunction relief.</p> <p><b>1353.99</b> Penalty.</p> |
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**CROSS REFERENCES**

Enforcement - see W. Va. Code 8-24-66  
Injunction - see W. Va. Code 8-24-67  
Penalty - see W. Va. Code 8-24-68

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**1353.01 ZONING OFFICIAL DESIGNATED.**

A Zoning Official shall be designated by Council. The Zoning Official shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as Council may direct.

If the Zoning Official shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for each violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions. No building permit shall be issued except in conformity with the provisions of this Ordinance.

**1353.02 CERTIFICATE OF ZONING COMPLIANCE.**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the Zoning Official, stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

No nonconforming structure or use shall be renewed, changed or extended until a certificate of zoning compliance shall have been issued by the Zoning Official. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance.

No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

A temporary certificate of zoning compliance may be issued by the Zoning Official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and public.

The Zoning Official shall maintain a record of all certificates of zoning compliance, and copies shall be furnished at a cost upon request. Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under the provisions of this Ordinance.

### **1353.03 ZONING AND BUILDING PERMITS.**

No building or structure shall be erected, remodeled, added to or structurally altered until a permit therefor has been issued by the Zoning Official. All applications for zoning permits shall be in accordance with the requirements of these zoning standards, and unless upon written order of the Board of Zoning Appeals, no such zoning permit shall be issued for any building where said construction, addition or alteration for use thereof would be in violation of any of the provisions of these zoning standards.

All requests for building permits shall be made in writing by the owner or his authorized agent and shall include a statement of the use as intended use of the building and shall be accompanied by two copies of a layout or plat plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of these zoning standards. When complete and accurate information is not readily available from existing records, the Zoning Official may require an applicant to furnish a survey of the lot by a registered engineer or registered surveyor.

One copy of such layout or plat plan shall be returned when approved by the Zoning Official together with the permit to the applicant upon payment of a fee as predetermined from a fee schedule by Council.

The following fees except those from churches and schools shall be submitted with the application for a building permit, and shall be collected by the City upon the issuance of the building permit; excepting, however, the following provision: No permit is needed for repairs by homeowners up to \$500.00 unless a contractor is doing the work; further, the repairs may be inside and/or outside repairs. The remaining fees are as follows:

|  |  |
|--|--|
| Construction, etc., costing more than \$500.00<br>up to and including \$4,999.99                                   | \$10.00  |
| Construction, etc., costing \$5000 but not more<br>than \$25,000   | \$25.00  |
| For construction, etc., over \$25,000 or a fraction<br>of \$1,000 in costs of construction, etc., over<br>\$25,000 | An additional \$1.00 for each<br>thousand and fraction thereof |

All building permits issued by Council shall be valid for a period of one year from the date of issuance, and shall be automatically renewed for an additional period of one year in any case where the proposed construction, repair or alteration has begun within said period of one year, if notice of such commencement is given to Council within thirty days of the end of said one year period. Upon the expiration of any building permit, a reapplication must be made, in the same manner as the original application. The proposed construction, alteration or repair in the reapplication must conform to the terms and provisions of this zoning section at the date of such reapplication.

#### 1353.04 OCCUPANCY PERMIT.

- (a) A certificate of occupancy, either for the whole or for a part of a new building or for the structural alteration of an existing building shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or alteration of such building or part of a building shall have been completed and after due inspection shows the same to be in conformance with the provisions of these zoning standards.
- (b) A certificate of occupancy for the use or occupancy of vacant land or for a change of use in an existing building shall be applied for and issued before any such land or building shall be occupied, used or changed in use and such certificate of occupancy shall be issued within ten days after application has been made, provided such proposed use is in conformance with the provisions of these zoning standards.
- (c) Refusal by the Zoning Official to issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.
- (d) Occupancy permits are required for the following:
- (1) Occupancy of a new building.
  - (2) Occupancy and use of a building hereafter moved or altered so as to require a zoning permit.
  - (3) Change in the use of an existing building other than to a use of the same type.
  - (4) Occupancy and use of unimproved or vacant land.
  - (5) Change in the use of land except to another use of the same type.
  - (6) Any change in use of a nonconforming use to a conforming use.
  - (7) Any vacant, public, commercial or industrial building.
- (e) Occupancy permits shall state that the building or the proposed use of a building or land complies with all the provisions of law and of these zoning standards and all other ordinances of the Municipality. They are deemed to authorize and are required for both initial and continued occupancy and use of the building and land so long as such building and use is in full conformity with the provisions of these zoning standards.

**1353.05 SIGN PERMIT.**

No permanent or temporary sign shall be erected until a permit therefor has been issued. Application to the Zoning Official shall be processed within two weeks upon receipt of the written request to erect a sign and payment of a fee as predetermined from a fee schedule adopted by Council, provided the size of the sign is in conformity with the provisions of these zoning standards and all other effective and applicable ordinances. Refusal for a sign permit shall include a written statement to the applicant containing the reasons for denial.

Negligence to apply for a sign permit is punishable by a fine as prescribed in these Codified Ordinances and payable to said Municipality. Payment of said fine does not grant approval to erect a sign.

**1353.06 VIOLATIONS.**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof, shall be filed with the Zoning Official. He shall record properly such complaint, immediately investigate and take action thereon as provided by this Ordinance.

**1353.07 INJUNCTION RELIEF.**

The Planning Commission, the Board of Zoning Appeals or the Zoning Official may institute a suit for injunction in the Circuit Court of Marshall County to restraint an individual or a governmental unit from violating the provisions of this Ordinance.

**1353.99 PENALTY.**

Violation of any of the provisions of this Ordinance, or the failure to comply with any of its requirements, shall constitute a misdemeanor. Any person violating any of the provisions of this Ordinance shall be punished by a fine not exceeding one hundred dollars (\$100.00) or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment in the discretion of the Court. Each day any violation of this Ordinance shall continue shall constitute a separate offense.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation, may be each found guilty of a separate offense and suffer the penalties herein provided.

**ARTICLE 1357**  
**Board of Zoning Appeals**

|   |   |
|---|---|
| <p><b>1357.01</b> Creation; membership.<br/> <b>1357.02</b> Terms.<br/> <b>1357.03</b> Vacancies.<br/> <b>1357.04</b> Officers; quorum; employees.<br/> <b>1357.05</b> Rules and procedures.<br/> <b>1357.06</b> Appeals; hearings; notice.</p> | <p><b>1357.07</b> Stay of work on premises.<br/> <b>1357.08</b> Board of Zoning Appeals; powers and duties.<br/> <b>1357.09</b> Decision of the Board of Zoning Appeals.<br/> <b>1357.10</b> Appeals.</p> |
|---|---|

**CROSS REFERENCES**

Open governmental proceedings - see W. Va. Code Art. 6-9A  
Establishment; composition - see W. Va. Code 8-24-51 et seq.  
Appeals - see W. Va. Code 8-24-56 et seq.  
Injunctions - see W. Va. Code 8-24-67

**1357.01 CREATION; MEMBERSHIP.**

A Board of Zoning Appeals is hereby established which shall consist of five (5) resident freeholders of the City to be appointed by Council. Three (3) of such members shall have been residents of the City for at least ten (10) years preceding the date of their appointment. No member of the Board of Zoning Appeals shall be a member of the Planning Commission, nor shall any member hold any elective or appointive office in the City.

