

ZONING ORDINANCE FOR THE ZONED UNINCORPORATED AREAS OF PUTNAM COUNTY, WEST VIRGINIA

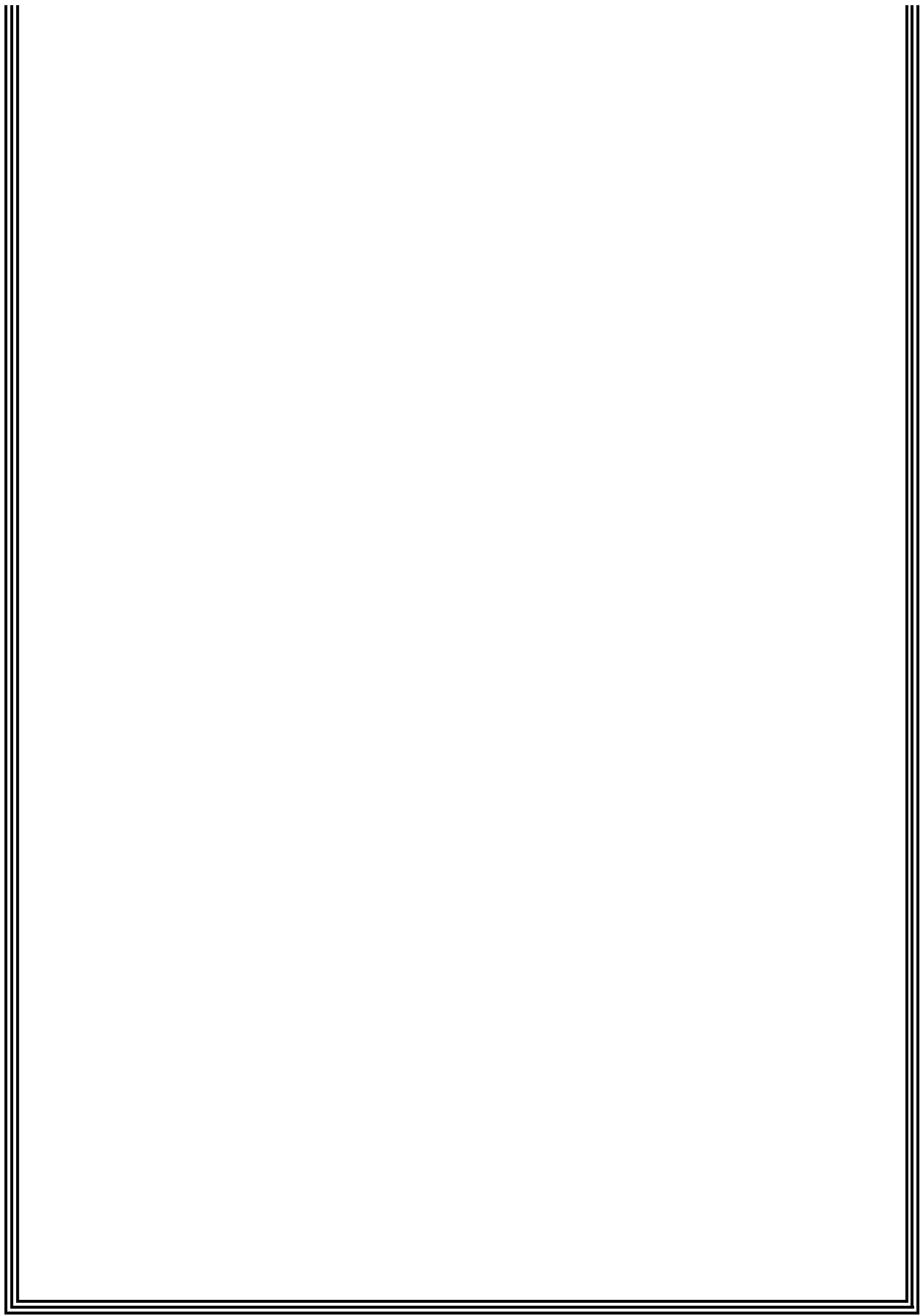
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ADOPTED MAY 13, 2003

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|------------------|------------------|------------------|------------------|
| Amended 11/04/03 | Amended 11/25/03 | Amended 06/29/04 | Amended 10/19/04 |
| Amended 03/08/05 | Amended 05/10/05 | Amended 10/04/05 | Amended 10/11/05 |
| Amended 10/18/05 | Amended 01/31/06 | Amended 07/14/06 | Amended 10/10/06 |
| Amended 02/13/07 | Amended 04/10/07 | Amended 10/30/07 | Amended 11/06/07 |
| Amended 07/01/08 | Amended 08/11/09 | Amended 04/13/10 | Amended 02/08/11 |
| Amended 06/14/11 | Amended 03/08/12 | Amended 10/23/12 | Amended 02/26/13 |
| Amended 06/11/13 | Amended 08/13/13 | Amended 06/10/14 | Amended 07/22/14 |
| Amended 10/14/14 | Amended 03/10/15 | Amended 07/28/15 | Amended 02/28/17 |
| Amended 08/31/17 | Amended 10/10/17 | Amended 12/28/17 | Amended 01/29/18 |
| Amended 03/27/18 | Amended 09/11/18 | Amended 11/13/18 | Amended 01/30/20 |
| Amended 01/28/21 | Amended 09/30/21 | Amended 03/09/22 | Amended 10/11/22 |
| Amended 12/13/22 | | | |



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| 09/30/96 | Rezoning: | Parcel 77 on Tax Map 223 and Parcel 1 on Tax Map 223B from C-1 Suburban Commercial District to C-2 High Density Commercial District. | |
| 10/28/96 | An Amendment: | 200.02 600.02, D. | Retail/Light Manufacturing (ADDED) Manufacturing (ADDED) 1. Retail/Light Manufacturing (ADDED) |
| 02/26/97 | An Amendment: | 200.02 600.02, E, 10. | Family Restaurant (ADDED) Family Restaurant (ADDED) |
| 02/26/97 | Rezoning: | Parcel 42 on Tax Map 223 from I-1 Light Industrial District to C-1 Suburban Commercial District. | |
| 07/23/97 | An Amendment: | 200.02 600.02, F, 16. | School - nursery, kindergarten, elementary, middle, or senior high (ADDED) Schools (ADDED) |
| 08/13/97 | Rezoning: | Parcel 1.10 on Tax Map 223 from C-1 Suburban Commercial District to C-2 High Density Commercial District | |
| 08/13/97 | Rezoning: | Parcel 48 on Tax Map 212A from R-2 Mixed Residential Development to C-2 High Density Commercial District. | |
| 08/13/97 | An Amendment: | 200.02 700.02, F, 29. | Hospital (ADDED) Hospital (ADDED) |
| 04/08/98 | Revisions: | Article 1200, Parking, Loading and Internal Roadways (ADDED) Article 1300, Landscaping and Screening (ADDED) Article 1400, Signs (ADDED) Article 1600, Road Access (ADDED) And other general revisions noted throughout the ordinance. | |
| 06/03/98 | An Amendment: | 600.02, F, 4 | Contractor's Establishment - Lawn Care Service (ADDED) |
| 09/14/98 | An Amendment: | 200.02 600.03, I. | Television or Radio Studio (ADDED) Communications or broadcasting tower (ADDED) |
| 07/03/99 | Revisions: | Article 1800, | Nonconforming Provisions (REVISED) |
| 08/20/99 | Rezoning: | Parcel 63 and Parcel 65 on Tax Map 222E from R-1 Single-Family Residential District to C-1 Suburban Commercial District. | |
| 12/10/99 | An Amendment: | 200.02 600.02, E, 20 | Retail Sales/Pawnshop/Firearms (ADDED) Retail Sales/Pawnshop/Firearms (ADDED) |
| 03/31/00 | Rezoning: | Parcel 27.5 on Tax Map 222 from R-1 Single-Family Residential District to C-1 Suburban Commercial District | |

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| 05/05/00 | Revisions: | Article 1400, 200.02 600.02, E. 700.02, E. 700.04, D. 1200.04, B | Signs (REVISED) General revisions relative to sign revisions Unified Shopping Facility (DELETED) and Multi-Tenant Development (ADDED) |
| 06/30/00 | Rezoning: | Parcel 18.7 on Tax Map 222A from R-2, Mixed Residential District to C-1, Suburban Commercial District | |
| 11/02/00 | Rezoning | Part of Parcel 8.4 on Tax Map 222 from R-1, Single-Family Residential District to C-1, Suburban Commercial District | |
| 11/30/00 | An Amendment | 200.02 600.02, C. | Skating Rink (ADDED) Skating Rink (ADDED) |
| 01/18/01 | Three Amendments | 200.02 700.04, D 700.04, E 1200.04, B 1200.07 | Automobile Sales (ADDED) Hotel with Conference Facilities (ADDED) Motorcycle, Jet Ski and/or All-Terrain Vehicles Sales (ADDED) Automobile Sales (ADDED) Motorcycle, Jet Ski and/or All-Terrain Vehicles Sales (ADDED) Hotel with Conference Facilities (ADDED) Automobile Sales (ADDED) Hotel with Conference Facilities (ADDED) Motorcycle, Jet Ski and/or All-Terrain Vehicles Sales (ADDED) Parking Design Standards for Unique Land Uses (ADDED) |
| 03/13/01 | Rezoning | Parcel 57.1 and Parcel 85 on Tax Map 230 from R-2, Mixed Residential District to I-1, Light Industrial District | |
| 03/13/01 | An Amendment | 200.02 400.03, M 400.09 500.03, M 500.09 1200.04, B | Private Clubhouse (ADDED) Private Clubhouse (ADDED) Added second paragraph Private Clubhouse (ADDED) Added second paragraph Private Clubhouse (ADDED) |
| 03/20/01 | Revisions | Article 1400, 200.02 | Signs (REVISED) General revisions relative to sign revisions |

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| 09/04/01 | Rezoning | Parcel 51 on Tax Map 224 from R-1, Single Family Residential District to C-1, Suburban Commercial District |
| 09/04/01 | An Amendment | 200.02 Commercial Child Care Facility (ADDED) Home-based Child Care Facility (ADDED) 600.02, F Child Care Center (ADDED) |
| 05/07/02 | Rezoning | Parcel 29.2 on Tax Map 213 from R-1, Single Family Residential District to R-2, Mixed Residential District |
| 05/13/03 | Revisions | Revisions to Articles 100, 150, 200, 400, 450, 600, 650, 800, 1000, 1100, 1200, 1300, 1400, and 1700 Added Articles: 250, "A" Agriculture District 300, "R-C" Rural County District 350, "R-R" Rural Residential District 500, "R-3" Neighborhood Residential District 550, "N-C" Neighborhood Commercial 700, "H-I" Highway Interchange District and 750, "IOP" Industrial Office Park District Article Number Changes: 200, Definitions, changed to 150 300, Establishment of Zoning Districts and Maps, changed to 200 500, R-2 Mixed Residential District, changed to 450 700, C-2 High Density Commercial, changed to 650 Deleted Article 900, Manufactured Housing District Ordinance Name Change: from: "Zoning Ordinance for the Unincorporated Areas of Teays Valley, Putnam County, West Virginia" to: "Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, West Virginia" |
| 11/04/03 | Rezoning | Part of Parcel 3.2 on Tax Map 122 from A, Agriculture District to R-R, Rural Residential District |
| 11/25/03 | Rezoning | Parcel 29.1 on Tax Map 213 from R-1, Single Family Residential District to R-2, Mixed Residential District |
| 06/08/04 | Rezoning | 1.77 acres of Parcel 87 on Tax Map 223G from R-1, Single Family Residential District to R-2, Mixed Residential District |
| 06/08/04 | Rezoning | M-1, Manufactured Housing District on Tax Map 223G to R-3, Neighborhood Residential District |

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| 06/29/04 | Amendments | 150.02 150.02 600.04, L 650.04, Y 800.04, RR 1700.17, M | Video Lottery (ADDED) Video Lottery Establishment (ADDED) Tavern or Bar (DELETED) Video Lottery Establishment (ADDED) Video Lottery Establishment (ADDED) Video Lottery Establishment (ADDED) |
| 10/19/04 | An Amendment | 1700.17, M, 2 | Video Lottery Establishment Measurement Distance (REVISED) |
| 03/08/05 | Rezoning | Part of Parcels 9, 9.2, & 9.3 (Phase I) on Tax Map 222 from C-1, Suburban Commercial District to PD, Planned Development District | |
| 05/10/05 | Rezoning | Parcel 14 on Tax Map 193 from R-R, Rural Residential District to R-2, Mixed Residential District | |
| 05/10/05 | Rezoning | Parcel 17 on Tax Map 223 from I-1, Light Industrial District to C-2, High Density Commercial District | |
| 05/10/05 | Rezoning | Parcel 38.1 on Tax Map 223 from I-1, Light Industrial District to C-2, High Density Commercial District | |
| 05/10/05 | Rezoning | Parcel 80 on Tax Map 213 from I-1, Light Industrial District to C-2, High Density Commercial District | |
| 10/04/05 | An Amendment | Revisions to Article 1500, Drainage and Storm Sewers | |
| 10/11/05 | Rezoning | Part of Parcel 87 on Tax Map 223G from R-1, Single Family Residential District to C-1, Suburban Commercial District, and Parcel 54 on Tax Map 223G from C-2, High Density Commercial District to C-1, Suburban Commercial District | |
| 10/18/05 | Rezoning | Various Rezoning on Tax Maps 224, 224B, and 224C | |
| 01/31/06 | Amendments | 650.04, I. 650.04, J. 650.04, S. 650.04, Z. | Duplex Dwelling (ADDED) EDHO (ADDED) Multi-Family Dwelling (ADDED) Single Family Dwelling: Class A and B (ADDED) |
| 7/14/06 | Rezoning | Parcels 60, 61, & 62 on Tax Map 224 from R-1, Single Family Residential District to PD Planned Development District | |
| 10/10/06 | Rezoning | Part of Parcels 9, 9.2, & 9.3 (Phase II) on Tax Map 222 from C-1, Suburban Commercial District to PD, Planned Development District | |
| 02/13/07 | Revisions | Article 1400, Signs, Revised | |
| 04/10/07 | Revisions | Articles 100, 150, 200, 250, 300, 350, 400, 450, 500, 550, 600, 650, 700, 750, 800, 1000, 1150, 1200, 1250, 1500, 1700, 1800, 1900, and 2100 | |
| 10/30/07 | Amendments | 1000.02 1000.03 1000.04 | completely revised deleted entirely deleted entirely |

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(Note: newly revised article will re-number remaining sub-sections)

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| 11/06/07 | Rezoning | Parcels 13, 13.1, 13.2, 13.4, 13.5, 13.6, 13.7 on Tax Map 203 from C-2, High Density Commercial District to R-1, Single Family Residential District | |
| 07/01/08 | Rezoning | Parcel 82.5 on Tax Map 213 from I-1, Light Industrial District to C-2, High Density Commercial District | |
| 08/11/09 | Rezoning | Part of Parcel 4 on tax Map 172 from IOP, Industrial Office Park to C-2, High Density Commercial | |
| 04/13/10 | Rezoning | Parcel 68 on Tax Map 223 from R-2, Mixed Residential District to C-1, Suburban Commercial District | |
| 02/08/11 | Amendments | 150.02 | Business, Retail/Pawnshop/Firearms (REVISED) |
| | | 600.04, F | Crematory (ADDED) |
| | | 650.04, Z | Retail Sales/Pawnshop/Firearms (ADDED) |
| 06/14/11 | Rezoning | Parcels 1 & 2 on Tax Map 224B and Parcels 18 & 18.1 on Tax Map 224 from R-1, Single Family Residential to C-1, Suburban Commercial | |
| 03/08/12 | Rezoning | Parcels 124 & 125 on Tax Map 223D from C-1, Suburban Commercial District to C-2, High Density Commercial District | |
| 10/23/12 | Rezoning | Parcels 19 & 19.1 on Tax Map 224 from R-1, Single Family Residential District to C-1, Suburban Commercial District | |
| 02/26/13 | Rezoning | Part of Parcel 45.1 on Tax Map 213 from R-1, Single Family Residential District to C-2, High Density Commercial District. | |
| 06/11/13 | Rezoning | Parcel 27.18 on Tax Map 222 from R-1, Single Family Residential District to C-1, Suburban Commercial District | |
| 08/13/13 | Rezoning | Parcels 2, 2.1 & 3.4 on Tax Map 223B from C-1, Suburban Commercial District to C-2, High Density Commercial District | |
| 06/10/14 | Amendments | 150.02 | Changeable Copy Signs (REVISED) |
| | | 1400.07 | Changeable Copy Signs (REVISED) |
| 7/22/14 | Amendments | 350.04 | Kennel (ADDED) |
| 10/14/14 | Amendments | 150.02 | Limousine Service (ADDED) |
| | | 600.04 | Limousine Service (ADDED) |
| | | 1200.04, | B Limousine Service (ADDED) |
| | | 1700.17, | G Limousine Service (ADDED) |
| 3/10/15 | Amendments | 400.04 | Child Care Center (ADDED) |
| | | 450.04 | Child Care Center (ADDED) |
| 7/28/15 | Amendments | 2100.10(A)(1) <i>Public Hearings</i> [for Special Permit Use] (CORRECTED) | |

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PUTNAM COUNTY ZONING ORDINANCE TABLE OF CONTENTS
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| 4/12/16 | Rezoning | Parcel 94 on Tax Map 162 from R-2 Mixed Residential to C-1 Suburban Commercial. Part of Parcel 17 on Tax Map 162 from R-R Rural Residential to C-1 Suburban Commercial. |
| 5/24/16 | Rezoning | Parcel 3 on Tax Map 224 from R-2 Mixed Residential to C-1 Suburban Commercial. |
| 10/18/16 | Rezoning | Parcel 95 on Tax Map 162 from R-2 Mixed Residential to C-1 Suburban Commercial. |
| 11/1/16 | Rezoning | Parcels 32 and 32.4 on Tax Map 213 from R-1 Single Family Residential to C-2 High Density Commercial. Parcel 33 on Tax Map 213 from R-1 Single Family Residential to C-2 High Density Commercial. |
| 2/14/17 | Rezoning | Parcel 2 on Tax Map 222 from R-2 Mixed Residential to C-1 Suburban Commercial. |
| 5/9/17 | Rezoning | Parcel 57.4 on Tax Map 214 from R-2 Mixed Residential to C-1 Suburban Commercial. |
| 11/14/17 | Rezoning | Parcel 14.5 on Tax Map 151 from R-R and C-1 to C-2 High Density Commercial. |
| 11/14/17 | Rezoning | Parcel 15 on Tax Map 151 from R-R and C-1 to C-2 High Density Commercial. |
| 11/14/17 | Rezoning | Parcel 15.3 on Tax Map 151 from C-1 Suburban Commercial to C-2 High Density Commercial. |
| 12/12/17 | Rezoning | Parcel 90 on Tax Map 162 from R-2 Mixed Residential to C-1 Suburban Commercial. |
| 12/12/17 | Rezoning | Parcel 1 on Tax Map 151A from R-2 Mixed Residential to R-R Rural Residential. |
| 12/12/17 | Rezoning | Parcel 84.3 on Tax Map 223H from R-1 Single Family Residential to C-1 Suburban Commercial. |
| 12/12/17 | Rezoning | Parcels 87 & 4 on Tax Maps 223 & 223E from R-1 Single Family Residential to C-1 Suburban Commercial. |
| 12/12/17 | Rezoning | Parcel 88 on Tax Map 223 from R-1 Single Family Residential to C-1 Suburban Commercial. |
| 12/12/17 | Rezoning | Parcel 84.5 on Tax Map 223H from R-1 Single Family Residential to C-1 Suburban Commercial. |

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| 2/28/17 | Amendments | 150.02 Truck; Truck, Large; Truck, Semi or Tractor Trailer Truck Combined; Truck, Single Unit Truck (ADDED) 650.04 Truck, Large and Trailer Sales, Lease Rental, or Service (ADDED) 1200.04 Truck, Large and Trailer Sales, Lease Rental, or Service (ADDED) 1200.07 Large Truck and Trailer Sales, Lease, Rental, or Service (ADDED) 1700.17 Large Truck and Trailer Sales, Lease, Rental, or Service (ADDED) |
| 08/31/17 | Amendments | 650 C-2 District Movie Theater, Drive-In (ADDED) 1700.17 Requirements for Unique Land Uses, Movie Theater Drive-In (REVISED) |
| 10/10/17 | Amendments | 150.2 Sign, Blade (ADDED) Sign Changeable Copy, Sign Animated, and Sign Portable (AMENDED) 1400.03 Portable Signs (ADDED) 1400.07 Blade Signs (ADDED) 1400.07 Changeable Copy Signs (AMENDED) |
| 12/28/17 | Amendments | 1400 Signs (AMENDED) allowing signs in commercial zones to be larger and taller 1400.07 (ADDED) formulas for calculating allowable size |
| 1/29/18 | Amendments | 150.02 Recreational Park (ADDED) 250.04, 300.04, 350.04, 550.04, 600.04 Special Permit (ADDED) 1700.17 Recreational Vehicle Park (ADDED) |
| 9/11/18 | Amendments | 1200.03 Detailed Standards for Interior Roadways, Off-Street Parking and Landscaping (AMENDED) 1100.04 Special Permit Uses – Automobile Repair, Including Body & Paint Work (ADDED) 1100.07 Special Permit Use – Special Conditions for Automobile Repair, Including Body & Paint Work (ADDED) |
| 11/13/18 | Amendments | 600.05 & 650.05 Development Standards Minimum Front Yard Setbacks (AMENDED) 1200.04 Off-Street Parking Space Requirements Non- Residential Uses, Restaurant, Fast Food (AMENDED) 1400.07 On-Premises Signs for Zoning Districts B(2)(g) (AMENDED) C(2)(h) (AMENDED) 1400.11 Non-conforming Signs - F (ADDED) |
| 1/31/19 | Rezoning | Parcel 25.6 on Tax Map 184 from C-2 High Density Commercial to R-R Rural Residential. |
| 9/17/19 | Amendment | 1200.04 – Off Street Parking Space Requirements – Exclude To-Go, Click-List, and other similar parking spaces from minimum required parking spaces needed. (AMENDED) |

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| 10/15/19 | Amendment | Remove “Group Home” from Special Permit Use to Permitted Principal Use. |
| 1/30/20 | Amendment | Article 1100 – Special Permit Uses – Clarify timeframe for application submittals. |
| 03/09/22 | Amendment | Article 1700.17 D. – Home Occupation |
| 10-11-22 | Amendment | Article 150.02 – Definition of Terms – Satellite Dish Antenna |
| 10-11-22 | Amendment | Article 150.02 – Definition of Terms – Development |
| 10-11-22 | Amendment | Article 250.06 – Storm Drainage Management (Added) |
| 10-11-22 | Amendment | Article 300.06 – Storm Drainage Management (Added) |
| 10-11-22 | Amendment | Article 350.06 – Storm Drainage Management (Added) |
| 10-11-22 | Amendment | Article 400.06 – Storm Drainage Management (Added) |
| 10-11-22 | Amendment | Article 450.06 – Storm Drainage Management (Added) |
| 10-11-22 | Amendment | Article 500.06 – Storm Drainage Management (Added) |
| 10-11-22 | Amendment | Article 550.06 – Storm Drainage Management (Added) |
| 10-11-22 | Amendment | Article 600.06 – Storm Drainage Management (Added) |
| 10-11-22 | Amendment | Article 650.06 – Storm Drainage Management (Added) |
| 10-11-22 | Amendment | Article 700.06 – Storm Drainage Management (Added) |
| 10-11-22 | Amendment | Article 750.06 – Storm Drainage Management (Added) |
| 10-11-22 | Amendment | Article 800.06 – Storm Drainage Management (Added) |
| 10-11-22 | Amendment | Article 1000.14 – Storm Drainage Management (Added) |
| 10-11-22 | Amendment | Article 1500.01 – Storm Drainage Management (Added) |
| 10-11-22 | Amendment | Article 1700.10 – Temporary Permits |
| 10-11-22 | Amendment | Article 1700.12 – Satellite Dish Antenna |
| 10-11-22 | Amendment | Article 2000.03 – Filing Procedures |
| 10-11-22 | Amendment | Article 2000.03 – Request for Text Amendment |
| 10-11-22 | Amendment | Article 2000.05 – Public Hearing |
| 12-13-22 | Amendment | Article 150.02 – Definition of Terms – Change of Land Use |
| 12-13-22 | Amendment | Article 1600.01 – General Requirements – Semantics |
| 12-13-22 | Amendment | Article 1700.10 – Temporary Permits – Semantics |
| 12-13-22 | Amendment | Article 2100.07 – Procedures – Semantics |
| 12-13-22 | Amendment | Article 2100.08 – Procedures – Semantics |
| 12-13-22 | Amendment | Article 2100.10 – Public Hearings – Semantics |

ARTICLE 100
ENACTMENT AND SCOPE OF ZONING ORDINANCE

- 100.01 GENERAL**
- 100.02 SHORT TITLE**
- 100.03 STATEMENT OF LEGISLATIVE INTENT**
- 100.04 TERRITORIAL APPLICABILITY**
- 100.05 INTERPRETATION**
- 100.06 SEVERABILITY CLAUSE**
- 100.07 EFFECTIVE DATE**

100.01 GENERAL

This ordinance establishes zoning regulations for the area illustrated in the "Zoning Maps for Putnam County", which shall be a part of this ordinance. The ordinance provides for the administration, enforcement, and amendment thereof, in accordance with the provisions of WV Code, Chapter 8A.

100.02 SHORT TITLE

This ordinance shall be known and may be cited as the AZoning Ordinance for the Zoned Unincorporated Areas of Putnam County, West Virginia@, or simply as the AZoning Ordinance@.

100.03 STATEMENT OF LEGISLATIVE INTENT

It is the intent of this ordinance to protect and promote the public health, safety, convenience, morals, and general welfare. More specifically, this ordinance is intended to assist in achieving the objectives of the Teays Valley Land Use Plan and the US 35 Corridor Management Plan.

100.04 TERRITORIAL APPLICABILITY

The regulations contained within this ordinance shall apply to the unincorporated areas that are subject to zoning as illustrated on the "Official Zoning Maps".

100.05 INTERPRETATION

The provisions of this ordinance shall be construed to achieve the purposes for which they are adopted. In interpreting and applying the provisions of this ordinance, these provisions shall be held to the minimum requirements for the promotion of the public health, safety, morals, convenience, comfort, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions or other agreements between parties. However, where this ordinance imposes a greater restriction upon the use of buildings or premise or upon the height of buildings or requires larger open spaces than are imposed or required by other laws, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this ordinance shall govern.

100.06 SEVERABILITY CLAUSE

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

100.07 EFFECTIVE DATE

This ordinance shall be in full force and effect from and after the earliest period allowed by law.

**ARTICLE 150
DEFINITIONS**

150.01 GENERAL DEFINITIONS

150.02 DEFINITION OF TERMS *(Amended 10-11-22) (Amended 12-13-22)*

150.01 GENERAL DEFINITIONS

The following rules of construction shall apply to the text of this ordinance:

- A. The particular shall control the general.
- B. In the event there is any conflict or inconsistency between the heading of an article, section, subsection, or paragraph of this ordinance and the context thereof, said heading shall not be deemed to affect the scope, meaning, or intent of such context.
- C. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.
- D. In case of conflict between regulations or by private restrictions, covenants, or declarations, the more restrictive shall apply.
- E. Words used in the present tense shall include the future.
- F. Words used in the singular number shall include the plural, and the plural the singular, unless the context indicates the contrary.
- G. The masculine shall include the feminine and the neuter.
- H. The word "shall" is always mandatory and not discretionary.
- I. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or" "either/or", the conjunction shall be interpreted as follows:
 - 1. "and" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "or" indicates that the connected items, conditions, provisions, or events shall apply singly or in any combination
 - 3. "either/or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- J. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- K. The word "includes" or "including" or the phrase "such as" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like or kind of character.
- L. A "building" or "structure" shall include any part thereof.
- M. The word "person" includes: an individual; a private, public, or quasi-public corporation whether operated for profit or nonprofit; a partnership; an association; a governmental body or agency, or any other similar entity.
- N. The word "state" shall mean the State of West Virginia. The word "county" shall mean the County of Putnam, State of West Virginia.

- O. The term "Planning Commission" shall mean the County Planning Commission of Putnam County, West Virginia.
- P. The word "Commission" shall mean the County Commission of Putnam County, West Virginia.
- Q. The terms "Board of Zoning Appeals", "County Clerk", "County Health Department", "County Board of Education", "Fire Chief", "Fire Department", "Fire Inspection Bureau", "County Planning Commission", "Executive Director of the Putnam County Planning Commission", etc. shall mean the respective boards, commissions, and officers of the County or their authorized agents.
- R. The term "Code of West Virginia" shall mean the code of the State of West Virginia, 1931, as amended.
- S. The term "Comprehensive Plan" shall mean the comprehensive plan for Putnam County, West Virginia, and as subsequently amended.
- T. The term "Subdivision Regulations" shall mean the Subdivision Regulations of the Putnam County Planning Commission, of Putnam County, West Virginia, as passed by the County Commission and as subsequently amended.
- U. The phrase "this ordinance" shall mean all portions of this Zoning Ordinance including the Zoning Maps for the zoned unincorporated areas of Putnam County, as passed by the County Commission, and as subsequently amended.

150.02 DEFINITION OF TERMS

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively described to them by this section. If not defined herein, or within other sections of this ordinance, terms used in this ordinance shall have the meanings provided in any standard dictionary or American Planning Association publication as determined by the Planning Officer.

Abandonment - The voluntary evacuation of a use for a continuous period of at least 6 months duration, either by completely or partly vacating the zoning lot.

Access - The way or means by which pedestrians or vehicles enter or leave property.

Act - means the West Virginia Medical Cannabis Act and the provisions contained in chapter sixty-a of this code.

Adult bookstore - An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined in this ordinance, or an establishment with a segment or section devoted to the sale or display of such material.

Adult business - Adult business shall mean an adult bookstore, adult videotape store, adult motion picture theater, or adult entertainment establishment.

Adult motion picture theater - An establishment used for presenting motion picture material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined in this ordinance, for observation by patrons thereto.

Adult videotape store - An establishment having as a substantial or significant portion of its stock in trade, videotapes which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined in this ordinance, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Entertainment - An establishment used for presenting persons depicting, showing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined in this ordinance.

Agriculture - The use of land for a bona fide commercial farming operation. This includes activities such as dairying, horticulture, floriculture, animal and poultry husbandry, the growing of fruit, vegetables, grains or hays or any of the products derived from any of the foregoing, tobacco, syrups, honey, and any and all horticultural and nursery stock, Christmas trees, all sizes of ornamental trees, sod, seed and any and all similar commodities or products including farm wood lots and the parts of a farm which are lands lying fallow, or in timber or in wastelands and other similar activities. Agricultural activity shall not include commercial slaughtering of livestock, poultry, nor fish and meat processing other than that which is raised on the property.

Alteration, incidental - A change or replacement in the parts of a building or other structure, such as:

- A. Alteration of interior partitions to improve a nonconforming residential building, provided no additional dwelling units are created thereby.
- B. Alteration of interior partitions in all other types of buildings or structures.
- C. A minor addition on the exterior of a residential building to provide an uncovered porch or patio.
- D. Making windows or doors in exterior walls.
- E. Strengthening the load bearing capacity in not more than ten percent of the total floor area to permit the accommodation of a specialized unit of machinery or equipment.
- F. Replacement of, or minor changes in the capacity of, utility pipes, ducts, or conduits.

Alteration, structural -

- A. A change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any rebuilding of the roof or exterior walls.
- B. A change in the supportive structure of a sign such as support beams or poles, uprights or braces, cabinet supports, or any rebuilding of the supportive elements of a sign.
- C. Any action that changes the height, size or shape of a sign or any action that affects the structural supports of a sign to prolong the life of a sign.

Amendment - Any repeal, modification, or addition to a regulation; any new regulation; any change in the numbers, shape, boundary, or area of a district; or any repeal or abolition of any map, part thereof, or addition thereto.

Assembly Hall - A facility or part of a building used for the assembly of people for public or private gatherings.

Assisted Living Facility - A residence for the frail elderly or individuals needing assistance that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreational services, financial services, and transportation.

Automobile Gas and Convenience Store - A building or lot where gasoline, oil, antifreeze, or other similar supplies are sold at retail, along with retail sale of food and beverages. Uses permitted do not include servicing of automobiles.

Automobile Sales - The use of any building, lot, parcel, or portion thereof, for the display, sale, rental, or lease of new and/or used passenger vehicles, passenger vans and light trucks and any warranty repair work and other repair service conducted as an accessory use.

Automobile Service Station - A building or lot where gasoline, oil, grease, batteries, tires, or automobile accessories may be supplied and dispensed at retail. Uses permitted at a service station do not include major body work, straightening of body parts, painting, storage of non-operational motor vehicles, or sale of motor vehicles.

Bar or Tavern - Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

Bed and Breakfast Establishment - A single family dwelling, or portion thereof, where short term lodging and meals are provided for compensation and where the operator lives on the premises.

Block - An area of land bounded by roads providing access to such area.

Building - A structure with a roof built and maintained for the support, shelter, or enclosure of persons, motor vehicles, animals, or personal or real property.

Building, Accessory - See "Use, Accessory".

Building, Frontage - The building frontage shall include the building walls that: face a public street, face a parking lot which serves the use, or that contains a public entrance to the uses therein. For the purposes of these regulations, a public alley is not considered a public street.

Building, Height of - The vertical distance measured from the level of approved street grade opposite the middle of the front of the building to the highest point of the coping of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of gable, hip, or gambrel roof.

Building line - A line drawn parallel to a front lot line at a distance therefrom equal to the depth of a required front setback.

Bureau – means the Bureau for Public Health within the West Virginia Department of Human Resources.

Business, Personal Service - Any enterprise conducted in an office, store, or other place of business catering to the personal needs of a customer, for gain such as, but not limited to those activities normally conducted by a health club, shoe store, barber, beautician, tailor, or dressmaker.

Business, Professional Service - The use of offices and related spaces for such professional services as are provided by medical practitioner, lawyers, architects, engineers, morticians, funeral directors, and similar professions.

Business, Retail - Establishments engaged in selling goods or merchandise to the public for personal or household consumption and rendering services incidental to the sale of such goods. The Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, West Virginia shall be no more restrictive on the retail sale of firearms than State or Federal law.
(Amended 09-30-21)

Business, Retail Pawnshop - The sale of retail goods, and the loan of money, on the security of personal property pledged in their keeping, for a business located no closer than 300 feet from a church, school, or residential building. The loaning of money on the security of personal property pledged in their keeping shall not be permitted uses separate from the sale of other retail goods within a C-1 and C-2 zoning districts. (Amended 09-30-21)

Business, Wholesale - Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Cemetery - A site used for the permanent internment of dead bodies or the cremated remains thereof. It may be a burial park for earth internments, a mausoleum for vault or crypt internments, or a columbarium for cinerary internments.

Child Care Center - A Day nursery or other place for the reception, board, or care, with or without compensation, of seven or more children under 16 years of age. This term shall not apply to:

- A. A kindergarten, pre-school, or school education program which is operated by a public school, or a school which is accredited by the State Department of Education, or any other kindergarten, pre-school or school programs which operate with sessions not exceeding four hours per day.
- B. A facility operated for nonresidential care of children for brief periods, not more than four hours, while the parent(s) is shopping, engaging in recreational activities, attending religious services or engaging in other business or personal affairs.
- C. Summer recreation camps operated for children attending for periods not exceeding thirty days: or
- D. Family and in-home care when fewer than seven children are cared for.

Child Care Facility, Commercial - A commercial facility operated for the purpose of providing care, protection, and guidance to more than six minor children who are under adult supervision for periods of less than 24 hours. Valid West Virginia State License required.

Child Care Facility, Home-based - A private residential home in which more than three but no more than six minor children are given care and supervision by one or more adults for periods of less than 24 hours a day.

Clinic, Animal Veterinarian (limited to small animals) - A facility established to supply examination, diagnostic, and prophylactic services, and medical and surgical treatment to house pets. Such practice shall be essentially an out-patient type.

Clinic, Animal Veterinarian (unlimited) - A facility established to supply examination, diagnostic, and prophylactic services, and medical and surgical treatment to livestock, horses, house pets, or other animals. Such practice shall be essentially an out-patient type.

Clinic, Medical or Dental - An establishment where patients are admitted for examination and treatment on an out-patient basis by one or more physicians, dentists or other medical personnel, psychologists, or social workers and where patients are not lodged overnight.

Club - A nonprofit association of persons who are bona fide members paying regular dues, and are organized for some common purpose, but excluding religious places of worship or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Columbarium - A structure, normally a wall, containing one or more recesses or cavities, for the depository of the cremated remains of humans or pets.

Column - An ornamental supporting pillar consisting of a round or square shaft, a capital, and a base. (See Figure 1)



Figure 1: Column

Commercial Business - Any wholesale, retail, or service business activity established to carry on trade for a profit.

Commercial Entertainment Facility - Any profit-making activity that is generally related to the entertainment field such as motion picture theaters, carnivals, comedy clubs, theaters, amusement parks, and similar entertainment facilities. Commercial entertainment facilities shall not include sexually oriented businesses or adult entertainment uses.

Commercial subdivision/development - The division of land, lot, tract, or parcel into two or more parcels for the purpose of sale or lease for non-residential development. Such a subdivision has common access to a public right-of-way and is developed in accordance with the Putnam County Subdivision Regulations.

Community facility - A nonprofit facility whose primary goal is to provide a community service and includes such facilities as a school, museum, church, library, boys' and girls' club, YMCA, YWCA, etc.

Conforming use - Any use which complies with the regulations of this ordinance.

Cul-de-sac - A local road having only one outlet for vehicular traffic, with a turn-a-round at the opposite end.

Development - A planning or construction project involving substantial property improvements and, usually, a change of land use character within the site; the act of using land for building or extractive purposes. (*Amended 10-11-22*)

Diesel Service Station - A building or lot where gasoline, oil, grease, batteries, tires, or truck and automobile accessories may be supplied and dispensed at retail, and diesel is the primary fuel sold.

Uses permitted at a service station do not include major mechanical and body work, straightening of body parts, painting, storage of non-operational motor vehicles, or sale of motor vehicles.

Dispensary (Medical Cannabis) – Means a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the bureau to dispense medical cannabis. The term does not include a health care medical cannabis organization under article thirteen of this chapter (W.Va. Code §16A-13-1 et. seq). (*Amended 09-30-21*)

Dormitory - A building or portion thereof operated in connection with a school, college, or other institution and containing rooms, other than dwelling units, intended for occupancy by six or more residents, and which may include centralized or shared toilet facilities and facilities for the preparation of meals. This definition may include fraternity or sorority houses.

Drive Through Facility - Any portion of a building or structure from which business is transacted or is capable of being transacted directly with customers located in a motor vehicle during such business transactions.

Dwelling - A building, or portion thereof, occupied, in whole or part, as the home, residence, or sleeping place of one or more families, either permanently or temporarily, but excluding hotels and motels.

Dwelling, Accessory Apartment - A secondary dwelling unit established in conjunction with a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

Dwelling, Duplex (Two Family) - A building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family.

Dwelling, Multi-family - A building designed or used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.

Dwelling Development, Multi-Family - Two or more dwelling structures located on the same tract of land.

Dwelling, Single family - A building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family. For the purposes of this Ordinance, single family dwellings shall be classified as either Class A, Class B or Class C as established in Section 1700.07.

Dwelling, Townhouse - One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.

Dwelling unit - One or more habitable rooms occupied, or intended or designed to be occupied, by one family with facilities for living, sleeping, cooking, and eating.

Easement - A lawfully acquired right or privilege to use a parcel of land or a portion thereof for a specified purpose. An easement is retained by a person other than the owner of the land parcel.

EDHO - Elderly and Disabled Housing Opportunity, Article 1700, Section 1700.12.

Educational Institution - See "School".

Enclosed storage - Storage that is screened from view by walls or opaque fences.

Engineer - A registered professional engineer licensed as such by the State of West Virginia.

Enlargement - An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

Expressway-A Road with limited access which serves metropolitan areas and provides major interstate and intrastate travel corridors.

Extension - An increase in the amount of floor area used for an existing use within an existing building.

Family - One or more persons occupying a dwelling and living as a single housekeeping unit.

Family Restaurant - A public eating place that does not include a drive thru and does not serve alcoholic beverages.

Feeder Road - Serves smaller towns and industrial and recreation areas not served by the higher systems, while collecting traffic for the higher systems.

Floor area - The sum of the gross horizontal areas of the floors of a building or buildings measured from the exterior walls of the building. This definition shall include attic space providing structural headroom of eight feet or more and basement space unless such space is used for storage.

Fraternity house - See "Dormitory".

Frontage, Primary - The primary frontage shall be the portion of a frontage that serves as the main access point to a building or building unit. (See Figure 2)

Frontage, Secondary - The secondary frontage shall be all other frontages that face a public street. (See Figure 2)

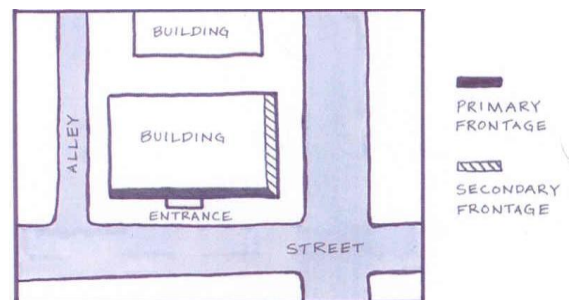


Figure 2: Primary and Secondary Frontage

Glare - The effect produced by brightness sufficient to cause annoyance, discomfort or lessen visual performance and visibility.

Ground Cover - Ground cover shall mean low shrubs, annual or perennial flowers, grasses, decorative bark and/or decorative stone but not including asphalt, concrete or soil which is exposed and untreated. All portions of a required landscape area that are not covered by trees or shrubs shall be landscaped with ground cover.

Group home - A residential facility for more than three, but not more than 20, unrelated residents (not including staff), owned or operated by a social service agency, providing food, shelter, supervision, or counseling, in a home-like atmosphere, on a short term or long-term basis. A group home in the residential zoning district shall not provide counseling to non-residents of the facility. The term "group home" shall not apply to childcare centers as defined in this ordinance.

For the purposes of this definition, a social service agency shall be either (a) an agency licensed by the state to operate a group home, or (b) an organization, association, firm, or corporation that verifies to the Director that it is a group home by illustrating the agency's overall activities and, with regard to operating a group home, the agency's standards of care, staffing, financial stability, experience, intent, and governing board.

Group housing development - More than one principal residential building per lot of record, with or without accessory uses or structures.

Group recreational or sports facility - A private athletic or sports facility designed to serve a large number of people as opposed to individuals or individual families. Such facilities include but shall not be limited to arenas, auditoriums, stadiums, play fields, tracts, and country clubs. Such facilities may contain rooms and other provisions for social functions and the serving of food or alcoholic beverages.

Grower – means a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the bureau under this act to grow medical cannabis. The term does not include a health care medical cannabis organization under article thirteen of this chapter (W.Va. Code §16A-13-1 et. seq). (Amended 09-30-21)

Grower/processor – Means either a grower or a processor.

Heavy Equipment Sales and Service- The retail or wholesale or rental of heavy equipment, such as backhoes, bulldozers, cranes, excavators, construction equipment, farm equipment and similar equipment, along with incidental service or maintenance.

Highway-A Road that provides for through traffic movement between areas of the County and which is used, or is intended to be used, as part of the principal network for through traffic in the County.

Historic or monument site - A site designated or established as such by a governmental unit.

Home Hosting: an apartment, or room, or residence rented by a host for a short time frame. Normally does not include a complimentary breakfast. An example would be an Airbnb. (Amended 09-30-21)

Home occupation - Any occupation, profession, use or activity which is customarily incidental to the principal residential use of the premises and is conducted by a resident occupant which does not alter the exterior of the property or affect the residential character of the neighborhood.

Hospital - An institution providing health services, primarily for in-patients, and rendering medical, surgical, or obstetrical care, including as integral parts of the institution such related facilities as laboratories, out-patient department, research or training facilities, central service facilities, and staff offices. This definition shall include general hospitals as well as institutions in which service is limited to special fields such as cardiac, eye, ear, nose, and throat, pediatrics, orthopedics, skin, cancer, tuberculosis, chronic disease, and obstetrics. Hospital patients generally

require intensive care for periods generally not exceeding several months. See also "Assisted Living Facility", "Clinic, Medical or Dental", "Group home", "Nursing home", "Personal Care Home", and "Sanitarium".

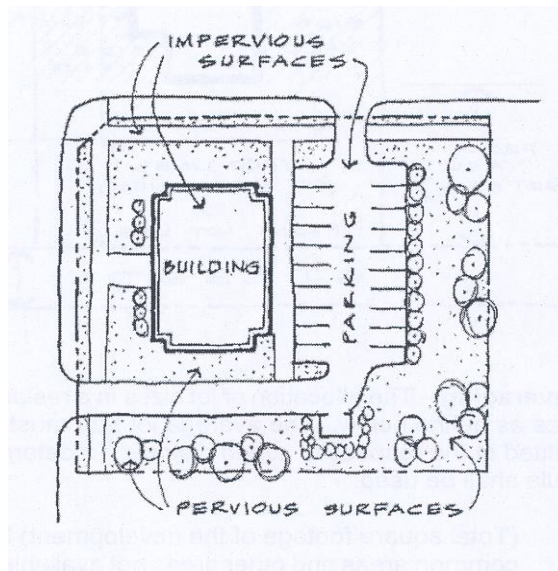
Hospital, animal (limited to small animals) - A facility established to supply examination, diagnostic, and prophylactic services, and medical and surgical treatment to house pets, equipped to supply housing and nursing care for animals during illness or convalescence only, and also boarding of animals.

Hospital, animal (unlimited) - A facility that provides examination, diagnostic, and prophylactic services, and medical and surgical treatment to livestock, horses, house pets, or other animals, provides housing and nursing care for animals during illness or convalescence only, and also boarding of animals.

Hotel - A building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, for sleeping purposes by transient guests. Access to more than 50 percent of the guest units shall be by individual entrances from inside the building.

Hotel with conference facilities - A structure or complex of structures which provide lodging to the general public, and which contain facilities and meeting rooms designed and intended to be used for conferences and/or conventions. Such a facility may also include accessory uses such as restaurants, lounges, and related retail uses.

Impervious Surface - Any hard surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, and other paved areas.



Impervious Surface Ratio - A number derived by dividing the total of all impervious surfaces by the gross area of the site.

Intensity, Land Use - The degree of activity on a parcel of land, commonly expressed as floor area ratio, building coverage ratio or impervious surface ratio.

Kennel - Any lot on which five or more dogs and/or cats, six months old or older, are kept. A kennel may be for either private or commercial use.

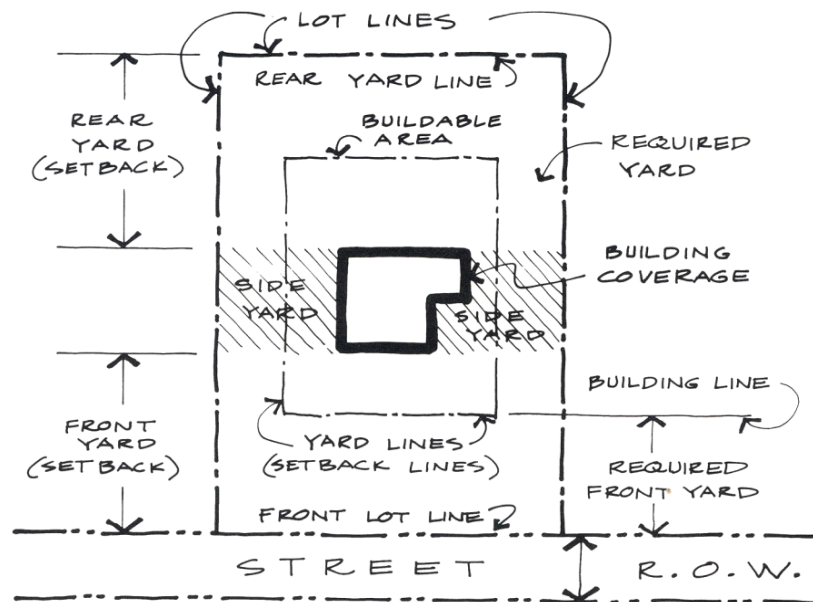
Landscaping - Open area devoted primarily to trees, grass, shrubs, or plants. As complementary features, fountains, pools, screens, decorative lighting, sculpture, or outdoor furnishings may be placed within said area.

Lease Community - See “Dwelling Development, Multi-Family” and the provisions of 1700.09.

Limousine Service - A business that provides vehicles and drivers for hire for one or a group of passengers to provide transportation to destinations of the passenger’s choice. Such use includes parking of limousine vehicles, general maintenance of limousine vehicles (not to include major body work or mechanical repair), dispatching of limousine vehicles, and administrative business space. Limousine Service shall not include the sale or lease of automobiles and shall conform to West Virginia Public Service Commission rules and definitions for limousine or specialized limousine service.

Loading space - An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise, materials, or persons, and which has ingress and egress upon a street, alley, or other appropriate means of access.

Lot - An area with fixed boundaries, used or intended to be used by one building and its accessory building(s), and not divided by any road.



Lot averaging - The allocation of lot sizes in a residential subdivision based on the average lot size as define below. The average lot size must equal or exceed the minimum lot size permitted in the respective zoned district. To determine the average lot size, the following formula shall be used:

(Total square footage of the development) MINUS (Total square footage of roads, common areas and other areas not available for residential development) DIVIDED BY (Total number of residential lots available for development) EQUALS (Average Lot Size). (Amended 03-09-22)

Lot coverage - That portion of a lot which, when viewed directly from above, would be covered by a building(s).

Lot frontage - That part of a lot abutting on a street or roadway.

Lot line - The property line bounding a lot.

Lot line, front - A lot line separating said lot from the road.

Lot line, rear - The lot line that is most distant from and is, or is most nearly, parallel to the front lot line. If the rear lot line is less than ten feet long, or if the lot comes to a point at the rear, the

rear lot line shall be a line at least ten feet long, lying wholly within the lot, parallel to the front lot line. Where there are two or more front lot lines, only the lot line most distant therefrom, running nearly parallel to, shall be a rear lot line. Where there is no deepest line, the property owner or developer shall make a final decision that shall be binding.

Lot line, side - Any lot line which is not a front lot line or a rear lot line.

Lot of record - A lot which is part of a legal subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded and legally subdivided.

Lot of record, pre-existing nonconforming - A lot consisting entirely of a tract of land that:

- A. Has less than the prescribed minimum lot size, width, or depth, or any combination thereof, for single family dwellings; and
- B. Is shown by a recorded plat or deed to have been owned separately and individually when creation of a lot of such size, width, or depth, or any combination thereof, at such location would not have been prohibited by any applicable zoning regulations; and
- C. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that creation of such a lot has been prohibited by the applicable zoning regulations.

Lot width - The distance between the side lot lines of a lot at the building line.

Manufacturing – The process of making, assembling, adding improvements to, or fabricating raw materials by hand, machinery, or the combination thereof, into finished or semi-finished parts or products.

Manufacturing, Heavy - A use engaged in the processing or manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions which would generate objectionable or hazardous elements such as: heat, smoke, odor, vibration, water pollution, electromagnetic disturbances, radiation or dust.

Manufacturing, Light - The process of making, assembling, altering, converting, fabricating, finishing, processing, or treatment of a product utilizing a relatively clean and quiet process which does not include or generate objectionable or hazardous elements such as smoke, odor, vibration, water pollution or dust and which is operating and storing products and materials in a completely enclosed structure.

Medical cannabis – Means cannabis for certified medical use as set forth in this act (Medical Cannabis Act) (Amended 09-30-21)

Medical cannabis organization – Means a dispensary, grower, or processor. The term does not include a health care medical cannabis organization under article thirteen of this chapter (W.Va. Code §16A-13-1 et. seq). (Amended 09-30-21)

Mixed use - The development of a tract of land, building or structure with a variety of integrated permitted uses.

Motel - A building or group of buildings containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by primarily transient guests. Access to at least 50 percent of the guest units shall be by individual entrances from outside the building.

Motorcycle, jet ski and all-terrain vehicle sales - An establishment which offers for sale and/or lease motorcycles, jet skis and/or all-terrain vehicles and performs servicing and repair work as an accessory use.

Multi-tenant development, Non-Residential - Any tract of land upon which two or more retail sales or service establishments are located and developed as a unit with accessory parking facilities. Non-Residential Multi-tenant developments are distinguished from miscellaneous collections of individual stores and/or office buildings developed independently and standing on separate parcels along street frontages or clustered in a contiguous area with or without incidental off-street parking. Also called “shopping center”, “multi-tenant complex” or “multi-tenant office building”.

Multi-tenant office building - See “Multi-tenant development, Non-Residential.”

Nightclub - An establishment dispensing alcoholic beverages and meals and in which music, dancing or entertainment is conducted.

Nursing Home - Rest home, convalescent home, or home for the aged devoted primarily to the maintenance and operation of facilities for the treatment and care of any persons suffering from illness, disease, deformity, or injury not requiring the intensive care that is normally provided by hospitals, but who do require care in excess of room and board and who need medical, nursing, convalescent, or chronic care. Institutions primarily for the treatment and care of mental patients, alcoholics, or drug addicts shall not be considered nursing homes. See also “Assisted Living Facility”, "Clinic, Medical or Dental", "Group home", "Hospital", “Personal Care Home” and "Sanitarium".

Office Building - A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.

Office, Professional and Business - A room or group of rooms used for conducting the affairs of a business, profession, service, industry, government, or like activity. Institutional offices of a charitable, philanthropic, religious, or educational nature are also included in this classification.

Open Space - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open spaces. Such open space may include active recreation facilities, such as swimming pools, play equipment for youngsters, ball fields, court games, and picnic tables.

Operational Vehicle - A vehicle immediately capable of being driven.

Outparcel - A parcel separate from a primary commercial development which is contiguous to and shares common access with the commercial development. The outparcel may, or may not, have common parking area with the primary commercial development.

Parking Area - An off-street area devoted to vehicular parking containing one or more parking spaces and including on-site roadways, aisles, stalls, islands, features, and maneuvering areas. For the purpose of this definition, the term “off-street” shall mean off a road right-of-way.

Parking Lane-A Lane separate and distinct from the traffic lane.

Parking structure or lot, automobile (commercial) - A structure or lot, or portion thereof, used for the parking of motor vehicles for a consideration where service or repair facilities are not permitted. Such structure or lot shall not be used for the storage of non-operational motor vehicles, parts thereof, or junk.

Permit – means an authorization issued by the bureau to a medical cannabis organization to conduct activities under this act (Medical Cannabis Act).

Personal Care Home - An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption.

Personal Service - See “Business, Personal Service”.

Planning Office - The Putnam County Office of Planning & Infrastructure.

Planning Officer - The individual designated by the Planning Commission to be responsible for the administration of the terms of this ordinance.

Private - A space or facility intended, designed, and available only to one single family dwelling, one duplex, one apartment or condominium development, one mobile home park, or one planned unit development. Examples include a private recreational facility, such as a basketball court or tennis court, or a private swimming pool.

Private Clubhouse - A building located within the common area of a residential subdivision (as defined by the Putnam County Subdivision Regulations Ordinance) which exists for the exclusive use of property owners and/or residents of the subdivision and their guests and which may include facilities such as a swimming pool and/or tennis courts. Such a facility shall be for noncommercial use only.

Processor – means a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the bureau under this act to process medical cannabis. The term does not include a health care medical cannabis organization under article thirteen of this chapter (W.Va. Code §16A-13-1 et. seq). (Amended 09-30-21)

Professional Service - See “Business, Professional Service”.

Recreation, Commercial - Commercial recreation is land or facilities, operated as a business and which is open to the public for a fee, that shall include, but is not limited to: water parks, rollerblade rental, billiard parlors, video amusement arcades, ski areas, pay-to-play athletic fields, golf courses, miniature golf courses, driving ranges, ice skating rinks, batting cages or swimming pools.

Recreation, Non-commercial - Non-commercial recreation is any land or facility operated by a governmental agency or non-profit organization and which is open to the public or members of the non-profit organization, without a fee, that shall include but is not limited to: playgrounds, outdoor basketball courts, picnic areas, bike/hike trails, riding stables, athletic fields, or swimming pools.

Recreational Vehicle - a motor home, travel trailer, truck camper, or camping trailer with or without motive power designed for human habitation for temporary or recreational occupancy. Temporary shall be defined as “seasonal” with March 1 to December 31 as the designated time period.

Recreational Vehicle (RV) Park – any property operated as a business where more than one recreational vehicle site is rented to users of recreational vehicles, and which are occupied for temporary purposes. A Recreational Vehicle Park may or may not include commercial recreation as defined by this ordinance. A Recreational Vehicle Park is also known as an RV Park and is not to be permitted or used for a permanent residential set-up, a full-time dwelling development or for outdoor storage.

Recreational Vehicle Site – a plot of ground within a Recreational Vehicle Park delineated for one recreational vehicle, one automobile parking space and a grassed area intended for the use of the person who rented the site.

Restaurant - An establishment with or without table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings or in non-disposable containers regardless of whether consumption is on or off the premises.

Restaurant, Family - A restaurant that does not include a drive through and does not serve alcoholic beverages.

Restaurant, Fast Food - An establishment whose principal business is the sale of pre-prepared or rapidly prepared food, in disposable containers, directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises.

Right-of-Way - A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, pedestrian walkway, drainage facility or a utility facility.

Road - A way designated or intended for public use, open to vehicular and pedestrian travel.

Road, Frontage - A non-limited access road running parallel to a higher-speed road. A frontage road provides access to homes and businesses which would be cut off by a limited access road.

Road, local - A road used primarily for providing direct access to abutting land and for local traffic movement.

Road line - A line defining the edge of a road right-of-way and separating the road from abutting property or lots.

Roadway - The portion of a road, including shoulders, for vehicular use.

Salvage Yard - A parcel of land, or portion thereof, where any waste, discarded, used, salvaged, or secondhand materials are bought, sold, exchanged, stored, processed, or handled as a business. Materials shall include scrap iron and other metals, rubber tires, glass, used lumber or brick, or other similar property. A salvage yard shall also include a lot, or portion thereof, used for collecting, dismantling, storing, salvaging, or sale of parts of machinery or appliances not in running condition, or inoperative motor vehicles as a business. Also, see Putnam County Salvage Yard Ordinance.

Sanitarium or sanatorium - An institution for the treatment and care of the chronically ill or for patients requiring long-term therapy, rest, and recuperation. Examples are institutions primarily for the treatment and care of the mentally ill, alcoholics, or drug addicts. For the purposes of this ordinance, a residential facility, owned or operated by a social services agency, aiding 6 to 20 residents (not including staff) in a home-like atmosphere, shall not be considered to be a sanitarium or sanatorium. See also "Group home", "Hospital", and "Nursing home".

Satellite Dish - A device incorporating a reflective surface in the shape of a shallow dish used to receive electromagnetic waves between terrestrially and/or orbitally based uses. Satellite dishes thirty-six (36) inches or less in diameter shall be exempt from the regulations of this ordinance. See current FCC (Federal Communications Commission) guidelines. (*Amended 10-11-22*)

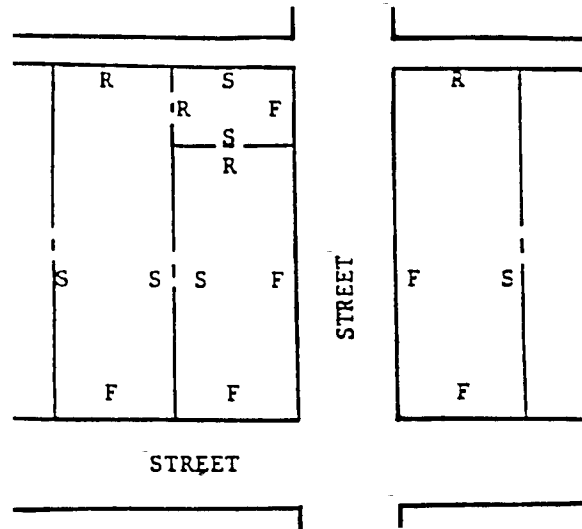
School, Business or Secretarial - An institution or place for instruction, specifically in courses of bookkeeping, business administration, operation of business machines, shorthand, typing, and related courses, operated for an intended profit. Business colleges shall be included in this definition.

School, Industrial, Technical, or Trade - An institution or place for instruction, specifically in one or more of the general trades such as welding, carpentry, electronics, automotive repair, or barber or beauty culture.

School - Nursery, Kindergarten, Elementary, Middle, or Senior High - An institution providing full-time day instruction and a course of study which meets the requirements of the Code of West Virginia, or a nursery school or kindergarten whose annual session does not exceed the school sessions for full-time day schools prescribed in the Code of West Virginia and which is operated by the County Board of Education, an established religious organization, or under a permit issued pursuant to the Code of West Virginia.

Setback - The required minimum horizontal distance between the building line and the related front, side, or rear property line. (See Figure 2-1 and examples in Yard, Front, Yard, Rear, and Yard, Side.

FIGURE 2-1, SETBACKS



F = Front Setback
R = Rear Setback
S = Side Setback

Shopping Center - See “Multi-tenant development, Non-Residential.”

Shoulder - The term shoulder has several meanings depending on its modifying adjective:

- A. The graded shoulder is the width from the edge of the traffic lane to the intersection of the shoulder slope and side slope planes.
- B. The surfaced shoulder is the width outside the through traffic lanes.
- C. The usable shoulder is the actual width usable for an emergency stop (WVDOH).

Sign - Any writing (including letter, word, or numeral), pictorial representative (including illustration or decoration), emblem (including device, symbol, or trademark), flag (including banner, blade, or pennant), or any other figure of similar character.

Sign, abandoned - A sign and/or supporting structure which no longer identifies a business conducted or product sold on the premises; or any advertising sign which no longer directs attention to a bona fide business conducted, product sold or activity being conducted or for which no legal owner can be found. A sign shall be deemed abandoned when the conditions described above have been in evidence for a period exceeding thirty (30) days.

Sign, animated - A sign on which the message changes or components move more than once every eight (8) seconds, or incorporates the display of full-motion video, flashing, fading, scrolling, blinking, pulsing, animation, or movement of any kind shall be considered an animated sign and not a changeable sign for purposes of this ordinance. Permitted changeable copy signs are not considered animated signs for the purposes of this ordinance.

Sign, awning - A sign painted on or printed on, or attached flat against, the surface of an awning. An awning shall be defined as a shelter supported entirely from an exterior wall of a building consisting of cloth or other similar non-rigid material supported by a frame. See also “wall sign” and “canopy sign”.

Sign, back-to-back - Two parallel and integrally connected signs facing in opposite directions and separated by not more than eighteen (18) inches.

Sign, banner - Any sign of fabric, plastic or similar material that is mounted to a pole(s) or a building. All banners are temporary signs. National, state, or municipal flags, the official flag of any institution or business, or blade signs shall not be considered banners.

Sign, blade - A sign of durable fabric that is mounted to a pole, and securely anchored into the ground according to the manufacturer's recommendations. Also called a "Teardrop Flag" or "Feather Flag." All blade signs are temporary signs, must be located on-premises, and shall require an approved sign permit and associated fee. See example in *Article 1400*.

Sign, canopy - A sign painted, printed, or attached flat against a surface of a canopy. A canopy shall be defined as a permanently roofed shelter covering a sidewalk, driveway, or other similar area, which shelter may be wholly supported by a building or may be wholly supported by columns, poles or braces extended from the ground. See also "awning sign" and "wall sign".

Sign, changeable copy - A sign on which message copy is changeable. Also called a "Readerboard Sign" or "Electronic Variable Message Sign (EVMS)." Sign copy on a changeable copy sign shall be static at all times, change instantly between static copies, and not include full motion video, flashing, fading, scrolling, blinking, pulsing, animation or movement of any kind. A changeable copy sign on which the message changes more than once every eight (8) seconds or incorporates flashing or moving lights or any other visible moving or revolving part except for time, temperature, or date shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance.

Sign, community event - A sign which displays the messages of community events sponsored by nonprofit organizations. May be on-premises or off-premises signs.

Sign, construction - A temporary sign identifying the project name, the architect, engineer, contractor, financing company, material supplier, or others engaged in work on the construction site on which the sign is located. Leasing information, renderings and similar copy shall also be permitted.

Sign copy - Any word, letter, number, or emblem affixed to the sign surface either permanently or in removable form.

Sign, directional - A non-commercial sign of an instructional nature, such as "parking", "exit", or "entrance", or containing an arrow, displayed solely for the convenience of the public, no more than twenty-five percent (25%) of such sign being devoted to the name or logo of the property, business or profession on the site and containing no business advertising, or product trade name identification or listing of any product sold or offered on the premises.

Sign face - The area of a sign on which the copy is placed.

Sign, identification - A sign that identifies a business, owner, resident, or street address and which sets forth no other advertisement.

Sign, illegal - A sign which does not meet the requirements of this ordinance, and which is not nonconforming.

Sign, illuminated - A sign which is lighted, either internally or externally.

Sign, informational - A small sign, not exceeding two (2) square feet each, limited to information and directions related to the permitted use on the lot or building on which the sign is located, and containing no direct illumination as defined in this article. Examples include "no smoking", "restroom", "no solicitors", "no trespassing" "self-service", "vacancy", credit card acceptance signs, signs indicating hours of operation and similar information.

Sign, kiosk - A monument-type sign which contains a surface area for changeable copy signs. The purpose of erecting kiosk signs is to provide information to the public relative to the building for which the kiosk was erected (i.e., schedule of activities, events, etc.).

Sign, marquee - A sign, which is attached to, supported by and projects from a building and, which in addition to permanent copy, may allow changeable letters.

Sign, mobile - See "Portable sign".

Sign, monument - A freestanding sign where the base of the sign structure is placed on the ground. The width of the support base shall be no less than one-half (1/2) the width of the panel/sign face. See examples in *Article 1400*.

Sign, nonconforming - A sign which lawfully existed on the effective date of this ordinance or amendments thereto, and which does not conform to the provisions of this ordinance.

Sign, off-premises - A sign not located on the premises of the use or activity to which the sign pertains.

Sign, off-premises directional - A sign not located on the premises of the use or activity to which the sign pertains, and which serves the purpose of directing traffic to a business, church, school, or other land use which does not have frontage on nor is visible from a county route, state highway or federal highway. Legal off-premises directional signs are those which fully comply with Section 1400.10(b) of this ordinance.

Sign, panel-and-column - A sign consisting of one or more panels which are supported between two columns, and which are permanently placed in the ground. See examples in *Article 1400*. See also "column".

Sign, pennant - Any plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Sign, permanent - A sign which is designed, constructed, and erected for the purpose of advertising a business or product for a prolonged period of time. Permanent signs have a sturdy base which is generally affixed into the ground. Pennants, banners, mobile, temporary, and portable signs are not permanent signs.

Sign, pole - A sign erected on a freestanding pole(s) or post(s) which is permanently placed in the ground. See examples in *Article 1400*.

Sign, political - A sign advertising a candidate or issue to be voted upon on a specific election day.

Sign, portable - Any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground. Portable signs do not include signs on wheels, "A-frame" or "T-shape" signs, signs on portable structures such as trailers, and advertising placed on motor vehicles which are not used regularly or able to move under their own power and are placed in such a manner as to attract attention.

Sign, projecting - A sign which projects twelve inches (12") or greater from and is supported by the wall of a building.

Sign, roof - A sign erected, constructed, and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

Sign, seasonal - A non-commercial sign which advertises or promotes a holiday, such as Christmas, Valentine's Day, Halloween, Hanukkah, or an event such as Putnam County Homecoming.

Sign, temporary - A sign intended for a limited period of display and not permanently placed in the ground or permanently affixed to a structure.

Sign, time and temperature - A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature.

Sign, wall - A sign which is attached directly to or painted upon a building wall or window with the exposed face of the sign in a plane parallel to said wall or window and projects less than twelve inches (12"). See also "canopy sign" and "awning sign".

Sign, window - A sign, which is painted on, applied, or attached to the interior of a window or glass wall.

Sorority house - See "Dormitory".

Specified sexual activities -

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse, or sodomy; or
- C. Fondling, erotic display or erotic touching of human genitals, pubic region, buttock or breast, even if completely and opaquely covered.

Specified anatomical areas -

- A. Less than completely and opaquely covered: (1) human genitals, pubic region, (2) buttock, or (3) female breast below a point immediately above the top of the areola; or
- B. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

Stable - A space for the boarding, breeding, care, or riding of horses or ponies.

Story - That portion of a building above ground level at the building line between floors, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above.

Structure - Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Structure, Accessory - See "Use Accessory".

Structure, Principal - A structure in which is conducted the primary use of the lot.

Subdivision - The division of a tract or parcel of land into two or more lots, plots, sites, or other division of land for the purpose, whether immediate or future, of transfer of legal or equitable title, interest, or ownership or of building development, including all changes in roads or lot lines.

Surveyor - A licensed land surveyor licensed as such by the State of West Virginia.

Swimming pool, community - A swimming pool and/or wading pool, including buildings necessary or incidental thereto, operated by members of more than two families for the benefit of such group and not open to the general public, whether incorporated or unincorporated, whether organized as a club or cooperative or association, providing that it is not organized for profit and that the right to use said pool is restricted to such families and their guests.

Television or radio studio - A facility within a freestanding building or in part of another building, the primary purpose of which shall be to produce, edit, send, receive, transmit, or broadcast through the airwaves or otherwise programming intended for distribution of the Federal Communications Commission.

Trailer, Travel - A temporary mobile dwelling for travel, recreation, or vacation use. Units may include travel trailers, pick-up campers, converted busses, tent-trailers, or similar devices.

Traveled way - That portion of the roadway available for movement of vehicles exclusive of shoulders and auxiliary lanes; normally considered as the paved portion of a highway.

Truck - Any single unit or combined vehicle used to carry goods, material, or equipment for commercial purposes, such single or combined vehicle having the largest gross weight rating licensed to travel public highways in West Virginia.

Truck, Large - The use of any building, lot, parcel, or portion thereof, for the display, sale, rental, or lease of new and/or used "single unit truck", "semi-or tractor trailer truck, combined", or "truck" and for any warranty repair work and other mechanical repair service conducted as an accessory use. See "Single Unit Truck", "Semi-or Tractor Trailer Truck, Combined" and "Truck".

Truck, Semi-or Tractor Trailer Truck, Combined - A vehicle used to haul goods and materials for commercial purposes with a trailer attached to a tractor with a swivel hitch.

Truck, Single Unit Truck - Any vehicle used to haul goods and materials for commercial purposes, such vehicle consisting of a single unit, not having a tractor with a separate trailer connected by a swivel hitch.

Truck Stop - Any building, premises, or land in which or upon which a business, service or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Trunkline - Intrastate network intended to serve smaller cities.

Use - Any purpose for which a building or other structure of a tract of land may be maintained or occupied, or any activity, occupation, business, or operation carried on in a building or other structure or on a tract of land.

Use, Accessory - A subordinate structure located on the same lot with the principal structure, occupied or devoted to an accessory use which is:

- A. A use conducted on the same zoning lot as the principal use to which it is related (Whether located within the same or an accessory structure, or as an accessory use of land), except that, where specifically provided in the applicable district regulations, accessory off-street parking or loading need not be located on the same zoning lot; and
- B. A use which is clearly incidental to, and customarily found in connection with, such principal use; and
- C. A use subordinate in area, floor area, intensity, extent, and purpose to the principal use; and
- D. A use either in the same ownership as such principal use, or operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the principal use. An accessory use shall not be the sole use of a zoning lot.

Use, Change of Land (CLU) - A change in the primary activity conducted on the land or within a building such as from agricultural to business, business to residential, residential to business, commercial to industrial, or one industrial use to another that significantly differs from the former use. A change of business type to a type that is the same or of a similar type as the former business type or land use shall not constitute a change of land use and shall not require a new or separate permit. This determination is to be made by the Planning Director (with consultation from the Planning Commission President if necessary). *(Amended 12-13-22)*

Use, Nonconforming - Any legally established or created use which does not conform to the applicable regulations of the district in which it is located, either on the effective date of this ordinance or as a result of any subsequent amendment thereto. However, no existing use shall be deemed nonconforming solely because of the existence of nonconforming accessory signs.

Use, Permitted Principal - The primary use of a lot and a use which is permitted, as of right, in a district for which a zoning certificate shall be issued by the Planning Official, provided that the applicant meets the applicable minimum requirements of this Code.

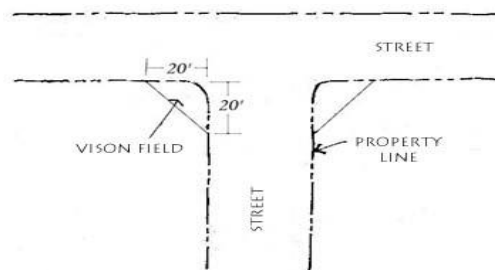
Use, Special Exception - A use that meets the intents and purposes of the zoning district in which the use is situated, but which requires the review and approval of the Board of Zoning Appeals in order to ensure that any possible adverse impacts on adjacent uses, structures or public services and facilities will be mitigated.

Variance - A modification of the strict terms of the relevant regulations of this ordinance where such modification will not be contrary to the public interest and, where owing to conditions peculiar to the property that are not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Video Lottery - A lottery that allows a game to be played utilizing an electronic computer and an interactive terminal device, equipped with a video screen and keys, a keyboard or other equipment allowing input by an individual player, into which the player inserts coins or currency as consideration in order for play to be available, and through which terminal device, the player may receive free games or a voucher that can be redeemed for a cash or non-cash prize, or nothing, determined wholly or predominantly by chance. "Video lottery" does not include a lottery game that merely utilizes an electronic computer and a video screen to operate a lottery game and communicated the results of the game and which does not utilize an interactive electronic terminal device allowing input by one or more players.

Video Lottery Establishment - An Establishment which is licensed to provide Video Lottery terminals pursuant to Chapter Twenty-nine, Article Twenty-two (B), Section 330 of the Code of West Virginia, as amended.

Vision field - A triangular area at the street intersection of a corner lot, the space being defined by a line across the corner of the lot, the ends of which are on the street lines 20 feet from the corner and containing no plantings, walls, structures, signs, landfills, or temporary or permanent vision obstruction from two and one-half feet in height above the street level, except retaining walls or chain link fences with no additional sight obstructions, such as slats or vines, attached. Tree trunks or posts may penetrate the vision field. See figure below.



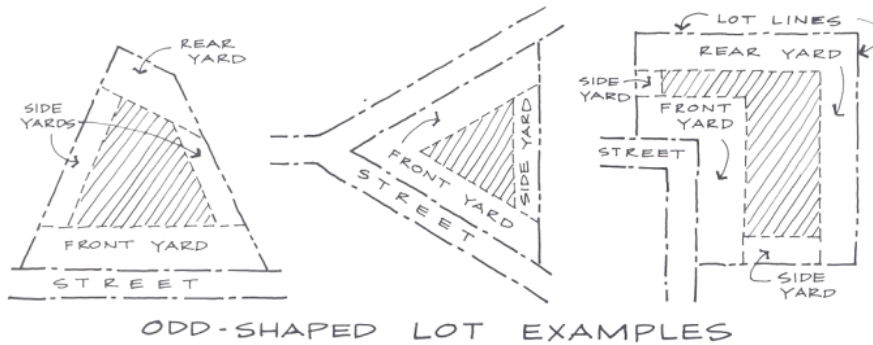
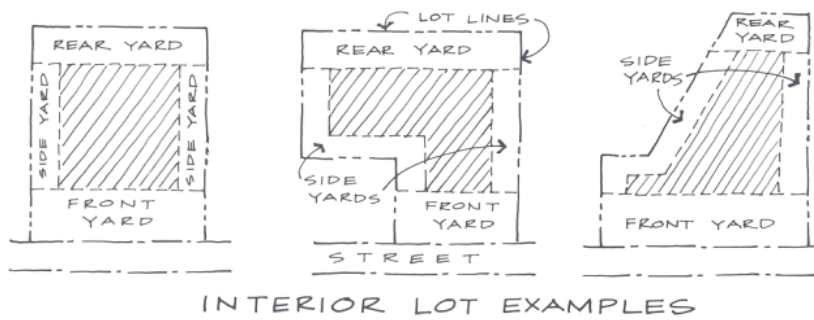
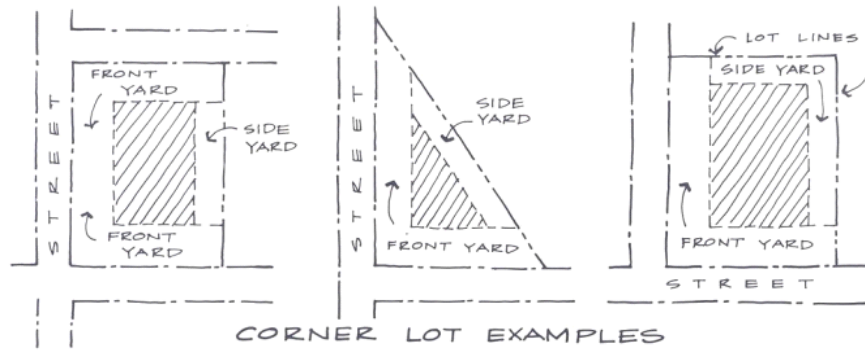
Warehousing - A building used primarily for the storage of goods and materials associated with distribution and/or sale. Warehousing does NOT include mini-storage facilities, moving and storage facilities and any other type of use which stores personal property for a period of more than 24 hours.

Yard - A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front* - A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

Yard, Rear* - A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building; and

Yard, Side* - A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.
* See examples on next page and on Figure 2-1 Setbacks



REQUIRED YARDS

 BUILDING (ZONING) ENVELOPE
(TWO DIMENSIONAL)

**ARTICLE 200
ESTABLISHMENT OF ZONING DISTRICTS AND MAPS**

- 200.01 ESTABLISHMENT OF ZONING DISTRICTS**
- 200.02 ZONING MAPS**
- 200.03 DIVISION OF ZONING MAPS**
- 200.04 INTERPRETATION OF ZONING DISTRICT BOUNDARIES**
- 200.05 CHANGES IN ZONING DISTRICT BOUNDARIES**
- 200.06 ANNEXATION**

200.01 ESTABLISHMENT OF ZONING DISTRICTS

The area illustrated in the "Official Putnam County Zoning Map" is hereby divided into the following zoning districts:

A. Agricultural Districts:

A Agricultural District

B. Residential Districts:

R-C Rural County District
R-R Rural Residential District
R-1 Single Family Residential District
R-2 Mixed Residential District
R-3 Neighborhood Family Residential District

C. Commercial Districts:

N-C Neighborhood Commercial District
C-1 Suburban Commercial District
C-2 High Density Commercial District
H-I Highway Interchange District

D. Industrial Districts:

IOP Industrial/Office Park District
I-1 Light Industrial District

E. Planned Unit Development District

Planned Unit Development (PUD)

200.02 ZONING MAPS

- A. The boundaries for each zoning district established by this ordinance are the boundaries indicated on the maps entitled "Official Zoning Maps for the Zoned Unincorporated Areas of Putnam County", said maps being a part of this ordinance.
- B. These zoning maps shall be dated with the effective date of this ordinance.
- C. The boundary lines of the districts shall follow lot lines, centerline of roads, corporate limit lines, utility rights-of-way, centerline of waterways, or described measured lines.
- D. Zoning maps shall consist of a large-scale map and sub maps that are tax parcel maps marked with the zoning boundaries.

200.03 DIVISION OF ZONING MAPS

These zoning maps may be for convenience of use, accuracy, or readily identifying locations, subdivided into units. Such units or parts may be separately employed for identification purposes when amending the zoning maps or for any official reference to the zoning maps.

200.04 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Wherever any uncertainty exists as to the boundary of a district as delineated on the zoning maps, the following rules shall govern:

- A. Where a zoning district boundary line is shown as following a road, alley, utility right-of-way, or watercourse, it shall be construed as following the centerline of the right-of-way or watercourse.
- B. Where a zoning district boundary line appears to follow or approximately coincide with a lot or property ownership line, it shall be construed as following such line.
- C. Where a zoning district boundary line is not shown as following or approximately coinciding with a road, alley, utility right-of-way, watercourse, lot line or property ownership line, the zoning district boundary line shall be determined by reference to the largest scale zoning map in which the boundary appears.
- D. Where a public street or alley is officially vacated, the zoning designation applicable to abutting property on each side of the center line shall apply up to the centerline of such street or alley.
- E. All property lines and dimensions shown on the official zoning maps shall be construed to be those property lines and dimensions described in the proper deeds of record for the subject property or specifically described by measurements on map.

200.05 CHANGES IN ZONING DISTRICT BOUNDARIES

Changes in boundaries of zoning districts shall be pursuant to Article 2000 of this ordinance and amending the zoning maps or part thereof. When adopted, it shall become a part of this ordinance.

200.06 ANNEXATION

Prior to commencement of annexation proceedings by Municipal Council for unzoned or zoned area, the County, in cooperation with the municipality, shall study the area proposed for annexation to provide information to assist in establishing proper zoning requirements that should be established to protect the health, safety and welfare of incorporated and unincorporated residents and businesses.

ARTICLE 250
“A” AGRICULTURAL DISTRICT

250.01 PURPOSE

250.02 PERMITTED PRINCIPAL USES

250.03 PERMITTED ACCESSORY USES

250.04 SPECIAL PERMIT USES

250.05 DEVELOPMENT STANDARDS

250.06 STORM DRAINAGE MANAGEMENT (*Amended 10-11-22*)

250.01 PURPOSE

The intent of the “A” Agricultural District is to protect land best suited for agricultural use from the encroachment of other land uses and to preserve valuable agricultural land for agricultural uses and their related activities.

250.02 PERMITTED PRINCIPAL USES

Principal Uses shall be limited to the following:

- A. Agriculture Uses.
- B. Attached Apartment Dwellings.
- C. Commercial Greenhouses.
- D. Commercial Stables.
- E. EDHO; see *Article 1700*.
- F. Farm Supply Businesses.
- G. Kennels; see *Article 1700*.
- H. Medical Cannabis Grower. (Amended 09-30-21)
- I. Medical Cannabis Processor. (Amended 09-30-21)
- J. Public and Private Parks.
- I. Single Family Dwellings; Class A, B and C; see *Article 1700*.

250.03 PERMITTED ACCESSORY USES

The following uses shall be permitted as accessory to a principal use:

- A. Buildings, Uses or Structures Customarily Incidental to a Principal Permitted Use.
- B. Detached Garage, Carport, Storage Buildings.
- C. Home Occupations; see *Article 1700*.
- D. Private Recreational Facilities.
- E. Private Swimming Pools.
- F. Satellite Dishes.

G. Signs; pursuant to Article 1400.

Accessory uses and buildings shall be incidental and subordinate in height, area, bulk, extent, and purpose to the principal use. Accessory buildings shall not be erected prior to the erection of a principal building or use.

250.04 SPECIAL PERMIT USES

The following uses shall be permitted only after approval by the Board of Zoning Appeals pursuant to the Article 1100, Special Permit Uses.

- A. Airports.
- B. Bed and Breakfast Establishment.
- C. Cemetery.
- D. Communication Tower; see *Article 1700*.
- E. Detached Apartment Dwellings.
- F. Public Utility Building
- G. Recreational Vehicle Park (RV)
- H. Religious Places of Worship.
- I. Oil and Gas Operation, Exploration and Production; see *Article 1700*.

250.05 DEVELOPMENT STANDARDS

A. Property Development Standards

The following development standards shall apply to properties located within the “A” Agricultural District.

| “A” Agricultural District | |
|--|--|
| Minimum Lot Area | • 5 Acres |
| Minimum Lot Width at Building Setback Line | • 300 Feet |
| Maximum Lot Coverage | • 20% Impervious Surface Coverage |
| Maximum Height | • 35 feet for principal structures (Excluding Agricultural Structures). • 15 feet for accessory structures (Excluding Agricultural Structures). |
| Minimum Front Yard Setback | • 30 feet for principal use. No accessory uses permitted in the front yard. |
| Minimum Side Yard Setback | • 30 feet each yard with a minimum total of 60 feet for principal use. |
| Minimum Rear Yard Setback | • 30 feet for principal use. |

B. Minimum Off-Street Parking and Loading Standards

Article 1200 shall regulate minimum off-street parking and loading standards.

- C. Landscaping and Screening Requirements
Article 1300 shall regulate landscaping and screening requirements.

- D. Signage
Article 1400 shall regulate signage.

- E. Substandard Lots
Lots of record existing prior to the adoption of this Zoning Ordinance shall not be subject to the minimum lot area or minimum lot frontage requirements of this district.

- F. Substantial Expansion
Substantial expansion of an existing building or structure may trigger the site plan review process as established in Section 1150.02.

250.06 STORM DRAINAGE MANAGEMENT *(Amended 10-11-22)*

1. Private Property owners are responsible for storm drainage flowing through their property.
2. Putnam County does not maintain drainage utility easements (including culverts, concrete channels, retention walls, retention ponds, detention ponds, etc.) located on privately owned property.
3. Private drainage and erosion issues, as well as ground water issues (i.e., natural springs), are the responsibility of the private property owner (and/or any applicable homeowner's association or maintenance association). Putnam County is not responsible for ensuring proper drainage on privately owned property. In general, the easement holder (property owner) has the duty to maintain the easement. This includes public drainage utility easements located on private property.
4. Driveways, and their associated culverts, bridges, or other appurtenances, that cross public drainage systems (i.e., ditches or streams) are also the private property owner's responsibility.
5. Drainage directed from gutters, French drains, downspouts, swimming pools, retention walls, or other private systems to neighboring properties is a civil matter between the private property owners. Moreover, private property owners that place obstructions, or fail to maintain property within public drainage easements (i.e., structures, sheds, buildings, curbs, retaining walls) may be subject to civil action from adjacent property owners.

ARTICLE 300
"R-C" RURAL COUNTY DISTRICT

300.01 PURPOSE

300.02 PERMITTED PRINCIPAL USES

300.03 PERMITTED ACCESSORY USES

300.04 SPECIAL PERMIT USES

300.05 DEVELOPMENT STANDARDS

300.06 STORM DRAINAGE MANAGEMENT (*Amended 10-11-22*)

300.01 PURPOSE

It is the intent of the "R-C" Rural County District to permit for a mix of residential, commercial, and industrial uses in the most rural parts of the County subject to zoning.

300.02 PERMITTED PRINCIPAL USES

Principal uses shall be limited to the following:

- A. Agriculture.
- B. Animal Veterinarian Clinic.
- C. Animal Veterinarian Hospital.
- D. Assembly Hall.
- E. Attached Apartment Dwelling.
- F. Automobile Repair; Including Body and Paint Work.
- G. Automobile Sales and Service of Vehicles, Boats, and Recreational Vehicles.
- H. Automobile Service Station.
- I. Automobile Washing or Detailing.
- J. Bed and Breakfast Establishment.
- K. Business or Professional Office.
- L. Child Care Center; see *Article 1700*.
- M. Club.
- N. Commercial Entertainment; Excluding Sexually Oriented Businesses; see *Article 1700*.
- O. Commercial Greenhouse.
- P. Commercial Recreational or Sports Facility.
- Q. Commercial Stable.
- R. Communication Tower; see *Article 1700*.
- S. Contractor and Building Supplies.
- T. Duplex Dwelling.

- U. EDHO; see *Article 1700*.
- V. Educational Institution.
- W. Family Restaurant.
- X. Farm Supplies.
- Y. Fast Food Restaurant.
- Z. Financial Institution.
- AA. Funeral Home.
- BB. Golf Course.
- CC. Group Home.
- DD. Hotel/Motel.
- EE. Hospital.
- FF. Kennel; see *Article 1700*.
- GG. Lease Community; see *Article 1700*.
- HH. Light Manufacturing.
- II. Medical Cannabis Grower (Amended 09-30-21)
- JJ. Medical Cannabis Laboratory (Amended 09-30-21)
- KK. Medical Cannabis Processor (Amended 09-30-21)
- LL. Medical or Dental Clinic.
- MM. Mixed Uses.
- NN. Multi-Family Dwelling.
- OO. Multi Tenant Development.
- PP. Nursing Home; see *Article 1700*.
- QQ. Personal Services.
- RR. Personal Storage Facility.
- SS. Professional Services.
- TT. Public and Institutional Buildings.
- UU. Public and Private Parks.
- VV. Public Utility Building.
- WW. Religious Place of Worship.
- XX. Research and Development Laboratory.

- YY. Restaurant.
- ZZ. Retail Business.
- AAA. Single Family Dwelling; Class A, B and C; see *Article 1700*.
- BBB. Truck Stop.
- CCC. Truck Terminal.
- DDD. Warehousing.

300.03 PERMITTED ACCESSORY USES

The following uses shall be permitted as accessory to a principal use:

- A. Buildings, Uses or Structures Customarily Incidental to a Principal Permitted Use.
- B. Detached Garage, Carport, Storage Building.
- C. Drive Through Facility.
- D. Home Occupation; see *Article 1700*.
- E. Private Recreational Facility.
- F. Private Swimming Pool.
- G. Satellite Dish.
- H. Signs.

300.04 SPECIAL PERMIT USES

The following uses shall be permitted as regulated by Article 1100 - Special Permit Uses:

- A. Airport.
- B. Cemetery.
- C. Detached Apartment Dwelling.
- D. Heavy Manufacturing.
- E. Helipad or Heliport; see *Article 1700*.
- F. Non-Commercial Stable.
- G. Oil and Gas Operation, Exploration and Production; see *Article 1700*.
- H. Quarry.
- I. Recreational Vehicle (RV) Park.
- J. Salvage Yard.
- K. Tavern or Bar.

300.05 DEVELOPMENT STANDARDS

A. Property Development Standards

The following development standards shall apply to properties located within the “R-C” Rural County District.

| “R-C” Rural County | |
|---|--|
| Minimum Lot Area | ▪ None |
| Minimum Lot Width at Building Setback Line | ▪ None |
| Maximum Lot Coverage | ▪ None |
| Maximum Height | ▪ None |
| Minimum Front Yard Setback | ▪ 30 Feet |
| Minimum Side Yard Setback | ▪ 10 Feet Principal Use ▪ 5 Feet Accessory Use |
| Minimum Rear Yard Setback | ▪ 20 Feet Principal Use ▪ 30 Feet for lots used for livestock agriculture ▪ 5 Feet Accessory Use |
| Minimum Distance Between Multiple Principal Structures on Lot | ▪ 15 Feet |

B. Minimum Off-Street Parking and Loading Standards

Article 1200 shall regulate minimum off-street parking and loading standards.