**1357.02 TERMS.**

Upon creation of the Board of Zoning Appeals, the members shall be appointed for the following terms: one for the term of one year; two for the term of two years; and two for the term of three years. The terms shall expire on the first day of January on the first, second and third year, respectively, following their appointment. Thereafter, as their terms expire, the new appointment shall be for a term of three years.

Members of the Board of Zoning Appeals shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties.

**1357.03 VACANCIES.**

If a vacancy occurs by resignation or otherwise among the members of the Board of Zoning Appeals, Council shall appoint a member for the unexpired term.

**1357.04 OFFICERS; QUORUM; EMPLOYEES.**

At the first meeting of each year, the Board of Zoning Appeals shall elect a chairman and vice chairman from its members. The vice chairman shall have authority to act as chairman.

A majority of members of a Board of Zoning Appeals shall constitute a quorum. No action of the Board of Zoning Appeals is official, however, unless authorized by a majority of the Board of Zoning Appeals.

The Board of Zoning Appeals may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duties, all in conformity to and in compliance with salaries and compensations therefor fixed by Council.

**1357.05 RULES AND PROCEDURES.**

The Board of Zoning Appeals shall adopt by-laws or rules governing the procedure for filing of appeals and applications for special uses and variances, giving of notice, and conduct of hearings as shall be necessary.

The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, and shall record the vote on all actions taken. All minutes and records shall be filed in the office of the Board of Zoning Appeals and shall be a public record.

**1357.06 APPEALS; HEARINGS; NOTICE.**

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved of or by a requirement, decision or determination made by the Administrative Official of the City. The Official from whom the appeal was taken shall upon request of the Board of Zoning Appeals transmit to it all documents, plans and papers constituting the record of the action from which an appeal was taken.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal, give public notice thereof as well as notice to all interested parties at least ten (10) days prior to the time of hearing. Public notice of the hearing shall be given by publication in a newspaper published in the City at least ten (10) days prior to the time of the hearing. Such notice shall also be given by sending the same to the interested parties by certified mail at their last known addresses. An interested party shall be defined to be any person owning property within three hundred (300) feet of the affected area. The Board of Zoning Appeals shall decide the same within a reasonable time. The Board of Zoning Appeals may require the party taking the appeal to assume the cost of public notice and notice of interested parties.

At the hearing, any party may appear in person, by agent or by attorney.

**1357.07 STAY OF WORK ON PREMISES.**

When an appeal from the decision of the Zoning Official has been taken and filed with the Board of Zoning Appeals, all proceedings and work on the premises concerning which the decision was made shall be stayed unless the Official shall certify to the Board that by reason of facts stated in the certificate of the Zoning Official a stay would cause imminent peril to life or property. In such case, proceedings on work shall not be stayed except by a restraining order which may be granted by the Circuit Court of Marshall County an application and notice to the Official and the owner or owners of the premises affected, and on due cause shown.



**1357.08 BOARD OF ZONING APPEALS; POWERS AND DUTIES.**

(a) The Board of Zoning Appeals shall:

- (1) Hear and determine appeals from and review any order, requirement, decision or determination made by the Administrative Official in the enforcement of this section.
- (2) Permit and authorize special uses in specific districts as specified in this section.
- (3) Hear and decide special exceptions to the terms of the section which the Board of Zoning Appeals is required to act under this section; decide such questions as are involved in determining whether special exceptions should be granted and grant special uses with such conditions and safeguards as are appropriate under this Ordinance, or deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by the Board of Zoning Appeals unless and until a written application for a special exception is submitted indicating the section of this Code under which the special use is sought.

In granting any special exceptions the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this section and punishable under the provisions of this section. The Board of Zoning Appeals shall prescribe a time limit within which the action for which the special use is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special use. The Zoning Official shall be responsible for maintaining permits issued for special uses and conditions under which the special use is granted.

- (4) Authorize upon appeal in specific cases such variance from the terms of this section as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, and so that the spirit of the section shall be observed and substantial justice done. A variance from the terms of this section shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted demonstrating:
  - A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same district.
  - B. The literal interpretation of the provisions of this section would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  - C. That the special conditions and circumstances do not result from the actions of the applicant.

(b) No conforming use of neighboring lands, structures or buildings in the same district and no permitted uses of land, structures or buildings in other districts, shall be considered grounds for the issuance of a variance.

(c) A public hearing shall be held on each application for a variance. The Board of Zoning Appeals shall fix a reasonable time for the hearing and shall cause such public notice to be given as may be required by its rules. Due notice shall additionally be given to all parties interested in such application.

(d) After hearing, and before granting any variance, the Board of Zoning Appeals shall make findings that the requirements of this subsection have been met by the applicant, that the reasons set forth in the application justify the granting of the variance, that the variance is the minimum variance that will make proper the reasonable use of land, building or structure, and that the granting of the variance will be in harmony with the general purposes and intent of this Ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

(e) In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

(f) Under no circumstances shall the Board of Zoning Appeals grant a variance to permit a use not generally or by special exception permitted in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

#### **1357.09 DECISION OF THE BOARD OF ZONING APPEALS.**

In exercising the above-mentioned powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this section, reverse, or affirm wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have powers of the Zoning Official from whom the appeal is taken.

#### **1357.10 APPEALS.**

Every decision of the Board of Zoning Appeals shall be subject to review by certiorari. Any person or persons, firm or corporation, jointly or severally aggrieved by any decision of the Board of Zoning Appeals, may present to the Circuit Court of Marshall County, a petition duly verified, setting forth that such decision is illegal in whole or in part, and specifying the grounds of the illegality, all in accordance and in the manner provided by West Virginia Code 8-24-56 et seq.

**ARTICLE 1361  
Amendments**

**1361.01 Procedure.**

**CROSS REFERENCES**

Procedure - see W. Va. Code 8-24-45 et seq.

Existing uses safeguarded - see W. Va. Code 8-24-50

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**1361.01 PROCEDURE.**

Proposed amendments to this Ordinance may be presented to Council requesting an amendment, supplement, repeal or change of the regulations of the Ordinance by the Planning Commission.

Prior to submission to Council of a Planning Commission petition or a report on a proposed ordinance, the Planning Commission shall hold a public hearing. At least fifteen (15) days prior to the date set for the hearing, the Recorder shall publish in a newspaper of general circulation in the City a notice of the time and place of the hearing.

If Council or the County Court desires an amendment, it may direct the Planning Commission to prepare an amendment and submit it to public hearing within sixty (60) days after formal written request.

Notice of public hearing as referred to herein, is published notice of the date, time and place of hearing as a Class I legal advertisement in compliance with the provisions of Article III, Chapter 59 of the West Virginia Code; publication area for such publication being the Municipality.

After the public hearing, the Planning Commission shall make its report on the proposed ordinance to Council. Thereafter, Council shall proceed to take such action on the proposed ordinance as it shall deem proper, and shall approve, reject or amend the same.



TABLE A  
TYPES OF LOTS

STREET

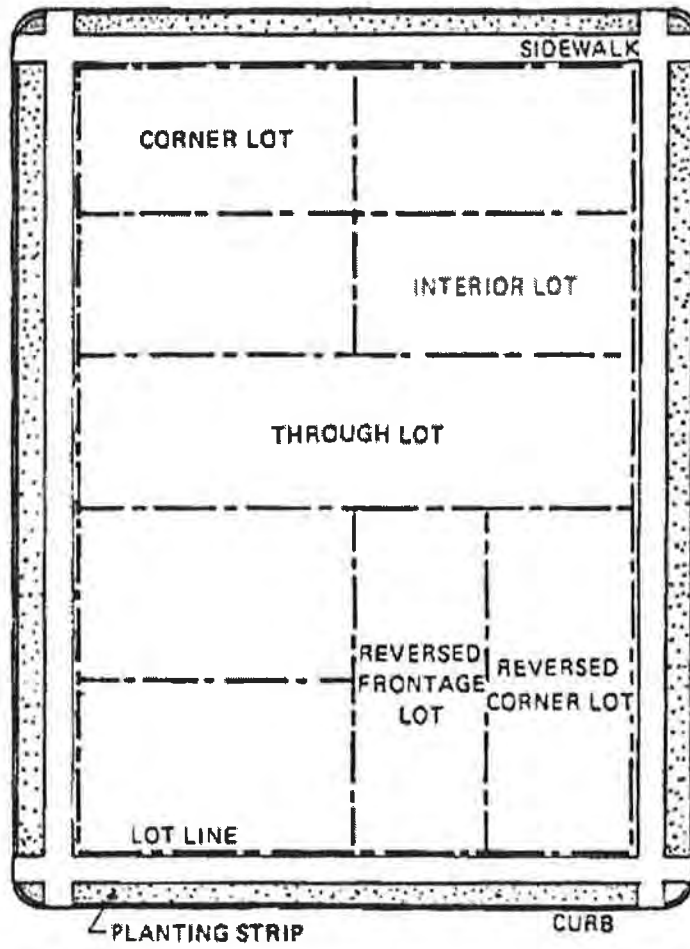
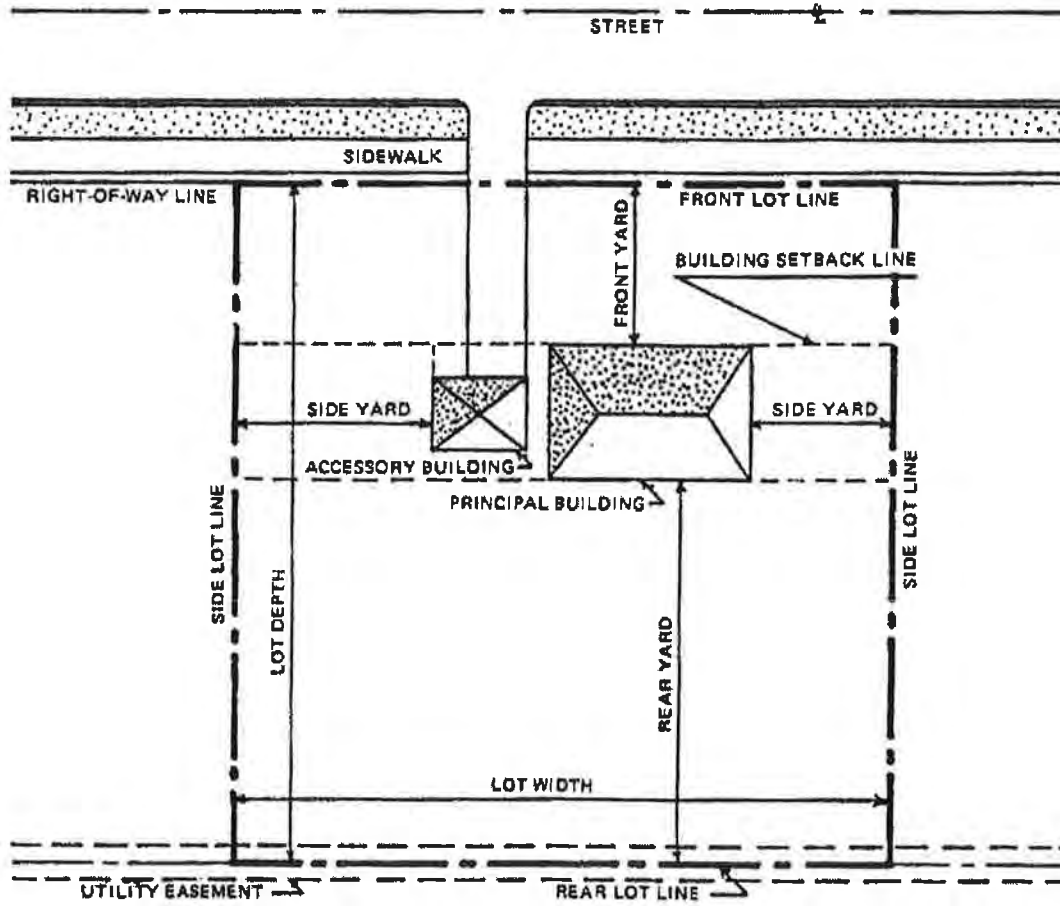


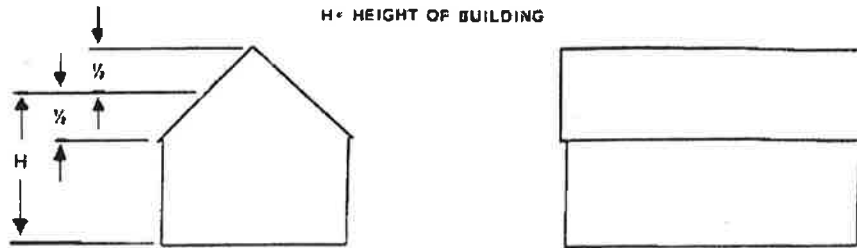
TABLE B  
LOT TERMS



LOT AREA = TOTAL HORIZONTAL AREA

LOT COVERAGE = PERCENT OF LOT OCCUPIED BY BUILDING

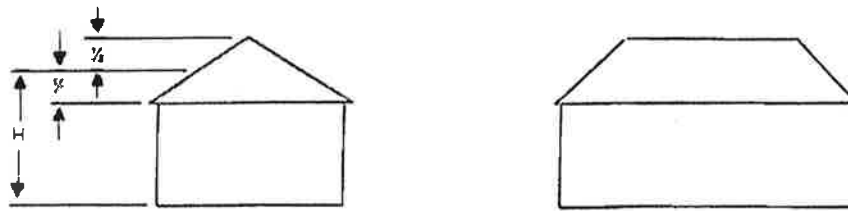
TABLE C  
 ROOF TYPES AND BUILDING HEIGHT