C. Landscaping and Screening Requirements

Article 1300 shall regulate landscaping and screening requirements.

D. Signage

Article 1400 shall regulate signage.

E. Substandard Lots

Lots of record existing prior to the adoption of this Zoning Ordinance shall not be subject to the minimum lot area or minimum lot frontage requirements of this district.

F. Open Space

Open space shall be required as an integral part of the multi-family and lease community development. Open space shall not include any impervious surfaces.

In a multi-family development for multi-family dwellings and townhouses, twenty percent (20%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the multi-family development and shall be maintained by the developer/owner/homeowner’s association and shall be accessible to all residents of the development.

In a lease community for single-family and duplex dwellings, ten percent (10%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the lease community development and shall be maintained by the developer/owner/homeowner’s association and shall be accessible to all residents of the development. A lease community with ten (10) or less single-family or five or less duplex dwellings shall be exempt from the open space requirement.

G. Substantial Expansion

Substantial expansion of an existing building or structure may trigger the site plan review process as established in Section 1150.02.

300.06 STORM DRAINAGE MANAGEMENT *(Amended 10-11-22)*

1. Private Property owners are responsible for storm drainage flowing through their property.
2. Putnam County does not maintain drainage utility easements (including culverts, concrete channels, retention walls, retention ponds, detention ponds, etc.) located on privately owned property.
3. Private drainage and erosion issues, as well as ground water issues (i.e., natural springs), are the responsibility of the private property owner (and/or any applicable homeowner's association or maintenance association). Putnam County is not responsible for ensuring proper drainage on privately owned property. In general, the easement holder (property owner) has the duty to maintain the easement. This includes public drainage utility easements located on private property.
4. Driveways, and their associated culverts, bridges, or other appurtenances, that cross public drainage systems (i.e., ditches or streams) are also the private property owner's responsibility.
5. Drainage directed from gutters, French drains, downspouts, swimming pools, retention walls, or other private systems to neighboring properties is a civil matter between the private property owners. Moreover, private property owners that place obstructions, or fail to maintain property within public drainage easements (i.e., structures, sheds, buildings, curbs, retaining walls) may be subject to civil action from adjacent property owners.

ARTICLE 350
"R-R" RURAL RESIDENTIAL DISTRICT

350.01 PURPOSE

350.02 PERMITTED PRINCIPAL USES

350.03 PERMITTED ACCESSORY USES

350.04 SPECIAL PERMIT USES

350.05 DEVELOPMENT STANDARDS

350.06 STORM DRAINAGE MANAGEMENT (*Amended 10-11-22*)

350.01 PURPOSE

It is the intent of the "R-R" Rural Residential District to establish low density residential areas consisting of single-family dwelling and compatible rural uses. This district shall provide for the requirements consistent with community values and needs. Standards consistent with those values and needs and appropriate for a single-family residential district shall:

- A. Stabilize and protect the district's residential character while promoting a suitable environment for family life;
- B. Provide for the access of light and air to windows while providing privacy by controlling the spacing and height of structures;
- C. Require the provision of open space and regulate signs to enhance the quality of life; and
- D. Require the provision of off-street parking to promote a safe and effective traffic circulation system.

350.02 PERMITTED PRINCIPAL USES

Principal uses shall be limited to the following:

- A. Agriculture.
- B. Attached Accessory Apartment Dwelling.
- C. Bed and Breakfast Establishment.
- D. EDHO; see *Article 1700*.
- F. Group Home
- E. Public and private parks; excluding commercial sites and commercial entertainment.
- F. Single family dwellings; Class A, B and C; see *Article 1700*.

350.03 PERMITTED ACCESSORY USES

The following uses shall be permitted as accessory to a principal use:

- A. Buildings, Uses or Structures Customarily Incidental to a Principal Permitted Use.
- B. Detached Garage, Carport, Storage Building.
- C. Home Occupation; see *Article 1700*.
- D. Non-Commercial Riding Stable.

- E. Private Recreational Facility.
- F. Private Swimming Pool.
- G. Satellite Dish.
- H. Signs

350.04 SPECIAL PERMIT USES

The following uses shall be permitted as regulated by Article 1100 - Special Permit Uses:

- A. Cemetery.
- B. Commercial Stable.
- C. Communication Tower; see *Article 1700*.
- D. Detached Accessory Apartment Dwelling.
- E. Educational Institution.
- F. Golf Course.
- G. Lease Community; see *Article 1700*.
- H. Kennel; see *Article 1700*.
- I. Oil and Gas Operation, Exploration and Production; see *Article 1700*.
- J. Public and Institutional Building.
- K. Public Utility Building.
- L. Recreational Vehicle (RV) Park.
- M. Religious Place of Worship.

350.05 DEVELOPMENT STANDARDS

A. Property Development Standards

The following development standards shall apply to properties located within the “R-R” Rural Residential District.

| “R-R” Rural Residential | |
|--|--|
| Minimum Lot Area | ▪ 1 Acre |
| Minimum Lot Width at Building Setback Line | ▪ 100 Feet |
| Maximum Lot Coverage | ▪ 25% Impervious Surface Coverage |
| Maximum Height | ▪ 35 feet for principal structures (Excluding Agricultural Structures). ▪ 15 feet for accessory structures (Excluding Agricultural Structures). |
| Minimum Front Yard Setback | ▪ 30 Feet |
| Minimum Side Yard Setback | ▪ 10 Feet Principal Use ▪ 30 Feet for lots used for livestock agriculture ▪ 5 Feet Accessory Use |
| Minimum Rear Yard Setback | ▪ 30 Feet Principal Use ▪ 5 Feet Accessory Use |

B. Minimum Off-Street Parking and Loading Standards

Article 1200 shall regulate minimum off-street parking and loading standards.

C. Landscaping and Screening Requirements

Article 1300 shall regulate landscaping and screening requirements.

D. Signage

Article 1400 shall regulate signage.

E. Substandard Lots

Lots of record existing prior to the adoption of this Zoning Ordinance shall not be subject to the minimum lot area or minimum lot frontage requirements of this district.

F. Open Space

Open space shall be required as an integral part of the multi-family and lease community development. Open space shall not include any impervious surfaces.

In a multi-family development for multi-family dwellings and townhouses, twenty percent (20%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the multi-family development and shall be maintained by the developer/owner/homeowner’s association and shall be accessible to all residents of the development.

In a lease community for single-family and duplex dwellings, ten percent (10%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the lease community development and shall be maintained by the developer/owner/homeowner’s association and shall be accessible to all residents of the development. A lease community with ten (10) or less single-family or five or less duplex dwellings shall be exempt from the open space requirement.

G. Substantial Expansion

Substantial expansion of an existing building or structure may trigger the site plan review process as established in Section 1150.02.

350.06 STORM DRAINAGE MANAGEMENT *(Amended 10-11-22)*

1. Private Property owners are responsible for storm drainage flowing through their property.
2. Putnam County does not maintain drainage utility easements (including culverts, concrete channels, retention walls, retention ponds, detention ponds, etc.) located on privately owned property.
3. Private drainage and erosion issues, as well as ground water issues (i.e., natural springs), are the responsibility of the private property owner (and/or any applicable homeowner's association or maintenance association). Putnam County is not responsible for ensuring proper drainage on privately owned property. In general, the easement holder (property owner) has the duty to maintain the easement. This includes public drainage utility easements located on private property.
4. Driveways, and their associated culverts, bridges, or other appurtenances, that cross public drainage systems (i.e., ditches or streams) are also the private property owner's responsibility.
5. Drainage directed from gutters, French drains, downspouts, swimming pools, retention walls, or other private systems to neighboring properties is a civil matter between the private property owners. Moreover, private property owners that place obstructions, or fail to maintain property within public drainage easements (i.e., structures, sheds, buildings, curbs, retaining walls) may be subject to civil action from adjacent property owners.

ARTICLE 400
"R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

- 400.01 PURPOSE**
- 400.02 PERMITTED PRINCIPAL USES**
- 400.03 PERMITTED ACCESSORY USES**
- 400.04 SPECIAL PERMIT USES**
- 400.05 DEVELOPMENT STANDARDS**
- 400.06 STORM DRAINAGE MANAGEMENT** (*Amended 10-11-22*)

400.01 PURPOSE

It is the intent of the R-1 Single Family Residential District to establish low density residential areas consisting of single-family dwelling and compatible uses. This district shall provide for the requirements consistent with community values and needs. Standards consistent with those values and needs and appropriate for a single-family residential district shall:

- A. Stabilize and protect the district's residential character while promoting a suitable environment for family life,
- B. Provide for the access of light and air to windows while providing privacy by controlling the spacing and height of structures,
- C. Require the provision of open space and the regulation of signs to enhance the quality of life, and
- D. Require the provision of off-street parking to promote a safe and effective traffic circulation system.

400.02 PERMITTED PRINCIPAL USES

Principal uses shall be limited to the following:

- A. Agriculture.
- B. Attached Accessory Apartment Dwelling.
- C. Duplex Dwelling.
- D. EDHO; see *Article 1700*.
- E. Group Home.
- E. Public and Private Parks; excluding commercial sites and commercial entertainment.
- F. Single Family Dwelling; Class A; see *Article 1700*.

Only one principal residential structure shall be permitted per lot of record with the exception of a lease community and EDHO.

400.03 PERMITTED ACCESSORY USES

The following uses shall be permitted as accessory to a principal use:

- A. Buildings, Uses or Structures Customarily Incidental to a Principal Permitted Use.
- B. Detached Garage, Carport, Storage Building.

- C. Home Occupation; see *Article 1700*.
- D. Private Recreational Facility.
- E. Private Swimming Pool.
- F. Satellite Dish.
- G. Signs.

400.04 SPECIAL PERMIT USES

The following uses shall be permitted as regulated by Article 1100 - Special Permit Uses:

- A. Bed and Breakfast Establishment.
- B. Cemetery.
- C. Child Care Center; see *Article 1700*.
- D. Communication Tower; see *Article 1700*.
- E. Detached Accessory Apartment Dwelling.
- F. Educational Institution.
- G. Golf Course.
- H. Non-Commercial Stable.
- I. Oil and Gas Operation, Exploration and Production; see *Article 1700*.
- J. Public and Institutional Building.
- K. Public Utility Building.
- L. Religious Place of Worship.

400.05 DEVELOPMENT STANDARDS

A. Property Development Standards

The following development standards shall apply to properties located within the “R-1” Single Family Residential District.

| R-1 Single Family Residential | |
|--|---|
| Minimum Lot Area | <ul style="list-style-type: none"> ▪ 6,600 square feet for single family dwelling. ▪ 4,500 square feet per dwelling unit for duplex dwelling; 9,000 square feet total. ▪ One (1) acre for all other uses |
| Minimum Lot Width at Building Setback Line | <ul style="list-style-type: none"> ▪ 60 feet for single family dwelling. ▪ 45 feet per dwelling unit for duplex; 90 feet total. ▪ 100 Feet for all non-residential uses |
| Maximum Lot Coverage | <ul style="list-style-type: none"> ▪ 60% Impervious Surface Coverage |
| Maximum Height | <ul style="list-style-type: none"> ▪ 35 feet for principal structures (Excluding Agricultural Structures). ▪ 15 feet for accessory structures (Excluding Agricultural Structures). |
| Minimum Front Yard Setback | <ul style="list-style-type: none"> ▪ 20 Feet |
| Minimum Side Yard Setback | <ul style="list-style-type: none"> ▪ 5 Feet Principal Use ▪ 30 Feet for lots used for livestock agriculture ▪ 5 Feet Accessory Use |
| Minimum Rear Yard Setback | <ul style="list-style-type: none"> ▪ 20 Feet Principal Use ▪ 30 Feet for lots used for livestock agriculture ▪ 5 Feet Accessory Use |

B. Minimum Off-Street Parking and Loading Standards

Article 1200 shall regulate minimum off-street parking and loading standards.

C. Landscaping and Screening Requirements

Article 1300 shall regulate landscaping and screening requirements.

D. Signage

Article 1400 shall regulate signage.

E. Substantial Expansion

Substantial expansion of an existing building or structure may trigger the site plan review process as established in Section 1150.02

400.06 STORM DRAINAGE MANAGEMENT *(Amended 10-11-22)*

1. Private Property owners are responsible for storm drainage flowing through their property.
2. Putnam County does not maintain drainage utility easements (including culverts, concrete channels, retention walls, retention ponds, detention ponds, etc.) located on privately owned property.
3. Private drainage and erosion issues, as well as ground water issues (i.e., natural springs), are the responsibility of the private property owner (and/or any applicable homeowner’s association or maintenance association). Putnam County is not responsible for ensuring proper drainage on privately owned property. In general, the easement holder (property owner) has the duty to maintain the easement. This includes public drainage utility easements located on private property.

4. Driveways, and their associated culverts, bridges, or other appurtenances, that cross public drainage systems (i.e., ditches or streams) are also the private property owner's responsibility.
 5. Drainage directed from gutters, French drains, downspouts, swimming pools, retention walls, or other private systems to neighboring properties is a civil matter between the private property owners. Moreover, private property owners that place obstructions, or fail to maintain property within public drainage easements (i.e., structures, sheds, buildings, curbs, retaining walls) may be subject to civil action from adjacent property owners.
-

ARTICLE 450
"R-2" MIXED RESIDENTIAL DISTRICT

450.01 PURPOSE

450.02 PERMITTED PRINCIPAL USES

450.03 PERMITTED ACCESSORY USES

450.04 SPECIAL PERMIT USES

450.05 DEVELOPMENT STANDARDS

450.06 STORM DRAINAGE MANAGEMENT (*Amended 10-11-22*)

450.01 PURPOSE

It is the intent of the "R-2" Mixed Residential District to establish a variety of residential densities consisting of single-family dwelling, multi-family, duplex (two family), and compatible uses. This district shall provide for the requirements consistent with community values and needs. Standards consistent with those values and needs and appropriate for mixed and multi family residential district shall:

- A. Stabilize and protect the district's residential character while promoting a suitable environment for family life,
- B. Provide for the access of light and air to windows while providing privacy by controlling the spacing and height of structures,
- C. Require the provision of open space and the regulation of signs to enhance the quality of life, and
- D. Require the provision of off-street parking to promote a safe and effective traffic circulation system.
- E. To promote a variety of residential types and densities to accommodate a diversity of households.

450.02 PERMITTED PRINCIPAL USES

Principal uses shall be limited to the following:

- A. Agriculture.
- B. Attached Accessory Apartment Dwelling.
- C. Duplex Dwelling.
- D. EDHO; see *Article 1700*.
- E. Group Home.
- F. Lease Community; see *Article 1700*.
- G. Multi-Family Dwelling; Maximum density shall be 8 dwelling units per acre.
- H. Public and private parks; excluding commercial sites and commercial entertainment.
- H. Single Family Dwelling; Class A; see *Article 1700*.
- I. Townhouse.

Only one principal residential structure shall be permitted per lot of record with the exception of multi-family dwellings, land lease communities and EDHO.

450.03 PERMITTED ACCESSORY USES

The following uses shall be permitted as accessory to a principal use:

- A. Buildings, Uses or Structures Customarily Incidental to a Principal Permitted Use.
- B. Detached Garage, Carport, Storage Building.
- C. Home Occupation; see *Article 1700*.
- D. Private Recreational Facility.
- E. Private Swimming Pool.
- F. Satellite Dish.
- G. Signs.

450.04 SPECIAL PERMIT USES

The following uses shall be permitted as regulated by Article 1100 - Special Permit Uses:

- A. Bed and Breakfast Establishment.
- B. Cemetery.
- C. Child Care Center; see *Article 1700*.
- D. Communication Tower; see *Article 1700*.
- E. Detached Accessory Apartment Dwelling.
- F. Educational Institution.
- G. Golf Course.
- H. Non-Commercial Stable.
- I. Nursing Home; see *Article 1700*.
- J. Oil and Gas Operation, Exploration and Production; see *Article 1700*.
- K. Public and Institutional Building.
- L. Public Utility Building.
- M. Religious Place of Worship.

450.05 DEVELOPMENT STANDARDS

A. Property Development Standards

The following development standards shall apply to properties located within the “R-2” Mixed Residential District.

| “R-2” Mixed Residential | |
|--|---|
| Minimum Lot Area | <ul style="list-style-type: none"> ▪ 6,600 square feet for single family dwelling. ▪ 4,500 square feet per dwelling unit for duplex; 9,000 square feet total. ▪ 3,500 square feet per dwelling unit for townhouse; maximum 8 dwelling units per acre. ▪ 2,200 square feet per dwelling unit for multi-family dwellings; maximum 8 dwelling units per acre. ▪ All other uses shall have a minimum lot size of one (1) acre. |
| Minimum Lot Width at Building Setback Line | <ul style="list-style-type: none"> ▪ 60 feet for single family dwelling. ▪ 45 feet for dwelling unit for duplex; 90 feet total. ▪ 100 feet for non-residential uses. |
| Maximum Lot Coverage | <ul style="list-style-type: none"> ▪ 60% Impervious Surface Coverage |
| Maximum Height | <ul style="list-style-type: none"> ▪ 35 feet for principal structures (Excluding Agricultural Structures). ▪ 15 feet for accessory structures (Excluding Agricultural Structures). |
| Minimum Front Yard Setback | <ul style="list-style-type: none"> ▪ 20 Feet |
| Minimum Side Yard Setback | <ul style="list-style-type: none"> ▪ 5 Feet Principal Use ▪ 30 Feet for lots used for livestock agriculture ▪ 25 Feet if a multi-family or lease community is abutting an R-1 district. ▪ 5 Feet Accessory Use |
| Minimum Rear Yard Setback | <ul style="list-style-type: none"> ▪ 20 Feet Principal Use ▪ 30 Feet for lots used for livestock agriculture ▪ 5 Feet Accessory Use |
| Minimum Space Between Buildings | <ul style="list-style-type: none"> ▪ There shall be a minimum space of 20 feet between buildings. |

B. Modification of Side/Rear Setback Requirements

If the distance from the exterior wall to the side and/or rear property lines is less than the setback requirements, the applicant must show evidence of a maintenance easement from the adjacent property owner(s) or if the structure is built on the property line, an attachment easement shall be obtained from any adjacent property owner. For such a waiver, the alignment of the structure shall also be considered.

C. Minimum Off-Street Parking and Loading Standards

Article 1200 shall regulate minimum off-street parking and loading standards.

D. Landscaping and Screening Requirements

Article 1300 shall regulate landscaping and screening requirements.

E. Signage

Article 1400 shall regulate signage.

F. Open Space

Open space shall be required as an integral part of the multi-family and lease community development. Open space shall not include any impervious surfaces.

In a multi-family development for multi-family dwellings and townhouses, twenty percent (20%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the multi-family development and shall be maintained by the developer/owner/homeowner's association and shall be accessible to all residents of the development.

In a lease community for single-family and duplex dwellings, ten percent (10%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the lease community development and shall be maintained by the developer/owner/homeowner's association and shall be accessible to all residents of the development. A lease community with ten (10) or less single-family or five or less duplex dwellings shall be exempt from the open space requirement.

G. Substantial Expansion

Substantial expansion of an existing building or structure may trigger the site plan review process as established in Section 1150.02

450.06 STORM DRAINAGE MANAGEMENT *(Amended 10-11-22)*

1. Private Property owners are responsible for storm drainage flowing through their property.
2. Putnam County does not maintain drainage utility easements (including culverts, concrete channels, retention walls, retention ponds, detention ponds, etc.) located on privately owned property.
3. Private drainage and erosion issues, as well as ground water issues (i.e., natural springs), are the responsibility of the private property owner (and/or any applicable homeowner's association or maintenance association). Putnam County is not responsible for ensuring proper drainage on privately owned property. In general, the easement holder (property owner) has the duty to maintain the easement. This includes public drainage utility easements located on private property.
4. Driveways, and their associated culverts, bridges, or other appurtenances, that cross public drainage systems (i.e., ditches or streams) are also the private property owner's responsibility.
5. Drainage directed from gutters, French drains, downspouts, swimming pools, retention walls, or other private systems to neighboring properties is a civil matter between the private property owners. Moreover, private property owners that place obstructions, or fail to maintain property within public drainage easements (i.e., structures, sheds, buildings, curbs, retaining walls) may be subject to civil action from adjacent property owners.

ARTICLE 500
"R-3" NEIGHBORHOOD RESIDENTIAL DISTRICT

500.01 PURPOSE

500.02 PERMITTED PRINCIPAL USES

500.03 PERMITTED ACCESSORY USES

500.04 SPECIAL PERMIT USES

500.05 DEVELOPMENT STANDARDS

500.06 STORM DRAINAGE MANAGEMENT (*Amended 10-11-22*)

500.01 PURPOSE

It is the intent of the R-3 Neighborhood Residential District to establish a variety of residential densities consisting of single-family dwelling, duplex (two family), multi-family, and compatible uses. This district shall provide for the requirements consistent with community values and needs. Standards consistent with those values and needs and appropriate for mixed and multi family residential district shall:

- A. Stabilize and protect the district's residential character while promoting a suitable environment for family life,
- B. Provide for the access of light and air to windows while providing privacy by controlling the spacing and height of structures,
- C. Require the provision of open space and regulate signs to enhance the quality of life,
- D. Require the provision of off-street parking to promote a safe and effective traffic circulation system, and
- E. To promote a compatible mix of residential housing types and densities to accommodate a range of household types.

500.02 PERMITTED PRINCIPAL USES

Principal uses shall be limited to the following:

- A. Agriculture.
- B. Attached Accessory Apartment Dwelling.
- C. Duplex Dwelling.
- D. EDHO; see *Article 1700*.
- E. Group Home.
- F. Lease Community; see *Article 1700*.
- G. Multi-Family Dwelling; Maximum density shall be 16 dwelling units per acre.
- H. Public and Private parks; excluding commercial sites and commercial entertainment.
- I. Single Family Dwellings; Class A and B; see *Article 1700*.
- I. Townhouse.

Only one principal residential structure shall be permitted per lot of record with the exception multi-family dwellings, land lease communities and EDHO.

500.03 PERMITTED ACCESSORY USES

The following uses shall be permitted as accessory to a principal use:

- A. Buildings, Uses or Structures Customarily Incidental to a Principal Permitted Use.
- B. Detached Garage, Carport, Storage Building.
- C. Home Occupation; see *Article 1700*.
- D. Private Recreational Facility.
- E. Private Swimming Pool.
- F. Satellite Dish.
- G. Signs.

500.04 SPECIAL PERMIT USES

The following uses shall be permitted as regulated by Article 1100 - Special Permit Uses:

- A. Bed and Breakfast Establishment.
- B. Cemetery.
- C. Club.
- D. Communication Tower; see *Article 1700*.
- E. Detached Accessory Apartment Dwelling.
- F. Educational Institution.
- G. Golf Course.
- H. Nursing Home; see *Article 1700*.
- I. Oil and Gas Operation, Exploration and Production; see *Article 1700*.
- J. Religious Place of Worship.
- K. Public and Institutional Building.
- L. Public Utility Building.

500.05 DEVELOPMENT STANDARDS

A. Property Development Standards

The following development standards shall apply to properties located within the “R-3” Neighborhood Residential District.

| “R-3” Neighborhood Residential District | |
|--|---|
| Minimum Lot Area | <ul style="list-style-type: none"> ▪ 6,600 square feet for single family dwelling. However, the minimum lot size may be waived if all front and rear setbacks can be met for a single family residential dwelling. ▪ 4,500 square feet per dwelling unit for duplex dwelling; 9,000 square feet total. ▪ 3,500 square feet per dwelling unit for townhouse; maximum 8 dwelling units per acre. ▪ 2,000 square feet per dwelling unit for multi-family dwellings; maximum 16 dwelling units per acre. ▪ All non-residential uses shall have a minimum lot size of one (1) acre. |
| Minimum Lot Width at Building Setback Line | <ul style="list-style-type: none"> ▪ 50 feet for single family dwelling. ▪ 45 feet per dwelling unit for duplex; 90 feet total. ▪ 100 feet for non-residential uses. |
| Maximum Lot Coverage | <ul style="list-style-type: none"> ▪ 70% Impervious Surface Coverage |
| Maximum Height | <ul style="list-style-type: none"> ▪ 45 feet for principal structures (Excluding Agricultural Structures). ▪ 15 feet for accessory structures (Excluding Agricultural Structures). |
| Minimum Front Yard Setback | <ul style="list-style-type: none"> ▪ 20 Feet for residential dwellings. ▪ 40 feet for all non-residential uses. |
| Minimum Side Yard Setback | <ul style="list-style-type: none"> ▪ 5 Feet Principal Use ▪ 30 Feet for lots used for livestock agriculture ▪ 25 Feet if a multi-family or lease community is abutting an R-1 district. ▪ 5 Feet Accessory Use |
| Minimum Rear Yard Setback | <ul style="list-style-type: none"> ▪ 20 Feet Principal Use ▪ 30 Feet for lots used for livestock agriculture ▪ 5 Feet Accessory Use |
| Minimum Space Between Buildings | <ul style="list-style-type: none"> ▪ There shall be a minimum space of 15 feet between buildings. |

B. Modification of Side/Rear Setback Requirements

If the distance from the exterior wall to the side and/or rear property lines is less than the setback requirements, the applicant must show evidence of a maintenance easement from the adjacent property owner(s) or if the structure is built on the property line, an attachment easement shall be obtained from any adjacent property owner. For such a waiver, the alignment of the structure shall also be considered.

C. Minimum Off-Street Parking and Loading Standards

Article 1200 shall regulate minimum off-street parking and loading standards.

D. Landscaping and Screening Requirements

Article 1300 shall regulate landscaping and screening requirements.

E. Signage

Article 1400 shall regulate signage.

F. Open Space

Open space shall be required as an integral part of the multi-family and lease community development. Open space shall not include any impervious surfaces.

In a multi-family development for multi-family dwellings and townhouses, twenty percent (20%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the multi-family development and shall be maintained by the developer/owner/homeowner's association and shall be accessible to all residents of the development.

In a lease community for single-family and duplex dwellings, ten percent (10%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the lease community development and shall be maintained by the developer/owner/homeowner's association and shall be accessible to all residents of the development. A lease community with ten (10) or less single-family or five or less duplex dwellings shall be exempt from the open space requirement.

G. Substantial Expansion

Substantial expansion of an existing building or structure may trigger the site plan review process as established in Section 1150.02

500.06 STORM DRAINAGE MANAGEMENT *(Amended 10-11-22)*

1. Private Property owners are responsible for storm drainage flowing through their property.
2. Putnam County does not maintain drainage utility easements (including culverts, concrete channels, retention walls, retention ponds, detention ponds, etc.) located on privately owned property.
3. Private drainage and erosion issues, as well as ground water issues (i.e., natural springs), are the responsibility of the private property owner (and/or any applicable homeowner's association or maintenance association). Putnam County is not responsible for ensuring proper drainage on privately owned property. In general, the easement holder (property owner) has the duty to maintain the easement. This includes public drainage utility easements located on private property.
4. Driveways, and their associated culverts, bridges, or other appurtenances, that cross public drainage systems (i.e., ditches or streams) are also the private property owner's responsibility.
5. Drainage directed from gutters, French drains, downspouts, swimming pools, retention walls, or other private systems to neighboring properties is a civil matter between the private property owners. Moreover, private property owners that place obstructions, or fail to maintain property within public drainage easements (i.e., structures, sheds, buildings, curbs, retaining walls) may be subject to civil action from adjacent property owners.

ARTICLE 550
“N-C” NEIGHBORHOOD COMMERCIAL DISTRICT

550.01 PURPOSE

550.02 PERMITTED PRINCIPAL USES

550.03 PERMITTED ACCESSORY USES

550.04 SPECIAL PERMIT USES

550.05 DEVELOPMENT STANDARDS

550.06 STORM DRAINAGE MANAGEMENT (*Amended 10-11-22*)

550.01 PURPOSE

It is the intent of the N-C Neighborhood Commercial District to provide for retail businesses and services that serve primarily the residents of the surrounding area. This district shall allow convenience and personal service establishments generally compatible, through proper site planning, with residential uses. By limiting the number of uses and intensity of development, the surrounding residential and commercial property values shall be enhanced by protecting them from excessive levels of noise, lighting, or other nuisances.

550.02 PERMITTED PRINCIPAL USES

Principal uses shall be limited to the following:

- A. Assembly Hall.
- B. Club.
- C. EDHO; see *Article 1700*.
- D. Educational Institution.
- E. Group Home.
- F. Medical Cannabis Dispensary; Limited to 5,000 square feet in floor area. (Amended 09-30-21)
- G. Multi-Family Dwelling.
- H. Multi-Tenant Development.
- I. Nursing Home; see *Article 1700*.
- J. Personal Services.
- K. Professional Services.
- L. Public and Institutional Buildings.
- M. Public and Private Parks.
- N. Public Utility Building.
- O. Religious Place of Worship.
- P. Retail Business; Limited to 5,000 square feet in floor area.
- O. Townhouse.

550.03 PERMITTED ACCESSORY USES

The following uses shall be permitted as accessory to a principal use:

- A. Buildings, Uses or Structures Customarily Incidental to a Principal Permitted Use.
- B. Home Occupation; see *Article 1700*.
- C. Detached Garage, Carport, Storage Building.
- D. Drive Through Facility.
- E. Private Recreational Facility.
- F. Private Swimming Pool.
- G. Satellite Dish.
- H. Signs

550.04 SPECIAL PERMIT USES

The following uses shall be permitted as regulated by Article 1100 - Special Permit Uses:

- A. Agriculture.
- B. Animal Veterinarian Clinic.
- C. Animal Veterinarian Hospital.
- D. Attached Apartment Dwelling.
- E. Automobile Service Station.
- F. Bed and Breakfast Establishment.
- G. Business or Professional Office.
- H. Cemetery.
- I. Child Care Center; see *Article 1700*.
- J. Commercial Entertainment; Excluding Sexually Oriented Businesses; see *Article 1700*.
- K. Commercial Recreational or Sports Facility.
- L. Communication Tower; see *Article 1700*.
- M. Duplex Dwelling
- N. Detached Accessory Apartment Dwelling.
- O. Family Restaurant.
- P. Fast Food Restaurant.
- Q. Financial Institution.
- R. Funeral Home.
- S. Golf Course.
- T. Helipad or Heliport; see *Article 1700*.
- U. Medical Cannabis Dispensary; over 5,000 square feet in size. (Amended 09-30-21)

- V. Medical Cannabis Laboratory (Amended 09-30-21)
- W. Medical or Dental Clinic.
- X. Mixed Uses.
- Y. Oil and Gas Operation, Exploration and Production; see *Article 1700*.
- Z. Recreational Vehicle (RV) Park.
- AA. Restaurant.
- AA. Retail Business; over 5,000 square feet in size.
- BB. Single Family Dwellings; Class A and B; see *Article 1700*

550.05 DEVELOPMENT STANDARDS

A. Property Development Standards

The following development standards shall apply to properties located within the “N-C” Suburban Commercial District.

| “N-C” Neighborhood Commercial District | |
|---|--|
| Minimum Lot Area | <ul style="list-style-type: none"> ▪ 6,600 square feet for single family dwelling. ▪ 4,500 square feet per dwelling unit for duplex; 9,000 square feet total ▪ 3,500 square feet per dwelling unit for townhouse; maximum 8 dwelling units per acre. ▪ 2,200 square feet per dwelling unit for multi-family dwellings; maximum 8 dwelling units per acre. ▪ None for non-residential uses. |
| Minimum Lot Width at Building Setback Line | <ul style="list-style-type: none"> ▪ 60 feet for single family dwellings. ▪ 45 feet per dwelling unit for duplex; 90 feet total. ▪ 50 feet for non-residential uses. |
| Maximum Lot Coverage | <ul style="list-style-type: none"> ▪ 80% Impervious Surface Coverage |
| Maximum Height | <ul style="list-style-type: none"> ▪ 50 feet for principal structures (Excluding Agricultural Structures). ▪ 15 feet for accessory structures (Excluding Agricultural Structures). |
| Minimum Front Yard Setback | <ul style="list-style-type: none"> ▪ 20 Feet |
| Minimum Side Yard Setback | <ul style="list-style-type: none"> ▪ 5 Feet Principal Use* ▪ When a commercial use abuts a residential use, an additional 5 feet for each story over one story shall be provided. ▪ 5 Feet Accessory Use ▪ 0 Feet for a Commercial Use Abutting a Commercial Use. ▪ If there is no access to the rear of the property by a public right-of-way, at least one side setback shall be a minimum of ten (10) feet for emergency access. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none"> ▪ 20 Feet Principal Use ▪ 5 Feet Accessory Use |

B. Modification of Side/Rear Setback Requirements

If the distance from the exterior wall to the property line is less than setback requirements, the applicant must show evidence of a maintenance easement from adjacent property owner(s) or if the structure shall be built on the property line, an attachment easement shall be obtained from adjacent property owner(s). For such a waiver, the alignment of the structure shall also be considered.

C. Minimum Off-Street Parking and Loading Standards

Article 1200 shall regulate minimum off-street parking and loading standards.

D. Landscaping and Screening Requirements

Article 1300 shall regulate landscaping and screening requirements.

E. Signage

Article 1400 shall regulate signage.

F. Open Space

Open space shall be required as an integral part of the multi-family and lease community development. Open space shall not include any impervious surfaces.

In a multi-family development for multi-family dwellings and townhouses, twenty percent (20%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the multi-family development and shall be maintained by the developer/owner/homeowner's association and shall be accessible to all residents of the development.

G. Substantial Expansion

Substantial expansion of an existing building or structure may trigger the site plan review process as established in Section 1150.02.

550.06 STORM DRAINAGE MANAGEMENT *(Amended 10-11-22)*

1. Private Property owners are responsible for storm drainage flowing through their property.
2. Putnam County does not maintain drainage utility easements (including culverts, concrete channels, retention walls, retention ponds, detention ponds, etc.) located on privately owned property.
3. Private drainage and erosion issues, as well as ground water issues (i.e., natural springs), are the responsibility of the private property owner (and/or any applicable homeowner's association or maintenance association). Putnam County is not responsible for ensuring proper drainage on privately owned property. In general, the easement holder (property owner) has the duty to maintain the easement. This includes public drainage utility easements located on private property.
4. Driveways, and their associated culverts, bridges, or other appurtenances, that cross public drainage systems (i.e., ditches or streams) are also the private property owner's responsibility.
5. Drainage directed from gutters, French drains, downspouts, swimming pools, retention walls, or other private systems to neighboring properties is a civil matter between the private property owners. Moreover, private property owners that place obstructions, or fail to maintain property within public drainage easements (i.e., structures, sheds, buildings, curbs, retaining walls) may be subject to civil action from adjacent property owners.

ARTICLE 600
“C-1” SUBURBAN COMMERCIAL DISTRICT

600.01 PURPOSE

600.02 PERMITTED PRINCIPAL USES

600.03 PERMITTED ACCESSORY USES

600.04 SPECIAL PERMIT USES

600.05 DEVELOPMENT STANDARDS

600.06 STORM DRAINAGE MANAGEMENT (*Amended 10-11-22*)

600.01 PURPOSE

It is the intent of the C-1 Suburban Commercial District to provide for retail businesses and services that serve primarily the residents of suburban areas of the County. This district shall allow convenience and personal service establishments generally compatible, through proper site planning, with residential uses. By limiting the number of uses and intensity of development, the surrounding residential and commercial property values shall be enhanced by protecting them from excessive levels of noise, lighting, or other nuisances.

600.02 PERMITTED PRINCIPAL USES

Principal uses shall be limited to the following:

- A. Agriculture.
- B. Animal Veterinarian Clinic.
- C. Animal Veterinarian Hospital.
- D. Assembly Hall.
- E. Bed and Breakfast Establishment.
- F. Business or Professional Office.
- G. Child Care Center; see *Article 1700*.
- H. Club.
- I. Commercial Entertainment; Excluding Sexually Oriented Businesses; see *Article 1700*.
- J. Commercial Greenhouse.
- K. Commercial Recreational or Sports Facility.
- L. Duplex Dwelling.
- M. EDHO.
- N. Educational Institution.
- O. Family Restaurant.
- P. Farm Supplies Sales.
- Q. Fast Food Restaurant.
- R. Financial Institution.

- S. Funeral Home.
- T. Golf Course.
- U. Group Home.
- V. Kennel; see *Article 1700*.
- W. Lease Community.
- X. Medical Cannabis Dispensary; Limited to 20,000 square feet in floor area. (Amended 09-30-21)
- Y. Medical Cannabis Grower. (Amended 09-30-21)
- Z. Medical Cannabis Laboratory. (Amended 09-30-21)
- AA. Medical Cannabis Processor. (Amended 09-30-21)
- BB. Medical or Dental Clinic.
- CC. Mixed Uses.
- DD. Multi-Family Dwelling.
- EE. Multi-Tenant Development.
- FF. Nursing Home; see *Article 1700*.
- GG. Personal Services.
- HH. Professional Services.
- II. Public and Institutional Buildings.
- JJ. Public and Private Parks.
- KK. Public Utility Building.
- LL. Religious Place of Worship.
- MM. Restaurant; see *Article 1700*
- NN. Retail Business; Limited to 20,000 square feet in floor area.
- OO. Single Family Dwelling; Class A and B; see *Article 1700*.
- PP. Townhouse.

600.03 PERMITTED ACCESSORY USES

The following uses shall be permitted as accessory to a principal use:

- A. Agriculture.
- B. Buildings, Uses or Structures Customarily Incidental to a Principal Permitted Use.
- C. Detached Garage, Carport, Storage Building.
- D. Drive Through.
- E. Home Occupation; see *Article 1700*.

- F. Private Recreational Facility.
- G. Private Swimming Pool.
- H. Satellite Dish.
- I. Signs.

600.04 SPECIAL PERMIT USES

The following uses shall be permitted as regulated by *Article 1100* - Special Permit Uses:

- A. Automobile Repair, Including Body, and Paint Work.
- B. Automobile Service Station.
- C. Automobile Washing or Detailing
- D. Cemetery.
- E. Communication Tower; see *Article 1700*.
- F. Community Event Sign.
- G. Contractor and Building Supplies.
- H. Crematory
- I. Helipad or Heliport; see *Article 1700*.
- J. Light Manufacturing.
- K. Limousine Service.
- L. Medical Cannabis Dispensary; over 20,000 square feet in size. (Amended 09-30-21)
- M. Oil and Gas Operation, Exploration and Production; see *Article 1700*.
- N. Personal Storage Unit
- O. Recreational Vehicle (RV) Park.
- P. Retail Business; over 20,000 square feet in size.
- Q. Pawnshops: *as defined in Article 1700.17Q*. (Amended 09-30-21)

600.05 DEVELOPMENT STANDARDS

- A. Property Development Standards

The following development standards shall apply to properties located within the “C-1” Suburban Commercial District.

| “C-1” Suburban Commercial District | |
|--|---|
| Minimum Lot Area | <ul style="list-style-type: none"> ▪ 6,600 square feet for single family dwelling. ▪ 4,500 square feet per dwelling unit for duplex dwelling; 9,000 square feet total. ▪ 3,300 square feet per dwelling unit for townhouse; maximum 10 dwelling units per acre. ▪ 2,000 square feet per dwelling unit for multi-family dwellings; maximum 16 dwelling units per acre. ▪ None for non-residential uses. |
| Minimum Lot Width at Building Setback Line | <ul style="list-style-type: none"> ▪ 60 feet for single family dwelling. ▪ 45 feet per dwelling unit for duplex; 90 feet total. ▪ 60 feet for non-residential uses. |
| Maximum Lot Coverage | <ul style="list-style-type: none"> ▪ 80% Impervious Surface Coverage |
| Maximum Height | <ul style="list-style-type: none"> ▪ 50 feet for principal structures (Excluding Agricultural Structures). ▪ 50 feet for accessory structures (Excluding Agricultural Structures). |
| Minimum Front Yard Setback | <ul style="list-style-type: none"> ▪ 20 Feet ▪ For a commercial use abutting a commercial use: if there are multiple frontages, then one (1) shall be the primary frontage with a setback of 20 feet, and the remainder shall be secondary frontage(s) with setback(s) of 10 feet. The Planning Officer shall determine the primary and secondary frontages. |
| Minimum Side Yard Setback | <ul style="list-style-type: none"> ▪ 5 Feet Principal Use* ▪ When a commercial use abuts a residential use, an additional 5 feet for each story over one story shall be provided. ▪ 5 Feet Accessory Use ▪ 0 Feet for a Commercial Use Abutting a Commercial Use. ▪ 25 Feet if a multi-family or lease community is abutting an R-1 district. ▪ If there is no access to the rear of the property by a public right-of-way, at least one side setback shall be a minimum of ten (10) feet for emergency access. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none"> ▪ 20 Feet Principal Use ▪ 5 Feet Accessory Use |

B. Modification of Side/Rear Setback Requirements

If the distance from the exterior wall to the property line is less than setback requirements, the applicant must show evidence of a maintenance easement from adjacent property owner(s) or if the structure shall be built on the property line, an attachment easement shall be obtained from adjacent property owner(s). For such a waiver, the alignment of the structure shall also be considered.

C. Minimum Off-Street Parking and Loading Standards

Article 1200 shall regulate minimum off-street parking and loading standards.

D. Landscaping and Screening Requirements

Article 1300 shall regulate landscaping and screening requirements.

E. Signage

Article 1400 shall regulate signage.

F. Open Space

Open space shall be required as an integral part of the multi-family and lease community development. Open space shall not include any impervious surfaces.

In a multi-family development for multi-family dwellings and townhouses, twenty percent (20%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the multi-family development and shall be maintained by the developer/owner/homeowner's association and shall be accessible to all residents of the development.

In a lease community for single-family and duplex dwellings, ten percent (10%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the lease community development and shall be maintained by the developer/owner/homeowner's association and shall be accessible to all residents of the development. A lease community with ten (10) or less single-family or five or less duplex dwellings shall be exempt from the open space requirement.

G. Substantial Expansion

Substantial expansion of an existing building or structure may trigger the site plan review process as established in Section 1150.02

600.06 STORM DRAINAGE MANAGEMENT *(Amended 10-11-22)*

1. Private Property owners are responsible for storm drainage flowing through their property.
2. Putnam County does not maintain drainage utility easements (including culverts, concrete channels, retention walls, retention ponds, detention ponds, etc.) located on privately owned property.
3. Private drainage and erosion issues, as well as ground water issues (i.e., natural springs), are the responsibility of the private property owner (and/or any applicable homeowner's association or maintenance association). Putnam County is not responsible for ensuring proper drainage on privately owned property. In general, the easement holder (property owner) has the duty to maintain the easement. This includes public drainage utility easements located on private property.
4. Driveways, and their associated culverts, bridges, or other appurtenances, that cross public drainage systems (i.e., ditches or streams) are also the private property owner's responsibility.
5. Drainage directed from gutters, French drains, downspouts, swimming pools, retention walls, or other private systems to neighboring properties is a civil matter between the private property owners. Moreover, private property owners that place obstructions, or fail to maintain property within public drainage easements (i.e., structures, sheds, buildings, curbs, retaining walls) may be subject to civil action from adjacent property owners.

ARTICLE 650
“C-2” HIGH DENSITY COMMERCIAL DISTRICT

650.01 PURPOSE

650.02 PERMITTED PRINCIPAL USES

650.03 PERMITTED ACCESSORY USES

650.04 SPECIAL PERMIT USES

650.05 DEVELOPMENT STANDARDS

650.06 STORM DRAINAGE MANAGEMENT (*Amended 10-11-22*)

650.01 PURPOSE

It is the intent of the C-2 High Density Commercial District to provide for a wide range of commercial uses, whose nature of business requires convenient automobile and truck access. Such uses must be accessible to the County, as well as the entire region and must be planned in a way to promote and protect commercial and working areas.

650.02 PERMITTED PRINCIPAL USES

Principal uses shall be limited to the following:

- A. Animal Veterinarian Clinic.
- B. Animal Veterinarian Hospital.
- C. Assembly Hall.
- D. Automobile Service Station.
- E. Automobile Washing or Detailing.
- F. Bed and Breakfast Establishment.
- G. Business or Professional Office.
- H. Child Care Center; see *Article 1700 - § 1700.17*.
- I. Club.
- J. Commercial Entertainment; Excluding Sexually Oriented Businesses; see *Article 1700 - § 1700.17*.
- K. Commercial Greenhouse.
- L. Commercial Recreational or Sports Facility.
- M. Family Restaurants.
- N. Farm Supplies Sales.
- O. Fast Food Restaurants.
- P. Financial Institution.
- Q. Funeral Home.
- R. Golf Course.

- S. Heavy Construction and Farm Equipment Sales, Lease, Rental, or Services. (Amended 09-30-21)
- T. Hospital.
- U. Hotel/Motel.
- V. Hotel with Conference Facilities.
- W. Kennels; see *Article 1700*.
- X. Medical Cannabis Dispensary (Amended 09-30-21)
- Y. Medical Cannabis Grower. (Amended 09-30-21)
- Z. Medical Cannabis Laboratory. (Amended 09-30-21)
- AA. Medical Cannabis Processor. (Amended 09-30-21)
- BB. Medical or Dental Clinic.
- CC. Mixed Uses.
- DD. Multi-Tenant Development.
- EE. Personal Services.
- FF. Personal Storage Facility.
- GG. Professional Services.
- HH. Public and Institutional Buildings.
- II. Public Utility Building.
- JJ. Religious Places of Worship.
- KK. Restaurants.
- LL. Retail Business.
- MM. Pawnshops; as defined in *Article 1700.17Q*.
- NN. Truck, Large and Trailer Sales, Lease, Rental or Service; see *Article 1700*.
- OO. Warehousing.