END VIEW

SIDE VIEW

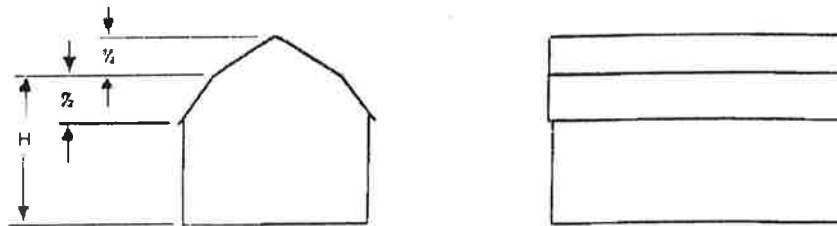
**GABLE ROOF**



END VIEW

SIDE VIEW

**HIP ROOF**



END VIEW

SIDE VIEW

**GAMBREL ROOF**

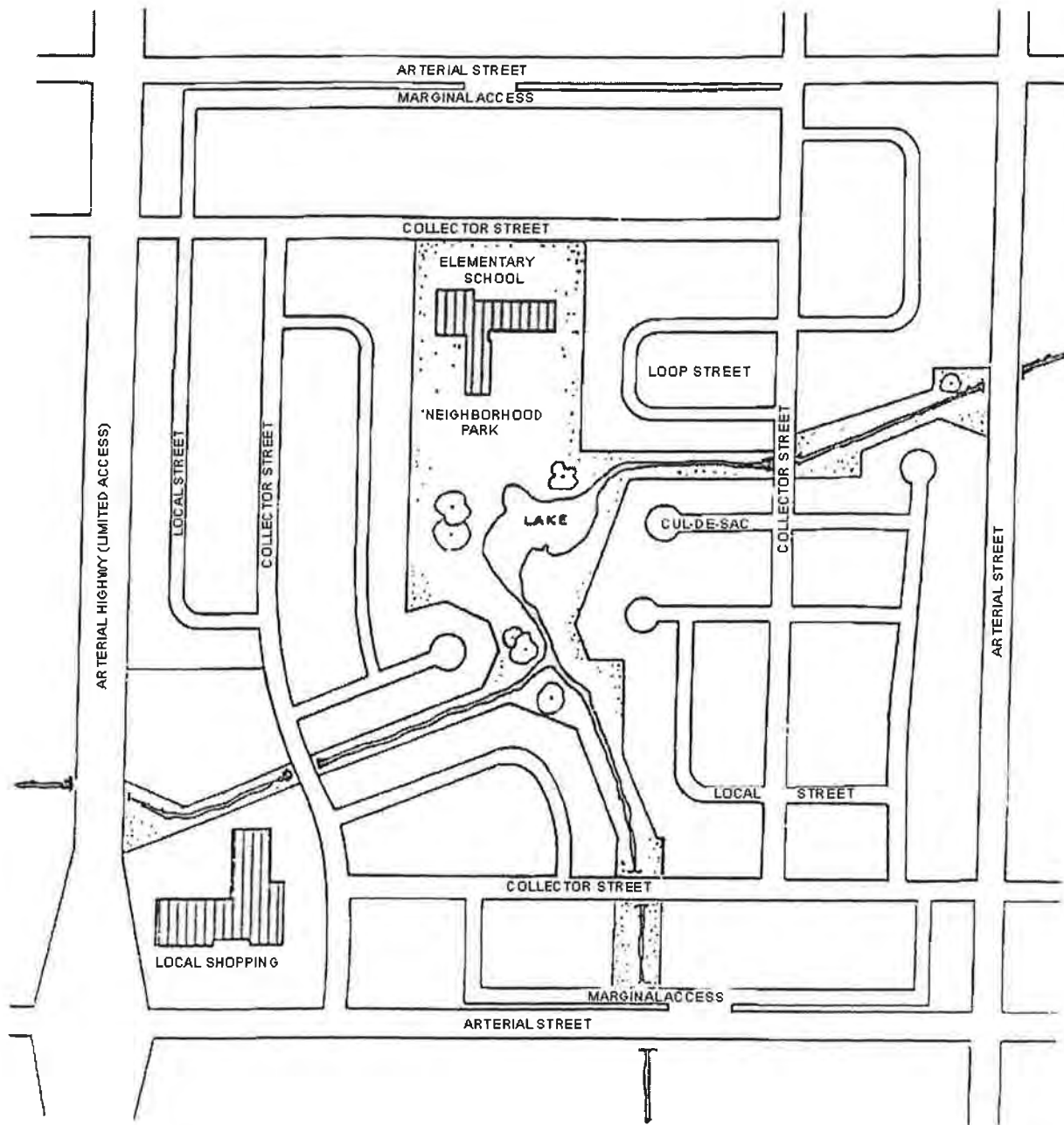


END VIEW

SIDE VIEW

**MANSARD ROOF**

TABLE D  
CLASSIFICATION OF THE THOROUGHFARE SYSTEM





**CHAPTER THREE - Land Subdivision Regulations**

- Art. 1365. Purpose and Interpretation.  
 Art. 1369. Application of Regulations.  
 Art. 1373. Plat Processing Procedures.  
 Art. 1377. Final Plats.  
 Art. 1381. Design Standards and Improvements.  
 Art. 1385. Administration and Enforcement.  
 TABLE I: Construction Standards and Requirements for Streets  
 and Sidewalks.

**ARTICLE 1365  
 Purpose and Interpretation**

**1365.01 Purpose and authority.**

**1365.02 Interpretation.**

**CROSS REFERENCES**

- Comprehensive plan - see W. Va. Code 8-24-16 et seq.  
 Jurisdiction and control - see W. Va. Code 8-24-35  
 Construction and interpretation generally - see ADM. Art. 101

**1365.01 PURPOSE AND AUTHORITY.**

(a) Short Title. This Chapter Three of Part Thirteen - Planning and Zoning Code shall be known and may be cited as the City of Glen Dale "Land Subdivision Regulations".

(b) Grant of Power. The Planning Commission shall have exclusive control over the approval of all plats and replats involving incorporated land covered by the Comprehensive Plan and Land Subdivision Regulations. This area shall include land outside the corporate limits that is designated by the plan for annexation to the City.

(c) Approval Required by the Planning Commission. After a Comprehensive Plan, an ordinance and Land Subdivision Regulations have been adopted and a certified copy of the ordinance has been filed with the County Clerk, a plat or replat of a subdivision shall not be recorded by the City unless it has first been approved by the Planning Commission. The filing and recording of a plat involving the subdivision of lands covered by such Comprehensive Plan, and Land Subdivision Regulations shall be without legal effect unless approved by the Planning Commission; provided, however, that failure to comply with this section shall not invalidate or affect title to any land within the area of such plat or replat; and provided further, that if such plat shall bear the seal of the Planning Commission, it shall be presumed to have been approved thereby.

The provisions of these Subdivision Regulations shall apply to any subdivision of land, or resubdivision of existing lots, whereby three or more lots are created, or resubdivided so as to alter their original size or layout. The provisions of these Subdivision Regulations shall also apply to the dedication of any new street, alley or other thoroughfare, or relocation of same. The words "addition" and "subdivision" or "resubdivision" as herein stated shall be within the application of these Subdivision Regulations.