650.03 PERMITTED ACCESSORY USES

The following uses shall be permitted as accessory to a principal use:

- A. Buildings, Uses or Structures Customarily Incidental to a Principal Permitted Use.
- B. Detached Garage, Carport, Storage Building.
- C. Drive Through.
- D. Private Recreational Facility.
- E. Satellite Dish.
- F. Signs.

650.04 SPECIAL PERMIT USES

The following uses shall be permitted as regulated by Article 1100 - Special Permit Uses:

- A. Agriculture.
- B. Automobile Repair; Including Body and Paint Work.
- C. Automobile, Boats and Recreational Vehicles, Sales and Service
- D. Cemetery.
- E. Communication Towers; see *Article 1700*.
- F. Community Event Sign.
- G. Contractor and Building Supplies.
- H. Crematory.
- I. Duplex Dwelling.
- J. EDHO; see *Article 1700*.
- K. Educational Institution.
- L. Funeral Home with Crematorium.
- M. Helipad or Heliport; see *Article 1700*.
- N. Light Manufacturing.
- O. Liquor Store.
- P. Movie Theater, Drive-In.
- Q. Multi-Family Dwelling...
- R. Nursing Home; see *Article 1700*...
- S. Oil and Gas Operation, Exploration and Production; see *Article 1700*.
- T. Public and Private Parks.
- U. Research and Development Laboratory.
- V. Restricted Accessory Parking Area.
- W. Single Family Dwelling; Class A and B; see *Article 1700*.
- X. Tavern or Bar.
- Y. Townhouse.
- Z. Video Lottery Establishment; see *Article 1700*.

650.05 DEVELOPMENT STANDARDS

A. Property Development Standards

The following development standards shall apply to properties located within the “C-2” High Density Commercial District.

| “C-2” High Density Commercial District | |
|---|---|
| Minimum Lot Area | <ul style="list-style-type: none"> ▪ 6,600 square feet for single family dwelling. ▪ 4,500 square feet per dwelling unit for duplex; 9,000 square feet total. ▪ 2,800 square feet per dwelling unit for townhouse; maximum 12 dwelling units per acre. ▪ 20% green space required, not including setbacks, for multi-family dwelling. ▪ None for non-residential uses. |
| Minimum Lot Width at Building Setback Line | <ul style="list-style-type: none"> ▪ 60 feet for single family dwelling. ▪ 45 feet per dwelling unit for duplex; 90 feet total. ▪ 100 feet for non-residential uses. |
| Maximum Lot Coverage | <ul style="list-style-type: none"> ▪ 100% Impervious Surface Coverage |
| Maximum Height | <ul style="list-style-type: none"> ▪ None; however, the West Virginia State Fire Code Regulations shall apply. ▪ 25 feet for accessory structures. |
| Minimum Front Yard Setback | <ul style="list-style-type: none"> ▪ 20 Feet ▪ For a commercial use abutting a commercial use: if there are multiple frontages, then one (1) shall be the primary frontage with a setback of 20 feet and the remainder shall be secondary frontage(s) with setbacks(s) of 10 feet. The Planning Officer shall determine the primary and secondary frontages. |
| Minimum Side Yard Setback | <ul style="list-style-type: none"> ▪ When abutting a Residential District: ▪ 5 feet principal use for up to two (2) Stories. ▪ 7 feet for three (3) Stories. ▪ For each story over three (3), an additional two (2) feet per story is required. ▪ None if commercial use abuts a commercial use. ▪ If there is no access to the rear of the property by a public right-of-way, at least one side setback shall be a minimum of ten (10) feet for emergency access. ▪ 5 feet accessory use. |
| Minimum Rear Yard Setback | <ul style="list-style-type: none"> ▪ 20 feet principal use when abutting a Residential District. ▪ None when abutting a Commercial or Industrial District. ▪ 5 feet accessory use. |

B. Modification of Side/Rear Setback Requirements

If the distance from the exterior wall to the property line is less than setback requirements, the applicant must show evidence of a maintenance easement from adjacent property owner(s) or if the structure shall be built on the property line, an attachment easement shall be obtained from adjacent property owner(s). For such a waiver, the alignment of the structure shall also be considered.

C. Minimum Off-Street Parking and Loading Standards

Article 1200 shall regulate minimum off-street parking and loading standards.

D. Landscaping and Screening Requirements

Article 1300 shall regulate landscaping and screening requirements.

E. Signage

Article 1400 shall regulate signage.

F. Open Space

Open space shall be required as an integral part of the multi-family and lease community development. Open space shall not include any impervious surfaces.

In a multi-family development for multi-family dwellings and townhouses, twenty percent (20%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the multi-family development and shall be maintained by the developer/owner/homeowner's association and shall be accessible to all residents of the development.

G. Substantial Expansion

Substantial expansion of an existing building or structure may trigger the site plan review process as established in Section 1150.02

650.06 STORM DRAINAGE MANAGEMENT *(Amended 10-11-22)*

1. Private Property owners are responsible for storm drainage flowing through their property.
2. Putnam County does not maintain drainage utility easements (including culverts, concrete channels, retention walls, retention ponds, detention ponds, etc.) located on privately owned property.
3. Private drainage and erosion issues, as well as ground water issues (i.e., natural springs), are the responsibility of the private property owner (and/or any applicable homeowner's association or maintenance association). Putnam County is not responsible for ensuring proper drainage on privately owned property. In general, the easement holder (property owner) has the duty to maintain the easement. This includes public drainage utility easements located on private property.
4. Driveways, and their associated culverts, bridges, or other appurtenances, that cross public drainage systems (i.e., ditches or streams) are also the private property owner's responsibility.
5. Drainage directed from gutters, French drains, downspouts, swimming pools, retention walls, or other private systems to neighboring properties is a civil matter between the private property owners. Moreover, private property owners that place obstructions, or fail to maintain property within public drainage easements (i.e., structures, sheds, buildings, curbs, retaining walls) may be subject to civil action from adjacent property owners.

ARTICLE 700
“H-I” HIGHWAY INTERCHANGE DISTRICT

700.01 PURPOSE

700.02 PERMITTED PRINCIPAL USES

700.03 PERMITTED ACCESSORY USES

700.04 SPECIAL PERMIT USES

700.05 DEVELOPMENT STANDARDS

700.06 STORM DRAINAGE MANAGEMENT (*Amended 10-11-22*)

700.01 PURPOSE

It is the intent of the H-I Highway Interchange District to provide for a wide range of commercial uses, whose nature of business attracts high volumes of vehicular traffic and that which requires convenient automobile and truck access in relation to highway and limited access thoroughfare interchanges.

700.02 PERMITTED PRINCIPAL USES

Principal uses shall be limited to the following:

- A. Automobile Service Station.
- B. Family Restaurant.
- C. Fast Food Restaurants.
- D. Hotel/Motel.
- E. Medical Cannabis Dispensaries
- F. Mixed Uses.
- G. Restaurants.
- H. Retail Business.

700.03 PERMITTED ACCESSORY USES

The following uses shall be permitted as accessory to a principal use:

- A. Buildings, Uses or Structures Customarily Incidental to a Principal Permitted Use.
- B. Detached Garage, Carport, Storage Building.
- C. Drive Through.
- D. Private Recreational Facility.
- E. Satellite Dish.
- F. Signs.

700.04 SPECIAL PERMIT USES

The following uses shall be permitted as regulated by Article 1100 - Special Permit Uses:

- A. Automobile Repair; Including Body and Paint Work.
- B. Cemetery.
- C. Public Utility Building.
- D. Oil and Gas Operation, Exploration and Production; see *Article 1700*.
- E. Truck Stop.
- F. Truck Terminal.

700.05 DEVELOPMENT STANDARDS

- A. Property Development Standards

The following development standards shall apply to properties located within the “H-I” Highway Interchange District.

| H-I Highway Interchange District | |
|--|---|
| Minimum Lot Area | ▪ None |
| Minimum Lot Width at Building Setback Line | ▪ 100 feet |
| Maximum Lot Coverage | ▪ 90% Impervious Surface Coverage |
| Maximum Height | ▪ 45 Feet ▪ 25 feet for accessory structures. |
| Minimum Front Yard Setback | ▪ 20 Feet |
| Minimum Side Yard Setback | ▪ 10 Feet ▪ 5 Feet Accessory Use |
| Minimum Rear Yard Setback | ▪ 20 Feet Principal Use ▪ 5 Feet Accessory Use |

- B. Minimum Off-Street Parking and Loading Standards

Article 1200 shall regulate minimum off-street parking and loading standards.

- C. Landscaping and Screening Requirements

Article 1300 shall regulate landscaping and screening requirements.

- D. Signage

Article 1400 shall regulate signage.

- E. Substantial Expansion

Substantial expansion of an existing building or structure may trigger the site plan review process as established in Section 1150.02

700.06 STORM DRAINAGE MANAGEMENT (*Amended 10-11-22*)

1. Private Property owners are responsible for storm drainage flowing through their property.
2. Putnam County does not maintain drainage utility easements (including culverts, concrete channels, retention walls, retention ponds, detention ponds, etc.) located on privately owned property.

3. Private drainage and erosion issues, as well as ground water issues (i.e., natural springs), are the responsibility of the private property owner (and/or any applicable homeowner's association or maintenance association). Putnam County is not responsible for ensuring proper drainage on privately owned property. In general, the easement holder (property owner) has the duty to maintain the easement. This includes public drainage utility easements located on private property.
4. Driveways, and their associated culverts, bridges, or other appurtenances, that cross public drainage systems (i.e., ditches or streams) are also the private property owner's responsibility.
5. Drainage directed from gutters, French drains, downspouts, swimming pools, retention walls, or other private systems to neighboring properties is a civil matter between the private property owners. Moreover, private property owners that place obstructions, or fail to maintain property within public drainage easements (i.e., structures, sheds, buildings, curbs, retaining walls) may be subject to civil action from adjacent property owners.

ARTICLE 750
“IOP” INDUSTRIAL OFFICE PARK DISTRICT

750.01 PURPOSE

750.02 PERMITTED PRINCIPAL USES

750.03 PERMITTED ACCESSORY USES

750.04 SPECIAL PERMIT USES

750.05 DEVELOPMENT STANDARDS

750.06 STORM DRAINAGE MANAGEMENT (*Amended 10-11-22*)

750.01 PURPOSE

It is the intent of the “IOP” Industrial Office Park District to provide for those activities associated with research and development uses as well as for office and industrial uses having minimal impact upon the surrounding environment in areas that are suitable for office and industrial development by reason of location and the availability of adequate utility and transportation systems.

750.02 PERMITTED PRINCIPAL USES

Principal uses shall be limited to the following:

- A. Business or Professional Office.
- B. Light Manufacturing: All manufacturing activities shall be conducted entirely within the building. Manufacturing activities shall be regulated as per the performance standards established in Article 1250.
- C. Mixed Uses.
- D. Public and Institutional Buildings.
- E. Research and Development Laboratories.

750.03 PERMITTED ACCESSORY USES

The following uses shall be permitted as accessory to a principal use:

- A. Assembly Hall.
- B. Buildings, Uses or Structures Customarily Incidental to a Principal Permitted Use.
- C. Child Day Care; when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 5% of the total floor area of the building; see *Article 1700*.
- D. Detached Garage, Carport, Storage Building.
- E. Family Restaurant; when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 5% of the total floor area of the building.
- F. Financial Institutions; when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 5% of the total floor area of the building.
- G. Home Occupation; see *Article 1700*.
- H. Personal Services; when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 5% of the total floor area of the building.
- I. Private Recreational Facility.

- J. Private Swimming Pool.
- K. Professional Services; when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 5% of the total floor area of the building.
- L. Restaurant; when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 5% of the total floor area of the building.
- M. Retail Business; when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 5% of the total floor area of the building.
- N. Satellite Dish.
- O. Signs.
- P. Warehousing; when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 25% of the total floor area of the building.

750.04 SPECIAL PERMIT USES

The following uses shall be permitted as regulated by Article 1100 - Special Permit Uses:

- A. Attached Accessory Apartment Dwelling.
- B. Bed and Breakfast Establishment.
- C. Cemetery.
- D. Club.
- E. Commercial Entertainment; Excluding Sexually Oriented Businesses; see *Article 1700*.
- F. Commercial Greenhouse.
- G. Commercial Recreation or Sports Facility.
- H. Commercial Stable.
- I. Communication Towers; see *Article 1700*.
- J. Detached Accessory Apartment Dwelling.
- K. Duplex Family Dwelling.
- L. EDHO; see *Article 1700*.
- M. Educational Institutions.
- N. Golf Course.
- O. Helipad or Heliport; see *Article 1700*.
- P. Hotel/Motel.
- Q. Lease Community; see *Article 1700*.
- R. Medical Cannabis Grower. (Amended 09-30-21)
- S. Medical Cannabis Laboratory. (Amended 09-30-21)
- T. Medical Cannabis Processor. (Amended 09-30-21)
- U. Medical or Dental Clinic.

- V. Multi-Family Dwelling.
- W. Multi-Tenant Development.
- X. Non-Commercial Stable.
- Y. Nursing Home; see *Article 1700*.
- Z. Oil and Gas Operation, Exploration and Production; see *Article 1700*.
- AA. Public and Private Parks.
- BB. Public Utility Building.
- CC. Religious Places of Worship.
- DD. Single Family Dwelling; Class A and B; see *Article 1700*.
- BB. Townhouse.

750.05 DEVELOPMENT STANDARDS

A. Property Development Standards

The following development standards shall apply to properties located within the “IOP” Industrial/Office Park District.

| “IOP” Industrial/Office Park District | |
|--|---|
| Minimum Lot Area | <ul style="list-style-type: none"> ▪ None for non-residential uses. ▪ 6,600 square feet for single family dwelling. ▪ 4,500 square feet per dwelling unit for duplex; 9,000 square feet total. ▪ 2,800 square feet per dwelling unit for townhouse; maximum 12 dwelling units per acre. 20% green space required, not including setbacks. ▪ 20% green space required, not including setbacks, for multi-family dwelling. |
| Minimum Lot Width at Building Setback Line | <ul style="list-style-type: none"> ▪ 60 feet for single family dwelling. ▪ 45 feet per dwelling unit for duplex; 90 feet total. ▪ 100 feet for non-residential uses. |
| Maximum Lot Coverage | <ul style="list-style-type: none"> ▪ 80% Impervious Surface Coverage |
| Maximum Height | <ul style="list-style-type: none"> ▪ There shall be no maximum height for uses within the IOP District. ▪ There shall be no maximum height for accessory structures. However, the height of an accessory structure shall not exceed the height of a legally conforming principal structure located on the same property as the accessory use unless approved by the Planning Commission. |
| Minimum Front Yard Setback | <ul style="list-style-type: none"> ▪ 30 Feet |
| Minimum Side Yard Setback | <ul style="list-style-type: none"> ▪ 20 Feet ▪ 10 Feet Accessory Use |
| Minimum Rear Yard Setback | <ul style="list-style-type: none"> ▪ 30 Feet Principal Use ▪ 10 Feet Accessory Use |

B. Minimum Off-Street Parking and Loading Standards

Article 1200 shall regulate minimum off-street parking and loading standards.

C. Landscaping and Screening Requirements

Article 1300 shall regulate landscaping and screening requirements.

D. Signage

Article 1400 shall regulate signage.

E. Open Space

Open space shall be required as an integral part of the multi-family and lease community development. Open space shall not include any impervious surfaces.

In a multi-family development for multi-family dwellings and townhouses, twenty percent (20%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the multi-family development and shall be maintained by the developer/owner/homeowner's association and shall be accessible to all residents of the development.

In a lease community for single-family and duplex dwellings, ten percent (10%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the lease community development and shall be maintained by the developer/owner/homeowner's association and shall be accessible to all residents of the development. A lease community with ten (10) or less single-family or five or less duplex dwellings shall be exempt from the open space requirement.

F. Substantial Expansion

Substantial expansion of an existing building or structure may trigger the site plan review process as established in Section 1150.02

750.06 STORM DRAINAGE MANAGEMENT *(Amended 10-11-22)*

1. Private Property owners are responsible for storm drainage flowing through their property.
2. Putnam County does not maintain drainage utility easements (including culverts, concrete channels, retention walls, retention ponds, detention ponds, etc.) located on privately owned property.
3. Private drainage and erosion issues, as well as ground water issues (i.e., natural springs), are the responsibility of the private property owner (and/or any applicable homeowner's association or maintenance association). Putnam County is not responsible for ensuring proper drainage on privately owned property. In general, the easement holder (property owner) has the duty to maintain the easement. This includes public drainage utility easements located on private property.
4. Driveways, and their associated culverts, bridges, or other appurtenances, that cross public drainage systems (i.e., ditches or streams) are also the private property owner's responsibility.
5. Drainage directed from gutters, French drains, downspouts, swimming pools, retention walls, or other private systems to neighboring properties is a civil matter between the private property owners. Moreover, private property owners that place obstructions, or fail to maintain property within public drainage easements (i.e., structures, sheds, buildings, curbs, retaining walls) may be subject to civil action from adjacent property owners.

ARTICLE 800
"I-1" LIGHT INDUSTRIAL DISTRICT

800.01 PURPOSE

800.02 PERMITTED PRINCIPAL USES

800.03 PERMITTED ACCESSORY USES

800.04 SPECIAL PERMIT USES

800.05 DEVELOPMENT STANDARDS

800.06 STORM DRAINAGE MANAGEMENT (*Amended 10-11-22*)

800.01 PURPOSE

It is the intent of the I-1 Light Industrial District to provide areas for light manufacturing or industrial purposes and related commercial activities so as to provide for the continued growth of the economic base of the County and region. It is the further intent of this district to protect residences and certain commercial uses by separating them from industrial activities. This district shall provide for operations which are relatively free of objectionable and dangerous influences such as uses exhibiting external environmental impacts that are obnoxious, offensive, or injurious by reason of production or emission of odor, refuse matter, dust, smoke, gas fumes, noise, vibration, radiation, or similar substances or conditions.

800.02 PERMITTED PRINCIPAL USES

Principal uses shall be limited to the following:

- A. Automobile Repair; Including Body and Paint Work.
- B. Commercial Recreational or Sports Facility.
- C. Contractor and Building Supplies.
- D. Educational Institution.
- E. Farm Supplies Sales.
- F. Light Manufacturing: All manufacturing activities shall be conducted entirely within the building. Manufacturing activities shall be regulated as per the performance standards established in Article 1250.
- G. Medical Cannabis Growers. (*Amended 09-30-21*)
- H. Medical Cannabis Processors (*Amended 09-30-21*)
- I. Mixed Uses.
- J. Personal Storage Facility.
- K. Public and Institutional Buildings.
- L. Public Utility Building.
- M. Research and Development Laboratories.
- N. Truck Terminal.
- O. Warehousing.

800.03 PERMITTED ACCESSORY USES

The following uses shall be permitted as accessory to a principal use:

- A. Assembly Hall.
- B. Buildings, Uses or Structures Customarily Incidental to a Principal Permitted Use.
- C. Child Day Care: when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 5% of the total floor area of the building; *see Article 1700*.
- D. Detached Garage, Carport, Storage Building.
- E. Drive Through Facility.
- F. Family Restaurant: when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 5% of the total floor area of the building.
- G. Fast Food Restaurant: when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 5% of the total floor area of the building.
- H. Financial Institutions: when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 5% of the total floor area of the building.
- I. Private Recreational Facility.
- J. Private Swimming Pool.
- K. Personal Services: when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 5% of the total floor area of the building.
- L. Professional or Business Office.
- M. Professional Services: when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 5% of the total floor area of the building.
- N. Restaurant: when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 5% of the total floor area of the building.
- O. Retail Business: when located within a Principal or Special Permitted Use and provided that the facility does not occupy more than 5% of the total floor area of the building.
- P. Satellite Dish.
- Q. Signs.
- R. Warehousing.

800.04 SPECIAL PERMIT USES

The following uses shall be permitted as regulated by Article 1100 - Special Permit Uses:

- A. Agriculture.
- B. Airport.
- C. Animal Veterinarian Clinic.
- D. Animal Veterinarian Hospital.

- E. Attached Accessory Apartment Dwelling.
- F. Automobile Sales and Service of Vehicles, Boats and Recreational Vehicles.
- G. Automobile Service Station.
- H. Automobile Washing or Detailing.
- I. Bed and Breakfast Establishment.
- J. Cemetery.
- K. Club.
- L. Commercial Entertainment; Excluding Sexually Oriented Businesses.
- M. Commercial Greenhouse.
- N. Commercial Stable.
- O. Communication Tower; see *Article 1700*.
- P. Detached Accessory Apartment Dwelling.
- Q. Duplex Dwelling.
- R. EDHO; see *Article 1700*.
- S. Family Restaurant.
- T. Fast Food Restaurant.
- U. Golf Course.
- V. Heavy Manufacturing.
- W. Helipad or Heliport; see *Article 1700*.
- X. Hospital.
- Y. Hotel/Motel.
- Z. Kennel; see *Article 1700*.
- AA. Medical Cannabis Dispensaries. (Amended 09-30-21)
- BB. Medical Cannabis Laboratory. (Amended 09-30-21)
- CC. Medical or Dental Clinic.
- DD. Multi-Family Dwelling.
- EE. Multi-Tenant Development.
- FF. Non-Commercial Stable.
- GG. Nursing Home; see *Article 1700*.
- HH. Oil and Gas Exploration and Production; see *Article 1700*.

- II. Professional or Business Office.
- JJ. Public and Private Parks.
- KK. Quarry.
- LL. Religious Places of Worship.
- MM. Restaurant.
- NN. Retail Business.
- OO. Salvage Yard.
- PP. Single Family Dwellings; Class A and B; *see Article 1700.*
- QQ. Tavern or Bar.
- QQ. Townhouse.
- RR. Truck Stop.
- SS. Video Lottery Establishment; *see Article 1700.*

800.05 DEVELOPMENT STANDARDS

A. Property Development Standards

The following development standards shall apply to properties located within the “I-1” Light Industrial District.

| “I-1” Light Industrial District | |
|--|--|
| Minimum Lot Area | <ul style="list-style-type: none"> ▪ 6,600 square feet for single family dwelling. ▪ 4,500 square feet per dwelling unit for duplex dwelling; 9,000 square feet total. ▪ 2,800 square feet per dwelling unit for townhouse; maximum 12 dwelling units per acre; 20% green space required, not including setbacks. ▪ 20% green space required, not including setbacks, for multi-family dwelling. ▪ None for non-residential uses. |
| Minimum Lot Width at Building Setback Line | <ul style="list-style-type: none"> ▪ 60 feet for single family dwelling. ▪ 45 feet per dwelling unit for duplex; 90 feet total. ▪ 100 feet for non-residential uses. |
| Maximum Lot Coverage | <ul style="list-style-type: none"> ▪ 100% Impervious Surface Coverage |
| Maximum Height | <ul style="list-style-type: none"> ▪ None, however, the West Virginia State Fire Code shall be enforced. ▪ 35 feet for accessory structures. |
| Minimum Front Yard Setback | <ul style="list-style-type: none"> ▪ 20 feet. |
| Minimum Side Yard Setback | <ul style="list-style-type: none"> ▪ 10 feet principal use if abutting a manufacturing use. ▪ 20 feet principal use if abutting any non manufacturing use. ▪ 10 Feet Accessory Use |

| | |
|---------------------------|---|
| Minimum Rear Yard Setback | <ul style="list-style-type: none">▪ 10 feet principal use if abutting a manufacturing use.▪ 20 feet principal use if abutting any non manufacturing use.▪ 10 feet accessory use |
|---------------------------|---|

B. Minimum Off-Street Parking and Loading Standards

Article 1200 shall regulate minimum off-street parking and loading standards.

C. Landscaping and Screening Requirements

Article 1300 shall regulate landscaping and screening requirements.

D. Signage

Article 1400 shall regulate signage.

E. Open Space

Open space shall be required as an integral part of the multi-family and lease community development. Open space shall not include any impervious surfaces.

In a multi-family development for multi-family dwellings and townhouses, twenty percent (20%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the multi-family development and shall be maintained by the developer/owner/homeowner's association and shall be accessible to all residents of the development.

In a lease community for single-family and duplex dwellings, ten percent (10%) of the parcel, not including the required yard setbacks, shall be dedicated as open space as part of the lease community development and shall be maintained by the developer/owner/homeowner's association and shall be accessible to all residents of the development. A lease community with ten (10) or less single-family or five or less duplex dwellings shall be exempt from the open space requirement.

F. Substantial Expansion

Substantial expansion of an existing building or structure may trigger the site plan review process as established in Section 1150.02

800.06 STORM DRAINAGE MANAGEMENT *(Amended 10-11-22)*

1. Private Property owners are responsible for storm drainage flowing through their property.
2. Putnam County does not maintain drainage utility easements (including culverts, concrete channels, retention walls, retention ponds, detention ponds, etc.) located on privately owned property.
3. Private drainage and erosion issues, as well as ground water issues (i.e., natural springs), are the responsibility of the private property owner (and/or any applicable homeowner's association or maintenance association). Putnam County is not responsible for ensuring proper drainage on privately owned property. In general, the easement holder (property owner) has the duty to maintain the easement. This includes public drainage utility easements located on private property.

4. Driveways, and their associated culverts, bridges, or other appurtenances, that cross public drainage systems (i.e., ditches or streams) are also the private property owner's responsibility.
5. Drainage directed from gutters, French drains, downspouts, swimming pools, retention walls, or other private systems to neighboring properties is a civil matter between the private property owners. Moreover, private property owners that place obstructions, or fail to maintain property within public drainage easements (i.e., structures, sheds, buildings, curbs, retaining walls) may be subject to civil action from adjacent property owners.

**ARTICLE 1000
PLANNED UNIT DEVELOPMENT**

- 1000.01 PURPOSE**
- 1000.02 PERMITTED USES**
- 1000.03 ESTABLISHMENT OF PUD DISTRICT**
- 1000.04 STANDARDS FOR REVIEW**
- 1000.05 MINIMUM SITE AREA FOR A PLANNED UNIT DEVELOPMENT**
- 1000.06 DEVELOPMENT STANDARDS**
- 1000.07 OPEN SPACE REQUIREMENTS**
- 1000.08 WAIVERS AND VARIANCES**
- 1000.09 CONCEPTUAL REVIEW SUBMITTAL**
- 1000.10 REZONING & DEVELOPMENT PLAN APPLICATION REQUIREMENTS**
- 1000.11 DEVELOPMENT PLAN REVIEW PROCESS**
- 1000.12 FINAL DEVELOPMENT PLAN APPROVAL PROCEDURE**
- 1000.13 ADHERENCE TO APPROVED PLAN; MODIFICATIONS**
- 1000.14 STORM DRAINAGE MANAGEMENT** (*Amended 10-11-22*)

1000.01 PURPOSE

It is the intent of the Planned Unit Development (PUD) District to provide for greater flexibility and thereby encourage more creative design of residential and commercial developments than generally is possible under conventional zoning regulations. Ideally, this flexibility results in a development that is better planned, that contains more amenities, and ultimately a development that is more desirable to live in or do business in than one produced in accordance with typical regulations. Furthermore, the PUD regulations are intended to promote a more economical and efficient use of the land, while providing for a harmonious variety of housing choices, convenient commercial services, a higher level of urban amenities, and the preservation of open space.

1000.02 PERMITTED USES

Uses permitted in a Planned Unit Development may be any use that is found in the Zoning Ordinance in any district, subject to the approval of the Planning Commission and County Commission.

1000.03 ESTABLISHMENT OF PUD DISTRICT

The County Commissioners may establish a Planned Unit Development (PUD) District on its own initiative, on the recommendations of the Planning Commission or on the application of a property owner. The procedure for this zone change shall be as established in *Article 2000, Amendments and Hearing Procedures*.

1000.04 STANDARDS FOR REVIEW

The County Planning Commission shall review any filed plans for a PUD according to the following standards:

- A. General conformance with the Zoning Ordinance, with the exception of requested waivers or variances: The plan must demonstrate that proposed uses conform to those permitted in the district, that the plan conforms to the minimum development standards, that the open spaces to be provided meet the minimum requirements of the district, that off-street parking and loading facilities meet the requirements of this ordinance, and that the plan complies with all other general or special requirements of this ordinance.
- B. Traffic: The West Virginia Division of Highways Access Permit process and the access management plan for Putnam County shall be used to determine the provisions for the safe and convenient traffic flow onto highway accesses.
- C. Sanitary facilities: The sanitary services and facilities plan shall be reviewed by, and a report received from, the provider and/or the West Virginia State Department of Health prior to action by the Planning Commission.
- D. Utilities: The plan must demonstrate that availability of necessary utility services.
- E. Off-site impact: The plan must demonstrate that light, heat, glare, or any other use or activity on the subject property shall not deleteriously affect nor discourage orderly development of adjacent properties.
- F. General conformance with this ordinance and drainage considerations: The plan must demonstrate that the streets conform with the provisions of this ordinance. The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site; from probability of flooding, erosion, subsidence or slipping of the soil; or other dangers, annoyances, or inconveniences. The condition of the soil, ground water level, topography, and drainage plans shall be appropriate to both kind and pattern of intended use.
- G. Site planning: The site shall be planned to provide for good functional relationships between land uses, buildings, parking areas, and recreation areas. In addition, the site shall be planned to take advantage of open space and views in such a way as to enhance the development.
- H. Fire protection: The plan must make adequate provision for, or demonstrate the availability of, necessary fire protection. The plan shall be reviewed by, and a report received from, the Fire Chief of the area prior to action by the Planning Commission.
- I. Drainage: The drainage provisions for the PUD must meet the standard of this Ordinance and if applicable, the Subdivision Regulations.
- J. Conformance with Flood Zone provisions: All PUD's and owners, developers or operators of PUD's must comply with the applicable Flood Zone requirements.
- K. School Impact Study: The impact of the proposed PUD on the school system based on the development schedule shall be determined and adequate measures taken so there is not a negative effect.

1000.05 MINIMUM SITE AREA FOR A PLANNED UNIT DEVELOPMENT

The minimum site area for a PUD shall be five (5) acres.

1000.06 DEVELOPMENT STANDARDS

A. Property Development Standards

The following development standards shall apply to properties located within the PUD.

| Planned Unit Development (PUD) District | |
|--|---|
| Minimum Lot Area | ▪ None |
| Minimum Lot Width at Building Setback Line | ▪ None |
| Maximum Lot Coverage | ▪ 50% Impervious Surface Coverage for entire PUD |
| Maximum Height | ▪ 45 feet for principal structures. ▪ 15 feet for accessory structures |
| Minimum Front Yard Setback | ▪ 20 Feet Recommended |
| Minimum Side Yard Setback | ▪ 5 Feet Principal Use Recommended ▪ 5 Feet Accessory Use Recommended |
| Minimum Rear Yard Setback | ▪ 20 Feet Principal Use Recommended ▪ 5 Feet Accessory Use Recommended |

B. Minimum Off-Street Parking and Loading Standards

Article 1200 shall regulate minimum off-street parking and loading standards.

C. Drainage and Storm Sewer Requirements

Article 1500 shall regulate Drainage and Storm Sewers.

D. Landscaping and Screening Requirements

Article 1300 shall regulate landscaping and screening requirements.

E. Signage

Article 1400 shall regulate signage.

F. Substantial Expansion

Substantial expansion of an existing building or structure may trigger the site plan review process as established in Section 1150.02

1000.07 OPEN SPACE REQUIREMENTS

No less than twenty (20) percent of the land developed in any PUD shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be used as required in subsection (A) of this section. All required open space shall be readily accessible and usable by occupants within the approved development. Parking areas shall not be included as common open space.

A. Disposition of Common Open Space

The required amount of common open space land reserved under a PUD shall be held in corporate ownership by owners or a Maintenance Association of the project area for the use of each owner who buys property within the development or, under exceptional circumstances, to be dedicated to the County, following consent and approval by the County, and retained as common open space for public parks, recreation, and related uses. All land dedicated to the County must meet the requirements of the Planning Commissioners as to size, shape, and location. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space, unless such land or rights-of-way is usable as a trail or other similar purposes and approved by the Planning Commissioners. A Maintenance Association (MA) shall be established and in place prior to the development of any land within a PUD with the open space(s) under their control being denoted on the record plat and identified as “common space and non-buildable” other than for MA approved uses.

B. Maintenance of Open Space

A Maintenance Association shall be responsible for maintenance of open space and other required amenities within the proposed PUD. A Maintenance Association shall be established, and the Bylaws and Articles of Incorporation shall be recorded at the time of approval of the final development plan, prior to issuance of a zoning certificate or approval of a record plat.

C. Lots to Have Access to Common Open Space

Every property developed under the PUD approach shall be designed to easily access common open space or similar areas. Open space areas shall be accessible to all users and shall be conveniently located in relation to dwelling units. Open space areas shall have minimum dimensions which are usable for the functions intended and which will permit proper maintenance. The Planning Commission may require that natural amenities, such as but not limited to ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitats, ponds, streams, and marshes, be preserved as part of the open space system.

1000.08 WAIVERS AND VARIANCES

The Planning Commission may grant waivers or variances where necessary to fulfill the intent of this article upon demonstration that such waivers or variances meet the requirements of Section 2100.08 in this Ordinance.

1000.09 CONCEPTUAL REVIEW SUBMITTAL

An applicant considering a PUD is encouraged to submit information to the Planning Commission for a conceptual review prior to officially filing for approval of the development plan as described in Section 1000.13. While a conceptual review submittal is not mandatory, it affords the applicant the opportunity to get initial feedback on the Planning Commission's view of the applicant's proposal and alternatives the Planning Commission may want considered prior to filing a formal PUD approval. Submittal requirements for a conceptual review shall include:

- A. A conceptual site plan, to scale, depicting:
 - 1. Access from public streets and internal site circulation.
 - 2. General building placement.
 - 3. Parking areas (indicating the number of spaces).
 - 4. Locations of proposed common open space: landscaped and buffered areas.
 - 5. Existing site topography.
 - 6. Major drainage areas and existing wooded areas.
 - 7. Other projected amenities.
- B. Typical building elevation(s) depicting the size and general character of the proposed building(s).
- C. Submittal letter describing the proposed project including:
 - 1. Existing site land use.
 - 2. Proposed land use.
 - 3. Other descriptive data to help explain the project.
- D. The Planning Commission shall review the conceptual plan and accompanying documentation and may request such review and comments from other offices as may be deemed appropriate. The Planning Commission shall respond to the applicant with observations and recommendations for the applicant's consideration. *These comments are not binding on either party but are intended to serve as a guide for future site planning and development consideration.*

1000.10 REZONING & DEVELOPMENT PLAN APPLICATION REQUIREMENTS

An application for approval of a PUD, which requires a request to rezone, must be accompanied by a comprehensive development plan which clearly outlines the development plans for the property in both a narrative and visual perspective which follows the development plan review process.

1000.11 DEVELOPMENT PLAN REVIEW PROCESS

The following procedure and review process shall be used in establishing a PUD. The Planning Commission shall hold a public hearing before recommending the PUD to the County Commissioners, and the County Commissioners shall hold a public hearing before adopting the specific PUD. If initiated by the County Commissioners, the County Commissioners shall request the Planning Commission to draft recommended boundaries and regulations to submit to the County Commissioners.

A. Submittal Requirements.

An application for a PUD designation commenced by a property owner shall be filed with the Planning Commission by the owner or owners or authorized agent of all property included in the development. The application shall be accompanied by the following:

1. Rezoning Application
2. Rezoning Fee
3. A narrative and a general site plan of the nature, location, and objectives of the proposed development.
4. The areas of the project to be used for each land use including residential (number of units, size, and density), commercial, office, industrial, or other activities indicating the total square footage of each use.
5. The boundaries of the project including a metes and bounds description of the parcel, tax map and parcel number, and the acreage therein.
6. An area map showing adjacent property owners, existing land uses and zoning within 250 feet of the subject PUD.
7. List of owners of property immediately adjacent extending 250 \square therefrom or directly opposite thereto extending 250 \square from the road frontage of such opposite property owner as shown on the tax records.
8. Number of stamped No. 10 envelopes equal to the number of owners of property immediately adjacent extending 250 \square from the road frontage of such opposite property owner.
9. Location, building footprint, type of all proposed and existing principal and accessory structures.
10. Descriptive data concerning the existing and proposed sewer, water, and storm drainage facilities within the project, indicating their size, location, availability, and source.
11. Location and dimensions of roads, pedestrian walkways, parking spaces, landscaped areas, open space, buffer yard, screening, and yard setbacks.
12. Location and dimensions of common spaces, community facilities, including recreational and other non-building areas designed within the project, indicating areas to be in common ownership.
13. Architectural sketches at an appropriate scale showing building elevations (front and side) and proposed use.

14. A tabulation of:
 - a) Total area of the premises; and
 - b) Area of land per dwelling unit; and
 - c) Area of land devoted to open space; and
 - d) Floor area of service, commercial, and office facilities;
 - e) Number of proposed parking spaces;
 - f) Number of dwelling units by type; and
 - g) Height of all structures.
15. Market and feasibility studies for the proposed principal uses and an indication of the expected service areas.
16. Traffic Impact Study approved by the WV Division of Highways, if determined necessary by the Planning Commission or the WV Division of Highways.
17. School Impact Study, if determined necessary by the Planning Commission of the Putnam County Board of Education.
18. Utilities Report which demonstrates the availability of all necessary utility services, including water service and sanitary facilities.
19. Off-Site Impact Report which demonstrates that light, heat, glare, or any other use or activity on the subject property shall not deleteriously affect nor discourage orderly development of adjacent properties.
20. Storm Water Management and Drainage Report which demonstrates that the plan shall be in accordance with *Article 1500 Drainage and Storm Sewers* of the Zoning Ordinance; the site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site; from probability of flooding, erosion, subsidence or slipping of the soil; or other dangers, annoyances, or inconveniences.
21. Fire Protection Report which demonstrates the availability of necessary fire protection. The plan shall be reviewed by, and a report received from, the Fire Chief of the area prior to action by the Planning Commission.
22. Statement listing and explaining any specific waivers or variances from the provisions of this ordinance which are necessary.
23. A document describing the proposed construction phasing program or development schedule for the project for all dwelling units, commercial or office structures, industrial, recreational, and other common facilities, landscaping, and other open space improvements.

B. Notice of Public Hearing

The Planning Commission will give an opportunity to any interested persons to examine or comment upon the development plan. The procedure is outlined in Section 2000.03 in this ordinance.

C. Planning Commission Action

The following action shall be taken by the Planning Commission on the development plan within forty-five (45) days of receipt of the requirements in Section 1000.13(A) in this ordinance:

1. After the Planning Commission has reviewed the development plan and the requirements in Section 1000.13(A) in this ordinance; any recommendations or requirements by the county engineer, other agencies, or departments; and testimony and exhibits submitted at the public hearing, the Planning Commission shall render a written recommendation to the County Commission on the development plan and the appropriateness of the area to be zoned PUD. The Planning Commission recommendation to the County Commission is advisory only. The recommendation shall be submitted to the County Commission in writing and shall include the reasons for the decision. The County Commission shall make the final decision on the development plan and the rezoning request.
2. At a minimum, the Planning Commission shall consider the following in making their recommendation:
 - a. Whether the plan is consistent with the adopted comprehensive plan;
 - b. Whether the plan is consistent with the intent and purpose of this Article;
 - c. The relationship, beneficial or adverse, of the proposed development to the adjacent properties and to the neighborhood in which it is proposed to be established.
 - d. Whether the overall development shall be adequately serviced by present or planned utilities, roadways, and other public services; and
 - e. Whether the development plan is designed to serve the area, preserve unique topographic, historical, special environmental or other unique features, and/or meet the purpose of a PUD as set forth in *Section 1000.01 Purpose* in this ordinance.

D. County Commissioners Action

Upon receipt of the Planning Commission's written recommendation, the County Commissioners shall, in conformity with the provisions of this Article and the West Virginia Code, hold a public hearing and adopt, amend, or deny the development plan and the amendment of the zoning map to provide for the PUD. Legislation adopting a PUD shall include such criteria, limitations, maps, and guidelines as the County Commissioners deem appropriate for the guidance of the developer and the Planning Commission

1000.12 FINAL DEVELOPMENT PLAN APPROVAL PROCEDURE

After adoption of the approved development plan by the County Commissioners and the appropriate PUD zoning, final approval of uses and layout must be obtained from the Planning Commission. The following procedure shall regulate this process:

A. Applicants Submittal Requirements

For final approval, the owner shall submit a final development plan or development plat to the Planning Commission. This final development plan or plat shall include all elements of the development plan approved by the County Commission; shall meet the requirements of *Article 1150, Site Plan Review* in the *Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County* and *Appendix C Major Subdivision Plat Checklist* in the *Putnam County Subdivision Regulations*, if the property is subject to division; and the following requirements.

1. The area to be developed and the area to be devoted to open space with accurate acreage for each use.
2. Final grading plans, indicating cubic footage of cuts and fills.

3. The interior roadway system, indicating existing and proposed rights-of-way and easements and cross sections of new or improved streets.
2. Site plans, floor plans, elevations, and cross sections for all buildings. Additional exterior detail drawings, materials specifications and paint colors will be required if deemed essential to the realization of the intent or scope of the "PUD" plan.
3. Descriptions as to the type of buildings, square footages, and use.
4. The proposed open space system and areas to be in common ownership, if any.
5. A detailed landscaping plan for all areas, indicating all existing and proposed vegetation by species, size and caliper; dimensions and materials, irrigation, and special lighting fixtures.
6. Roadway, parking, and pedestrian lighting plans with lighting fixture types, heights, and designs.
7. Sign Permit Application
8. Sign Plan providing, the location, size, height, material, lighting method (if any), message, and design layout of all proposed signage.
9. The phasing plan for development, if any, as identified in the development plan.
10. Any modification of the general plan data presented and approved for the PUD applications may be required by the Planning Commission.

B. Planning Commission Submittal Requirements.

Where the PUD zoning has been adopted by the County Commissioners as a result of a Planning Commission initiative, the final plan submission shall include all elements of the PUD application as may be required by the Planning Commission.

C. Planning Commission Action

The following action shall be taken by the Planning Commission on the Final Development Plan:

1. The Planning Commission shall review the final development plan and approve, modify and approve, or disapprove the application for final approval and transmit notice thereof to the applicant within forty-five (45) days of receipt of the complete final development plan requirements.

The Planning Commission shall give the final approval ~~only~~ upon finding that all elements of the development plan approved by the County Commission have been met and all applicable requirements of this ordinance; the Putnam County Subdivision Regulations, if applicable; and the requirements in 1000.13(A) have been met.

2. The approval of the Planning Commission shall be documented and entered into the plan for the area and become a permanent part of the Planning Officer's records.
3. The final development plan shall be submitted to the Planning Commission for the entire area shown on the approved development plan for the PUD.
4. A final as-built development plan shall be submitted and reviewed prior to the issuance of a certificate of compliance.
5. Building and construction permits, and certificates of compliance shall be conditioned upon adherence to the final development plan including landscaping, design considerations, and the construction of necessary public improvements. A certificate of

compliance may be issued for completion of a phase of the final development plan in adherence to the construction phasing program or development schedule for the project.

6. Construction must commence in accordance with the approved final development plan within twelve (12) months from approval of the final development plan. If construction has not begun within the twelve (12) month period, the PUD is voided, and the zoning reverts back to the previous zoning classification unless good cause can be shown by the applicant and an extension of not more than twelve (12) months is granted by the Planning Commission.

D. Modifications to Approved Plan

Minor changes to an approved final development plan may be approved by the Planning Officer if such changes are consistent with the purpose and general character of the development plan. The Planning Officer shall determine whether or not the minor changes fall within his/her responsibility to approve the changes. Other modifications, including extension or revision of the staged development schedule, shall require the approval of the Planning Commission. The Planning Commission shall determine whether or not the minor modifications fall within their responsibility.

Substantive changes in the development plan shall be resubmitted through the “PUD” process and require the approval of the County Commissioners. The Planning Commission shall forward to the Board any changes requiring their approval. Any changes to an approved plan, other than those the Planning Officer is authorized to approve, shall require that the notification be sent to adjacent residents in the manner approved by law.

E. Revocation

In the event of a failure to comply with the approved plan or any condition of approval, including, but not limited to, failure to comply with the staged development schedule, the Planning Officer may, after notice, rescind, and revoke such plan approval. Violation of the final approval of the final development plan for a “PUD” shall constitute violation of the Zoning Ordinance.

1000.13 ADHERENCE TO APPROVED PLAN: MODIFICATIONS

- A. The applicant and his successors in interest shall be bound by the plans and conditions prescribed for approval. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location, and design of all uses. Minor changes in an approved plan, including minor scheduling changes, may be approved by the Planning Officer if such changes are consistent with the purposes and general character of the PD plan and if such changes do not:
 1. Increase substantially the ratio of dwelling units to the total area of the premises; or
 2. Reduce substantially open spaces between buildings or setbacks from lot lines; or
 3. Increase external affects on adjacent properties; or
 4. Reduce off-street parking or loading spaces; or
 5. Change substantially any provisions for essential services; or
 6. Violate any applicable minimum requirements of this ordinance.

- B. Major changes, modifications, or amendments to an approved plan shall require a new application.
- C. Approval of a PUD shall be null and void if construction work is not begun within one year from the date of approval, or in the event such work is suspended or abandoned at any time after the work is commenced for a period of 90 days.
- D. The approval of a PUD may be revoked by a majority vote of the County Commission, following a special public hearing and a finding that any of the provisions of this ordinance have been or are being violated. The Commission may reinstate approval of the project when it is satisfied that the provisions of this ordinance will be complied with. If approval of the project is permanently revoked, a request to resume the project shall be treated as a new application.

1000.14 STORM DRAINAGE MANAGEMENT *(Amended 10-11-22)*

1. Private Property owners are responsible for storm drainage flowing through their property.
2. Putnam County does not maintain drainage utility easements (including culverts, concrete channels, retention walls, retention ponds, detention ponds, etc.) located on privately owned property.
3. Private drainage and erosion issues, as well as ground water issues (i.e., natural springs), are the responsibility of the private property owner (and/or any applicable homeowner's association or maintenance association). Putnam County is not responsible for ensuring proper drainage on privately owned property. In general, the easement holder (property owner) has the duty to maintain the easement. This includes public drainage utility easements located on private property.
4. Driveways, and their associated culverts, bridges, or other appurtenances, that cross public drainage systems (i.e., ditches or streams) are also the private property owner's responsibility.
5. Drainage directed from gutters, French drains, downspouts, swimming pools, retention walls, or other private systems to neighboring properties is a civil matter between the private property owners. Moreover, private property owners that place obstructions, or fail to maintain property within public drainage easements (i.e., structures, sheds, buildings, curbs, retaining walls) may be subject to civil action from adjacent property owners.

**ARTICLE 1100
SPECIAL PERMIT USES**

- 1100.01 PURPOSE**
- 1100.02 AUTHORITY**
- 1100.03 COMPLIANCE WITH OTHER REQUIREMENTS**
- 1100.04 REVIEW PROCEDURE FOR SPECIAL PERMIT USES**
- 1100.05 GENERAL CONSIDERATIONS FOR SPECIAL PERMIT USES**
- 1100.06 FACTORS FOR CONSIDERING SPECIAL PERMIT USES**
- 1100.07 SPECIAL PERMIT USE - SPECIAL CONDITIONS**

1100.01 PURPOSE

It is the intent of Special Permit Uses to provide for certain uses which shall be permitted only if adequate conditions exist or can be imposed that will make such uses compatible with the purposes of this ordinance and the Putnam County Comprehensive Plan. The special permit procedure shall provide for some measure of individualized judgment and the imposing of conditions on certain uses, in order to make them compatible with uses in the surrounding area. It is further intended that the special permit, through a Site Plan Review process, shall provide a method whereby it can be determined whether or not a use would cause any damage, hazard, nuisance, or other detriment to persons or property in the vicinity.

1100.02 AUTHORITY

The Board of Zoning Appeals may, in accordance with the procedures and standards set out in this Article, and other regulations applicable to the district in which the subject property is located, approve Special Permit Uses. Each Special Permit Use shall be evaluated, on an individual basis, by the Board of Zoning Appeals in relation to its compliance with the standards and conditions set forth in this Article and with the standards for the district in which it is located in order to determine whether approval of the conditional use is appropriate at the particular location and in the particular manner proposed.

1100.03 COMPLIANCE WITH OTHER REQUIREMENTS

Nothing in this Article shall be deemed to prohibit or unreasonably limit any use guaranteed by state or federal law. However, reasonable conditions may be required by the BZA in order to satisfy the purposes as outlined in Section 1100.01.

1100.04 REVIEW PROCEDURE FOR SPECIAL PERMIT USES

A. Applicant

An application for a Special Permit Use may be filed with the Board of Zoning Appeals by the owner, lessee, or other person having a legal or equitable interest in the subject property.

B. Application

An applicant for a Special Permit Use shall file a plan and an application on forms provided by the Planning Officer. The plan for the use and development of the tract shall demonstrate that the general and specific criteria have been met.

C. Action on Application

The Board of Zoning Appeals shall hold a hearing thereon, notice of which may be published in a newspaper of general circulation, and mailed to the last known address of the owners of the property within two hundred and fifty feet (250) feet of the parcel for which a special permit use is requested at least fifteen (15) days before the hearing. The application and any reports, covenants, deeds, plans, or other information requested or required in conjunction with or as part of the application shall be submitted to the Board of Zoning Appeals thirty (30) days prior to the date of public hearing. Failure to timely submit any of the reports, covenants, deeds, plans or other information will result in the continuance of the public hearing to a later date, determined by the Board of Zoning Appeals, which will allow the Board of Zoning Appeals, County officials or advisors to evaluate the reports, covenants, deeds, plans or other information in time for the hearing to take place.

The Board of Zoning Appeals shall issue the special permit use certificate if it determines that the proposed special permit use satisfies, or through the imposition of conditions pursuant to this Article satisfies, the standards set forth in this Article. If the Board of Zoning Appeals determines that such proposed use does not, and with the imposition of conditions will not, satisfy the standards set forth in this Article, the Board of Zoning Appeals shall deny the issuance of a special permit use certificate.

D. Issuance of Permit

If the Board of Zoning Appeals determines that the issuance of a special permit use certificate is warranted, the Board of Zoning Appeals may condition such issuance upon specific requirements and limitations with respect to location, construction, maintenance, landscaping, operation, and other factors and features of the site or the use it deems necessary or appropriate to protect the interests of the community and to ensure satisfaction of the standards set forth in this Article.

E. Rejection of Application

The rejection of an application for a special permit use certificate by the Board of Zoning Appeals constitutes the final determination of the County. The approval of a special permit use certificate shall become null and void if building permits have not been issued for all buildings and structures within six (6) months after approval of a special permit use certificate.

F. Supplementary Conditions and Safeguards

In granting any special permit use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the special permit use is granted, shall be deemed a violation of this Zoning Ordinance.

G. Expiration of Special Use Permit Certificate

A special permit use shall be deemed to authorize only one particular special permit use and such special permit use certificate shall automatically expire if, for any reason, the special permit use has ceased by discontinuance or abandonment for a period of more than six (6) months.

1100.05 GENERAL CONSIDERATIONS FOR SPECIAL PERMIT USES

In determining whether the issuance of a special permit use is warranted, the standards the Board of Zoning Appeals shall take into consideration are the following:

- A. The use will not discourage the development or impair the value of the surrounding and adjacent land and use district(s);
- B. The concentration and volume of vehicles in connection with the use will not be more dangerous or hazardous than the usual traffic of the use district;
- C. The proposed use must not produce a negative impact upon the abutting or surrounding properties and zoning uses given the characteristics, size, location, intensity and nature of the proposed use and any structure;
- D. The location, extent, arrangement and intensity of the proposed use shall be such that its operation will not be objectionable to adjacent and surrounding uses by reason of noise, smoke, dust, odors, fumes, vibrations or glare;
- E. The use, arrangement of and location of uses and structures must be compatible with surrounding uses and zones or must be capable of being made compatible through the imposition of conditions;
- F. The use and structures must not be detrimental to the health, safety and welfare of the locality involved;
- G. The use and structures must conform to the purpose, intent, and objectives of this Zoning Ordinance; and
- H. The proposed use is properly located in relation to any adopted master plan, general plan, land use plan, thoroughfare plan, or street plan, particularly in its relation to existing collection and local street systems and pedestrian circulation.

1100.06 FACTORS FOR CONSIDERING SPECIAL PERMIT USES

Factors to be considered in evaluating the standards set forth in Section 1100.05 may include, but are not limited to, the following:

- I. Land use;
- J. Height;
- K. Setbacks;
- L. Business or other activities;
- M. Open space;
- N. Density;
- O. Location of structures and uses on the site;
- P. Screening;
- Q. Signs/advertisements;

- R. Paving;
- S. Entrances;
- T. Hours of operation;
- U. Lighting;
- V. Landscaping;
- W. Fencing/walling;
- X. Mechanical systems/HVAC;
- Y. Dumpster locations; and
- Z. Parking.

1100.07 SPECIAL PERMIT USE – SPECIAL CONDITIONS

The following special conditions shall apply as a condition to Special Permit Uses:

- A. Restaurants, Bars or Taverns within 200 feet of a Residential District
 1. Business shall be conducted within an enclosed building, except that meal service may be provided on an outside patio, provided that the patio is no more than 1/3 the floor area of the entire use.
 2. Amplified live performances shall not be permitted.
 3. Business shall not be conducted on the premises between 12:00am (midnight) and 7:00am.
 4. All bars, taverns or restaurants serving alcohol shall be licensed to operate under the laws of the State of West Virginia.
- B. Automobile Service Stations
 1. The use shall be located at least 100 feet from the property boundary of any residential district.
 2. All minor repair work, vehicle washing, lubrication and the installation of parts and accessories shall be conducted wholly within an enclosed structure.
 3. All automobile parts, dismantled vehicles and similar materials shall be stored within an enclosed building or shall be totally screened from view by a solid or privacy fence. A chain link fence with slats shall not constitute acceptable screening or fencing for the purposes of this regulation.
 4. All vehicles awaiting repair shall be stored on site in approved parking spaces and under no circumstances shall such vehicles be stored on or obstruct access to a public right-of-way.

5. All discarded materials such as tires, cans, drums and the like, shall be stored in an enclosed area and undercover.
6. A canopy over the fuel pumps that is detached from the principal building may be erected provided that such structure is located at least ten (10) feet from any property line or street right-of-way and such structure is not enclosed.
7. Canopy lighting shall be designed to shield or cut-off direct view of the light from any property line. It is preferable that canopy lighting is recessed into the canopy.
8. There shall be adequate space on the subject property to allow up to 3 cars to stack in a line for services without using any portion of an adjacent public thoroughfare.

C. Automobile Repair; Including Body and Paint Work.

1. The use shall be located at least 100 feet from the property boundary of any residential district.
2. All repair work, vehicle washing, lubrication, and the installation of parts and accessories shall be conducted wholly within an enclosed structure.
3. All automobile parts, damaged and dismantled vehicles, and similar materials shall be stored within an enclosed building or shall be totally screened from view by a solid or privacy fence. A chain link fence with slates shall not constitute acceptable screening or fencing for the purpose of this regulation.
4. All vehicles waiting repair shall be stored on site in approved parking spaces and under no circumstance shall such vehicles be stored on or obstruct access to a public right-of-way.
5. All discarded materials such as tires, cans, drums, and the like, shall be stored in an enclosed area and undercover.
6. Canopy lighting shall be designed to shield or cut-off direct view of the light from any property line. It is preferable that canopy lighting is recessed into the canopy.
7. There shall be adequate space on the subject property to allow up to three (3) cars to stack in a line for service without using any portion of an adjacent public thoroughfare.

D. Commercial Recreation and Commercial Entertainment

1. The County may restrict outdoor lighting on the property to a greater extent than this Ordinance may otherwise require in order to eliminate glare on abutting public roads and private property.
2. All principal structures shall be setback at least 100 feet from the property line when abutting a residential district.
3. The County may restrict access to the facility, storage of vehicles or materials on the property, and hours of operation to ensure no adverse impacts on adjacent properties.

**ARTICLE 1150
SITE PLAN REVIEW**

- 1150.01 PURPOSE**
- 1150.02 APPLICABILITY**
- 1150.03 APPLICATION PROCESS**
- 1150.04 REVIEW PROCESS**
- 1150.05 REVIEW CRITERIA**
- 1150.06 SITE PLAN GUIDELINES**

1150.01 PURPOSE

The intent and purpose of the Site Plan review process is to establish procedures and guidelines which will enable the County to plan and review proposed improvements and changes of use of property in such a way as to ensure more orderly and harmonious development of property so that it shall:

- A. Be in general conformance with all plans and studies adopted by the County Commissioners;
- B. Minimize detrimental relationships between properties;
- C. Facilitate safe circulation of traffic throughout the County;
- D. Permit development that is commensurate with the capacity and availability of public facilities and services;
- E. Encourage provision of adequate surface and subsurface drainage; and
- F. Generally preserve a high quality of life in the County, including reasonable privacy, quiet, physical attractiveness, orderliness, safety, and other such factors through suitable screening of outdoor lighting and parking, truck loading, refuse disposal, and outdoor storage areas from adjacent residential uses and districts.

1150.02 APPLICABILITY

Site plan review shall be required for:

- 1. Any new multi-family, lease community or non-single family residential development; or
- 2. When a change of use occurs on a property; or
- 3. When a non-single-family structure or a non-single family accessory structure is “substantially expanded” as identified in the table below:

| When an existing structure is... | A substantial expansion is... |
|---|--------------------------------------|
| 0-1,000 square feet | 50% or greater |
| 1,001-10,000 square feet | 40% or greater |
| 10,001- 25,000 square feet | 30% or greater |
| 25,001-50,000 square feet | 20% or greater |
| 50,001 square feet and larger | 10% or greater |

1150.03 APPLICATION PROCESS

- A. Pre-application Conference: The applicant is encouraged to submit to the Planning Officer a written request for a Pre-application Conference, to acquaint the applicant with the procedures and any special problems pertaining to the site and/or proposal. The conference should be held within 10 working days of the applicant's request, and the applicant shall furnish a general description of the project at the time of said request. A letter shall include comments or list issues to be addressed in final planning.
- B. Site Plan Review: The applicant shall prepare and submit seven (7) copies of the site plan, along with a letter describing the proposed development and the rationale behind the assumptions and choices made to address the requirements of this ordinance.

- C. Fees: Inquire at the Putnam County Planning Commission office for present fee structure.
- D. Required Data:
 - 1. Site plans shall be drawn to a scale of one inch (1") equals fifty feet (50') or larger and include the following data:
 - a. Date of preparation, north point, and scale;
 - b. Legal description and tax parcel;
 - c. Applicant/owner name and address;
 - d. Signature of applicant;
 - e. Existing and proposed zoning;
 - f. Existing and proposed uses of the structure(s) and land;
 - g. Existing and proposed contours, at an interval appropriate for proper review;
 - h. Actual dimensions, size, square footage, and shape of the lot to be built upon as shown on an actual survey by a surveyor or engineer.
 - i. Certification by a land surveyor or engineer that the dimensions and bearings are accurately delineated and location of all easements and right-of-ways;
 - j. Location of the lot with respect to adjacent rights-of-way;
 - k. Total number and type of building/units proposed, gross floor area of each building, bedrooms per dwelling unit (for residential developments), estimated number of employees (where applicable), and other information necessary to determine off-street parking and loading space requirements;
 - l. Location, shape, exterior dimensions, square footage, and height of each proposed structure/alteration on the site;
 - m. Location, shape, exterior dimensions, square footage, and height of any existing structures;
 - n. Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screening required
 - o. Standard yard setbacks required in the zoning district;
 - p. Location, grade, and dimensions of paved surfaces, and of all abutting streets, including a street typical for internal roadways;
 - q. Curb radii, aisle width, vision field, location and dimensions of parking spaces;
 - r. Location of barriers in parking spaces;
 - s. Raised islands around perimeter of parking areas and end of aisles;
 - t. Location and type of screening, if applicable;
 - u. Location of fire hydrant, show a 10N setback around area;
 - v. Location of all drainage facilities and easements;
 - w. Location and size of utility lines and easements;
 - x. Location of sign;
 - y. Location of garbage collection area;

2. Soils test and similar information if deemed necessary by the county engineer to determine the feasibility of the proposed development;
3. Approved State of West Virginia Sediment and Erosion Control Plan;
4. State of West Virginia NPDES Permit, if applicable;
5. Three copies of a stormwater analysis that bears the name, address, signature and seal of an engineer to determine the accommodation of upstream drainage areas and the effect on downstream drainage areas.
6. Three copies of a drainage plan that bears the name, address, signature, and seal of an engineer;
7. Three copies of drainage calculations that bear the name, address, signature, and seal of an engineer;
8. If applicable, three copies of the design of the stormwater management facility and drainage calculations that bear the name, address, signature and seal of an engineer;
9. If applicable, stormwater analysis, drainage plan, drainage calculations and design and calculations for stormwater management facility submitted to the City of Hurricane;
10. WV Department of Highways Encroachment Permit;
11. If applicable, Traffic Impact Study approved by the WV Division of Highways;
12. If applicable, Health Department approval;
13. Water and Sewer Plans and approval by the providers;
14. Lighting Plan;
15. Landscaping and Screening Plan;
16. Signage Plan;
17. Traffic Circulation and Parking Plan;
18. If applicable, Department of Natural Resources Stream Crossing Permit, US Army Corps of Engineers Permit, and other required municipal, county, state, and federal permits, if applicable.

1150.04 REVIEW PROCESS

- A. The Planning Officer, upon receipt of a completed application, shall notify members of the agencies, as deemed appropriate, to review the proposal and obtain comments. Said comments will be summarized within fifteen days and reported to the applicant. If additional information is required by any of the review agents, the above time period may be extended until such information can be reviewed and comments filed with the Planning Office.
- B. An approved site plan may be amended in accordance with standards and procedures herein, including payment of fees. However, the Planning Officer may waive such procedures and fees for minor changes such as:
 1. Relocation of building exits/entrances.
 2. Minor movement of building walls but maintaining required yard setbacks.
 3. Changing to a more restrictive use, provided there is no increase in parking demand.
 4. Changing the angle of parking or aisle width, provided that the overall parking

requirement is met.

5. Moving ingress/egress points if required by a public regulatory agency.
6. Substitute landscape plant species which will provide screening effects equivalent to the approved variety.
7. Change in the type and design of lighting fixtures, which will provide lighting effects equivalent to the approved lighting arrangement.
8. Increase in peripheral yards.

1150.05 REVIEW CRITERIA

A. Most developments can be evaluated by the six primary design elements:

1. The site plan;
2. The signage plan;
3. The landscaping and screening plan;
4. The parking and loading plan;
5. The drainage plan; and
6. The lighting plan.

Under each of these elements are several design criteria. In addition to the basic standards of each of the zoning districts, the design criteria will be applied to particular projects as they are pertinent to the district and the type of use(s) being proposed.

1150.06 SITE PLAN GUIDELINES

A. Site Layout

The site layout is very important in creating the character of a project. Many different factors contribute to the formulation of a site plan. The physical, social, and psychological needs of the users of the site should be considered within the design. Each individual site will have different elements which may affect the design. How the proposed design impacts the surrounding property owners should be a major priority.

1. Setbacks: How far or how close a building is placed to the street and to the adjacent property can affect the appearance of the development. If a site is adjacent to an undesirable condition, then an increased setback can be maintained to protect the users of the project.

All setbacks shall be taken from the property line after the required right-of-way has been provided.

The setback and undeveloped right-of-way area shall be landscaped, except for drives and pedestrian walkways.

In addition to the side and rear yard setback requirements, special consideration may be needed when the site is adjacent to residential uses, i.e., multi-story structures with windows above the first floor facing single family residential uses should be at least fifty feet from the property line.

2. Security: Physical and psychological barriers can create a secure project for both the site and its occupants.

Buildings and windows should be located to maximize the possibility of surveillance of entryways, pathways, parking lots, bike paths, recreation, and laundry areas. Children's play areas should be sited to allow for clear parental monitoring.

All areas should be provided with adequate lighting throughout the development.

Landscaping should not block surveillance abilities.

3. Walls/fences: The physical separation between different projects and uses can minimize the impact of unattractive, noisy areas, and act as a buffer between properties.

When apartments are to be adjacent to single family residential uses, proper screening needs to be considered. Similarly, such screening may be required between residential and non-residential uses.

Patio enclosures fronting on a public street should match the architectural character of the project.

Walls within a front yard setback are limited to a height of 4 feet and must comply with corner clear vision requirements.

4. Refuse collection areas: Areas which generate noise and odors should be located where they will not disturb adjacent uses or the residents within the project and shall not be the visual focal point of a driveway or parking area.

Refuse collection area should be accessible by trucks, yet not be the visual focal point of a driveway or parking area.

Refuse collection areas shall not be located within the front yard setback or street frontages of corner lots.

5. Noise impact: Site design should prevent any noise emitted from the proposed development interfering with any adjacent property. The occupants of a project should be protected from noise outside and within the site, through screening, setbacks, and building materials.

Common areas and recreational facilities need to be located to minimize noise problems.

Noise generating equipment and recreational facilities need to be located where the impact on adjacent uses can be minimized.

6. External lighting: Lighting locations shall provide security and visual interest, yet not impact adjacent properties.

The exterior lighting of a development shall provide for the illumination of the building and its grounds for safety purposes but in an aesthetic manner. Lighting shall be placed and screened to reflect the light away from adjoining properties and the street.

7. Building entry: An entrance should be easily identifiable and be a transition between the outside and the inside area. Building entries should also provide adequate lighting for security but not impact adjacent properties.

Private or semi-private entryways are encouraged.

Where dwelling units face each other, the entry doors should be staggered.

Long corridors lined with entrances should be discouraged.

Entryways should be defined for easy identification.

8. Pedestrian circulation: A network of convenient and safe pedestrian paths should be provided to connect the development to areas within the project and to adjacent land uses.

The location and number of points of access to the site, the interior circulation patterns, and the separation between pedestrians and vehicles shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings.

Walkways should be well lit to provide visibility and a pleasant environment.

9. Privacy: Site design and/or floor plan layout shall be organized to provide privacy for the proposed project and surrounding uses. Window and door placement, and patio/balcony areas should not overlook adjacent uses.
 - a. The privacy of adjacent uses and the tenants/residents within the project shall be maintained.
 - b. Private outdoor spaces of surrounding residences should not be visible from the proposed development. Window and door placement, and patio/balcony areas should not overlook adjacent uses.
 - c. The occupants should be protected from visual and auditory intrusion from within and outside the project.
 - d. Stairways should not project into required front or side yards, in order to insure the privacy of both residents of the development and the surrounding area.
10. Fire access: All developments should meet on-site fire hydrant and on-site emergency access standards as required by the fire department and County Emergency Services.
 - a. Adequate driveways should be provided for circulation where possible.
 - b. The design width of drives should consider fire protection.
11. Open space: Used meaningfully, open space can reduce the perceived crowdedness, density, and tightness of a project. Open space can also be used as a buffer to and from adjacent properties.
 - a. The open space within a development should be meaningful, not small leftover pieces. Courtyard areas should be designed to be usable space.
 - b. Passive and active recreation and outdoor activity areas should be provided, in consideration of the type and size of the development.
 - c. The amenities provided within a development should correspond to the number of dwelling units provided, as well as the general nature of the project: i.e., if the project is oriented toward elderly residents, then primarily passive facilities should be provided.
 - d. As a rule of thumb, a ratio of 300 square feet of open space per dwelling unit should be maintained (front yard setback area not included).
 - e. Open space should flow through a development, connecting recreation facilities with the dwelling through the use of continuous common areas.
 - f. The use of private open space, such as patios and balconies, is encouraged and should be a minimum of sixty square feet in area and a minimum narrow dimension of six feet.
12. Outside storage: All outside storage areas shall be screened from public view and residential, office, and commercial districts or uses by at least a five-foot wall or fence. Additional landscape strip widths and trees may be required when storage areas are adjacent to residential uses.

No storage of materials, trash, mechanical equipment, vehicles, or other similar items should be visible from adjoining street or properties.
13. Topography: The natural features of the land such as hillsides, views, or other features should be utilized when designing the site. Awareness of existing conditions can help

avoid site design problems associated with floodplain, steep slopes, drainage ways or other features. Also, topography can act as a natural screening device.

14. Utility locations: All new and existing projects are encouraged to install the utilities underground.
15. Commercial pad buildings: Free-standing pads in commercial centers should blend and be compatible with the overall development. The visibility of the tenants in the main center should not be disrupted by the placement of the pad buildings. The architectural character of the pad buildings should relate to the entire center and all parking, circulation, driveways, and setbacks should be integrated with the entire project.
16. Free-standing pads in commercial centers should compliment the overall development theme.

The number and size of the pad buildings should be related to the scale of the shopping center.

The architectural character of the pad buildings should relate to the entire center and all parking, circulation, driveways, and setbacks should be integrated with the entire project.

Drive-thru windows should not face onto a public street and waiting/stacking lanes shall be screened from the street.

The landscaping of the pad should be of the same character as the main center.

The pad building elevations should be attractively designed on all four sides.
17. Loading and service bays: Service and loading areas should be screened from the view from a public street. Landscaped areas and walls should be used to decrease noise levels. These areas should be separated from customer parking.

Service activity areas (automotive, service, tire, etc.) shall be oriented away from existing residences and screened from the public street.

Loading and delivery facilities or docks should be screened from the public street.
18. Emergency access: Access for emergency vehicles should be integrated with the character of the project.
19. Traffic impact: Uses, as determined by the Planning Officer, which create an unusual increase in traffic, may be required to provide an analysis of the proposed development's impact on current and future traffic flows and be prepared by a qualified engineer.
20. Driveway locations: Entrances and exits should not be located near street intersections and shall not create a hazardous condition for pedestrian or auto traffic. Access drives should be minimized, and the number of drives should correspond to the intensity of the proposed use.

B. Building Elevations

When designing a project, the exterior appearance should relate with the existing character or theme of the area, enhance the surrounding vicinity, be compatible with all adjacent uses and maintain a high quality and standard of development.

C. Exterior materials

The quality of a new development should not adversely affect the value of surrounding properties. New projects should use building materials similar (or higher quality) to those used on adjacent projects.

D. Height

1. The scale of the project should not overwhelm any adjacent buildings. Through changing the roof line and varying the height, the perceived height of a project can be reduced.
2. The building's scale should be in harmony with neighboring developments. The apparent height of a project can be reduced through building setbacks, varying the roofline, and the height of a building.
3. The existing definition of building height shall apply to the standards of each zoning district.

E. Mechanical equipment screening

All equipment shall be screened from view with material similar to the architectural design of the project. The screening method shall not have a tacked-on appearance and should be an integral part of the elevations.

F. Compatibility

1. A development should be designed to enhance, harmonize, and be appropriate with the adjacent land uses and not be financially detrimental.
2. Projects shall be designed so as to minimize negative impacts on surrounding uses. A gradual transition between the project and adjacent uses can be achieved through setbacks, building height, walls and landscaping, and window and door placement.

G. Signage

1. The placement and design of the signage for a development should be compatible with the proposed project and with the surrounding area.
2. A signage plan shall be prepared showing the location and type of any existing and proposed signs.
3. The regulations set forth in Article 1400, Signs in this ordinance shall apply.

H. Landscaping

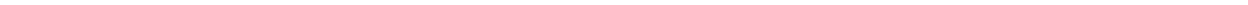
1. The regulations set forth in Article 1300, Landscaping and Screening in this ordinance shall apply.
2. A landscaping plan shall be prepared showing the location and description of landscaping.

I. Parking, Loading and Internal Roadways

1. The regulations set forth in Article 1200, Parking, Loading and Internal Roadways in this ordinance shall apply.
2. A parking and loading plan shall be prepared showing the location and description of parking, loading and internal roadways.

J. Drainage

1. Since Putnam County has no public storm water system, drainage and stormwater considerations are extremely important.
2. Drainage plans must consider on-site and off-site drainage.
3. The regulations set forth in Article 1500, Drainage and Storm Sewers in this ordinance shall apply.



**ARTICLE 1200
PARKING, LOADING, AND INTERNAL ROADWAYS**

- 1200.01 PURPOSE**
- 1200.02 GENERAL PROVISIONS**
- 1200.03 DETAILED STANDARDS FOR INTERNAL ROADWAYS, OFF-STREET PARKING AND LOADING AREAS**
- 1200.04 OFF-STREET PARKING SPACE REQUIREMENTS**
- 1200.05 LOADING FACILITY REQUIREMENTS**
- 1200.06 PARKING LOT DIMENSIONS**
- 1200.07 PARKING DESIGN STANDARDS FOR UNIQUE LAND USES**

1200.01 PURPOSE

Proper design of, and access to, parking facilities, loading facilities and internal roadways shall be required in order to protect the public health, safety, and welfare. It is the intent of this section to facilitate adequate parking, loading and internal roadways within all zoning districts by:

- A. Providing ample parking stalls of adequate dimensions with appropriate aisle widths;
- B. Providing an efficient traffic movement pattern with adequate turning radii;
- C. Maintaining a pleasant appearance;
- D. Designing convenient parking locations;
- E. Integrating parking with the character of the development; and
- F. Promoting the functional efficiency of all land uses by requiring off-street parking, loading facilities and internal roadways consistent with modern standards.

1200.02 GENERAL PROVISIONS

- A. The provision and maintenance of required off-street parking, loading and internal roadway facilities are continuing obligations of the property owner. Required parking spaces shall be provided as required and made available for use, or an escrow fund or bond shall be established for providing them before final inspection and approval is completed by the Planning Officer.
- B. In all zoning districts, when a building other than a single-family dwelling, is “substantially expanded” or structurally altered, or a new building is constructed, or the use of an existing building is changed, off-street parking, loading spaces and internal roadways shall be provided according to the requirements set forth in this article or an escrow fund or bond shall be established prior to occupancy.
 - 1. When several uses occupy a single structure or lot, the total required parking shall be the sum of the requirements of the individual uses and further, when a building or use is planned or constructed in such a manner that a choice of parking requirements could be made, the use which requires the greatest number of parking spaces shall govern.
 - 2. When there is a change in the use of a building or parcel of land, the difference between the number of required parking spaces for the new use and the number required for the previous legal use according to this article, even if spaces were not available for the previous use, shall be provided. However, when the increased intensity of a commercial or industrial building requires two (2) or less new spaces, no additional parking spaces shall be required. These two (2) spaces exemption also shall apply in the case of enlargement or structural alteration of a commercial or industrial building. For a building containing both residential and commercial or industrial uses, the portion of the building in each respective type of use shall be considered as if it were a separate building for the purpose of applying this exemption.
 - 3. When an existing structure is “substantially expanded”, additional parking spaces, as required in Section 1200.04, shall be required based on the overall square footage of the structure. “Substantial expansion” shall be indicated in the table below:

| When an existing structure is... | A substantial expansion is... |
|---|--------------------------------------|
| 0-1,000 square feet | 50% or greater |
| 1,001-10,000 square feet | 40% or greater |
| 10,001- 25,000 square feet | 30% or greater |
| 25,001-50,000 square feet | 20% or greater |
| 50,001 square feet and larger | 10% or greater |

- C. In all zoning districts, required off-street parking shall be located on the premises intended to be served, unless a special permit for a restricted accessory parking area is obtained from the Board of Zoning Appeals in accordance with appropriate district regulations and the provisions of Article 1100 - Special Permit Uses.
- D. Required parking spaces shall be available for parking of vehicles of residents, customers, and employees and shall not be used for storage of vehicles or materials or for the exclusive parking of vehicles used in conducting the business or use, and shall not be used for selling, repairing, or servicing. Exceptions to this restriction shall include the seasonal sale of Christmas trees and sidewalk sales by existing on-site permitted uses.
- E. No parking shall be permitted in any required front setback, except for a single-family dwelling or a duplex, any of which may have up to two spaces in the front setback. In no case shall more than 60 percent of the front setback be paved. When parking areas are provided on a separate lot, the front setback requirements shall be determined as if applied to a one-story structure within the zoning district where it is located.
- F. In Commercial and Industrial Districts, off-street parking facilities may be provided collectively by two (2) or more establishments in the same building or several buildings. The establishments may be the same use or different uses. The collective parking must be a common area open to all users of all establishments using the collective provision. The spaces provided collectively may be reduced to seventy-five (75) percent of the sum of the requirements computed separately.
- G. A parking plan, drawn to scale, indicating how the off-street parking requirements are to be met, shall accompany an application for a multi-family and non-residential building permit. The plan shall show all elements necessary to indicate that the parking requirement is being fulfilled, and shall include at least the following:
 - 1. Delineation and stall measurements of individual parking spaces; and
 - 2. Circulation area necessary to serve spaces;
 - 3. Access to streets and property to be served;
 - 4. Curb cuts;
 - 5. Dimensions, continuity, and type of screening;
 - 6. Grading, drainage, and surfacing details;
 - 7. Delineation of obstacles to parking and circulation in finished parking area;
 - 8. Specifications as to signs and bumper guards;
 - 9. Identification of required handicapped parking spaces; and
 - 10. Landscaping.
- H. Non-compliance with any part of this article shall be subjected to the enforcement and financial penalties provisions as described in Article 2000, Administration and Enforcement.

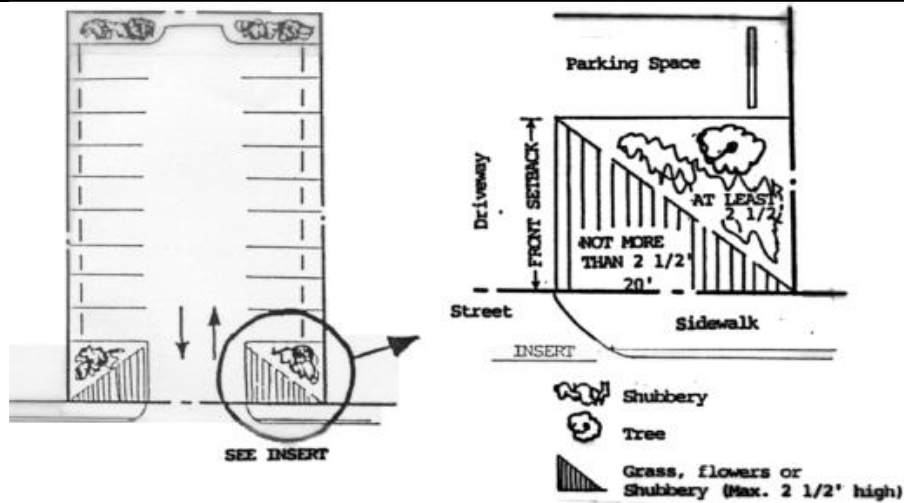
1200.03 DETAILED STANDARDS FOR INTERNAL ROADWAYS, OFF-STREET PARKING AND LOADING AREAS

All internal roadways, parking and loading areas shall be developed and maintained as follows:

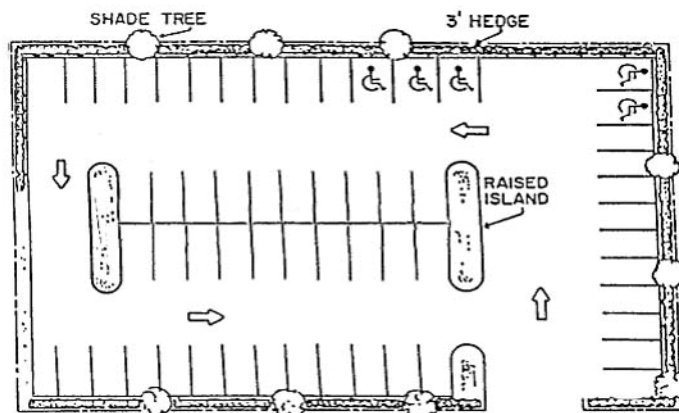
- A. **Composition.** Driveways and areas used for loading, parking, and internal roadways for multi-family, non-residential land uses, and residential lease communities shall have a surface which is durable, all weather, and paved of either asphalt or concrete. However, residential lease communities with less than five (5) single family dwellings as well as Recreational Vehicle (RV) Parks may construct areas for loading, parking, internal roadways, and Recreational Vehicle (RV) pads from gravel. Gravel roads shall not be less than twenty-two (22) feet in width. All graveled areas shall not be less than six (6) inches in depth of compacted limestone gravel.

| | Multi-Family/Residential Lease Community | Non-Residential |
|---|--|---|
| Cul-de-Sacs (minimum) | 25 ft. road pavement radius | 35 ft. road pavement radius |
| Gradient (maximum) | <ul style="list-style-type: none"> ▪ 20% ▪ 6% for the first 60 feet from an intersection off the parking entrance from a roadway. ▪ 8% for off street parking areas All grades 15% and above must have the grade verified by an engineer and the certification submitted to the Planning Commission prior to pouring concrete or placement of asphalt. | <ul style="list-style-type: none"> ▪ 10% ▪ 6% leveling area at intersection for 60 feet, measured from the nearest edge of pavement of intersecting road. ▪ 8% for off street parking areas |
| Paving Requirements | <p>Concrete</p> <ul style="list-style-type: none"> ▪ 20 ft. width ▪ 6" depth Concrete shall meet ASTM standards and have a minimum 28-day compressive strength of 4,000 psi. ▪ reinforced with fiber compound, mesh or bar; reinforcing shall be 6-gauge mesh having a maximum 6" x 6" spacing pattern or reinforcement bars as may be approved by the county engineer. ▪ minimum of 4" gravel base to allow for proper drainage and leveling. ▪ All joints shall be no more than 12' apart. ▪ All cold joints must be keyed or pinned with a minimum of 1/2" dowel bars, 30" long, spaced 24" apart. <p>Asphaltic</p> <ul style="list-style-type: none"> ▪ 20 ft. width. ▪ depth of asphalt and base aggregate in accordance with standards of WV Flexible Pavement Council, with a minimum of base filter fabric conforming to WVDOH requirements installed under the base aggregate ▪ After roads are paved, grade and backfill against the road. | <p>Concrete</p> <ul style="list-style-type: none"> ▪ 24 ft. width ▪ 6" depth Concrete shall meet ASTM standards and have a minimum 28-day compressive strength of 4,000 psi. ▪ reinforced with fiber compound, mesh or bar; reinforcing shall be 6-gauge mesh having a maximum 6" x 6" spacing pattern or reinforcement bars as may be approved by the county engineer. ▪ minimum of 4" gravel base to allow for proper drainage and leveling. ▪ All joints shall be no more than 12' apart. ▪ All cold joints must be keyed or pinned with a minimum of 1/2" dowel bars, 30" long, spaced 24" apart. <p>Asphaltic</p> <ul style="list-style-type: none"> ▪ 24 ft. width. ▪ depth of asphalt and base aggregate in accordance with standards of WV Flexible Pavement Council, with a minimum of base filter fabric conforming to WVDOH requirements installed under the base aggregate. ▪ After roads are paved, grade and backfill against the road. |
| Bridges, culverts, curbs & gutters | As required by the Planning Commission | As required by the Planning Commission |
| Curb Radius | Internal/Major Roads 35 ft. Internal/Minor Roads 30 ft. Intersection/County or State – WVDOH Rules & Regulations Driveway Manual | All Internal Roads 40 ft. Intersection/County or State – WVDOH Rules & Regulations Driveway Manual |

- B. **Traffic Flow.** Driveways and areas for loading, parking, and the maneuvering of vehicles within all multi-family and non-residential land uses shall meet all requirements with regard to traffic flow on public streets and alleys.
- C. **Drainage.** A parking area shall be designed to dispose of all surface water accumulation within the area in such a manner as to prevent drainage onto and across a sidewalk or onto adjoining property and shall meet all other drainage requirements. In addition, all such areas and driveways shall be designed, graded, constructed, and drained according to Article 1500, Drainage and Storm Sewers. No such area or driveway shall be built over or interfere with the flow of an existing drainage channel unless adequate drainage facilities are provided to accommodate said channel. No Certificate of Compliance with the Zoning Ordinance for a building shall be issued by the Planning Officer unless all parking and loading areas and driveways are constructed in accordance with approved plans or an escrow fund or performance bond for their provision is established.
- D. **Soil Erosion and Sediment Control.** The design, construction, and maintenance of a parking area shall be designed so as to properly control and prevent soil erosion and sediment control as required by the West Virginia Division of Environmental Protection and Section 1500.05 Erosion and Sediment Control in this ordinance.
- E. **Obstructions.** No obstructions of any kind shall be permitted within any required parking space.
- F. **Access.** No parking space shall be located in a manner so as to block access to any other parking space, except on a parking lot with a parking attendant having access to each vehicle's keys.
- G. **Movement.** Parking spaces shall be designed so that no backward movement of a vehicle onto a state or county right-of-way or access road will be necessary.
- H. **Barriers.** Bumper guards or wheel barriers shall be provided and secured to the ground surface if no concrete curb of at least four (4) inches in height is present and shall be installed so that no portion of a vehicle will project onto a public right-of-way, over adjoining property, over a sidewalk, or into a required setback, landscaping, or screening. If a sidewalk of five (5) feet or wider is installed along the perimeter of the parking area, no wheel barrier or bumper guard is required. Furthermore, no internal bumper guards or wheel barriers are required.
- I. **Lighting.** All areas containing outdoor lighting (except public street lighting and outdoor activity facilities) shall limit light spillage onto adjacent residential property. The applicant shall submit a lighting plan by an engineer showing a 0.2 FC at the adjacent property line. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors. Upon installation of the lighting, the applicant shall provide an as-built light plan by a professional registered engineer, certifying a 0.2 FC at the adjacent property line.
- J. **Landscaping.** Parking areas shall be landscaped and screened in accordance with the following:
 - 1. For parking areas containing more than ten parking spaces, at least five percent of the parking area, excluding roadways and driveways leading to the parking areas, shall be landscaped.
 - 2. Any such landscaping shall not be more than two and one-half feet in height in triangular areas at the intersection of a driveway with the street right-of-way. The triangular areas shall be determined by measuring 20 feet along the street frontage on each side of the driveway, and by measuring 20 feet back on each side of the depth of the required front setback.



3. Within a parking area, landscaped sections shall be reasonably dispersed, and the interior dimensions of any planting area shall be sufficient to protect the landscaping materials planted therein and to assure proper growth. The Planning Officer shall be available to provide advice on the formulation of landscaping plans for parking areas.
4. Raised islands shall be installed around the perimeter of all parking areas and at the end of all parking aisles for the purpose of facilitating safe and smooth traffic flow. The raised islands shall be bordered by concrete or rolled asphalt curb. At the option of the property owner, interior raised islands in a parking area may be paved or landscaped with ground cover. However, any parking area with 60 or more spaces must have interior and perimeter raised islands that are landscaped with ground cover. All islands shall extend the length of the parking bay and have a width of four (4) feet. The ground within raised islands shall be covered with decorative stones, mulch, grass, shrubs, other natural vegetative materials, or a combination thereof. If decorative stones are utilized within raised islands, then the diameter of the stones shall range in size between a minimum of 1.5 inches and a maximum of 4 inches. For the purpose of these regulations, "raised island" shall mean a minimum curb of four (4) inches covered with the selected approved materials indicated above or a combination thereof to the top of the curbed area.



EXAMPLE PARKING AREA

- K. **Signage.** Traffic control signs and pavement markings shall be used to control vehicular movement in a parking area. A sign showing the direction of a one-way street next to the site shall be required. Signs shall be limited to two square feet each, and an aggregate total not to exceed 20 square feet. No sign of any kind other than those indicating entrances, exits, name of establishment to which such parking area is accessory, or conditions of use shall be erected. No advertising on such signs shall be permitted.

- L. **Driveways.** The maximum grade for driveways into off-street parking areas shall be as identified in Section 1200.03. The West Virginia Division of Highways shall control the grade within their right-of-way. See Article 1600 - Road Access for specific road access standards.
- M. **Common Driveways.** A common driveway shall be permitted for adjacent lots. Legal evidence shall be presented and approved by the Planning Officer, in the form of deeds, leases, or contracts to establish the joint use, prior to zoning approval.
- N. **Parking Lot Grade.** The grade of a parking lot shall not exceed 8%.
- O. **Markings.** All required parking spaces within parking lots and all loading areas for multi-family and non-residential land uses shall be indicated by painted lines for the purpose of easy identification and delineation. Required walkways shall be identified in the same manner.
- P. **Lease Community Roadways.** Lease communities with less than five (5) single family dwellings may construct roads from gravel. Gravel roads shall not be less than twenty-two (22) feet in width or six (6) inches in depth of compacted limestone gravel.
- Q. **Guardrail.** Guardrail shall be constructed at locations where potential roadside hazards are proposed within the clear zone for the roadway. The clear zone shall be defined utilizing Figure 3.1 and Table 3.1 from the American Association of State Highway and Transportation Officials' *Roadside Design Guide*. In addition, guardrail shall be constructed at locations where fill slopes exceed the slope of 3:1 and have a fill height of 12 feet or more (measured from the profile grade). The Planning Commission may require guardrail at other locations not listed above.

Guardrail shall be Type I Guardrail (Galvanized Steel Deep Beam) unless otherwise approved by the Planning Commission. The spacing of the guardrail shall be a maximum of 12'-6" and posts shall have wooden blocks. The guardrail shall be constructed as per WVDOH Specifications and Standard Details.

- R. **Intersection.** When the subdivision street intersects a county or state highway, the curb radii shall be the standard in the Manual on Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way of the West Virginia Department of Transportation, Division of Highways.

The curb radii internally shall meet the requirements in Section 1200.03.

1200.04 OFF-STREET PARKING SPACE REQUIREMENTS

The following sets forth the minimum number of parking spaces to be provided as required in this ordinance. The maximum parking spaces shall not exceed twice the minimum requirement. Requirements for a building or use not specifically listed shall be determined by the Planning Officer based upon the requirements of similar uses.

A. Residential uses:

- 1. Single family dwelling 2 spaces for each dwelling unit.
- 2. Studio or efficiency unit 1 space per dwelling unit.
- 3. One-bedroom apartment* 1 ½ spaces per dwelling unit.

*Accessory rooms, such as dens, recreation rooms, extra living rooms, or family rooms (but excluding kitchens, dining rooms, bathrooms, and one living room) shall be calculated as a bedroom when determining the required off-street parking spaces.