#### **1365.02 INTERPRETATION.**

In interpreting the requirements of the Land Subdivision Regulations, they shall be held to be the minimum requirements for the creation of conditions favorable to the health, safety, morals and general welfare of the citizens of the City. It is not intended by the Land Subdivision Regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by the Land Subdivision Regulations, or with private restrictions placed upon property by covenant, deed or other private agreements, or with restrictive covenants running with the land to which the City is a party. Where the Land Subdivision Regulations impose a greater restriction other than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of the Land Subdivision Regulations shall control.

**ARTICLE 1369**  
**Application of Regulations**

|                |                                     |                |   |
|----------------|-------------------------------------|----------------|---|
| <b>1369.01</b> | <b>Conformity of subdivision.</b>   | <b>1369.05</b> | <b>Public improvements.</b>             |
| <b>1369.02</b> | <b>Recording of plat.</b>           | <b>1369.06</b> | <b>Revision of plat after approval.</b> |
| <b>1369.03</b> | <b>Sale of land in subdivision.</b> |                |   |
| <b>1369.04</b> | <b>Permits.</b>                     |                |   |

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**1369.01 CONFORMITY OF SUBDIVISION.**

No person shall subdivide any tract of land which is located within the City of Glen Dale except in conformity with the provisions of these Subdivision Regulations.

**1369.02 RECORDING OF PLAT.**

No plat of any subdivision shall be entitled to record in the County Clerk's office or have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid and Council shall institute proceedings to have the plat stricken from the records of Marshall County, West Virginia.

**1369.03 SALE OF LAND IN SUBDIVISION.**

No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein.

**1369.04 PERMITS.**

Council and/or the designated Zoning Official shall not issue building, zoning nor occupancy permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.

**1369.05 PUBLIC IMPROVEMENTS.**

The City hereby defines its policy to be that the City will withhold all public improvements of whatsoever nature, including the maintenance of streets and the furnishing of sewage facilities and water service from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted by the Planning Commission in the manner prescribed herein.

**1369.06 REVISION OF PLAT AFTER APPROVAL.**

No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission, and endorsed in writing on the plat, unless the said plat is first resubmitted to the Planning Commission.

**ARTICLE 1373  
Plat Processing Procedures**

|                |   |                |                                       |
|----------------|---|----------------|---------------------------------------|
| <b>1373.01</b> | <b>Preparation of preliminary plat.</b> | <b>1373.04</b> | <b>Approval.</b>                      |
| <b>1373.02</b> | <b>Procedure.</b>                       | <b>1373.05</b> | <b>Preliminary plat requirements.</b> |
| <b>1373.03</b> | <b>Notice and hearing.</b>              | <b>1373.06</b> | <b>Notice of action to be taken.</b>  |

**CROSS REFERENCES**

Approval required - see W. Va. Code 8-24-28

Application - see W. Va. Code 8-24-29

Approval - see W. Va. Code 8-24-30 et seq.

**1373.01 PREPARATION OF PRELIMINARY PLAT.**

Any person desiring to subdivide land within the City of Glen Dale or create a new addition or subdivision therein, shall submit an application, together with a copy of the proposed plat or the area involved, to the Planning Commission, in conformity with the requirements hereafter set forth.

At the time of filing the application of the plat, the subdivider shall pay to the City Recorder for use by the City a fee to defray the cost of processing such plat and drafting same on the official map of the City. The fee shall be determined based on the City Engineer's estimated cost of processing such plat.

**1373.02 PROCEDURE.**

The preliminary plat shall show, on a location map, all the facts needed to enable the Planning Commission to determine whether the proposed layout of the land in a subdivision is satisfactory from the standpoint of public interest. The subdivider shall file an application for preliminary approval with the Planning Commission and as many copies of the preliminary plat as may be required by the Planning Commission according to the standards and other provisions of these regulations. The preliminary plat shall be considered officially filed after it is examined by the Planning Commission and is found to be in full compliance with the formal provisions of these regulations.

**1373.03 NOTICE AND HEARING.**

The Planning Commissions shall provide for a hearing on the proposed addition or subdivision, and shall publish notice of such hearing in the same manner as is provided for the hearing of proposed variances under the Zoning Code.

**1373.04 APPROVAL.**

If the proposed addition or subdivision appears to conform to the provisions of these Subdivision Regulations and the Zoning Ordinance, the Planning Commission shall approve it by a majority vote. The Planning Commission may direct that certain modifications be made in the proposal so that it will so conform. The Planning Commission may reject the proposal and preliminary plat if they substantially conflict with the provisions of these Subdivision Regulations and the Zoning Ordinance. In any case, notice of the action of the Planning Commission shall be given to the proposer.

**1373.05 PRELIMINARY PLAT REQUIREMENTS.**

(a) The preliminary plat shall be clearly and legible drawn. The scale of the map shall be 1" = 500'.

- (b) The preliminary plat shall show or be accompanied by the following information:
- (1) Draft of proposed zoning whereby the subdivider proposes to have regulated land uses in the subdivision and otherwise protect the proposed development.
  - (2) Title block in the lower right corner of the plat shall include the following:
    - A. Name under which the subdivision is to be recorded.
    - B. Location of a subdivision by municipality, county or state.
    - C. Name and addresses of the subdivision owner or owners.
    - D. Name and addresses of registered professional engineer or registered surveyor who surveyed the property and prepared the plat.
    - E. Magnetic north point, graphic scale, date of plat.
  - (3) Place for signature of Chairman of the Planning Commission and date of conditional approval of Planning Commission.
  - (4) Tract boundaries with bearings, distances and area in acres to the nearest hundredths.
  - (5) Existing easements, their location, width and distance.
  - (6) Tract closures and block closures with an allowable error of 1:10,000.
  - (7) Contours at vertical intervals of two feet for land areas with a slope of five percent or less and at five-foot intervals for land areas with a slope of greater than five percent.
  - (8) Datum to which contour elevations refer.
  - (9) Bench marks.
  - (10) Existing physical features to include:
    - A. Watercourses, culverts, bridges and drains.
    - B. Existing buildings, railroads, sewers, water mains and fire hydrants.

- C. Streets and alleys on or adjacent to the tract, including street name, right-of-way widths and cartway widths.
  - D. Subsurface conditions of tract including information regarding past mining activity and future possibility of mine activity. If there are any seams of mineable material within 300 feet of the surface, the subdivider shall be required to show proof that he owns rights of support.
- (11) Proposed improvements shall include:
- A. Locations, name and width of all proposed streets and alleys and paved cartway widths.
  - B. Sidewalks and crosswalks.
  - C. All rights of way and easements.
  - D. Lot lines with bearings and dimensions, lot numbers and block numbers.
  - E. Building lines.
  - F. General drainage plan for storm water to include proposed water direction of flow for storm water in relation to natural channels with disposition controlled so as not to extend damage to adjoining properties.
  - G. A plat of the proposed water distribution system or a plat showing the location of individual wells.
  - H. A plat of the proposed sanitary sewer system or a plat, where required, showing the proposed location of on-lot sewage disposal facilities.
  - I. Sites, if any, reserved or dedicated for parks, playgrounds or other public use, indicating acreage of these sites.
  - J. Sites for multi-family dwellings, shopping centers or other commercial uses, public uses such as churches and schools, industry or other uses exclusive of single-family detached dwellings.
- (12) The following additional data shall be submitted upon request by the Planning Commission or the City Engineer:
- A. Names and addresses of abutting property owners.
  - B. Subsurface conditions of the tract including location and results of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless test pits are dry at a depth of five feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.
  - C. Tentative profiles for sanitary and storm sewers and profiles showing existing ground and proposed centerline street grades.
  - D. Typical cross sections of roadways and sidewalks.
  - E. Sizes of water pipes and location of valves and fire hydrants.
  - F. Location of manholes, invert elevations, grades and sizes of sanitary and storm sewers.

**1373.06 NOTICE OF ACTION TO BE TAKEN.**

If the preliminary plat is approved, but any actions are necessary on the part of the proposer in order to comply with the provisions of the Subdivision Regulations, the Planning Commission shall notify the proposer in writing of those actions which must be taken in order of so comply.



**ARTICLE 1377**  
**Final Plats**

**1377.01 Approval procedures.**

**1377.02 Requirements.**

**CROSS REFERENCES**

Approval required - see W. Va. Code 8-24-28

Application - see W. Va. Code 8-24-29

Approval - see W. Va. Code 8-24-30 et seq.

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**1377.01 APPROVAL PROCEDURES.**

(a) Application to Planning Commission. Upon approval of the preliminary plat, there shall be submitted to the City for transmittal to the Planning Commission at least ten days prior to a regular meeting of the Planning Commission, an original and one copy of the final plat, meeting the requirements of Section 1377.02. All final plats and other exhibits required for approval shall be submitted to the Planning Commission within one year after approval of the preliminary plat. Otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission.

(b) Action by the City Engineer. The City Engineer shall determine if the final plat meets the requirements of these Land Subdivision Regulations and he shall determine the status of improvements, or if approval is requested prior to development of the improvements, he shall estimate the amount of money necessary to complete the improvements and installations, reporting his findings to the Planning Commission.

(c) Planning Commission Review. The Commission shall notify the subdivider of the scheduled place, date, time and agenda of the hearing at which the subdivision is to be considered and shall notify by general publication or otherwise any person or governmental unit having a probable interest in the proposed plat.

(d) Planning Commission Action. After the hearing and within 30 days, the Commission shall approve or disapprove the final plat:

- (1) If the Commission approves, it shall express its approval by resolution or its disapproval by resolution and its reasons thereof and the subdivider shall be provided with a copy.
- (2) The approved final plat shall bear the signature of the Chairman of the Commission stating that all plat requirements have been met.

- (3) Following review by the Commission, all final plats shall be submitted by the Commission to the City Recorder. The City shall record such with the County Clerk and the recording fee shall be paid by the subdivider. Approval shall not become final and effective until such certificate has been filed.

(e) Review of Decision of Planning Commission by Certiorari. In any case where the Planning Commission disapproves a final plat, any person, firm or corporation, jointly or separately aggrieved by the decision may present to the Circuit Court of the County of Marshall, a petition duly certified, setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality. Such petition must be filed in the Circuit Court of the County of Marshall within 30 days after the day of such decision.

### **1377.02 REQUIREMENTS.**

For any subdivision requiring approval, the final plat submitted:

- (a) Shall be drawn on tracing cloth or other reproducible material and shall be on sheets no larger than 31 inches by 41 inches with a border of one-half inch on all sides except the 31-inch binding edge which shall be one inch. More than one sheet may be used for larger tracts, and all sheets must be indexed.
- (b) Shall be drawn with waterproof black India ink and all records, data, entries, statements, etc., thereon shall also be made with the same type of ink or reproducible typing, except that contour lines when shown, shall be drawn with waterproof brown ink or with diluted waterproof India ink, so that the said contour lines will show faintly on a print made from said plat.
- (c) Shall be drawn to a scale of one inch equals 100 feet or greater (though not less than one inch equals 100 feet) and shall be of sufficient size to clearly show all notations, dimensions and entries. All dimensions shall be shown in feet and decimals of a foot.
- (d) Shall contain a title block in the lower right corner with the following:
- (1) Name under which the subdivision is to be recorded.
  - (2) Location of subdivision by municipality, county and state.
  - (3) Name and address of subdivision recorded owners and notarized affidavit.
  - (4) Name and address of the registered professional engineer or registered surveyor who surveyed the property and prepared the plat.
  - (5) Magnetic north point, graphic scale, date of plat.
- (e) All final plats submitted shall be drawn according to the following:
- (1) Outside of subdivision.
    - A. Streets and other ways by medium solid lines.
    - B. Property lines of adjacent subdivision by medium dashed and two dotted lines.
    - C. Lot lines by light dotted lines.
    - D. Restriction lines, easements, etc., by light dashed lines.
  - (2) Within subdivision.
    - A. Streets or rights of way by heavy solid lines.
    - B. Perimeter property lines of the subdivision by heavy dashed and two dotted lines (tract boundary).

- C. Lot lines by light solid lines.
  - D. Restriction or building lines by light dashed lines.
  - E. Easements or other reserved areas by light dotted lines.
- (f) The final plat shall show:
- (1) Primary control points, approved by the City Engineer, or description and ties to which all dimensions, angles, bearings and similar data shall be referred.
  - (2) The accurate location, material, size and description of survey monuments.
  - (3) Tract boundary lines, right-of-way lines of streets, easements and other rights of way, and property lines of lots and parcels of land to be dedicated to public use drawn to scale with bearings or deflection angles, radii, arcs and central angles of all curves.
  - (4) Location, dimensions and purpose of all easement.
  - (5) Name and right-of-way width of each street.
  - (6) Acreage of the plat.
  - (7) Number to identify each lot and number to identify each block.
  - (8) Building setback line on all lots and sites.
  - (9) Purpose for which lots other than single-family residential are to be dedicated, also indicate acreage or square footage.
  - (10) Name of recorded owners of adjoining land.
  - (11) Certification of registered surveyor or registered professional engineer as to the accuracy of the survey and plat showing name, address, registration number and seal.
  - (12) Approval certificate: place for signature of Chairman and Secretary of the Planning Commission and the date of their approval plus a place for signature of the City Engineer and the date of his approval.
- (g) Other exhibits which are required to accompany the final plat and which may be on one or more sheets shall show the following:
- (1) Dimensions and location of all paving, curbs and public sidewalks.
  - (2) Final grades and profiles of all streets and services.
  - (3) The final locations as constructed of all storm sewer, sanitary sewer lines and other underground utility lines including service lines to each property line.
  - (4) Certificates of approval of the storm sewer, sanitary sewer and sewage disposal system from the Board of Health of the State of West Virginia and from the City of Glen Dale Sanitary Board.
  - (5) Draft of proposed zoning whereby the subdivider proposes to have regulated land uses in the subdivision and otherwise protect the proposed subdivisions.
  - (6) Statement by the owner dedicating streets, rights of way and sited to the City for public uses.