- 4. Two or more-bedroom apartment 2 spaces per dwelling unit.
- 5. Multi-family dwelling units intended for assisted care.
 - a. 1 space for each 2 dwelling units, plus 1 space for each employee

6. Non-transient roomers or boarders.
 - a. 1 space per roomer or boarder, in addition to the requirement for the dwelling.
7. Group home
 - a. 1 space per bedroom, plus 1 space for each staff member. If counseling services are provided to non-residents, an additional space for each 200 square feet of floor area used by said counseling services shall be provided. Planning Officer may authorize provision of fewer parking spaces if there is a clear indication that the number of required spaces for a group home is unnecessary due to such factors as residents being unable to drive due to age or mental or physical disability.
8. Bed and Breakfast Establishment, Rooming house, or boarding house
 - a. 1 per guest room, plus 1 space for resident manager/owner.

B. Non-Residential Uses:

Airport – 1 space for each 5 aircraft tie-downs, plus 1 space per 5 aircraft storage areas plus 1 space for each 4 seats in waiting/terminal area.

Animal Hospital/Kennel – 1 space for each examination room plus 2 spaces for each 50 square feet of reception area.

Arena, stadium, auditorium, or theater - 1 space for every 4 5 fixed seats (20 inches of bench or pew shall be considered 1 seat); or one space for every 5 persons of design capacity.

Assembly hall without seats - 1 space for each 100 square feet of floor area used for assembly.

Automobile/Motorcycle/Motor Vehicle sales - 1 space for each vehicle displayed, 2 spaces for each service bay, plus 1 space for each 400 square feet of floor area under showroom roof.

Automobile Repair - 4 spaces for each service bay or work area.

Automobile Service Station - 2 spaces per service bay. Automobile service stations with convenience retail uses shall also provide 1 space for each 200 square feet of net floor area.

Bank/Financial Institution - 1 space for each 250 square feet of floor area, plus three stacking spaces to accommodate each drive-in window.

Bar, Tavern, or nightclub - 1 space for each 100 square feet of floor area.

Bus terminal - 1 space for each 400 square feet of floor area.

Club, lodge, or meeting room - 1 space for every 4 seats (20 inches of bench or pew shall be considered 1 seat) or for each 100 square feet of floor area.

Commercial Entertainment – 1 space for every 3 seats or 1 space for each 100 square feet of floor area, whichever is greater.

Contractor and Building Supplies – 1 space for each 500 square feet of floor area.

Day Care Center -1 space per staff member and 1 space per 5 students of design capacity.

Educational Institution:

School-business, secretarial, industrial, technical, or trade - 1 space for each student, based on the design capacity of the building.

School-college or university - 3 spaces per 1,000 square feet of floor area used for academic purposes, plus 1 space for each student rooming unit, plus additional spaces as required for nonacademic uses.

School-preschool nursery, kindergarten, elementary, or middle - 2 space per classroom, plus adequate pick-up and drop off area as determined by the Planning Officer.

School-senior high - 1 space for each 10 students for which the building was designed, plus 1 space for each classroom and administrative office.

Elderly Housing/Assisted Living - 1 space per two living units.

Funeral home - 1 spaces per 75 square feet in the public rooms, plus 1 space per funeral vehicle, plus 1 space per employee.

Hospital - 1 spaces per bed; however, hospital bassinets shall not be counted as beds.

Hotel/Motel - 1 space for each guest room or suite, plus 1 space for each 400 square feet of public meeting area and/or restaurant space.

Hotel/Motel with conference facilities - 1 space for each guest room or suite, plus 1 space for every 3 seats or 1 space for every 3 persons of design capacity that the conference facility is designed to accommodate. Additionally, parking spaces shall also be provided for each accessory use in accordance with the provisions of Article 1200.04(B). The Planning Commission may waive the minimum number of parking spaces required for each accessory use if the proposed accessory uses customarily require staggered parking times.

Limousine Service – 1 space designated for each proposed limousine vehicle sized to store the vehicles properly and safely. Spaces for specialized and/or modified vehicles must be sized to fully contain the vehicle so as to not block or otherwise obstruct traffic flow of the site. 1 space for every 250 square feet of office/sales space and 2 spaces for each service bay.

Manufacturing/Industrial establishment - 1 space for each 1,000 square feet of floor area.

Medical clinics - 3 spaces for each examination or treatment room.

Multi-Tenant/Mixed Use Development - 1 space for each 250 square feet of gross leasable area. Gross leasable area is defined as the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Museum and Art Gallery - 1 space per four seats in rooms for public assembly or for each 150 sq. ft. of floor area for use by the public, whichever is greater, plus 1 space for each two employees on the shift of greatest employment.

Nursing home - 1 space per 4 patient beds.

Office, Business or Professional - 1 space for each 300 square feet of floor area.

Personal Services – 1 space for each 300 square feet of floor area.

Personal Storage Facility – 1 space for every 5 rental storage units.

Professional Services – 1 space for each 200 square feet of floor area.

Public or Institutional Facility – 1 space for each 300 square feet of floor area.

Religious Place or Worship - 1 space for each 5 fixed seats in the place of public assembly (20 inches of bench or pew shall be considered 1 seat). If the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient space is available by legal agreement of the owner(s) and approved by the Planning Officer, up to 50% of the required parking may be placed on such lot.

Restaurant - 1 space for each 100 square feet of floor area.

Restaurant, Fast Food – 1 space for each 100 square feet of floor area.

Research and Development Laboratory – 1 space for each 500 square feet of floor area.

Retail Business (under 5,000 square feet) – 1 space for each 200 square feet of floor area.

Retail Business – 1 space for each 400 square feet of floor area.

Swimming pool - 1 space for each 100 square feet of pool, sunbathing, and picnic/concession area.

Tennis court - 3 spaces per court.

Terminal (e.g., truck, rail) - 1 space per employee.

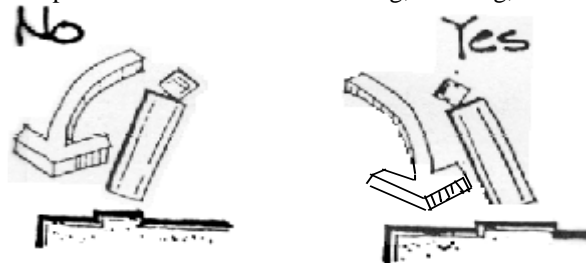
Truck, Large and Trailer sales, lease, rental, or service – 1 space for each large truck and trailer displayed, 2 spaces for each service bay, plus 1 space for each 400 square feet of floor area under showroom roof.

Warehouse - 1 space for each 2,000 square feet of floor area.

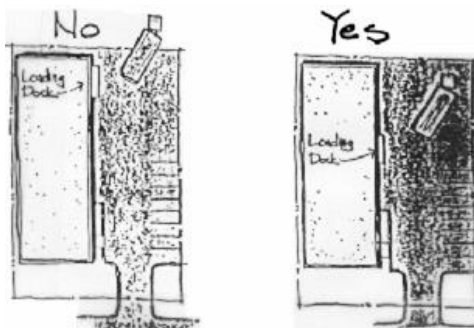
1200.05 LOADING FACILITY REQUIREMENTS

A. In all zoning districts, in connection with every building hereafter erected to be occupied by uses requiring the receipt or shipment by motor vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building off-street loading and unloading space accessible from an alley or easement of access, or when there is no such alley or easement of access, from a street. One loading space shall be required for each 10,000 square feet of floor area. If less than 10,000 square feet exists, 5,000 or more square feet of floor area shall require one loading space.

B. On property where trucks or other vehicles will be regularly engaged in loading or unloading, adequate space must be provided so that all maneuvering, standing, loading, and unloading can be done entirely on site. In no case shall unloading block any thoroughfare in an off-street parking area.

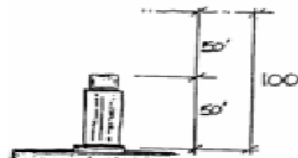


It is easier to back a truck into a loading space when the driver can look back over his left shoulder. The design of the site and its traffic circulation shall take advantage of this.



The layout of the site, including maneuvering to be done on site.

plans for future expansion, shall enable all



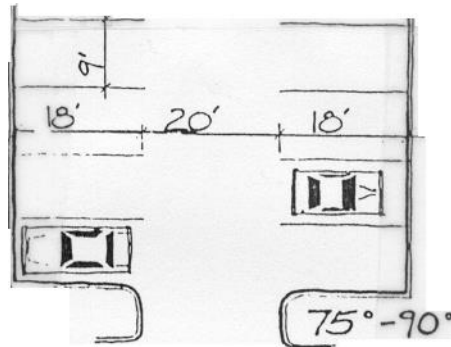
A rule of thumb in determining the amount of space needed for loading is to double the length of the longest vehicle to use the space.

- C. No off-street loading space may be located adjacent to a residential land use without meeting the requirements of Article 1300, Landscaping and Screening.
- D. Loading areas must be paved with a permanent, durable, dustless surface such as bituminous or concrete paving, as described in Article 1200.03 - Detailed Standards.

1200.06 PARKING LOT DIMENSIONS

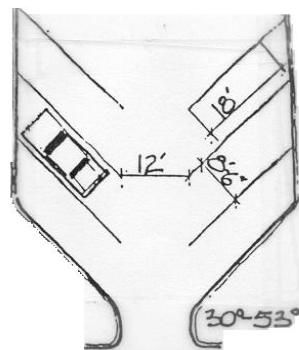
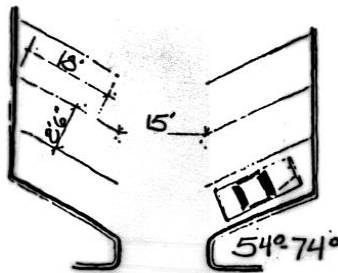
A. Lot Dimensions

Three basic patterns form the basis for the layout of most parking lots: 90 Degree, Angle, and Parallel. The minimum dimensions are given below.



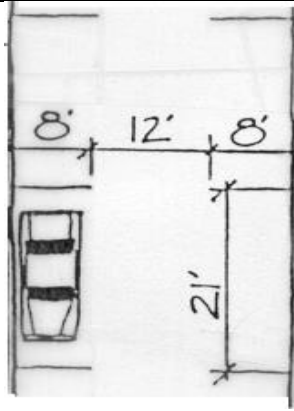
90 Degree Parking

- § Most efficient use of space (most parking spaces per square foot of parking).
- § Accommodates two-way traffic.
- § An aisle of 22-24 feet is preferable to the minimum of 20 feet, if space permits.



Angle Parking

- Can be used where width of parking area is limited.
- Aisles should be 2-3 feet wider than minimum requirements where space permits.



Parallel Parking

- Should not be used on an aisle with 90-degree parking.

B. Handicapped Spaces

A minimum of one (1) parking space for the handicapped must be provided for every 50 parking spaces. All parking facilities except for single-family dwellings, duplexes and manufactured homes, must provide at least one (1) handicapped space, regardless of the size of the parking facility. These spaces must be not less than 12 feet in width and designated with signs displaying the international symbol for the handicapped.

C. General Parking Space Size

Each required parking space, except those designated for handicapped spaces, must be at least 9 feet wide and 18 feet long, exclusive of access drives or aisles, for commercial and industrial uses and 10 feet wide and 18 feet long for residential uses.

1200.07 PARKING DESIGN STANDARDS FOR UNIQUE LAND USES

A. Automobile Sales

1. Within the exterior vehicular display area of an automobile sales establishment, the following design standards shall not be required:
 - a. Wheel barriers
 - b. Delineation of individual parking spaces
 - c. Raised islands at the end of all parking aisles
2. Exterior vehicular display spaces shall not be included when calculating the minimum number of required handicapped parking spaces.
3. All non-display parking spaces within an automobile sales establishment shall comply with all applicable design standards contained within Article 1200.

B. Large Truck and Trailer Sales, Lease, Rental, or Service

1. There shall be an exterior display area for 1) the sale, lease, or rental of large trucks and trailers and 2) a non-display parking area for automobiles and large trucks and trailers for servicing.
 - a. Within the exterior display area, the following design standards shall not be required:
 - (1) Wheel barriers
 - (2) Delineation of individual parking spaces
 - (3) Raised islands at the end of all parking aisles
 - (4) Parking spaces within this area shall not be included when calculating the minimum number of required accessible parking spaces.

- b. A non-display parking area shall comply with all applicable standards contained in Article 1200 Parking, Loading and Internal Roadways. Parking spaces for large trucks and trailers shall be at a minimum the size required for the type of truck or trailer to be accommodated and shall be approved by the County Engineer. All parking spaces shall be labeled on the site plan as to their use and size.
- 2. “Heavy Duty” pavement shall be specified for the project.
 - a. Concrete pavement shall be designed per the American Concrete Institutes Guide for Design and Construction of Concrete Parking Lots or other method as approved by the County Engineer.
 - b. Asphalt pavement shall be designed in accordance with The Asphalt Institutes Thickness Design Manual or other method as approved by the County Engineer.
- 3. Loading, unloading, and maneuvering of vehicles or trailers shall be accommodated on the site. There shall be no loading, unloading, or maneuvering of vehicles or trailers in the public street right-of-way.
- 4. The required twenty foot (20’) front yard area shall be landscaped according to the requirements of Section 1300 Landscaping and Screening. In no case shall the front yard be used for the display, loading, unloading, and maneuvering of vehicles or trailers or for the storage of wrecked or damaged vehicles or for parts, materials, or equipment.
- 5. All Curb radii and lane dimensions shall meet the minimum requirements for the largest truck that can be serviced at the facility. Refer to TableE2-2 from AASHTO Geometric Design of Highways and Streets for detailed maneuverability limitations for different motor vehicles.

| US Customary | | | | | | | | | | |
|---|-------------------------|-------------------|------------------------------|------------------------------|--------------------------------------|------------------------------------|--|----------------------|-----------------------------|---------------------------------------|
| Design Vehicle Type | Passenger Car | Single Unit Truck | Inter-city Bus (Motor Coach) | | City Transit Bus | Conventional School Bus (65 pass.) | Large ² School Bus (84 pass.) | Articulated Bus | Intermediate Semi-trailer | Intermediate Semi-trailer |
| Symbol | P | SU | BUS-40 | BUS-45 | CITY-BUS | S-BUS36 | S-BUS40 | A-BUS | WB-40 | WB-50 |
| Minimum Design Turning Radius (ft) | 24 | 42 | 45 | 45 | 42.0 | 38.9 | 39.4 | 39.8 | 40 | 45 |
| Center-line ¹ Turning Radius (CTR) | 21 | 38 | 40.8 | 40.8 | 37.8 | 34.9 | 35.4 | 35.5 | 36 | 41 |
| Minimum Inside Radius (ft) | 14.4 | 28.3 | 27.6 | 25.5 | 24.5 | 23.8 | 25.4 | 21.3 | 19.3 | 17.0 |
| Design Vehicle Type | Interstate Semi-trailer | | “Double Bottom” Combination | Triple Semi-trailer/trailers | Turnpike Double Semi-trailer/trailer | Motor Home | Car and Camper Trailer | Car and Boat Trailer | Motor Home and Boat Trailer | Farm ³ Tractor w/One Wagon |
| Symbol | WB-62* | WB-65** or WB-67 | WB-67D | WB-100T | WB-109D* | MH | P/T | P/B | MH/B | TR/W |
| Minimum Design Turning Radius (m) | 45 | 45 | 45 | 45 | 60 | 40 | 33 | 24 | 50 | 18 |
| Center-line ¹ Turning Radius (CTR) | 41 | 41 | 41 | 41 | 56 | 36 | 30 | 21 | 46 | 14 |
| Minimum Inside Radius (m) | 7.9 | 4.4 | 19.3 | 9.9 | 14.9 | 25.9 | 17.4 | 8.0 | 35.1 | 10.5 |

* = Design vehicle with 48 ft trailer as adopted in 1982 Surface Transportation Assistance Act (STAA).
 ** = Design vehicle with 53 ft trailer as grandfathered in with 1982 Surface Transportation Assistance Act (STAA).
¹ = The turning radius assumed by a designer when investigating possible turning paths and is set at the centerline of the front axle of a vehicle. If the minimum turning path is assumed, the CTR approximately equals the minimum design turning radius minus one-half the front width of the vehicle.
² = School buses are manufactured from 42 passenger to 84 passenger sizes. This corresponds to wheelbase lengths of 132 in to 237 in, respectively. For these different sizes, the minimum design turning radii vary from 28.8 ft to 39.4 ft and the minimum inside radii vary from 14.0 ft to 25.4 ft.
³ = Turning radius is for 150-200 hp tractor with one 18.5 ft long wagon attached to hitch point. Front wheel drive is disengaged and without brakes being applied.

Exhibit 2-2. Minimum Turning Radii of Design Vehicles (Continued)

**ARTICLE 1250
PERFORMANCE STANDARDS**

- 1250.01 APPLICATION OF PERFORMANCE STANDARDS**
- 1250.02 COMPLIANCE WITH PERFORMANCE STANDARDS**
- 1250.03 ENFORCEMENT**
- 1250.04 TOXIC MATTER**
- 1250.05 FIRE AND EXPLOSION HAZARDS**
- 1250.06 GLARE OR HEAT**
- 1250.07 ODOR**
- 1250.08 DUST AND AIR POLLUTION**
- 1250.09 NUISANCE**
- 1250.10 ELECTROMAGNETIC INTERFERENCE**
- 1250.11 WATER POLLUTION**
- 1250.12 OUTDOOR STORAGE**
- 1250.13 OUTDOOR LIGHTING**

1250.01 APPLICATION OF PERFORMANCE STANDARDS

All uses shall comply with the performance standards established in this Article, unless any federal, state, county, or local ordinance, law or regulation establishes a more restrictive standard in which event the more restrictive standard shall apply.

1250.02 COMPLIANCE WITH PERFORMANCE STANDARDS

When tests by the Planning Officer indicate a possible violation of these performance standards, the Planning Officer shall require the property owner to obtain and bear the cost of the qualified technical assistance to ascertain the exact amount of emissions of noxious effects at the lot lines of the property in question. The results of the test or tests shall be presented to the Planning Commission in writing.

1250.03 ENFORCEMENT

Enforcement of the performance standards shall be the duty of the Planning Officer pursuant to Article 1900, Administration and Enforcement.

1250.04 TOXIC MATTER

The storage, handling, or transport of toxic substances shall comply with all federal laws and regulations, all state laws and regulations, and all county and local ordinances, laws, and regulations regarding the storage, handling, or transport of toxic material.

1250.05 FIRE AND EXPLOSION HAZARDS

Materials that present potential fire and explosive hazards shall be transported, stored, and used only in conformance with all applicable federal, state, and local ordinances and laws.

1250.06 GLARE OR HEAT

Any operation producing intense glare or heat shall be performed within a completely enclosed building or structure in such a manner as not to create a public nuisance or hazard along lot lines. Glare resulting from plant operations shall not exceed the limits set forth below for outdoor lighting. Heat resulting from plant operations shall not be perceptible beyond the lot lines without the aid of special instruments.

1250.07 ODOR

Emission of noxious, objectionable, or annoying odor shall be in conformance with all applicable federal, state, and local ordinances and laws.

1250.08 DUST AND AIR POLLUTION

The generation of dust and air pollution shall only be in conformance with all applicable federal, state, and local laws and ordinances.

1250.09 NUISANCE

No use shall be operated or maintained which creates a health, safety or is environmentally detrimental or is a public nuisance, including but not limited to visual clutter created by excessive signage, lighting, or outdoor storage; noise or odors as defined herein; or other noise and odors such as those created by pets or garbage.

1250.10 ELECTROMAGNETIC INTERFERENCE

Electromagnetic interference from any operations shall comply with Federal and State regulations.

1250.11 WATER POLLUTION

All uses shall comply with the federal, State of West Virginia or Putnam County rules and regulations regarding prevention of water pollution.

1250.12 OUTDOOR STORAGE

Outdoor storage of fuel, raw materials and flammable products shall comply with federal, state or county rules and regulations.

1250.13 OUTDOOR LIGHTING

All areas containing outdoor lighting, including but not limited to floodlighting, security lighting, or parking lot lighting shall not interfere with surrounding properties or with traffic flow on public streets.

A. Light Trespass

All areas containing outdoor lighting (except public street lighting and outdoor activity facilities and with the exception of commercial abutting commercial, commercial abutting industrial, or industrial abutting industrial) shall limit light spillage onto adjacent residential property. The applicant shall submit a lighting plan by an engineer showing a 0.2 FC at the adjacent property line. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors. The height of the light poles shall not exceed the height of the structure as measured from average grade. Upon installation of the lighting, the applicant shall provide an as-built lighting plan by an engineer, certifying a 0.2 FC at the adjacent property line.

B. Outdoor Activity Facilities

Outdoor activity facilities may have unique lighting needs pertaining to the performing or playing area.

C. Other Outdoor Lighting

The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited unless approved on a temporary basis by the Planning Officer.

D. Repair and Replacement of Outdoor Lighting

All outdoor lighting shall be maintained in working condition at all times.

E. Enforcement

Failure to adhere to the requirements of this Section shall be deemed a violation of this Ordinance and subject to the procedures of Article 1900, Administration and Enforcement.

F. Exceptions

1. The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from this Ordinance except where they create a hazard or nuisance from glare. However, consideration to light trespass requirements shall be demonstrated prior to commencing the use of the temporary lighting.
2. Emergency lighting and traffic control lighting shall be exempt from the requirements of this Section.
3. All lighting existing or installed on the date of this Ordinance which does not conform with this Ordinance shall be exempt under the following conditions:
 - a. Lighting found by a governmental agency to create public hazard can be ordered removed or altered at any time.
 - b. On the effective date of the Ordinance, any light installation which provides for re-aiming of the fixture shall be brought in compliance with the terms of this Ordinance without delay.
 - c. When a building is substantially expanded or structurally altered, or a new building is constructed, or the use of an existing building is changed, outdoor lighting shall be provided for as per the regulations of this Article.
 - d. Flashing, blinking, or strobe lights shall not be considered exempt, regardless of the date of installation.

ARTICLE 1300
LANDSCAPING AND SCREENING

- 1300.01 STATEMENT OF LEGISLATIVE INTENT
- 1300.02 GENERAL PROVISIONS
- 1300.03 REQUIREMENTS
- 1300.04 SUBMISSION AND APPROVAL
- 1300.05 SCREENING AND LANDSCAPING REQUIREMENTS
- 1300.06 CONFLICTS IN REQUIREMENTS
- 1300.07 EASEMENTS AND SETBACKS
- 1300.08 SCREENING OF SERVICE STRUCTURES
- 1300.09 SCREENING AND LANDSCAPING OF OFF-STREET PARKING AREAS
- 1300.10 MODIFICATIONS
- 1300.11 EXEMPTIONS
- 1300.12 APPEALS

1300.01 STATEMENT OF LEGISLATIVE INTENT

It is the intent of the landscaping and screening regulations to:

- A. Protect or improve the character and stability of residential, commercial, and industrial areas by enhancing the visual environment;
- B. Conserve the value of adjoining properties and neighborhoods by requiring appropriate screening to minimize nuisances such as noise and glare; and
- C. Moderate heat, wind, and other local climatic effects produced by parking lots.

1300.02 GENERAL PROVISIONS

- A. The provision of required landscaping and screening is a continuing obligation of the property owner, and shall be maintained for the use, enjoyment, and privacy of the occupants, customers, or tenants, as well as for the protection of adjoining properties. Landscaping and screening shall be provided for new structures, a change in land use, or a substantial expansion as identified in the table below. Required landscaping shall be provided or an escrow fund or performance bond shall be established to provide the required landscaping and screening before final inspection and approval is completed by the Planning Officer.

| When the existing structure is... | A substantial expansion is... |
|-----------------------------------|-------------------------------|
| 0-1,000 square feet | 100% or greater |
| 1,001-10,000 square feet | 50% or greater |
| 10,001-25,000 square feet | 30% or greater |
| 25,001-50,000 square feet | 20% or greater |
| 50,001 square feet and larger | 10% or greater |

Screening areas shall only be required in the side and/or rear yards as established by this Article unless otherwise required by the Planning Officer.

- B. Landscaping provided for one site shall not be construed as landscaping for another.

1300.03 REQUIREMENTS

New development, changes of use or substantially expanded structures shall provide screening areas as provided in Section 1300.05, Screening Requirements. Existing vegetation shall be preserved, as much as feasibly possible, in accordance with acceptable nursery industry procedures.

The following items are suitable for screening use individually or in combination with each other provided they create a dense screen, subject to review and approval by the Planning Official. Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the County.

A. Walls and Fences

1. When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be constructed of weatherproof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with or without wooden or synthetic slat material shall not be permitted when used to satisfy Screening requirements. However, dumpster enclosures may be permitted to use chain link fencing with wooden slats or synthetic slats.
2. Any wall or fence used for Screening shall be constructed so that the finished, or most visually appealing side of the wall or fence, is facing the adjacent property
3. Fences shall be a minimum of seven feet (7') in height and shall not exceed twelve feet (12') unless approved by the Planning Officer.

B. Plants

Plant materials used in conformance with the provision of this Chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under state regulations. Trees shall be balled and burlapped or in containers. Shrubs, vines, and ground covers can be planted as bare root as well as balled and burlapped or containers. All trees shall be measured from the top of the root ball to the top of the tree mass.

1. Deciduous Trees

Deciduous trees shall have a minimum caliper of at least two and one-half (2½) inches with a single central leader, for large and medium trees, conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this Section must be used to create a dense screen.

2. Evergreen Trees

Evergreen trees shall be a minimum of six feet (6') in height at the time of planting and shall be unshaired, full and branched to the ground. Evergreen plantings shall be designed to provide an effective, dense screen within four (4) years of planting. It is recommended that evergreen trees be planted no further than ten (10) feet on center to assure an effective screen.

3. Shrubs and Hedges

Shrubs and hedges to be used for off-street parking and screening purposes shall be at least twenty-four inches (24") in height at the time of planting. Shrubs and hedges used for landscaping purposes shall be at least eighteen inches (18") in height at the time of

planting. All shrubs and hedges shall be designed to provide an effective, dense screen and mature height of at least five feet (5') within four (4) years after the date of the final approval of each planting. The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.

4. Grass or Ground Cover

Grass shall be planted in species normally grown as permanent lawns in Putnam County. In swales or other areas subject to erosion, solid sod, erosion reducing net, or suitable mulch and temporary seeding shall be used for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Grass shall be sown or placed in any area not landscaped or paved. Ground cover shall be planted in such a manner as to provide seventy-five (75%) complete coverage after two (2) growing seasons.

5. Earth Mounds

Earth mounds may be used as physical barriers which block or screen a view. Differences in elevation between areas requiring screening does not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following standards:

- a. The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed by the Building Commissioner to ensure that proper erosion prevention and control practices have been utilized.
- b. Berms and earth mounds shall be designed with physical variations in height and alignment throughout their length.
- c. Landscape plant material installed on berms and earth mounds shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
- d. The landscape plan shall show sufficient detail, including a plan and profile of the berm or earth mound, soil types and construction techniques to demonstrate compliance with the above provisions.
- e. Berms and earth mounds shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.
- f. No part of any berm or earth mound which is elevated more than thirty inches (30") above natural grade shall be located within ten feet (10') of any right-of-way or property line.
- g. Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.

C. Maintenance of Screening and Landscaped Areas

All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued maintenance of all screening and landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first, by plant material similar in size and type to that which was removed.

Violation of these installation and maintenance provisions shall be a violation of this Zoning Ordinance under Article 1900.

D. Screening Establishment

Screening shall be placed five (5) feet from a property line. Once a screen has been approved by the Planning Official and established by the owner, it may not be used, disturbed, or altered for any purpose unless for normal maintenance activity.

E. Location of Screening

A required screening area may be erected in the required yard as established by this Zoning Ordinance.

1300.04 SUBMISSION AND APPROVAL

A. Submission of screening plans shall be as follows:

- 4 No site or development plan required under this Zoning Ordinance shall receive final approval unless a screening plan has been submitted and approved, when required.
- 5 No location improvement permit, or certificate of compliance shall be issued unless such plan has been fully implemented on the site.
- 6 Any property or site to which this Article applies shall illustrate all proposed screening including the proposed landscaping materials on a site plan or on a separate screening plan at a reasonable scale.
- 7 All plans submitted shall include a table listing the existing plant materials within the screening area. This table shall include the common and botanical names, sizes, and other such information as necessary to fully describe the plant material selection.
- 8 Detailed cross sections shall be provided identifying the proper planting of trees, shrubs, and ground cover within the screening areas.

B. Approval of screening plans shall be as follows:

- 9 Screening plans including the information as identified in 1300.04(A) shall be submitted to the Planning Official for review as part of the application for a location improvement permit.
- 10 The Planning Official shall review the information and approve, deny, or approve with modifications the plans as submitted.

1300.05 SCREENING AND LANDSCAPING REQUIREMENTS

A. Screening Requirements

The following table establishes the minimum screening area requirements. When any activity or use of land falls under one or more of the categories listed, the most stringent of the requirements shall apply to the entire property or project.

| When... | Is proposed to abut... | The minimum screening area shall be... | With the following materials |
|--|--|--|--|
| Any non-residential use in the Commercial "C-1" District | Any Residential District or Residential Land Use | Ten (10) feet. | <p>A six (6) foot fence, wall, or earthen mound/berm AND A mix of evergreen trees, deciduous trees, and shrubs to soften the fence, wall, or mound/berm.</p> <p>OR</p> <p>A screening area planted and maintained with evergreens at least five (5) feet in height or an evergreen hedge at least four (4) feet in height, situated so as to provide an effective opaque and permanent visual screening upon installation.</p> |
| Any non-residential use in the Commercial" C-2" District | Any Residential District or Residential Land Use | Twenty (20) feet. | <p>A six (6) foot fence, wall, or earthen mound/berm AND Three (3) evergreen trees plus three (3) shrubs for every fifty (50) lineal feet of screening area.</p> <p>OR</p> <p>Five (5) evergreen trees, planted in an offset manner as to create an opaque screen, plus five (5) shrubs for every fifty (50) lineal feet of screening area.</p> |

| | | | |
|--|--|-------------------|---|
| Any non-residential use in the Commercial "H-1" District | Any Residential District or Residential Land Use | Twenty (20) feet. | A six (6) foot fence, wall, or earthen mound/berm AND Three (3) evergreen trees plus two (2) deciduous trees plus five (5) shrubs for every fifty (50) lineal feet of screening area. OR Seven (7) evergreen trees, planted in an offset manner as to create an opaque screen, plus three (3) deciduous trees plus seven (7) shrubs for every fifty (50) lineal feet of screening area. |
|--|--|-------------------|---|

| When... | Is proposed to abut... | The minimum screening area shall be... | With the following materials |
|---|---|---|---|
| Any industrial use in the Light Industrial District | Any Non-Industrial Land Use | <ul style="list-style-type: none"> · 30 Feet in Width when abutting a residential use. · 20 feet in width when abutting any other non-industrial land use. | A six (6) foot fence, wall, or earthen mound/berm AND Six (6) evergreen trees, plus four (4) deciduous trees, plus eight (8) shrubs for every seventy-five (75) lineal feet of screening area. OR Twelve (12) evergreen trees, plus four (4) deciduous trees, plus fourteen (14) shrubs for every seventy-five (75) lineal feet of screening area. |
| Any industrial use in the Heavy Industrial District | Any Non-Industrial or Light Industrial Land Use | <ul style="list-style-type: none"> · 40 Feet in Width when abutting a residential use. · 30 Feet in width when abutting any public, semi-public or institutional land use. · 20 Feet in width when abutting any other non-industrial land use. | A six (6) foot fence, wall, or earthen mound/berm AND Eight (8) evergreen trees, plus five (5) deciduous trees, plus ten (10) shrubs for every seventy-five (75) lineal feet of screening area. OR Fourteen (14) evergreen trees, plus six (6) deciduous trees, plus sixteen (16) shrubs for every seventy-five (75) lineal feet of screening area. |

| | | | |
|---|--|-----------------------|--|
| Any Multi-Family Development or Lease Community | Any R-1 District | Twenty-five (25) feet | <p>A six (6) foot fence, wall, or earthen mound/berm AND A mix of evergreen trees, deciduous trees, and shrubs to soften the fence, wall, or mound/berm.</p> <p>OR</p> <p>A screening area planted and maintained with evergreens at least five (5) feet in height or an evergreen hedge at least four (4) feet in height, situated so as to provide an effective opaque and permanent visual screening upon installation.</p> |
| | Any R-2 or R-3 District or Residential Land Use in a Commercial or Industrial District | Ten (10) feet | |

B. Landscaping Requirements

1. Where building foundations are visible from the public street, public right-of-way or from adjacent properties, foundation landscaping is encouraged.
2. The landscape design shall incorporate low maintenance plants and allow for continuous maintenance.
3. Landscaping is encouraged to be incorporated at the base of all ground mounted and monument signage. Such landscaping shall be equal to that of the total area of the sign face.

1300.06 CONFLICTS IN REQUIREMENTS

When an activity or land use falls under more than one of the categories listed in the matrix in Section 1300.05 the most stringent of the requirements shall be applied.

1300.07 EASEMENTS AND SETBACKS

- A. In no case, shall landscaping and screening areas be established that block the sight distance at street or driveway intersections. In the case of a county street intersection, the sight triangle shall consist of the area between points twenty feet (20') from the right-of-way line along both intersecting streets.
- B. Screening areas are not required in the front yard or in side yards closer to the street than the front building line of the structure unless screening an off-street parking area.

1300.08 SCREENING OF SERVICE STRUCTURES

Service structures shall include but not be limited to loading docks, propane tanks, dumpsters, electrical transformers, utility vaults which extend above the ground, ground mounted utility equipment and electrical and other equipment or elements providing service to a building or a site. The screening height shall be based upon the tallest point of the structure(s) being screened.

A. Location of Screening

A continuous planting of evergreen or a fence or a wall, or a combination thereof, must enclose any service structure on all sides, unless such structure must be frequently moved or accessed, in which case screening material shall be established to allow access to the structure.

B. Curbs to protect screening material

Whenever screening material is placed around any dumpster or waste collection unit which is emptied or removed mechanically on a regular basis, a curb to contain the placement of the container shall be provided within the screening material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

1300.09 SCREENING AND LANDSCAPING OF OFF-STREET PARKING AREAS

The screening and landscaping of off-street parking areas shall be in accordance with Article 1200, Section 1200.03(J).

1300.10 MODIFICATIONS

The Planning Official may approve modifications to the landscaping and screening requirements. The Planning Official shall base his/her decision on ALL the following criteria:

The specific conditions which are unique to the applicant's land:

- A. The manner in which the strict application of the provision of this Article would deprive the applicant of a reasonable use of the land in a manner equivalent to the use permitted other landowners in the same zone.
- B. The unique conditions and circumstances are not the result of actions of the applicant subsequent to the adoption of this Article.
- C. Reasons that the modification shall preserve, not harm, the public safety and welfare, and shall not alter the essential character of the neighborhood.
- D. A demonstration that the applicant has provided for a screen that achieves the spirit of this Article.

1300.11 EXEMPTIONS

The Planning Commission or Planning Officer may waive the landscaping and screening requirements if it is determined that natural barriers, topography, or other features achieve the functions of the landscaping and screening.

1300.12 APPEALS

The Board of Zoning Appeals may hear appeals on the decision of the Planning Official.

**ARTICLE 1400
SIGNS**

- 1400.01 STATEMENT OF LEGISLATIVE INTENT**
- 1400.02 PROCEDURES AND PERMITS**
- 1400.03 PERMIT EXEMPTIONS**
- 1400.04 RULES OF MEASUREMENT AND COMPUTATIONS OF INDIVIDUAL SIGN AREA**
- 1400.05 PROHIBITED SIGNS**
- 1400.06 GENERAL SIGN REGULATIONS**
- 1400.07 ON-PREMISES SIGNS FOR ZONING DISTRICTS**
- 1400.08 ON-PREMISES SIGNS FOR PARKING AREAS**
- 1400.09 ON-PREMISES SIGNS FOR UNIQUE LAND USES**
- 1400.10 OFF-PREMISES SIGNS**
- 1400.11 NONCONFORMING SIGNS**
- 1400.12 ABANDONED SIGNS**
- 1400.13 MEASUREMENT OF SIGN AREA**
- 1400.14 SIGN TYPE EXAMPLES**

1400.01 STATEMENT OF LEGISLATIVE INTENT

It is the intent of the sign regulations section of this ordinance to:

- A. Preserve and improve the scenic natural environment of Putnam County, particularly along transportation corridors, by allowing signs that are consistent with an attractive environment and are appropriate to the planned character of each zoning district; and,
- B. Protect property values by encouraging visually appealing, non-distracting forms of signs; and,
- C. Prescribe the appropriate size, location, construction, and manner of display of permitted signs; and,
- D. Permit such signs that will not, by reason of their size, location, or manner of display, endanger life or limb, confuse traffic, obstruct vision, or otherwise endanger the public morals, safety, or welfare; and,
- E. Prevent signs from causing an annoyance or disturbance, particularly to residential properties which are adjacent to non-residential properties; and,
- F. Promote a healthy and business-friendly environment where regulated signs contribute to and encourage the economic viability of local business and industry; and,
- G. Bring nonconforming signs into compliance with the ordinance, when practical; and,
- H. Allow the limited placement of off-premises directional signs.

1400.02 PROCEDURES AND PERMITS

- A. It shall be unlawful for any person to erect, structurally alter, or relocate any sign or structure supporting a sign without first obtaining a permit from the Planning Officer, except as provided in Section 1400.03, Permit Exemptions.
- B. The application for the approval of a sign shall be made upon forms provided by the Planning Office. All applications shall be accompanied by accurate sketches and scaled drawings showing the location of the proposed sign.

No application shall be accepted for review unless it is complete, accompanied by the appropriate fee and signed by the applicant. The Planning Officer may require that the location of a proposed sign be based on a survey by a registered land surveyor or engineer, at the expense of the applicant. The Planning Officer shall endeavor to complete a review of the completed application within five (5) working days.

- C. Once a sign is constructed, erected, or installed, based on the approved application, the property owner/business owner will provide a letter of certification to the Planning Officer certifying that the sign was designed (including content), sized, constructed, erected and/or installed according to the approved sign

application. The letter of certification shall be submitted to the Planning Office prior to the property owner/business owner receiving a certificate of compliance with the zoning ordinance. An approved certificate of compliance with the zoning ordinance is required before a commercial or industrial land use may open for business.

- D. When a permit is issued for an approved temporary sign, the Planning Office shall also issue a permit decal which shall be placed by the applicant in the lower left corner of the sign. The permit decal shall include the date of approval of the sign and the expiration date. Any temporary sign erected without a county-issued permit decal, as well as any temporary sign which remains erected beyond the expiration date, shall be deemed an illegal sign and the applicant will be subject to the procedures and penalties of Article 1900, Administration and Enforcement of this ordinance.
- E. A sign plan must be submitted as part of a site plan for all new developments and substantial renovations which require the review and approval of the Planning Office. A sign plan also must be submitted as part of the change of land use application and cannot be submitted separately or at a later date.
- F. The Planning Officer may inspect existing signs to determine if they are detrimental to the public health, safety, and welfare. If they are detrimental to the public health, safety, and welfare, they shall be removed or repaired within five (5) days following the determination by the Planning Officer. At the determination of the Planning Officer, more time may be granted to repair or replace the sign if the property owner can demonstrate a good faith effort of working toward compliance with this ordinance. If a nonconforming sign is determined by the Planning Officer or owner to require repair, it must be brought into compliance with these regulations within a period determined by the Planning Officer.

1400.03 PERMIT EXEMPTIONS

A permit shall not be required for the following signs and activities. Except where noted otherwise, the types of signs listed below are allowed in addition to the maximum number and square footage of regulated signs as permitted in other sections of this article:

- A. Servicing, repainting, or cleaning an existing sign, including repair and maintenance of nonconforming signs necessary to keep the sign in sound condition. In no case shall a business be permitted to maintain nonconforming signage and erect new signage which cumulatively exceed the maximum sign area permitted in the respective zoning district.
- B. House number or nameplate (apartment or home occupation) identifying the occupant or address of a structure and not exceeding two square feet in area.
- C. Memorial sign or tablet or name of building and date of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible material, and when mounted on a wall of the building.
- D. Any non-commercial flag.
- E. Traffic or other government sign, such as legal notice, railroad crossing, danger or other emergency sign.
- F. Yard, garage or moving sale signs that are removed within a two-day period after the sale.
- G. Traffic control signs on private residential property which contains no commercial message of any sort.
- H. Time and temperature portions of a sign, up to 33 percent of the total sign area allowed.
- I. Public warning signs for trespassing or danger area.
- J. Temporary interior window signs.
- K. Non-commercial seasonal signs.
- L. Drive-thru menu signs.
- M. Portable signs.

- N. Up to two on-premises banners advertising product(s) or service(s) sold or available on-site, placed flush against the wall of a principal permitted commercial structure on the lot, and of a size no greater than thirty (30) square feet each.
- O. Grand opening displays such as temporary signs, posters, banners, clusters of flags, balloons or other air or gas filled figures are permitted for a period of thirty (30) days only to announce the opening of a completely new commercial enterprise. All such materials shall be removed immediately upon the expiration of thirty (30) days.
- P. Temporary commercial signs placed by businesses or the West Virginia Division of Highways during the construction of any road improvement project. To be exempted from the permitting process, a business may either (a) relocate its permanent sign out of the construction zone to a temporary location on-site, or (b) replace the permanent sign with a temporary new sign no larger than the maximum height and size limits permitted in the zoning district. In any case, once the road improvements are completed in front of the business, any sign placed temporarily during the construction period must be removed within sixty (60) days and a permanent sign which fully conforms to the sign regulations must be erected.
- Q. Notwithstanding other provisions contained in this ordinance, the message or sign face of a nonconforming sign may be changed as long as this action does not create any new nonconformities with the sign.

1400.04 RULES OF MEASUREMENT AND COMPUTATIONS OF INDIVIDUAL SIGN AREA

This section of the article explains how a sign is to be measured in order to determine its size. A summary of maximum permitted sign sizes, length of display time, etc. in the various zoning districts can be found at the end of this article.

- A. The permitted maximum size of a sign shall apply to the entire area enclosing the extreme limits of writing, representation, emblem, or figure, together with any frame or other material or color forming an integral part of the display or used to differentiate a sign from the background against which it is placed. Necessary supports or uprights on which a sign is placed are excluded from the measurement of sign area. (See Section 1400.13, Measurement of Sign Area.)
- B. The permitted actual size of a sign shall apply to each facing of a sign structure; however, where signs are double-faced, placed back-to-back, or in a V-type construction, only one side of the sign shall be counted when the V is at a 45-degree angle or less.
- C. If a sign is painted on a wall, and includes background colors and/or graphics, and if the sign is an integral part of the overall graphic scheme, the entire wall shall be considered a sign and its measurement computed as such. If a sign is painted on a wall, and the sign can be logically separated and measured separately from the background graphics, the background graphic scheme shall not be computed in the sign size.
- D. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the crown of the nearest existing road accessing the parcel, measured perpendicular to the location of the sign.
- E. **Determining Developed Area.** For the purposes of the Article and for determining allowable sign area for commercial subdivisions/developments, the developed area shall include the impervious surface area, as well as future developable non-impervious areas if fully enclosed by impervious areas.
- F. **Determining Building Frontage and Building Unit.** For the purposes of the Article and for determining allowable wall sign area, the building frontage shall include the building walls that face a public street, face a parking lot which serves the use, or that contains a public entrance to the uses therein. For the purposes of these regulations, a public alley is not considered a public street.
 - 1. The building frontage shall be measured along such building wall between the exterior faces of the exterior sidewalls.
 - 2. In the case of an irregular wall surface, a single straight line approximating such wall surface shall be used to measure the wall's length.
 - 3. For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

- 4. The **primary frontage** shall be the portion of a frontage that serves as the main access point to a building or building unit. (See Figure 1)
- 5. The **secondary frontage** shall be all other frontages. (See Figure 1)

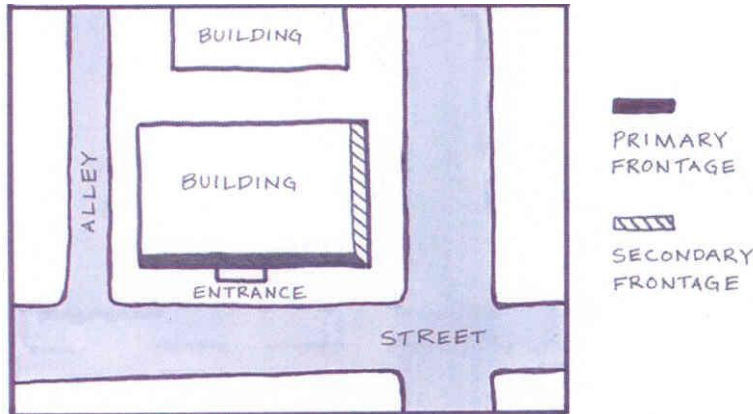


Figure 1: Primary and Secondary Frontages

1400.05 PROHIBITED SIGNS

The following signs shall be prohibited in all districts, except as otherwise noted herein:

- A. A flashing sign or an animated sign which incorporates in any manner flashing or moving lights or any other visible moving or revolving part, except for the time, temperature, or date sign.
- B. Commercial banners (except as permitted in Article 1400.03, Permit Exemptions), pennants, flags, spinners, or streamers.
- C. Signs which obstruct or impair the vision of drivers, or obstruct or detract from the visibility of, or resemble, any traffic sign or traffic control device on a public street or road, by reason of size, shape, location, color, or illumination.
- D. Commercial signs which make use of such words as "STOP", "LOOK", "DANGER", or other similar words, phrases, symbols, or characters in such a manner as to imply the need or requirement of stopping or the existence of danger.
- E. Signs which obstruct free ingress or egress from a door, window, fire escape, or other exit way.
- F. Signs on wheels, "A-frame" or "T-shape" signs, signs on portable structures such as trailers, and advertising placed on motor vehicles which are not used regularly or able to move under their own power and are placed in such a manner as to attract attention.
- G. Signs determined by the Planning Officer to contain subject matter defined within this ordinance related to "Specified Sexual Activities" or "Specified Anatomical Areas."
- H. Signs now or hereafter existing which no longer advertise a bona fide business, activity, campaign, service, or product.
- I. Abandoned signs, as defined by this ordinance.
- J. Any sign located in a public right-of-way.
- K. All off-premises signs, except as permitted in Section 1400.10, Off-Premises Signs.
- L. Signs attached to utility poles and West Virginia Division of Highways sign poles.