**ARTICLE 1381**  
**Design Standards and Improvements**

**1381.01 Design standards.**

**1381.02 Required improvements.**

**1381.01 DESIGN STANDARDS.**

The design standards below shall be incorporated in all proposed plans:

- (a) Land Requirements. Land shall be suited to the purposes for which it is to be subdivided and be of such character that it can be used safely without danger to health or peril from flood, fire or other menace.
- (b) Street System Layout. The location of all major streets in the proposed subdivision shall conform in general alignment to the plan.

The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding areas unless the Commission deems such extension undesirable for specific reasons of topography or design.

Streets shall be logically related to the topography to produce usable lots and reasonable grades.

Minor streets shall be laid out to discourage through traffic, but provision for street connections into and from adjacent areas will generally be required.

Proposed streets shall be extended to provide access to adjoining property where necessary.

Fifty (50) foot width street rights of way shall be provided as necessary where lots in the proposal are large enough to permit resubdivision, or if a portion of the tract is not subdivided.

Where a subdivision abuts or contains an existing or proposed major traffic street, the Commission may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street, and separation of local and through traffic.

New half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards contained herein and where, in addition, satisfactory assurance for dedication of the remaining part of the street may be secured.

Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted with such tract.

Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.

- (c) **Street Intersection.** Streets shall be laid out to intersect as nearly as possible at an angle of less than sixty (60) degrees.
- Multiple intersections involving junction of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such manner as to materially impede vision between a height of three (3) and ten (10) feet above the center line of the grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty feet from the point of intersection. To the fullest extent possible, intersections with major traffic streets shall be located not less than eight hundred (800) feet apart, measured from centerline to centerline.
- Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty-five feet (125) between their centerline.
- Minimum curb radii at street intersections shall be eighteen (18) feet for intersections involving only minor streets, twenty-five (25) feet for intersections involving other types of streets, or such greater radius as is suited to the specific intersection.
- Where a subdivision abuts or contains an existing street or inadequate right-of-way width, additional right-of-way width in conformance with the plan will be required.
- Where the grade of any street at the approach to an intersection exceeds seven (7) percent, a leveling area shall be provided having not greater than four (4) percent grades for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.  
(Ord. 11-11-02.)
- (d) **Cul-de-sac Streets.** Cul-de-sac streets, permanently designed as such, shall not exceed five hundred (500) feet in length, and shall furnish access to not more than twenty (20) dwelling units.
- Cul-de-sac streets shall be provided at the closed end with a paved turnaround having a minimum radius to the outer pavement edge or curb line of fifty (50) feet.
- Unless future extension is clearly impractical or undesirable, a turnaround right of way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.
- (e) **Curbs.** Curbing shall be of concrete or of bituminous mix, either straight, battered or rolled as determined by the Planning Commission. Properly constructed extruded concrete curbs may be permitted as determined by the Planning Commission.
- (f) **Lots and Lot Sizes.** Lot size and dimensions shall be in accordance with the Zoning Ordinance.
- All lots shall front upon a public street.
- The ratio of the depth of any lot to its width shall not be greater than two and one-half to one, except as may be specified in the Zoning Ordinance.
- Side lot lines shall be substantially at right angles or radial to street lines.

If remnants of land exist after subdividing, they shall be incorporated into existing or proposed lots, or dedicated to public use if acceptable to the Municipality.

Double frontage lots are prohibited, except where employed to prevent vehicular access to major traffic streets.

Depth and width of parcels laid out or reserved for nonresidential use shall be sufficient to provide satisfactory space for off-street parking and unloading as required by the provisions of the Zoning Ordinance.

- (g) **Easements.** Easements with a minimum width of ten (10) feet plus the width of any required pipe or other improvement shall be provided as necessary for utilities.

To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.

Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right of way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.

- (h) **Blocks.** The length, width and shape of blocks shall be determined with due regard to the following:

- (1) Provision of adequate sites for buildings of the type proposed.
- (2) Zoning requirements.
- (3) Topography.
- (4) Requirements for safe and convenient vehicular and pedestrian circulation.

Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Commission may require the reservation of a 20-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a 4-foot wide paved footpath be included.

Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering a major traffic street are used.

Pedestrian through walks may be required where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have a width of not less than ten (10) feet and a paved walk of not less than four (4) feet.

- (i) **Storm Drainage.** Lots shall be laid out and graded to provide positive drainage away from buildings.

Storm sewers, culverts and related installations shall be provided:

- (1) To permit unimpeded flow of natural watercourses.
- (2) To insure adequate drainage of all low points along the line of streets.
- (3) To intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.

In the design of storm sewerage installations, special consideration shall be given to avoidance of problems which may arise from concentration of storm water runoff over adjacent properties.

- (j) Drainage Improvements. The subdivider may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right of way where feasible, or in perpetual unobstructed easements of appropriate width. Clear, specific and binding easements shall be provided against all land affected.

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Municipal Engineer shall approve the design and size of facility based on anticipated runoff from a "ten-year" storm under conditions of total potential development permitted by the Zoning Ordinance in the watershed.

The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Municipal Engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Commission shall not approve the subdivision until provision has been made for the improvement of said condition.

- (k) Community Facilities and Plan Requirements. In reviewing subdivision plats, the Commission will consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision.

Where a proposed park, playground, school or other public use shown in the plan is located in whole or in part in a subdivision, the Commission may require the reservation of such area as may be deemed reasonable. Where said area is not dedicated, it shall be reserved for acquisition by the Municipality for a period of three (3) years.

Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed.

The layout of the proposed subdivision shall be in general conformity with the features or developments proposed in the plan of the Municipality.

In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final approval, to the Commission, three prints (one on cloth) drawn in ink showing, at a scale of not less than thirty (30) feet to the inch, such area and the following features thereof:

- (1) The boundaries of the said area, giving lengths and bearings of all straight lines, radii, lengths, central angles and tangent distances of all curves.
- (2) Existing features such as brooks, ponds, clusters of trees, rock outcrops, structures.
- (3) Existing, and if applicable, proposed changes in grade and contours of the said area and of area immediately adjacent.



- (1) Nonresidential Subdivisions. Nonresidential developments include commercial and industrial developments. The Planning Commission recognizes that the subdivider creating nonresidential subdivisions faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Planning Commission shall be upon street layout and block arrangement. Generally, the procedural requirements shall be for the owner to follow the regular approval procedure and to show the entire tract to be subdivided with necessary improvements and as many parcels as he cares to show, but at least two. As prospective buyers express interest in lots sized to their required specifications, the owner may submit to the Planning Commission an amendment to the approved final subdivision plat for consideration. Regular procedural requirements shall then apply. In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
- (1) The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping and other facilities as required by the Zoning Ordinance.
  - (2) Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developed, owned and managed as a unit. Narrow, ribbon developments along arterial streets will be discouraged.
  - (3) With respect to physical improvements, special requirements may be imposed by the Commission within the nonresidential subdivision.
  - (4) Every effort shall be made to protect adjacent residential areas from potential nuisance from the nonresidential subdivisions, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
  - (5) Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor create hazards for adjacent residential areas.
  - (6) Streets carrying nonresidential traffic, especially truck traffic shall not normally be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic, but shall be connected insofar as possible to arterial or collector streets in such a way that the number of intersections with such arterials or collectors shall be minimized.
  - (7) Nonresidential subdivisions shall be provided with water and sewerage systems which are adequate to maintain adequate health standards, and to dispose of commercial and industrial wastes. These facilities shall be approved by the County Health Department.