1400.06 GENERAL SIGN REGULATIONS

- A. A sign shall comply with the provisions of Section 1700.04, Vision Field.

- B. Unless otherwise restricted in this ordinance, a sign shall comply with the height regulations for structures in the zoning district where the sign is located or otherwise specifically regulated in this article.
- C. A sign or its support structure may be permitted in the front setback but in no case shall any part of the sign be placed within five feet of a private or public right-of-way.
- D. A projecting sign shall not extend over more than one-half of a public sidewalk nor be lower than nine feet above ground level.
- E. The back of any permitted sign structure must be shielded from public view by a building, other structure, high planting, or another sign of the same size (where permitted), unless such back is painted a neutral color or is enclosed in a solid metal backing that is treated or painted against corrosion.
- F. All signs shall be maintained in good and safe structural condition.
- G. The general area in the vicinity of a sign must be kept clear of weeds, debris, trash, and other refuse by the property owner.
- H. Permanent window signs shall not cover more than 33% of a side of a building.
- I. In no case shall any sign cast light directly upon any part of an adjacent residential or agricultural property at anytime of the day or night. Electronic Variable Message Signs (EVMS) shall not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the sign size.

1400.07 ON-PREMISES SIGNS FOR ZONING DISTRICTS

- A. **Agricultural “A” District, Residential Districts “R-C”, “R-R”, “R-1”, “R-2”, and “R-3”:** On-premises signs shall be permitted as follows, except as noted under Section 1400.08, On-Premises Signs for Parking Areas:
 - 1. One non-illuminated nameplate sign and/or non-commercial message is permitted provided the surface area does not exceed two (2) square feet and the sign is set back at least five (5) feet from the front property line. The maximum height of the sign shall be six (6) feet.
 - 2. One wall, monument, or panel/column sign shall be permitted for the following uses where permitted: church, school, museum, other community facility, other special permit use, or nonresidential principal use. One (1) square foot per one (1) lineal foot of building frontage shall be permitted with the total sign area not exceeding forty (40) square feet. Such sign shall be solely for the purpose of identifying the use and its services or activities, or identifying the building, and may be illuminated (no exposed neon). Such sign shall not be closer than ten (10) feet to the curb nor more than ten (10) feet in overall height above grade.

Additionally, one kiosk shall be permitted for the following uses where permitted: church, school, museum, or other community facility, as defined by this ordinance. Such kiosks shall be permitted for the purpose of announcing activities, and the like, scheduled to occur in such buildings. One (1) square foot per one (1) lineal foot of building frontage shall be permitted with the total sign area not exceeding forty (40) square feet. Such kiosks shall not be closer than ten (10) feet to the curb nor more than ten (10) feet in overall height above grade.
 - 3. A home occupation may be identified by one non-illuminated wall sign not exceeding a total area of two (2) square feet, affixed to the building, and not projecting more than one (1) foot beyond the building.
 - 4. For major residential subdivisions and multi-family residential complexes, one monument or panel/column sign indicating the name of the subdivision or multi-family residential complex may be placed at each roadway entry point. The sign may not exceed forty (40) square feet in area or an overall height of ten (10) feet above grade.

Additionally, one information sign is permitted for each entry to a multi-family residential complex. The sign may not exceed two (2) square feet in area. Multi-family residential complexes also shall be permitted one sign identifying a rental office which shall not exceed four (4) square feet if the sign is visible from a public right-of-way; otherwise, there is no size limit.

B. Neighborhood Commercial “N-C” and Suburban Commercial District “C-1”: On-premises signs shall be permitted as follows except as noted under Section 1400.08, On-Premises Signs for Parking Areas:

1. Multi-tenant development: Commercial subdivisions/developments, as defined in this ordinance, shall be permitted signage as described below:

Commercial subdivisions/developments with one common entrance/exit driveway shall be permitted one monument or panel/column sign to be located at the common entrance/exit. The sign shall not exceed seventy-five (75) square feet in size for up to one (1) acre of developed area and shall not exceed one hundred fifty (150) square feet in size for ten (10) acres or more of developed area.

To calculate the allowable sign size for a developed area that is between one (1) and ten (10) acres, use the following formula:

- $\{y = -0.8333x^2 + 17.5x + 58.333\}$
- Note: y = allowable sign size (square feet), and x = developed area (acres).

Height limit for the above signs shall be twelve (12) feet for less than five (5) acres of developed area, and fifteen (15) feet for five (5) acres or more of developed area.

Commercial subdivisions/developments with more than one entrance/exit driveway shall be permitted one monument or panel/column sign, as calculated above, at each driveway if the distance between the two driveways is greater than fifteen hundred (1,500) lineal feet.

In addition, each parcel within a commercial subdivision/development shall be permitted wall sign(s) to identify the name of the building or occupant. The size of the sign permitted for each individual parcel shall be regulated as follows:

- a. Wall Signs shall be calculated as one (1) square foot per one (1) lineal foot of building frontage within the subdivision.
- b. If the development has two (2) frontages than wall signage shall be regulated under primary and secondary frontages as follows:
 1. One (1) square foot per one (1) lineal foot of primary building frontage.
 2. (0.60) square feet per one (1) lineal foot of secondary building frontage.
 3. The Planning Officer shall determine the primary and secondary frontages of a structure.

Each tenant within Commercial subdivisions/developments shall be permitted a maximum of one (1) blade sign. For requirements: See §1400.07B (2.i. Blade Signs)

Pole signs are prohibited in a commercial subdivision/development.

2. Single-tenant development: The following signs are permitted and shall be regulated as follows in regard to number, size and type of on-premises signs:

No more than one (1) freestanding sign is permitted per parcel.

- a. Monument and Panel/Column Signs (See examples in §1400.14A and §1400.14B)
 1. No more than one (1) monument OR panel/column sign shall be permitted per place of business.
 2. The maximum area for a monument OR panel/column sign shall be seventy-five (75) square feet.
 3. The width of the support base for a monument sign shall be no less than one-half (1/2) the width of the panel/sign face.
 4. The panel/column sign shall be supported between two (2) columns/ornamental pillars consisting of a round or square shaft, capital, and base.

All monument OR panel/column signs shall stand in a bed of natural landscaping. This area shall contain low-growing materials such as vegetative ground cover, perennials and shrubs and shall be bordered by acceptable curbing materials such as wood or concrete. Such curbing shall be located in such a manner so as to prevent automobiles from contacting the sign when maneuvering. The perimeter of the landscaped area shall extend outward from the monument sign by at least three (3) feet.

b. Pole Signs (See examples in §1400.14C)

No more than one pole sign shall be permitted per parcel. In no case shall a parcel be permitted more than one (1) pole sign, monument sign or panel/column sign. Pole signs shall be permitted up to a maximum area of seventy-five (75) square feet.

c. Marquee Signs

No more than one marquee sign shall be permitted per place of business. No part of the sign shall extend beyond the outer edge of the marquee. The roofs of all marquees shall be properly guttered and connected by downspouts so that the water therefrom will not drip or flow onto public property.

d. Wall Signs

An identification sign on an awning or canopy shall be considered a wall sign. Wall signs shall be permitted as follows:

1. One (1) square foot per one (1) lineal foot of primary building frontage shall be permitted per wall sign.
2. (0.60) square feet per one (1) lineal foot of secondary building frontage shall be permitted per wall sign.
3. The Planning Officer shall determine the primary and secondary frontages of a structure.
4. The structure shall be permitted to have a maximum of two (2) primary frontages.
5. A wall sign shall not extend further than 12 inches above or from the building to which the sign is attached.

e. Kiosks

No more than one kiosk shall be permitted for the following uses where permitted: church, school, museum, or other community facility, as defined by this ordinance. Such kiosks shall be permitted for the purpose of announcing activities, and the like, scheduled to occur in such buildings. One (1) square foot per one (1) lineal foot of building frontage shall be permitted with the total aggregate sign area not exceeding forty (40) square feet. Such kiosks shall not be closer than ten (10) feet to the curb nor more than twelve (12) feet in overall height above grade.

f. Community Event Signs

Community event signs are special permit uses and must comply with the regulations set forth in Section 2100.09 of this ordinance.

Community event signs shall be monument, kiosk, or pole signs. The maximum size of a community event sign shall not exceed sixty (60) square feet and the maximum height shall not exceed six (6) feet. The community event sign shall not be included in the maximum signage permitted for the business on the lot on which the community event sign is located. A community event sign may be an on-premises or off-premises sign. Specific criteria for community event signs are available from the Planning Office.

g. Changeable Copy Signs

Signs with changeable copy are permitted provided that the changeable copy area does not exceed fifty percent (50%) of the total sign area for a static Reader board, or one hundred percent (100%) of the total sign area for an Electronic Variable Message Sign (EVMS).

The changeable copy sign area is calculated in the maximum sign area permitted in the zoning district. Such signs shall change static copy no more than once every eight (8) seconds. Animated Changeable Copy signs are prohibited.

h. Blade Signs (See example in §1400.14)

All blade signs are temporary signs, must be located on-premises, and shall require an approved sign permit and associated fee. Blade signs shall be permitted as follows:

1. Blade signs shall only be permitted for two (2) non-consecutive calendar months per calendar year, per business.
2. A business in a single occupant structure/site shall be permitted the following:
One (1) blade sign for structures with less than one hundred (100) lineal feet of primary or secondary building frontage, OR
Two (2) blade signs for structures with one hundred (100) lineal feet or more of primary or secondary building frontage.
3. Each tenant in a multi-tenant development shall be permitted a maximum of one (1) blade sign.
4. Blade signs shall be no more than 3.5 feet in width (at the widest point), and shall be no more than twelve (12) feet in height.
5. Blade signs shall be placed no nearer to the public road than is permitted for any fixed sign and shall be outside of the Vision Field. No blade sign shall be placed in West Virginia Division of Highways (WVDOH) or any other public right-of-way.
6. Blade signs shall be mounted to a pole, and securely anchored into the ground according to the manufacturer's recommendations.

i. Height Limit

The overall height limit of the entire sign structure shall be twelve (12) feet from grade.

3. A home occupation may be identified by one non-illuminated wall sign not exceeding a total area of two (2) square feet, affixed to the building, and not projecting more than one (1) foot beyond the building.
4. For major residential subdivisions and multi-family residential complexes, one monument or panel/column sign indicating the name of the subdivision or multi-family residential complex may be placed at each roadway entry point. The sign may not exceed forty (40) square feet in area or an overall height of twelve (12) feet above grade.

Additionally, one information sign is permitted for each entry to a multi-family residential complex. The sign may not exceed two (2) square feet in area. Multi-family residential complexes also shall be permitted one sign identifying a rental office which shall not exceed four (4) square feet if the sign is visible from a public right-of-way; otherwise, there is no size limit.

C. **High Density Commercial District "C-2", Highway Interchange District "H-I", Industrial-Office Park District "IOP", and Light Industrial District "I-1":** On-premises signs shall be permitted as follows except as noted under Section 1400.08, On-Premises Signs for Parking Areas:

1. Multi-tenant development: Commercial subdivisions/developments, as defined in this ordinance, shall be permitted signage as described below.

Commercial subdivisions/developments with one common entrance/exit driveway shall be permitted one monument or panel/column sign to be located at the common entrance/exit. The sign shall not exceed one hundred (100) square feet in size for up to one (1) acre of developed area and shall not exceed twelve hundred (1,200) square feet in size for fifty (50) acres or more of developed area.

To calculate the allowable sign size for a developed area that is between one (1) and fifty (50) acres, use the following formula:

- $\{y = 0.0465x^2 + 20.075x + 79.878\}$
- Note: y = allowable sign size (square feet), and x = developed area (acres).

Height limit for the above signs shall be twenty (20) feet for less than five (5) acres of developed area. Starting with five (5) acres or more of developed area, an additional one (1) foot shall be added to the height limit for each additional one (1) acre of developed area. The maximum height limit shall be no more than seventy (70) feet.

Commercial subdivisions/developments with more than one entrance/exit driveway shall be permitted one monument or panel/column sign, as calculated above, at each driveway if the distance between the two driveways is greater than fifteen hundred (1,500) lineal feet.

In addition, each parcel within a commercial subdivision/development shall be permitted wall sign(s) to identify the name of the building or occupant. The size of the sign permitted for each individual parcel shall be regulated as follows:

- a. Wall signs shall be calculated as one (1) square foot per one (1) lineal foot of building frontage within the subdivision.
- b. If the development has two (2) frontages, then wall signage shall be regulated under primary and secondary frontages as follows:
 1. One (1) square foot per one (1) lineal foot of primary building frontage.
 2. (0.60) square feet per one (1) lineal foot of secondary building frontage.
 3. The Planning Officer shall determine the primary and secondary frontages of a structure.

Each tenant within Commercial subdivisions/developments shall be permitted a maximum of one (1) blade sign. For requirements: See §1400.07C (2.j. *Blade Signs*)

Pole signs are prohibited in commercial subdivisions/developments and in the IOP District.

2. Single-tenant development: The following signs are permitted and shall be regulated as follows in regard to number, size and type of on-premises signs:

No more than one (1) freestanding sign is permitted per parcel.

- a. Monument and Panel/Column Signs (See examples in §1400.14A and §1400.14B)
 1. No more than one (1) monument OR panel/column sign shall be permitted per place of business.
 2. The maximum area for a monument OR panel/column sign shall be one hundred (100) square feet.
 3. The width of the support base for a monument sign shall be no less than one-half (1/2) the width of the panel/sign face.
 4. The panel/column sign shall be supported between two (2) columns/ornamental pillars consisting of a round or square shaft, capital, and base.

All monument OR panel/column signs shall stand in a bed of natural landscaping. This area shall contain low-growing materials such as vegetative ground cover, perennials and shrubs and shall be bordered by acceptable curbing materials such as wood or concrete. Such curbing shall be located in such a manner so as to prevent automobiles from contacting the sign when maneuvering. The perimeter of the landscaped area shall extend outward from the monument sign by at least three (3) feet.

- b. Pole Signs (See examples in §1400.14C) (See also § 1400.12A)

No more than one pole sign shall be permitted per parcel. In no case shall a parcel be permitted more than one (1) pole sign, monument sign or panel/column sign.

Pole signs shall be permitted up to a maximum area of one hundred (100) square feet. Pole signs shall be prohibited in the IOP District.

c. Marquee Signs

No more than one marquee sign shall be permitted per place of business. No part of the sign shall extend beyond the outer edge of the marquee. The roofs of all marquees shall be properly guttered and connected by downspouts so that the water therefrom will not drip or flow onto public property.

d. Wall Signs

An identification sign on an awning or canopy shall be considered a wall sign. Wall signs shall be permitted as follows:

1. One (1) square foot per one (1) lineal foot of primary building frontage shall be permitted per wall sign.
2. (0.60) square feet per one (1) lineal foot of secondary building frontage shall be permitted per wall sign.
3. The Planning Officer shall determine the primary and secondary frontages of a structure.
4. The structure shall be permitted to have a maximum of two (2) primary frontages.
5. A wall sign shall not extend further than twelve inches above or from the building to which the sign is attached.

e. Kiosks

No more than one kiosk shall be permitted for the following uses where permitted: church, school, museum, or other community facility, as defined by this ordinance. Such kiosks shall be permitted for the purpose of announcing activities, and the like, scheduled to occur in such buildings. One (1) square foot per one (1) lineal foot of building frontage shall be permitted with the total aggregate sign area not exceeding forty (40) square feet. Such kiosks shall not be closer than ten (10) feet to the curb nor more than twelve (12) feet in overall height above grade.

f. Roof Signs

One roof sign shall be permitted per place of business. The height of a roof sign shall not exceed three (3) feet above the average height of the roof parapet. The size of a roof sign shall not exceed seventy-five percent (75%) of the building frontage (i.e., 0.75 square feet for every 1 linear foot).

No roof sign shall project over a public right-of-way nor extend more than three (3) feet above the roof or parapet line. In no case shall it exceed the applicable district height limit. The supporting members of roof-mount signs shall appear to be free of any extra bracing, angle irons, guy wires or cables. Supports shall appear to be an architectural and integral part of the building. Supporting columns of round, square or shaped steel members may be erected if the required bracing which is visible to the public is minimized or covered.

g. Community Event Signs

Community event signs are special permit uses and must comply with the regulations set forth in section 2100.09 of this ordinance.

Community event signs shall be monument, kiosk, or pole signs. The maximum size of a community event sign shall not exceed sixty (60) square feet and the maximum height shall not exceed six (6) feet. The community event sign shall not be included in the maximum signage permitted for the business on the lot on which the community event sign is located. A community event sign may be an on-premises or off-premises sign. Specific criteria for community event signs are available from the Planning Office.

h. Changeable Copy Signs

Signs with changeable copy are permitted provided that the changeable copy area does not exceed fifty percent (50%) of the total sign area for a static Reader board, or one hundred percent (100%) of the total sign area for an Electronic Variable Message Sign (EVMS). The changeable copy sign area is calculated in the maximum sign area permitted in the zoning district. Such signs shall change static copy no more than once every eight (8) seconds. Animated Changeable Copy signs are prohibited.

i. Blade Signs (See example in §1400.14)

All blade signs are temporary signs, must be located on-premises, and shall require an approved sign permit and associated fee. Blade signs shall be permitted as follows:

1. Blade signs shall only be permitted for two (2) non-consecutive calendar months per calendar year, per business.
2. A business in a single occupant structure/site shall be permitted the following:
One (1) blade sign for structures with less than one hundred (100) lineal feet of primary or secondary building frontage, OR
Two (2) blade signs for structures with one hundred (100) lineal feet or more of primary or secondary building frontage.
3. Each tenant in a multi-tenant development shall be permitted a maximum of one (1) blade sign.
4. Blade signs shall be no more than 3.5 feet in width (at the widest point), and shall be no more than twelve (12) feet in height.
5. Blade signs shall be placed no nearer to the public road than is permitted for any fixed sign and shall be outside of the Vision Field. No blade sign shall be placed in West Virginia Division of Highways (WVDOH) or any other public right-of-way.
6. Blade signs shall be mounted to a pole, and securely anchored into the ground according to the manufacturer's recommendations.

j. Height Limit

The overall height limit of the entire sign structure shall be twenty (20) feet from grade; with the exception of blade signs, which shall be permitted only up to a maximum of twelve (12) feet.

3. A home occupation may be identified by one non-illuminated wall sign not exceeding a total area of two (2) square feet, affixed to the building, and not projecting more than one (1) foot beyond the building.
4. For major residential subdivisions and multi-family residential complexes, one monument or panel/column sign indicating the name of the subdivision or multi-family residential complex may be placed at each roadway entry point. The sign may not exceed forty (40) square feet in area or an overall height of twelve (12) feet above grade.

Additionally, one information sign is permitted for each entry to a multi-family residential complex. The sign may not exceed two (2) square feet in area. Multi-family residential complexes also shall be permitted one sign identifying a rental office which shall not exceed four (4) square feet if the sign is visible from a public right-of-way; otherwise, there is no size limit.

1400.08 ON-PREMISES SIGNS FOR PARKING AREAS

On-premises signs for parking areas shall be regulated as follows in all districts, except as permitted in section 1400.09, Unique Land Uses:

- A. Directional signs and pavement markings shall be used to control vehicular movement in a parking area. Signs shall be limited to six (6) square feet each with an overall height limit of four (4) feet.

- B. With regard to parking, no sign of any kind other than those indicating entrances, exits, name of establishment to which such parking area is accessory, or conditions of use shall be erected with the exception of the company logo of the actual business occupying the site. No additional advertising on such signs shall be permitted.

1400.09 ON-PREMISES SIGNS FOR UNIQUE LAND USES

A. Hospitals

Hospitals shall be permitted one (1) ground sign at each entrance which shall not exceed one-hundred twenty (120) square feet in area or twelve (12) feet in height or be located closer than five (5) feet to any lot line.

Hospitals also shall be permitted one (1) building-mounted sign for each building entrance for the purpose of identifying a hospital function. No such sign shall exceed fifty (50) square feet in area.

On-site parking directional signs and pavement markings shall be used to control vehicular movement in a parking area. Signs shall be limited to twenty-five (25) square feet each and shall not exceed six (6) feet in height.

B. Gasoline Stations/Convenience Stores/Mini-Marts

In addition to other sign regulations contained in this ordinance, these establishments which sell gasoline may have the following signs:

1. Signs identifying only gasoline prices and/or the location of full-service and self-service areas may be located at and secured to each pump island and shall not be calculated in the maximum aggregate sign area. Temporary signs, attached to the pumps and no larger than one (1) square foot each, shall not be computed in the maximum aggregate sign area permitted for the business by this ordinance.
2. Each gasoline pump may display only the brand name or emblem of the gasoline, which shall not exceed the limits on the face of the pump.
3. Where the establishment provides inspection services, a State of West Virginia inspections sign may be erected on the property, provided that the sign does not exceed a surface area of eight (8) square feet per side.
4. Signs informing the public of employee certifications and the use of special brand name products used in the conduct of general daily business may be erected if placed flush against the building and shall be exempt from this regulation.
5. Signs which may be required by local, state, or federal law in the interest of public health and safety shall be exempted from this regulation. These signs may include, but not be limited to, "no smoking" and "turn off engines while fueling" signs.
6. No other additional signage shall be permitted.

Directional signs and pavement markings shall be used to control vehicular movement in a parking area.

No sign of any kind other than those indicating entrances, exits, name of establishment to which such parking area is accessory, or conditions of use shall be erected with the exception of the company logo of the actual business occupying the site. No additional advertising on such signs shall be permitted.

C. Federal or State minimum four (4) Lane Limited Access Highways (C-1, C-2, I-1, IOP, H-I Districts)

The following is in addition to the *Article 1400.07* signage allowances:

1. A Commercial or Industrial establishment served by a frontage road adjacent to said highway shall be allowed one (1) monument or panel/column sign not to exceed two hundred (200) square feet on the primary frontage.

2. A Commercial or Industrial establishment adjacent to said highway shall be allowed a wall sign or signs not to exceed an aggregate square footage of two hundred (200) square feet on one (1) side of the structure that is viewable from said highway.
3. Non-Residential Multi-Tenant Developments shall be permitted the following:
(See §1400.09 (D).)
 - a. If the commercial or industrial multi-tenant development is served by a frontage road adjacent to said highway or is adjacent to said highway, then it shall be allowed one (1) monument or panel/column sign not to exceed two hundred (200) square feet on the primary frontage.

D. Non-Residential Multi-Tenant Developments

Non-Residential Multi-Tenant developments shall include shopping centers, multi-tenant complexes and multi-tenant office buildings.

New developments are required to submit a sign plan and any sign regulations for the entire project to the planning office for review and approval with the proposed site plans.

1. The project is allowed one (1) monument or one (1) panel/column sign. The monument or panel/column sign shall not exceed the maximum allowable signage for monument or panel/column signs as permitted within each Zoning District. The sign shall denote the name of the development; major anchor tenants for the project also may be listed on the sign.

When a monument or panel/column sign is constructed on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.

2. Additionally, the project is allowed a maximum of one wall sign per tenant with each sign not to exceed one (1) square foot per one (1) lineal foot of building store frontage:
3. Outparcels are permitted two wall signs, with each sign not to exceed one (1) square foot per lineal foot of width for the wall where the sign is attached.
4. End units shall be permitted a maximum of two (2) wall signs, with each sign not to exceed one (1) square foot per lineal foot of width for the wall where the sign is attached.
5. For Federal or State four (4) Lane Limited Access Highways, see *Article 1400.09 (C)*.

E. Theaters

One sign which carries the name of the theater is permitted.

Additionally, one marquee sign not to exceed twenty-four (24) square feet per movie screen is permitted. Such sign shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. The total sign area of the marquee sign shall not be included in the maximum sign area permitted in the zoning district.

In addition, attraction boards not exceeding twenty-four (24) square feet each and mounted to the building facade are permitted. The total sign area of the attraction board signage shall not be included in the maximum sign area permitted in the zoning district.

1400.10 OFF-PREMISES SIGNS

A. Community Event Signs

Community event signs are special permit uses and must comply with the regulations set forth in section 2100.09 of this ordinance.

Community event signs shall be monument, kiosk, or pole signs. The maximum size of a community event sign shall not exceed sixty (60) square feet and the maximum height shall not exceed six (6) feet.

The community event sign shall not be included in the maximum of signage permitted for the business on the lot on which the community event sign is located. A community event sign may be an on-premises or off-premises sign. Specific criteria for community event signs are available from the Planning Office.

B. Off-premises Directional Signs

Permanent off-premises directional signs stating the name of a business or other land use are permitted in all non-residential zoning districts in accordance with the following criteria:

1. The business or other land use is able to obtain an approved permit for such signage from the West Virginia Division of Highways; and,
2. The business or other land use is located off of a designated public right-of-way; and,
3. The business or other land use must prove an off-premises directional sign is necessary for directions to access the site; and,
4. Sign text shall be limited to the name of the business or other land use, a logo and a directional arrow or may include certain advancing language as “next right”; and,
5. The sign must be located at the nearest roadway intersection, or intersections if the roadway intersects at more than one location; and,
6. The total sign area for each off-premises directional sign is limited to six (6) square feet and the height is limited to six (6) feet above grade; and,
7. Once the business or other land use using an off-premises directional sign ceases activity at its location, the entity must remove the sign within thirty (30) days to eliminate unnecessary sign clutter; and,
8. Not more than one sign for a business or other land use is permitted in one direction on any roadway; and,
9. Written permission from the property owner of the parcel on which the sign will be located must be obtained and provided to the planning office; and,
10. All off-premises directional signs must comply with the provisions of Section 1700.04, Vision Field.

Any business or other land use desiring to erect an off-premises directional sign is strongly encouraged to co-locate on an existing sign structure in an effort to eliminate unnecessary sign clutter. The sign permit fee will be waived for any off-premises sign which will be co-located on an existing sign structure.

1400.11 NONCONFORMING SIGNS

A. A nonconforming sign may be structurally altered provided that such structural alteration does not result in:

1. An increase in the total sign area or any dimension of the sign, including height; or,
2. Any increase in the degree of nonconformity of the sign.

Structural alteration of a nonconforming sign which results in a decrease in nonconformity is permitted.

B. Any temporary or portable sign erected or displayed prior to the effective date of the amendment of this article, and which is determined to be nonconforming with article 1400 of this ordinance, shall be removed forthwith.

C. The burden of establishing a sign to be legally nonconforming rests upon the person, firm or corporation claiming legal status for the sign.

- D. The sign permit fee will be waived for sign applications proposing to replace all nonconforming signage with signage which is in full compliance with these regulations.
- E. Replacement of static, non-confirming signage with one hundred percent (100%) Electronic Variable Message Sign (EVMS) is permitted. The requirements of 1400.11B shall not apply to this replacement.
- F. Replacement of static, non-confirming signage with one hundred percent (100%) Electronic Variable Message Sign (EVMS) is permitted. The requirements of 1400.11.B shall not apply to this replacement.

1400.12 ABANDONED SIGNS

If any sign is “abandoned” for a period of at least thirty-six (36) consecutive days, such sign shall be considered a nuisance affecting or endangering surrounding property values and shall be considered detrimental to the public health, safety and general welfare of the community and shall be abated. For the purpose of this ordinance, the word “abandoned” shall mean that the use of the property has ceased or has discontinued normal daily operations, or the structure is vacant.

Abandoned signs, as defined by this ordinance, shall be regulated as follows:

- A. Abandoned signs and their structures which are both nonconforming: shall be removed within ninety (90) days after being designated as abandoned. Removal includes the total disassembly of the sign structure, including the base, down to the height limit for signage within the zoned area on which the sign was erected. Any sign not removed within the specified ninety (90) day period may be removed by the County at the property owner’s expense which may be assessed to that property owner on the next County Property Tax Statement.
- B. Abandoned signs, where the sign face is nonconforming, but the structure is conforming: the nonconforming sign shall be removed within ninety (90) days, but the conforming structure may remain.
- C. Abandoned signs, where both the sign and its structure are conforming: the sign shall be removed within ninety (90) days, but the conforming structure may remain.

The failure to neglect or the refusal of any property owner to comply with these regulations shall constitute a violation of this Zoning Ordinance.

1400.12A POLE SIGNS AT INTERSECTIONS

Pole signs shall be permitted to be a maximum of 100 feet in height if a certified professional engineer or certified professional surveyor certifies that the Pole Sign is located within 2,000 linear feet of the centerline of an intersection along I-64 or U.S. 35. The Pole Signs shall only be allowed for restaurants, gasoline stations, hotels and motels, and the sign on the top of the pole may not exceed 500 square feet.

1400.12B Medical Cannabis

Advertising signs for Medical Cannabis Dispensaries, Medical Cannabis Grow Facilities, Medical Cannabis Processing Facilities and Medical Cannabis Laboratories must follow the requirements of the West Virginia State Code by including, but not limited to, the use of the term “Medical Cannabis” and shall not contain any images (including cartoons) depicting marijuana consumption or a marijuana leaf.

The signage for Medical Cannabis Dispensaries, Medical Cannabis Grow Facilities, Medical Cannabis Processing Facilities and Medical Cannabis Laboratories shall follow the requirements for a retail business in the applicable zone where the Medical Cannabis Dispensary, Medical Cannabis Grow Facility, Medical Cannabis Processing Facility or Medical Cannabis Laboratory is located.

1400.13 MEASUREMENT OF SIGN AREA

Figure 2: Measurement of Sign Area

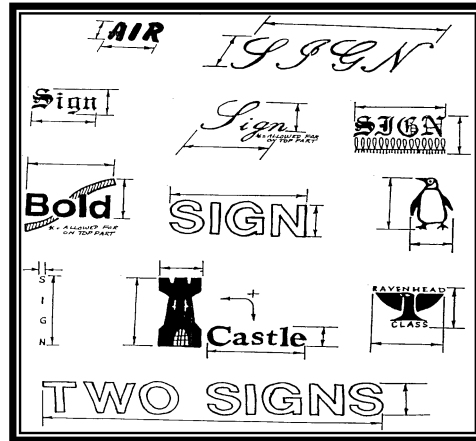


Figure 3: Calculation of Sign Area



1400.14 SIGN TYPE EXAMPLES

Figure 4: Blade Sign Example



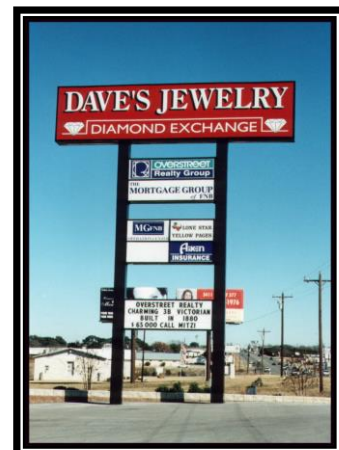
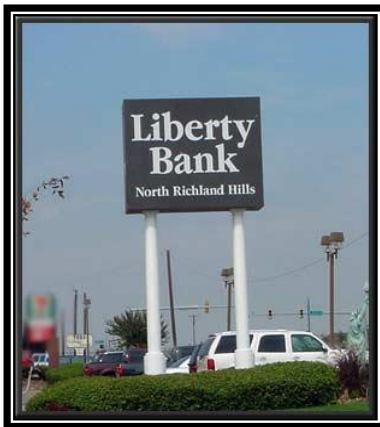
A. Monument Signs



B. Panel/Column Signs



C. Pole Signs



| Zoning District | Sign Type | Maximum Number | Maximum Area |
|---|-----------------------|--|--|
| Neighborhood Commercial "N-C" | Pole | One (1) freestanding sign permitted per parcel. | Maximum 75 sq. ft. for Pole Sign |
| | Monument Panel/Column | | Maximum 75 sq. ft. for Monument Sign or Panel/Column Sign |
| Suburban Commercial "C-1" | Wall | One (1) per Primary Frontage** | One (1) square ft. per one (1) lineal foot of primary building frontage**. |
| | | One (1) per Secondary Frontage** | 0.60 sq. ft. per one (1) lineal foot of secondary building frontage. |
| ** The Planning Officer determines the primary and secondary frontages. | | | |
| High Density Commercial "C-2" | Pole | One (1) freestanding sign permitted per parcel. | Maximum 100 sq. ft. for Pole Sign |
| | Monument Panel/Column | | Maximum 100 sq. ft. for Monument Sign or Panel/Column Sign |
| Highway Interchange District "H-I" | Wall | One (1) per Primary Frontage** | One (1) square ft. per one (1) lineal foot of primary building frontage**. |
| | | One (1) per Secondary Frontage** | 0.60 square ft. per one (1) lineal foot of secondary building frontage**. |
| Industrial Office Park "IOP" | Wall | One (1) per Primary Frontage** | One (1) square ft. per one (1) lineal foot of primary building frontage**. |
| | | One (1) per Secondary Frontage** | 0.60 square ft. per one (1) lineal foot of secondary building frontage**. |
| Light Industrial District "I-1" | Wall | One (1) per Primary Frontage** | One (1) square ft. per one (1) lineal foot of primary building frontage**. |
| | | One (1) per Secondary Frontage** | 0.60 square ft. per one (1) lineal foot of secondary building frontage**. |
| **The Planning Officer determines the primary and secondary frontages. | | | |

- **Building Frontage** The building frontage shall include the building walls that: face a public street, face a parking lot which serves the use, or that contains a public entrance to the uses therein.
- **Primary Frontage** The primary frontage shall be the portion of a frontage that serves as the main access point to a building or building unit.
- **Secondary Frontage** The secondary frontage shall be all other frontages that face a public street.

THE ABOVE SIGNAGE TABLE DOES NOT APPLY TO COMMERCIAL SUBDIVISION/DEVELOPMENTS, FEDERAL OR STATE MINIMUM (4) LANE LIMITED ACCESS HIGHWAYS, AND MULTI-TENANT DEVELOPMENTS. FOR SIGNAGE REQUIREMENTS REFER TO SECTIONS 1400.07 AND 1400.09.

**ARTICLE 1500
DRAINAGE AND STORM SEWERS**

- 1500.01 GENERAL REQUIREMENTS** *(Amended 10-11-22)*
- 1500.02 NATURE OF STORM WATER FACILITIES**
- 1500.03 DRAINAGE EASEMENTS**
- 1500.04 STORM WATER MANAGEMENT AND EROSION CONTROL PLAN**
- 1500.05 EROSION AND SEDIMENT CONTROL**

1500.01 GENERAL REQUIREMENTS

- A. **Required Drainage Systems.** All multi-family, lease communities, non-residential developments, and redevelopments shall have adequate provision for storm or flood water runoff channels or basins, based on the:
1. 25-year flood frequency for storm drains with an overflow designed at a 50-year frequency.
 2. The stormwater drainage system shall be designed to meet the requirements and standards stated in this zoning ordinance. A registered professional engineer licensed in the State of West Virginia shall submit a written certification that construction of the stormwater drainage system has met the requirements and standards of this zoning ordinance.
 3. If the stormwater analysis shows stormwater detention is necessary, detention structures shall be designed in such a manner that the post-construction peak runoff rate of flow shall be equal to or less than the pre-construction peak runoff of flow rate for 2-year/24-hour and 10-year/24-hour storms. Additional measures may be considered by the Planning Commission or Officer in critical area watersheds.

In redevelopment projects, a peak runoff reduction of 10% from the preexisting peak runoff rate of flow must be achieved. However, no reduction shall be required for a redevelopment project beyond the peak runoff rate of flow that would occur from the parcel in its natural, undeveloped state.

It is desirable that the stormwater detention structure have a maximum of a ten foot (10') total water depth. In addition, the stormwater detention system and structure shall be designed by an engineer. The stormwater detention system and structure shall be constructed to meet the requirements and standards of this zoning ordinance as well as the current edition of the United States Natural Resources manual for ponds.

An engineer shall submit a written certification that the construction of the stormwater detention system and structure have met the requirements and standards of this zoning ordinance as well as the current edition of the United States Natural Resources manual for ponds.

If a structure that exceeds a ten foot (10') total water depth is proposed, it shall be designed by an engineer with geotechnical experience and approved by the Planning Commission and shall be constructed to meet the requirements and standards of this zoning ordinance as well as the current edition of the United States Natural Resources manual for ponds.

An engineer with geotechnical experience and approved by the Planning Commission shall submit a written certification that the construction of the stormwater detention system and structure that exceeds a ten-foot total water depth have met the requirements and standards of this zoning ordinance as well as the current edition of the United States Natural Resources manual for ponds.

4. The current edition of the West Virginia Department of Transportation Standard Specifications for Roads and Bridges and Supplemental Revisions is hereby referenced for material and construction specifications for activities governed by this Article.

The current edition of the West Virginia Department of Transportation Drainage Manual is hereby referenced as the Storm Water Design Manual in its entirety with the following exceptions:

- (i) All drainage design for piping shall meet 25-year storm requirements.
- (ii) Minimum pipe sizes apply unless specifically approved by the Planning Commission or officer.

The current edition of the United States Natural Resources manual for ponds is hereby referenced for design of the storm water detention structure.

The stormwater management facility shall be set back a minimum distance equivalent to one-half (1/2) of the height of the stormwater management facility, but in no case shall be set back less than five feet (5') from the property line. The edge of the stormwater management facility is defined by the outside toe of the embankment.

Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown on the drainage plan.

The County Engineer shall review the stormwater drainage plans submitted by the engineer and must approve the plans prior to the Planning Commission or Officer granting approval and prior to the start of construction. When the construction is completed, an engineer shall submit a final as-built drawing as outlined in Section 1500.04(1)(D) in this ordinance and a certification that the drainage plan meets the requirements of this ordinance. The County Engineer shall perform a post-construction certification review at the completion of construction. A Certificate of Compliance shall not be issued until the County Engineer approves the construction of the stormwater drainage system and the certifications submitted.

- B. **Stormwater Analysis.** A stormwater analysis by an engineer shall be conducted to determine the accommodation of upstream drainage areas and the effect on downstream drainage areas.

C. **STORM DRAINAGE MANAGEMENT** (*Amended 10-11-22*)

1. Private Property owners are responsible for storm drainage flowing through their property.
2. Putnam County does not maintain drainage utility easements (including culverts, concrete channels, retention walls, retention ponds, detention ponds, etc.) located on privately owned property.
3. Private drainage and erosion issues, as well as ground water issues (i.e., natural springs), are the responsibility of the private property owner (and/or any applicable homeowner's association or maintenance association). Putnam County is not responsible for ensuring proper drainage on privately owned property. In general, the easement holder (property owner) has the duty to maintain the easement. This includes public drainage utility easements located on private property.
4. Driveways, and their associated culverts, bridges, or other appurtenances, that cross public drainage systems (i.e., ditches or streams) are also the private property owner's responsibility.
5. Drainage directed from gutters, French drains, downspouts, swimming pools, retention walls, or other private systems to neighboring properties is a civil matter between the private property owners. Moreover, private property owners that place obstructions, or

fail to maintain property within public drainage easements (i.e., structures, sheds, buildings, curbs, retaining walls) may be subject to civil action from adjacent property owners.

1500.02 NATURE OF STORM WATER FACILITIES

- A. **Location.** The applicant may be required by the Planning Commission or officer to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the development. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications. Junction boxes and/or drop inlets may be required, if warranted.
- B. **Accessibility to Public Storm Sewers.** Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Planning Commission.
- If a future connection to a public storm sewer will be possible, because such a system is currently in the planning stages, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provisions for such connection may be incorporated by inclusion in the performance bond or escrow required for the development plan.
- C. **Accommodation of Upstream Drainage Areas.** 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 development. The developer, or his engineer, shall determine the
- necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development.
- D. **Effect on Downstream Drainage Areas.** The applicant and/or developer shall also study the effect of each development on existing downstream drainage facilities outside the area of the development. County drainage studies, together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development may overload an existing downstream drainage facility, the Planning Commission, or officer, may withhold approval of the development until provision has been made for the improvement of said potential condition in such sum as the Planning Commission, or officer, shall determine. No development shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility, as determined by the Planning Commission or Officer.
- E. **Areas of Poor Drainage and Floodplain Areas.** Whenever a development is proposed for an area which is subject to flooding, the Planning Commission, or officer, may approve such development provided that the applicant fills the affected area of said development to an elevation sufficient to place the elevation of streets above the FEMA 100-year base flood elevation or known flooding elevations.

The development shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone, nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the Planning Commission or officer. Development of areas of extremely poor drainage shall be discouraged. The developer or his engineer shall design the development so that drainage from undeveloped lots shall not be directed onto developed lots.

Where the development lies partially or completely in the 100-year flood zone area, the plat shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites, the Base Flood Elevation, and the delineation of the floodplain areas as depicted on the FEMA map.

The Applicant shall comply with all requirements of the Putnam County Floodplain Management Program Ordinance.

- F. **Wetlands.** Developments which have a negative impact on wetlands shall be discouraged. The existence of wetlands shall be determined by the appropriate federal, state, or local agency.
- G. **Drainage Facilities.** All swales, ditches, culverts, and other instruments of drainage shall always remain open and clear of debris. Open stream channels will be maintained with landscaped banks and adequate width for maximum potential volume of flow. All rooftop drainage for a single-family residential structure shall discharge directly on the ground and shall not be piped to the stormwater drainage system or a street.

1500.03 DRAINAGE EASEMENTS

- A. **General Requirements.** Where a development is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction, or both, as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow, i.e., 100-year storm event.
- B. **Drainage Easements.** Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plans. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
 - 1. When a proposed drainage system will carry water across private land outside the development, appropriate drainage rights must be secured and indicated on the plan.
 - 2. The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Planning Commission, which will be at a minimum the distance from the top of the slope of the stream bank to the center of the channel.
 - 3. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land, or lands, subject to periodic flooding shall not be computed in determining the average density nor for computing the area requirement of any lot.

1500.04 STORM WATER MANAGEMENT AND EROSION CONTROL PLAN

A Storm Water Management and Erosion Control Plan shall be submitted for multi-family, lease communities, nonresidential developments, and redevelopment projects. The plan shall include the following information:

- 1. Descriptive Information
 - A. Title Block with:
 - i. development name
 - ii. owner
 - iii. design firm
 - iv. authorized Registered Professional Engineer stamp, signature, and date
 - v. legend
 - vi. north arrow
 - vii. vicinity map

- viii. scale
- ix. sheet numbers
- x. date
- xi. revision numbers and dates

B. Topographical Features

- i. original and proposed contours at intervals no greater than 2 vertical feet
- ii. existing drainage components, i.e., streams, ponds, pipes, etc.
- iii. property boundary lines
- iv. existing streets, buildings, and utilities
- v. 100-year floodplain
- vi. off-site drainage entering site

C. Site Drainage Plan

- i. drawing no larger than 24-inch x 36 inch and at a scale of 1-inch equals 10 feet to 1-inch equals 50 feet
- ii. existing and proposed structures, roads, buildings, paved areas
- iii. existing and proposed storm water management system and components including sizes, lengths, pertinent elevations, etc.
- iv. where and how proposed storm water management system will be connected to existing systems
- v. location and grade of all swales including cross sections
- vi. location and design of all other best management structures/implementations
- vii. location and type of best management practice erosion and sediment control structures
- viii. existing and proposed ground cover
- ix. total impervious area
- x. control release facilities showing cross-sections and profiles.

D. Final As-Built Drawings

- i. drawing no larger than 24-inch x 36 inch and at a scale of 1-inch equals 10 feet to 1-inch equals 50 feet
- ii. submitted in AutoCAD, DXF or DWG or another authorized file format
- iii. show all revised contours and appropriate "spot elevations"
- iv. show location, length, sizes, pertinent elevations of the storm water management system
- v. all impervious areas accurately depicted

Final as-built drawings shall be submitted to the Planning Commission prior to approval of a Certificate of Compliance.

2. Design Standards

A. Standards as stated in Section 1500.01(I) and the following:

- i. flow rates calculated by use of the Rational Method or SCS TR-SS method unless sufficient justification for use of another method is approved by the Planning Commission or Officer
- ii. calculations shall utilize a six (6) minute minimum "time of concentration"

B. Design Backup

- i. calculations of volumetric runoff and peak runoff rate of flow for both pre-development and post-development
- ii. calculations for storm water detention/retention facility and other system elements including description and rationale supporting the design methodology
- iii. Operation and Maintenance Manual for private storm water control facilities.

- 3. Material Standards
 - A. Standards as stated in Section 1500.01.