- (8) The Planning Commission shall require adequate provision for the discharge of surface water which will result from commercial and industrial development with large roof areas and large paved parking areas.
- (m) Underground Utilities. All utilities, including telephone and electric wires shall be placed underground.

#### 1381.02 REQUIRED IMPROVEMENTS.

(a) Monuments and Markers. Monuments shall be placed so that the scored or marked point shall coincide exactly with the intersection of the lines to be marked, and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground:

- (1) Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Monuments may be of the following two types:
- A. Cut stone 5" x 5" x 3' - 0" long with a drill hole in the center.
  - B. Concrete 5" x 5" x 3' - 0" long with a 1/2" round brass pin in the center.
- (2) Markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots; at all corner lots, markers shall consist of steel bars at least thirty (30) inches long and not less than three-quarter (3/4) inch in diameter.

(b) Streets. Required improvements and construction standards shall be in accordance with the specifications of the Municipality.

Streets (and alleys where provided) shall be graded, surfaced and improved to the grades and dimensions shown on plats, profiles and approved by the City Engineer.

(c) Public Water Supply. The subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants.

(d) Public Sanitary Sewer System. Sanitary sewers shall be installed to adequately serve all lots with connections to the public system.

(e) Storm Sewers. Storm sewers shall be installed to provide adequate drainage for the subdivision.

**ARTICLE 1385**  
**Administration and Enforcement**

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| <p><b>1385.01 Performance guarantees.</b><br/><b>1385.02 Conditions of acceptance.</b><br/><b>1385.03 Variances.</b></p> | <p><b>1385.04 Certificates, affidavits and approvals of final plat.</b></p> |
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**CROSS REFERENCES**

Enforcement - see W. Va. Code 8-24-66  
Injunction - see W. Va. Code 8-24-67  
Penalty - see W. Va. Code 8-24-68

**1385.01 PERFORMANCE GUARANTEES.**

(a) The Planning Commission shall insure, through receipts of certificates of compliance from the appropriate official, that required improvements have been installed according to specifications on the final plat, or alternately that adequate surety for such improvements has been posted.

(b) A fixed fee covering the cost of inspection during the construction of the improvements of said subdivision must be submitted to the City Engineer, his representative, or any other municipal authority having jurisdiction over local streets or publicly-owned utilities. The City Engineer, his representative, or any other public official responsible for publicly-owned utilities shall issue certificates of the improvements in accordance with the standards and specifications herein contained.

(c) Alternately, the process may be modified so that the subdivider may file with the Planning Commission a performance bond or other surety acceptable to the Commission, the amount to be fixed by the Commission in a form satisfactory to the City Solicitor for the installation or completion of improvements not yet constructed. In fixing the amount of said bond or other assurance, the Commission shall give due consideration to the cost of the required improvements as estimated by the City Engineer or Glen Dale authority having jurisdiction over the local roads, publicly-owned utilities and drainage facilities involved.

(d) In lieu of the performance bond, a deposit may be made either with the City Treasurer or responsible escrow agent or trust company, of money or negotiable bonds in the amount equal to the estimated construction cost of such improvements. If a cash deposit is made, an agreement may be executed to provide that progress payments may be made to the contractor of the subdivider out of the deposit as the work progresses and is approved by the responsible City official.

(e) The development of existing dedicated streets and the extension of public utilities may be provided by one of the above methods described or an alternate method may be used whereby the abutting property owner petitions the City and upon proper action the improvements are provided and the costs assessed to the abutting property owners in accordance with the procedure outlined in these Codified Ordinances.

**1385.02 CONDITIONS OF ACCEPTANCE.**

(a) After an approved subdivision plat shall have been officially recorded, the streets, parks and other public improvements shown thereon shall be considered to be a part of the Official Map of the City.

(b) Streets, parks and other public improvements shown on a subdivision plat to be recorded may be offered for dedication to the City by formal notation thereof on the plat, or the owner may note on such plat that any improvements have not been offered for dedication to the City.

(c) Every street, park or other improvement shown on the subdivision plat shall be deemed to be a private street, park or improvement until such time as the same shall have been offered for dedication and accepted by the City, or until it shall have been condemned for use as a public street, park or other improvement.

(d) The Commission shall not approve any subdivision plat except in conformance with the provisions of these Land Subdivision Regulations.

(e) The Commission may alter any subdivision plat, specify alterations, changes or modifications therein which it deems necessary, and may make its approval subject to such alterations, changes or modifications.

(f) No road, street, alley or related improvement shall be accepted as a part of the street system of the City for maintenance unless opened, laid out, graded and improved in strict accordance with the provisions of these Land Subdivision Regulations.

(g) The Commission may approve a plat for a subdivision in which the improvements and installations have not been completed as required by these Land Subdivision Regulations if the applicant provides a performance bond either:

- (1) In an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with these Subdivision Regulations; or
- (2) In the form of a combination minimum bond and first mortgage removable from each lot through payment of a prorated share of the improvements prior to the sale of said lot; or
- (3) With surety satisfactory to the Commission; or
- (4) The applicant specifies the time for the completion of the improvements and installations.

**1385.03 VARIANCES.**

(a) Granting of the Variance. Where the Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variance will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or these Land Subdivision Regulations.

In granting variances, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the regulations or requirements so modified. The granting of variances by the Commission may be conditional and subject to the recommendation of Council.

(b) Application. A variance applies only to that particular subdivision for which it was granted.

**1385.04 CERTIFICATES, AFFIDAVITS AND APPROVALS OF FINAL PLAT.**

The final plat shall contain a formal statement by the owner dedicating for public use, all drives, roads, streets, lanes, ways and other public highways shown on the plat, and releasing the City from liability for damages in connection with an acknowledgment, all in forms satisfactory to the Planning Commission.

- (a) The final plat shall contain an Engineer's certificate in form satisfactory to the Planning Commission.
- (b) The final plat shall contain forms for approval and recording as required by the Planning Commission.



**TABLE I**  
**CONSTRUCTION STANDARDS AND REQUIREMENTS**  
**FOR STREETS AND SIDEWALKS**

| Type of Street | Width in Feet |          | Sidewalk Width in Feet | Geometric Standards                                    |                    |                        |
|----------------|---------------|----------|------------------------|--|--------------------|------------------------|
|                | Right of Way  | Pavement |                        | Minimum Centerline Radii for Horizontal Curves in Feet | Maximum Grades (%) | Minimum Sight Distance |
| Arterial       | 66            | 40       | 5                      | 300  | 15                 | 3                      |
| Collector      | 60            | 40       | 5                      | 300  | 15                 | 3                      |
| Local          | 50            | 30       | NR                     | 100  | 18                 | 2                      |
| Cul-de-sac     | 30            | 22       | NR                     | 100  | 18                 | 2                      |
| Lane           | 20            | 18       | NR                     | 100  | 18                 | 1                      |