1500.05 EROSION AND SEDIMENT CONTROL

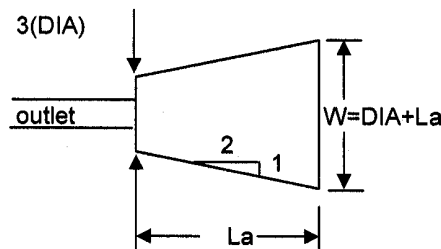
Erosion and sedimentation control measures are required. Refer to the most current edition of the West Virginia Department of Transportation Erosion and Sedimentation Control Handbook for acceptable means and methods.

All construction projects shall minimize the impact to the water environment by applying structural and/or nonstructural management practices selected to address site-specific conditions.

Outlet protection is required. The appropriate outfall protection shall be shown on the development plan and the final as-built development plan. The following table gives **recommended** aggregate sizes.

Outlet Protection*

| Diameter | La | D ₅₀ | D _{MIN} | D _{MAX} | Min. Thickness |
|----------------|-----|-----------------|------------------|------------------|----------------|
| 12" or smaller | 6' | 3" | 2" | 5" | 5" |
| 18" | 10' | 4" | 3" | 6" | 6" |
| 24" | 14' | 6" | 4" | 9" | 9" |
| 36" | 23' | 9" | 6" | 15" | 15" |
| 42" | 30' | 12" | 8" | 18" | 18" |
| 48" | 35' | 14" | 10" | 21" | 21" |
| 54" | 40' | 16" | 10" | 24" | 24" |



* This table is based upon Corrugated Plastic Pipe (Mannings = 0.012), flowing full at 1%, with minimum tailwater. This table may also be used for reinforced concrete pipe and corrugated metal pipe. For pipes at steeper grades use Figure 26 of the WV Erosion Sediment Control Handbook for Developing Areas. For maximum tailwater conditions, use Figure 27 of the WV Erosion Sediment Control Handbook for Developing Areas.

Note: Special emphasis shall be placed on “For pipes at steeper grades use Figure 26 of the WV Erosion Sediment Control Handbook for Developing Areas.” in the paragraph above.

No construction shall be performed in a manner that will negatively impact the water environment in the vicinity of construction or in other areas, regardless of whether this impact is manifested by flow restrictions, increased runoff, diminishing channel or floodplain storage capacity, to cause harm to aquatic life or any other manifestations of negative impact.

New construction or reconstruction shall be permitted only after temporary or permanent erosion and sediment control management practices have been implemented and are operational to the satisfaction of the Planning Commission or Officer, and/or the WV Department of Environmental Protection. The Planning Commission or Officer may halt construction, void a permit, or take

other enforcement actions upon finding of inadequate erosion and sediment control management practices upon a construction site.

All active construction sites shall be inspected by the owner or his designee no less than weekly and within 24 hours after a 0.25-inch rain event to ensure and verify effective erosion and sediment control. The owner or his designee shall maintain records of these inspections. The Planning Commission or Officer may halt construction on properties that do not provide satisfactory proof of compliance with this requirement.

All multi-family, lease communities, nonresidential developments and redevelopments shall submit a Storm Water Management and Erosion Control Plan to the Planning Commission and shall receive the appropriate state permits from the WV Department of Environmental Protection. Developments and redevelopments that are not required to acquire a state permit shall have a sediment control plan approved by the WV Soil Conservation Service.

**ARTICLE 1600
ROAD ACCESS**

1600.01 GENERAL REQUIREMENTS

1600.01 GENERAL REQUIREMENTS (*Amended 12-13-22*)

It is the intent of this section of the ordinance to provide safe and convenient road access and to provide efficient travel on roads. To achieve this goal, minimum standards have been established. The standards listed in this section shall be enforced along with the West Virginia Department of Highways' Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way. Exception may be made when a traffic engineer study indicates that traffic flows and safety could be enhanced.

A. **Driveways.** Driveways shall be so located that vehicles entering and leaving the property will not interfere with the free movement of traffic or create a hazard on the road.

1. Maximum Number: 2 per site

An exception may be made for a corner lot development which may require three (3) driveways.

Where there are adjacent developments or where there is a probability of such development with limited frontage, consideration shall be given to the provision of a frontage road and/or shared driveways, to reduce the number of separate connections to the main road.

2. Spacing: 75' for expressway, trunkline, or feeder roads

50' for local service roads

25' for other roads

These functional classifications are based on the West Virginia Division of Highways' functional classes.

3. Width of traveled way:

- Two (2) lane nonresidential and multi-family: 24' maximum and 20' minimum
- Three (3) lane nonresidential and multi-family: 36' maximum and 30' minimum
- Single family residential: 24' maximum and 10' minimum
- One-way traffic: 20' maximum and 12' minimum

4. Radius: Where space permits, the radius of curve connecting the edge of through traffic land and edge of driveway should be the minimum radius necessary to permit turns by the largest vehicle to be expected with some frequency.

B. **Major Traffic Generators.** Major traffic generators such as shopping centers, commercial businesses and industrial facilities shall have traffic impact studies completed by a licensed traffic engineer to determine the impact of the potential traffic and the improvements needed to

accommodate it. These studies shall be coordinated with and approved by the West Virginia Division of Highways.

- C. **Off-Site Improvements.** Off-site improvements may be required to protect the safety and welfare of individuals and businesses prior to approval of projects that obtain access onto roads with high volume capacity or accident rate or as identified by the Planning Officer. Off-site improvements may include such things as signage, turn lane, warning lights, interchange lights, etc.

- D. **Major Subdivision Development Roadways.** Lots within a major subdivision development that have access to the subdivision development roads may not have separate access to other public roadways. (*Amended 12-13-22*)

**ARTICLE 1700
SUPPLEMENTARY PROVISIONS**

- 1700.01 STATEMENT OF LEGISLATIVE INTENT**
- 1700.02 ALIGNMENT PROVISION FOR FRONT SETBACK**
- 1700.03 PROJECTIONS INTO SETBACKS**
- 1700.04 VISION FIELD**
- 1700.05 EXCEPTIONS TO HEIGHT LIMITATIONS**
- 1700.06 INCENTIVE PROVISIONS**
- 1700.07 DESIGN STANDARDS FOR SINGLE FAMILY DWELLINGS ON LOTS OF RECORD**
- 1700.08 COMMERCIAL AND INDUSTRIAL USES**
- 1700.09 LEASE COMMUNITY**
- 1700.10 TEMPORARY PERMITS** (*Amended 10-11-22*) (*Amended 12-13-22*)
- 1700.11 AWNINGS AND CANOPIES**
- 1700.12 SATELLITE DISH ANTENNA** (*Amended 10-11-22*)
- 1700.13 ELDERLY AND DISABLED HOUSING OPPORTUNITY (EDHO)**
- 1700.14 MAINTENANCE OF PROPERTY**
- 1700.15 STEEP SLOPES**
- 1700.16 TOXIC MATERIALS**
- 1700.17 REQUIREMENTS FOR UNIQUE LAND USES**
- 1700.18 FIRE HYDRANTS**

1700.01 STATEMENT OF LEGISLATIVE INTENT

It is the intent of the supplementary provisions to:

- A. Provide for special situations that are recognized as valid yet necessarily must be regulated in such a manner as to promote orderly development and to protect the public health, safety, and general welfare.
- B. Supplement district regulations where necessary to clarify and carry out the overall intent of this ordinance.

1700.02 ALIGNMENT PROVISION FOR FRONT SETBACK

In any residential district, when the front setbacks of the dwellings located on both sides of a lot exceed the minimum front setback as prescribed in this ordinance, the new dwelling shall set back at least the same distance as one of the said dwellings. In the event there is only one adjacent lot with an existing dwelling, and that dwelling exceeds the minimum front setback, the new dwelling shall set back at least the average of the existing dwelling setback and the required setback in that district. Where there are two adjacent dwellings, only one of which exceeds the minimum front setback, the minimum setback requirement of this ordinance shall apply to the new dwelling.

1700.03 PROJECTIONS INTO SETBACKS

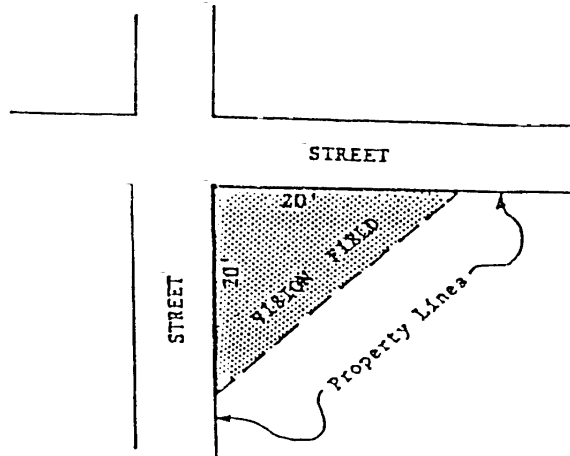
- A. Architectural features may project into a required setback as provided below:
 - 1. Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters, or other similar features a distance not exceeding three feet into the required setback, except that such features must not extend closer than three feet from the property line
 - 2. Uncovered stairs, landings, and porches, none of which shall be more than five feet above ground level, a distance not to exceed three feet into the required setback.
- B. No permitted projection noted in (A) above shall extend within three feet of an accessory building.
- C. Fences, walls, terraces, steps, or other similar features may project into a required setback, except as provided under Section 1700.04 - Vision Field, but shall not exceed eight feet in height.

However, retaining walls (and fences in commercial and industrial districts) may exceed eight feet in height, provided they do not violate the provisions of Section 1700.04 - Vision Field.

1700.04 VISION FIELD

A vision field shall be provided at every street intersection. A vision field shall be a triangular area at the street intersection of a corner lot, the space being defined by a line across the corner of the lot, the ends of which are on the street lines 20 feet from the corner and containing no plantings, walls, structures, landfills, or temporary or permanent vision obstruction from two and one-half feet in height above the street level, except retaining walls or chain link fences with no additional sight obstructions, such as slats or vines, attached. Tree trunks or posts may penetrate the vision field.

VISION FIELD



1700.05 EXCEPTIONS TO HEIGHT LIMITATIONS

The district height limitations, shall not apply to the following, provided such structures do not interfere with airplane flight patterns:

- A. Church spires, belfries, cupolas, or domes, not for human occupancy.
- B. Water, fire, hose, or observation towers.
- C. Chimneys, derricks, conveyors, or flagpoles.
- D. Elevator penthouses, water tanks, or monitors.
- E. Cooling tower, smokestack, or other structure where the manufacturing process requires a greater height.
- F. Parapet wall not extending more than four feet above the limited height of the building upon which it rests.
- G. Situation as provided for under Section 1700.06 - Incentive Provisions.
- H. Communication Towers.
- I. Height standards may be exceeded if for every five feet (5') of additional height, the minimum side and rear yard setbacks requirement shall be increased by five feet (5') within a maximum of three (3) stories.

1700.06 INCENTIVE PROVISIONS

In any district, when a floor or floors of enclosed parking are provided within a building, those parking floors shall not count in determining the height of the building.

1700.07 DESIGN STANDARDS FOR SINGLE FAMILY DWELLINGS ON LOTS OF RECORD

It is the intent of this Ordinance to encourage the provision of affordable housing by permitting the use of affordable homes, as defined in this Code.

There shall be three classifications of single-family dwellings established under this Zoning Ordinance: Class "A", Class "B" and Class "C". The regulations for such are as follows:

A. Class "A" Single Family Dwelling

1. The single-family home shall have a minimum length of 40 and width of 20 feet.
2. All single-family homes are required to have a perimeter enclosure of masonry and/or concrete from the sill to the ground.
3. All tow bars shall be removed when the dwelling is installed on the residential lot.
4. The main structure shall have a pitched roof.
5. The main structure shall have a roof surface of wood shakes, asphalt, composition or wood shingles, clay, concrete, or metal tiles, slate, built-up pitch with gravel surface or factory painted architectural panels fabricated from galvanized or galvalume coated steel or non-ferrous base metals, or modified EPDM rubber may be used for the roof, fascia, soffit, wall, or gable coverings. Unpainted panels fabricated from copper may also be used for roof, fascia, soffit, wall, or gable coverings.
6. The main structure shall have exterior siding material consisting of either wood, masonry, concrete, stucco, Masonite, or vertically or horizontally grooved siding or lap siding in appearance, or factory painted architectural panels fabricated from galvanized or galvalume coated steel or non-ferrous base metals.
7. Use of smooth flat metal sheets for exterior walls or roof coverings is prohibited.
8. The planning officer may approve deviations from one or more of the standards based on written findings that the architectural style proposed provides compensating design features and that the proposed structure will be compatible and harmonious with existing structures in the vicinity. The determination of the planning officer may be appealed to the Board of Zoning Appeals.

B. Class "B" Single Family Dwelling

1. The single-family home shall have a minimum length of 40 and width of 14 feet.
2. All single-family homes are required to have a perimeter enclosure of masonry and/or concrete from the sill to the ground.
3. All tow bars shall be removed when the dwelling is installed on the residential lot.
4. The main structure shall have a pitched roof.
5. The main structure shall have a roof surface of wood shakes, asphalt, composition or wood shingles, clay, concrete, or metal tiles, slate, built-up pitch with gravel surface or factory painted architectural panels fabricated from galvanized or galvalume coated steel or non-ferrous base metals, or modified EPDM rubber may be used for the roof, fascia, soffit, wall, or gable coverings.

Unpainted panels fabricated from copper may also be used for roof, fascia, soffit, wall, or gable coverings.

6. The main structure shall have exterior siding material consisting of either wood, masonry, concrete, stucco, Masonite, or vertically or horizontally grooved siding or lap siding in appearance, or factory painted architectural panels fabricated from galvanized or galvalume coated steel or non-ferrous base metals.
7. Use of smooth flat metal sheets for exterior walls or roof coverings is prohibited.
8. The planning officer may approve deviations from one or more of the standards based on written findings that the architectural style proposed provides compensating design features and that the proposed structure will be compatible and harmonious with existing structures in the vicinity. The determination of the planning officer may be appealed to the Board of Zoning Appeals.

C. Class "C" Single Family Dwelling

1. The single-family home shall have a minimum of 400 square feet.

1700.08 COMMERCIAL AND INDUSTRIAL USES

Manufactured homes built to the Federal and National Manufacturing Housing and Safety Construction Act shall not be permitted as commercial or industrial structures in any district.

1700.09 LEASE COMMUNITY

A. Compliance with Standards

Any lease community shall comply with standards of the multi-family standards of this ordinance and single-family dwellings in a lease community shall also comply with the Mobile Home Park Regulations of the West Virginia Board of Health, if applicable.

B. Design Standards

There shall be three classifications of single-family dwellings established under this Zoning Ordinance: Class "A", Class "B" and Class "C". The regulations for such are as follows:

1. Class "A" Single Family Dwelling

- a. The single-family home shall have a minimum length of 40 and width of 20 feet.
- b. All single-family homes are required to have a perimeter enclosure of masonry and/or concrete, conventional vinyl underpinning, or other industry accepted alternative as approved by the planning officer.
- c. The main structure shall have a pitched roof.
- d. The main structure shall have a roof surface of wood shakes, asphalt, composition or wood shingles, clay, concrete, or metal tiles, slate, built-up gravel materials or factory painted architectural panels fabricated from galvanized or galvalume coated steel or non-ferrous base metals that may be used for the roof, fascia, soffit, wall, or gable coverings. Unpainted panels fabricated from copper may also be used for roof, fascia, soffit, wall, or gable coverings.
- e. The main structure shall have exterior siding material consisting of either wood, masonry, concrete, stucco, Masonite, or vertically or horizontally grooved siding or lap siding in appearance, or factory painted architectural panels fabricated from galvanized or galvalume coated steel or non-ferrous base metals.
- f. Use of smooth flat metal sheets for exterior walls or roof coverings is prohibited.

- g. The planning officer may approve deviations from one or more of the standards based on written findings that the architectural style proposed provides compensating design features and that the proposed structure will be compatible and harmonious with existing structures in the vicinity. The determination of the planning officer may be appealed to the Board of Zoning Appeals.

2. Class “B” Single Family Dwelling

- a. The single-family home shall have a minimum length of 40 and width of 14 feet.
- b. All single-family homes are required to have a perimeter enclosure of masonry and/or concrete, conventional vinyl underpinning, or other industry accepted alternative as approved by the planning officer.
- c. The main structure shall have a pitched roof.
- d. The main structure shall have a roof surface of wood shakes, asphalt, composition or wood shingles, clay, concrete, or metal tiles, slate, built-up gravel materials or factory painted architectural panels fabricated from galvanized or galvalume coated steel or non-ferrous base metals that may be used for the roof, fascia, soffit, wall, or gable coverings. Unpainted panels fabricated from copper may also be used for roof, fascia, soffit, wall, or gable coverings.
- e. The main structure shall have exterior siding material consisting of either wood, masonry, concrete, stucco, Masonite, or vertically or horizontally grooved siding or lap siding in appearance, or factory painted architectural panels fabricated from galvanized or galvalume coated steel or non-ferrous base metals.
- f. Use of smooth flat metal sheets for exterior walls or roof coverings is prohibited.
- g. The planning officer may approve deviations from one or more of the standards based on written findings that the architectural style proposed provides compensating design features and that the proposed structure will be compatible and harmonious with existing structures in the vicinity. The determination of the planning officer may be appealed to the Board of Zoning Appeals.

3. Class “C” Single Family Dwelling

- a. The single-family home shall have a minimum of 400 square feet.

C. Property Development Standards

| | |
|---|---|
| Minimum Setback from Edge of Road Surface | <ul style="list-style-type: none"> • 20 Feet |
| Minimum Setback from Rear of Lot | <ul style="list-style-type: none"> • 10 Feet |
| Minimum Distance between Buildings | <ul style="list-style-type: none"> • 15 Feet |

1700.10 TEMPORARY PERMITS *(Amended 12-13-22)*

A. Temporary Uses

1. Night watchman
2. Temporary site offices for owners of businesses whose offices have been destroyed by fire, flood, wind, or another act of God. The applicants for such a permit shall make written application. These temporary offices must be accessible to the public for use during construction or remodeling
3. Temporary building space for education, non-profit organizations, and government agencies
4. Temporary site offices for construction companies on construction sites and sales offices for subdivision developments. *(Amended 12-13-22)*

B. Unique Temporary Uses

1. Planning Commission may, upon a written finding that public health, safety, welfare, morals, or convenience requires it, issue a temporary permit authorizing a use of land not otherwise permitted in this ordinance. The processing of a temporary permit shall be in accordance with the procedures set forth in Article 2000(C) – Request for Temporary Zoning Permit. *(Amended 12-13-22)*
 - a. The potential impact and processing procedure of a temporary permit request may be discussed by the Planning Director and the President of the Planning Commission to determine if a public hearing is required to approve the temporary permit application. *(Amended 10-11-22)*
2. Planning Commission may attach such restrictions on a use proposed under a temporary permit as may be necessary to protect public health, safety, welfare, morals, or convenience.
3. A temporary permit shall be issued for a period not to exceed one year from date of Planning Commission approval. Said permit may be renewed, upon realization, for a period not to exceed one year. In no event, however, shall a permit be allowed to extend beyond a period of three consecutive years from the date of initial Commission approval. Also, no temporary permit shall be renewed after the three-year period has expired.
4. Each temporary permit shall set forth the date of termination. Upon termination, and if said permit is not renewed, the use covered by the permit shall cease within 30 days.
5. A temporary permit issued under this section may be revoked at a regular or special meeting of Planning Commission. Revocation of a temporary permit prior to the automatic termination date, as set forth in the permit, shall follow the procedure outlined in Article 2000 - Amendments and Hearing Procedures, insofar as notice and public hearing are concerned. Upon revocation of a permit, the use covered by the permit shall cease within 30 days of the date of such action by Commission.
6. A temporary permit for a sales office for a subdivision development may be issued and shall expire at the time of the last home sale within the subdivision. *(Amended 12-13-22)*

1700.11 AWNINGS AND CANOPIES

Awnings and canopies, wherever permitted, shall be subject to the following restrictions:

- A. Awnings and canopies shall be maintained in good and safe structural condition.
- B. An awning or canopy shall not extend over more than one-half of a public sidewalk nor be lower than nine feet above a public sidewalk.

- C. Posts or columns beyond the building line shall not be permitted on public property.

1700.12 SATELLITE DISH ANTENNA

See current FCC (Federal Communications Commission) guidelines. *(Amended 10-11-22)*

1700.13 ELDERLY AND DISABLED HOUSING OPPORTUNITY (EDHO)

EDHO units provide arrangements to increase housing opportunities for the elderly and disabled. EDHO units may be either detached, constructed within, or attached to a primary single-family residence. EDHO units shall be permitted with the following limitations:

- A. Detached EDHO units must be located on the same lot as the primary residence of the property owner. A primary single-family residence which contains or has an attached EDHO unit must also be occupied by the owner.
- B. Occupancy of EDHO units is restricted to not more than two persons, one of whom is either related by blood, marriage, or adoption to the owner of the single-family residence and is disabled (as defined in WV State Code) or is at least 55 years of age.
- C. Detached EDHO units must be able to meet the setback requirement for the district in which the unit is to be located.
- D. Applicants for EDHO units must prove to the Planning Officer, when applicable, that proper permits and approval have been received for water and sewage system.
- E. In no case shall any EDHO unit be permitted to convert to an apartment or rental unit after the need for the EDHO unit has ceased unless such use is otherwise permitted in the district.
- F. Floor space of EDHO units shall not exceed 30% of the floor space of the existing living area of the primary residence or 500 square feet, whichever is greater.
- H. The applicant shall submit a scaled site plan that appropriately depicts the siting of the EDHO
- I. Planning Officer may require additional conditions for issuing a permit, to assure the proper integration of EDHO into the surrounding neighborhood and for the protection of the public health, safety, and general welfare.

1700.14 MAINTENANCE OF PROPERTY

Property shall be maintained to protect the public health, safety, and welfare, upon a citizen's request for a piece of property to be properly maintained to protect the public, the Planning Officer may prepare a Finding of Facts of the condition of the property and submit it to the Planning Commission, who may conduct a public hearing and take appropriate action that shall protect the public health, safety, and welfare.

1700.15 STEEP SLOPES

- A. **General.** Hillside with slopes of 10 percent or more are sensitive areas which are frequently not able to tolerate subdivision development as it is practiced on flatter land. The instability of such areas requires careful planning and design before development takes place. Natural slopes, trees, rock formations, and other features such as views can best be preserved if subdivision development is allowed to be flexible and creative. In general, the integrity and durability of a hillside is inversely related to the amount of construction activity (particularly earthwork) that takes place on the hillside.

- B. **Principles and Regulations.** Hillside subdivision proposals will be reviewed and considered on an individual independent basis. The natural features of each hillside will determine final subdivision design configuration. The most informal development, consistent with principles of good access, proper drainage, and resource conversation, shall be considered.

Planning Commission review of hillside subdivision proposals shall be based upon the following:

1. Minimize the alteration of natural terrain and the removal of topsoil and vegetative cover.
2. Allow flexibility in density, lot size, lot shape, and setback so that the more buildable areas of a hillside can be developed, and the less buildable areas left in a natural condition.
3. Consider narrow rights-of-way and roads (possibly one-way roads with convenient pull-offs) so that earthwork may be minimized to access developable areas.
4. Consider roadside parking bays.
5. Design and construct roads that are parallel to contour lines; preferably design and construction roads on ridges and in valleys to minimize cuts and fill. Use retaining walls where possible to minimize cuts and fill.
6. Consider lot layouts which minimize on-site (on-lot) grading and earthwork for access, parking and building construction.
7. Design, engineer, and construction entrances to individual lots before lots are sold.
8. Select building sites and areas for the construction of septic system drain fields before lots area sold.
9. Include provisions within deeds of sale that require property owners to protect the hillside, woodland, etc. From destruction.

- C. **Natural Areas.** Hillside subdivision developments shall include the retention of land in a natural, undisturbed condition. The following table shall be used to determine the area of land that must be maintained in a substantially natural condition (no clearing, cutting, filling):

| *Slope of Land (Percent) | Percentage of Land to be Maintained in a Natural Condition |
|--------------------------|--|
| 10 – 14.9 | 25 |
| 15 – 19.9 | 40 |
| 20+ | 55 |

*Slope shall be determined on an appropriate grid cell basis, which would be placed over the subdivision topographic map. Within each cell the average slope shall be determined by measurement using the longest line that can be drawn perpendicular to topographic contour lines passing through the cell.

For any lot where the slope is 10% or more, the percentage of slope of the land and the percentage of land to be maintained in a natural condition must be designated on the preliminary and final subdivision plats for that lot.

The Planning Commission may allow the disturbance of additional small areas where that disturbance will alleviate potential health or safety problems and will not significantly harm the overall environmental quality of the site. The Planning Commission may allow the disturbance of larger areas of steep slopes than described above for large scale developments. In such cases, strong consideration shall be given to hillside stability, drainage, and aesthetics.

1700.16 TOXIC MATERIALS

Land uses that handle materials that could contaminate the drinking water are required to meet all federal, state, and local rules and regulations.

1700.17 REQUIREMENTS FOR UNIQUE LAND USES

The following uses shall be subject to the restrictions and conditions presented under their respective titles below, in addition to compliance with applicable district regulations:

A. Childcare center

1. The County Health Department shall approve the proposed plans
2. The County Emergency Services shall approve the proposed plans.
3. The use shall not constitute a nuisance because of traffic, number of children being cared for, noise, or types of physical activity.

B. Communication or broadcasting tower and related equipment.

1. The lot on which a tower, antenna, or station is located shall be of such dimensions that an imaginary line drawn from the top of the tower, or the guy wire from the top of the tower, shall not exceed a 60-degree angle to the horizontal, relating to the base of the tower.
2. All guy wires shall be attached to the ground on the property under the control of the owner or operator of the tower, antenna, or station.
3. A tower or antenna without guy wires shall be calculated with the same 60-degree angle as to the imaginary line and the lot dimensions.
4. Station structures shall be comparable to existing structures in the area.
5. All radio antennae or supporting structures shall be in conformance with all federal and state laws or regulations. Violation of any federal or state law or regulation regarding radio antenna or supporting structures also shall constitute a violation of this ordinance.

C. Helipad or heliport

1. A helipad or heliport shall not create a nuisance due to traffic, noise, or proximity to a residential zoning district.
2. Proposals shall be approved by the Federal Aviation Administration and a report submitted to the Commission prior to action.
3. A helipad or heliport shall be located to minimize the potential risk to the public and shall have flight paths that also minimize such risk, especially for the last 300 feet horizontal of the actual direction of approach.

D. Home Occupation (*Amended 09-30-21*) (*Amended 03-09-22*)

1. Home occupations shall be an accessory use which:
 - a. Is clearly incidental to or secondary to the residential use of a dwelling unit; and
 - b. Is customarily and traditionally carried on within a dwelling unit by one or more occupants of such dwelling unit; and
 - c. Is limited to members of the resident family.
 - d. The accessory structure must be of the same quality of materials or of the same architectural type as the principal residence.

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- e. Any home occupation included in Article 1700.17 D. 3 shall be considered a residential use and not a commercial use.
 2. A home occupation shall be conducted wholly within the principal or accessory structure. It shall not be permitted to:
 - a. Have exterior displays or a display of goods visible from the outside.
 - b. Store materials or products outside a principal or accessory structure.
 - c. Make external structural alterations which are not customary in residential buildings.
 - d. Display signs (except one non-illuminated sign not exceeding a total area of two square feet, affixed to the building, and not projecting more than one foot beyond the building) that will indicate from the exterior that the building is being utilized in part for purposes other than that of a dwelling; or
 - e. Generate traffic by such home occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
 3. Home occupations may include bed and breakfast establishments or tourist homes, home hosting, salons, fine art studios, professional offices, teaching of not more than two pupils simultaneously, seamstresses, cabinetmakers, real estate or insurance agents, and door-to-door sales of home or cosmetic products (excluding warehousing activity), Internet sales (the buying and selling of goods using the internet). (*Amended 03-2022*)
 4. Home occupations shall not include dance studios, commercial repair or storage of automobiles or watercraft, mortuary establishments, antique shops, or commercial kennels.

E. Kennel

The County Animal Relief Center and Putnam County Health Department shall approve the plans prior to action by the Commission.

All kennel structures and uses, including but not limited to, enclosures, fencing, runs or recreation areas, grooming structures, dog houses, waste storage or disposal structures or any other structure utilized for the purpose of keeping or caring for dogs shall be set back at least thirty (30) feet from the side and rear property lines.

F. Large Truck and Trailer Sales, Lease, Rental or Service

1. There shall be a thirty-foot (30') rear and side yard area from any residential district or any residence.
2. All repairs shall be performed in a completely enclosed building.
3. Service bay openings shall be positioned away from any residential district or residence.
4. There shall be no outdoor storage of trucks or trailers except within an area defined on the site plan that is totally screened from view on all sides by an opaque fence that is a minimum of six feet (6') high. Storage areas shall be paved.
5. There shall be no outdoor storage or display of vehicle components, parts, supplies, equipment, or merchandise except within an area defined on the site plan at the back of the lot that is outside of the rear and side yard areas and which shall be totally screened from view on all sides by an opaque fence that is a minimum of six feet (6') high. Storage areas shall be paved.

6. Wrecked or damaged vehicles that are not to be repaired shall not be stored on the site.
7. A fuel dispenser shall only be allowed for the servicing of trucks that are being sold, leased, rented, or serviced on site. The sale of fuel is prohibited.
8. Hours of operation shall be normal and customary to other commercial uses in the surrounding district, except when the site is adjacent to a residential district or residence. Consideration of appropriate hours of operation shall be made when adjacent to a residential district or residence.
9. The dismantling of trucks or trailers, recycling or sale of used truck or trailer parts on the premises shall be considered a separate use and shall be subject to other requirements of the zoning ordinance.
10. Large Truck Repair that includes body and paint work shall be considered a separate use and shall be subject to other requirements of the zoning ordinance.
11. The West Virginia Department of Transportation, Division of Highways shall approve ingress and egress from a public right of way and shall approve any required realignment, widening or improvements to the road or right of way.
12. There shall be compliance with the performance standards established in Article 1250 Performance Standards.
13. All required licensing from state or federal agencies shall be provided prior to the issuance of the certificate of compliance and occupancy.

H. Limousine Service

1. A maneuvering plan shall be submitted and approved showing adequate space is provided so that all parking, maneuvering, standing, loading, and unloading can be done entirely on site. This plan shall show parking/limousine storage and maneuvering areas verifying that the largest proposed limousine vehicles can navigate the site including, but not limited to, slope, break-over angles, and turning radii.
2. All parking/vehicle storage areas shall be paved.
3. Stored vehicles must be currently licensed.
4. All on-site maintenance of vehicles shall be conducted entirely within an enclosed building.
5. Applicant shall submit all approved applicable licenses from the West Virginia Public Service Commission and other entities.
6. At its discretion, the board of Zoning Appeals may require the screening of parking/limousine storage areas from adjacent uses under Special Permit approval.

I. Livestock or poultry, keeping of (non-commercial)

1. A minimum site of one acre shall be required.
2. Such proposal shall be reviewed by, and a report received from, the County Health Department prior to final action on the application.

J. Motor vehicles - towing or wrecker service.

1. Storage areas shall be screened from view by a minimum six-foot-high opaque fence or wall.

2. Stored vehicles must be currently licensed.
3. Storage areas must be subordinate in area to the principal structure.
4. Vehicles may be stored on premises for a maximum of 60 days.
5. Storage areas must be paved.

K. Movie Theater, Drive-In

1. The projection surface of the screen(s) shall not be visible from any roadway controlled by the West Virginia Division of Highways (WVDOH) within a distance of 750 feet.
2. A minimum of 300 feet shall be provided for waiting vehicles away from the flow of incoming or outgoing traffic.
3. An approved traffic study, if deemed necessary by the West Virginia Division of Highways, shall determine if acceleration and deceleration lanes are necessary to facilitate the flow of traffic to and from the theater at the points of ingress and egress.
4. Any residential district or residential land use abutting the proposed site shall be screened with one of the following:
 - a. A minimum six (6) foot solid fence, wall or earthen mound/berm AND a mix of evergreen trees, deciduous trees, and shrubs to soften the fence, wall or mound/berm OR
 - b. A screening area planted and maintained with evergreens at least five (5) feet in height or an evergreen hedge at least four (4) feet in height, situated so as to provide an effective opaque and permanent visual screening upon installation.
5. The movie screen structure shall have a maximum height of seventy (70) feet.
6. All driveways and areas used for loading and parking except for roadways which access the viewing area shall have an impervious surface with composition as identified in Article 1200.03 – Detailed Standards for Internal Roadways, Off-Street Parking and Loading Areas.
7. The travel ways within the viewing area shall be, at minimum, stone aggregate with a depth of four (4) inches.
8. If a residential structure is located within 200 feet of the screen(s) or projection building(s), then no outside sound system for the movie theater is allowed.

L. Nursing home

1. The proposed plan shall be approved by the County Health Department and County Emergency Services, prior to action on the application.
2. Such use shall not constitute a nuisance because of traffic generated.

M. Oil and gas operation, exploration, and production.

These regulations shall apply to the drilling of new wells as well as re-drilling, fracturing, or other procedures for the extraction of or obtaining sources of oil or gas.

1. An Engineering report shall be submitted to the Commission on the adequacy of drainage provisions for natural or created water at or near the site, prior to action on the application by the Commission.

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2. The applicant shall provide proof of state permit approval.
 3. No well operation shall be permitted within 500 feet of any dwelling unit, church, school, nursing home, hospital, or sanitarium.
- N. Parking structure or lot, automobile (commercial).
1. Such parking structure or lot shall be a principal commercial use.
- O. Recreational Vehicle (RV) Park.
1. The maximum gross density allowed for the Recreational Vehicle Park development shall be one recreational vehicle site per each 1,000 square feet of pervious land area.
 2. A minimum ten (10) foot setback shall exist between all interior roads/streets and structures and/or permanent improvements such as a bathhouse, sanitary station, gazebo, picnic shelter, etc.
 3. In addition to the parking area for a recreational vehicle, a minimum of one (1) off-street parking space shall be required in each recreation vehicle site for an automobile. It shall be located within the boundaries of the individually rented recreational vehicle site. The submitted site plan must delineate the individual spaces allotted for the recreational vehicle and the automobile's off-street parking space. In addition, one (1) off-street parking space per each three (3) recreational vehicle spaces shall be required for guest parking.
 4. Each recreational vehicle site shall have a minimum width of 20 feet.
 5. Minimum spacing between recreational vehicles shall meet the State of West Virginia and Putnam County Health Department's minimum standards.
 6. Adequate landscaping to enhance and beautify the recreational vehicle park as well as minimize noise and visual problems shall be provided throughout the park. Landscaping approved through the Putnam County Board of Zoning Appeals' Special Permit shall be maintained.
 7. The storage, collection, and disposal of solid waste (garbage) in the recreational vehicle park shall so be conducted as to create no health hazards, rodent harborage, insect breeding areas, or accident/ fire hazards. Screening of grouped collection area(s) shall meet the standards of Article 1300.08.
 8. Water service must be available at all recreational vehicle sites.
 9. The recreational vehicle park shall be provided with one or more easily accessible water supply outlet(s) for filling recreational vehicle water storage tanks.
 10. An adequate and safe sewage disposal system shall be provided in a recreational vehicle park. A minimum of 75 percent of the recreational vehicle spaces designed to accommodate the park users occupying a self-contained recreational vehicle or a dependent recreational vehicle park shall have a hookup to the sewage disposal system available at their space. The sewage disposal system shall be permitted and constructed in accordance with all applicable state and local codes. Connection to a public sewer main line shall be required if any part of the park is located within 200 feet of the sewage main line unless the provider determines that the connection is not feasible.
 11. Each recreational vehicle park shall be provided with sanitary dumping stations in the ratio of one (1) for every 100 recreational vehicle sites or fractional part thereof. Sanitary dumping stations shall be screened by meeting the minimum standards of Article 1300.08 and shall be separated from any recreational vehicle space, outdoor recreation, or appurtenant structure by not less than 50 feet.

12. All recreational vehicle parks shall receive approval from and comply with the rules and regulations of the West Virginia State Health Department and the Putnam County Health Department.
 13. For emergency purposes, all recreational vehicle spaces shall be well marked and numbered.
 14. All recreational vehicle parks shall have a free-standing sign up to 40 square feet in size at the entrance of the park. In an "A", "R-C", or "R-R" zoning district, the maximum free-standing sign height from grade shall be ten (10) feet; and in a "N-C" or "C-1" zoning district, the maximum free-standing sign height from grade shall be twelve (12) feet. Pole signs are not permitted in "A", "R-C" or "R-R" zoning districts.
- P. Restaurants and Fast-Food Restaurants within 200 feet of a Residential District in the "C-1" zone:
1. Business shall be conducted within an enclosed building, except that meal service may be provided on an outside patio, provided that the patio is no more than 1/3 of the floor area of the entire use.
 2. Amplified live performances shall not be permitted.
 3. Business shall not be conducted on the premises between 12:00 a.m. (midnight) and 6:00 a.m.
 4. All restaurants serving alcohol shall be licensed to operate under the laws of the State of West Virginia.
- Q. Pawnshops (*Amended 09-30-21*)
1. The loaning of money on the security of personal property pledged in their keeping shall not be permitted uses separate from the sale of other retail goods within a C-1 or C-2 zoning district.
 2. No pawnshop shall be located closer than 300 feet from a church, school, or residential building.
- R. Video Lottery Establishments
1. Location of Video Lottery Establishments
 - a. It shall be unlawful to operate or cause to be operated a video lottery establishment in any location in the zoned area of Putnam County except as provided in this Zoning Ordinance.
 - b. Petitioners seeking a Special Permit shall identify that it is pursuing licensure for a video lottery establishment through the State of West Virginia.
 - c. It shall be unlawful to operate a video lottery establishment within 600 feet of an existing establishment that already provides video lottery, within 500 feet of an existing religious institution, school, childcare center, or public park, 300 feet from a business that sells petroleum products capable of being used as fuel in an internal combustion engine and 150 feet from a residentially zoned district or residential land use.
 - d. One parking space shall be required for each video lottery machine on premise, in addition to any other parking requirements in accordance with this Zoning Ordinance.
 - e. If a licensed video lottery establishment operated within 600 feet of the proposed video lottery establishment, then the applicant must submit documentation from the West Virginia Lottery Commission verifying that the previous licensed video lottery establishment ceased operation at least one (1) year from the date of the proposed video lottery

- establishment's application.
- f. The applicant shall submit three (3) copies of the site plan prepared by an engineer or surveyor, which include the following data:
1. Date of preparation, north arrow, and scale.
 2. Legal description and tax parcel.
 3. Applicant/owner name and address.
 4. Existing Zoning District.
 5. Location and dimensions of the proposed video lottery structure.
 6. Location and distance of residentially zoned districts within 150 feet of the proposed structure.
 7. Location and distance of residential land use within 150 feet of the proposed structure.
 8. Location and distance of existing religious institutions, schools, childcare centers, or public parks within 500 feet of the proposed structure.
 9. Location and distance of a business that sell petroleum products capable of being used as fuel in an internal combustion engine within 300 feet of the proposed structure.
 10. Location and distance of existing video lottery establishments within 600 feet of the proposed structure.

2. Measurement Distance

The distance between any two (2) video lottery establishments shall be measured in a straight line, without regard to intervening structures, from the nearest exterior wall of each structure. The distance between any video lottery establishment and any religious institution, school, child care center, public park, business that sells petroleum products or residentially zoned district shall be measured in a straight line, without regard to intervening structures, from the nearest exterior wall of the video lottery establishment to the closest property line of the religious institution, school, child care center, public park, business that sells petroleum products or residentially zoned district. The distance between any video lottery establishment and any residential land use located in a nonresidential zoning district shall be measured in a straight line, without regard to intervening structures, from the nearest exterior wall of the video lottery establishment to the nearest exterior structural wall of the residential structure.

3. Nonconforming Use

A video lottery establishment lawfully operating is not rendered a nonconforming use by the subsequent location of a religious institution, school, child care center, public park, business that sells petroleum products or change in property zoning designation; however, if a licensed video lottery establishment ceases operation and the property has been vacant for a period of one (1) year or more regardless of any intent to resume operation, it may not recommence operation in that location if the video lottery establishment does not meet the requirements of *Section 1700.07 (M)(1)*.

An existing licensed video lottery establishment on the effective date of the adoption of this amendment is not exempt from these requirements. If the structure housing an existing video lottery establishment becomes damaged or destroyed by any cause, the structure may be replaced or reconstructed as long as action to reestablish the facility is initiated within 90 days.

1700.18 FIRE HYDRANTS

No person may:

- A. Obstruct the access to any fire hydrant by placing around, thereon or within 10 feet thereof, any stone, brick, lumber, dirt, rubbish, or other material; or
- B. Impede access to any fire hydrant by allowing vehicles to be parked or any other objects to be placed within 10 feet thereof.

Amended 03-2022
Amended 10-11-22
Amended 12-13-22

**ARTICLE 1800
NONCONFORMING PROVISIONS**

- 1800.01 STATEMENT OF LEGISLATIVE INTENT**
- 1800.02 NONCONFORMING VACANT LOT**
- 1800.03 NONCONFORMING STRUCTURE USED FOR A PERMITTED USE**
- 1800.04 NONCONFORMING USE OF STRUCTURE OR LAND**
- 1800.05 EXPANSION OR ENLARGEMENT OF NONCONFORMING USES**
- 1800.06 APPLICATION REQUIREMENTS FOR EXPANSION OR ENLARGEMENT OF NONCONFORMING USES**
- 1800.07 STANDARDS FOR REVIEW OF EXPANSION OR ENLARGEMENT OF NONCONFORMING USES**
- 1800.08 ADHERENCE TO APPROVED PLAN FOR EXPANSION OR ENLARGEMENT OF NONCONFORMING USES; MODIFICATIONS**
- 1800.09 LOSS OF RIGHT TO EXPAND NONCONFORMING USE**

1800.01 STATEMENT OF LEGISLATIVE INTENT

It is the intent of this article to:

- A. Control construction of structures on nonconforming lots
- B. Restrict expansion of nonconforming structures used for a permitted use
- C. Encourage the eventual elimination of nonconforming nonresidential uses
- D. Prevent the re-establishment of nonconforming uses after they are moved or abandoned.

1800.02 NONCONFORMING VACANT LOT

- A. A single-family dwelling may be constructed, only by special permission of the Board of Zoning Appeals, on a pre-existing nonconforming lot of record, and shall comply with all applicable setbacks. The Board of Zoning Appeals shall hold a public hearing on such requests. The filing, notification, and public hearing procedures are as provided in Article 1100.00 - Special Permit Uses, Sections 1100.04 (A) (B) (C) of said Zoning Ordinance. Exception to the approval requirements shall include lots reviewed and approved by the Board of Zoning Appeals prior to the adoption of this ordinance.
- B. Where such a lot does not meet the minimum frontage requirement but does meet the minimum area requirement, the following setback requirements shall apply:
 - 1. No required side setback shall be less than ten percent of the width of the lot. When there is more than one side setback, their sum shall be not less than 25 percent of the width of the lot.
 - 2. No side setback shall be less than five feet in any event.

1800.03 NONCONFORMING STRUCTURE USED FOR A PERMITTED USE

A lawfully existing structure, which contains a permitted use but does not comply with the other requirements of this ordinance for the zoning district in which it is located, may be continued but shall be subject to the regulations below. In such cases, however, the failure to meet landscaping or screening requirements shall not be considered a nonconformity.

- A. **Enlargement, repair, alteration.** A nonconforming structure may be enlarged, maintained, repaired, or structurally altered, provided no such enlargement, maintenance, repair, or structural alteration shall create any additional nonconformity or increase the degree of the existing nonconformity of such structure.

- B. **Reconstruction.** In the event a nonconforming structure is destroyed by fire, flood, or other natural cause, said structure may be rebuilt on the same foundation with the previously existing setbacks, provided the reconstruction of such structure is begun within 12 months of the date it was destroyed.
- C. **Damage or destruction.** In the event a nonconforming structure is damaged or destroyed, to such an extent that the cost of restoring it to its prior condition exceeds 50 percent of the current replacement cost of the entire structure, exclusive of foundations, such structure shall not be permitted to be restored unless it shall thereafter conform to the regulations of this ordinance for the district in which it is located.
- D. **Moving.** No nonconforming structure shall be moved, for any distance, to any other location on the same or other lot, unless the structure shall conform to the regulations of this ordinance for the district in which it is located after being moved.
- E. **One-for-One Replacement.** An existing single wide manufactured home having a width of less than 20 feet may be replaced with a unit of the same dimensions or greater on the same lot if the replacement occurs within one year of the existing home being removed.

1800.04 NONCONFORMING USE OF STRUCTURE OR LAND

A use of part or all of a structure or land which is not permitted under the applicable zoning district regulations of this ordinance, but which is lawfully established on the effective date of this ordinance, shall be termed a "nonconforming use". Such use may be continued so long as otherwise lawful but shall be subject to the regulations below.

- A. **Enlargement.** An existing structure and related improvements which are being used in accordance with this ordinance as a nonconforming use, may not be enlarged or expanded in the following specified situations:
 - 1. If the existing use of the structure or the proposed improvement of the structure is a land use which is not permitted in any zoning district within any of the zoned areas of Putnam County, neither the structure nor the proposed improvements nor use shall be permitted to be enlarged or expanded.
 - 2. If the existing nonconforming use or structure is located in whole or in part within a residential zoned district within the zoned area of Putnam County, neither the structure nor the proposed improvements nor use shall be permitted to be enlarged or expanded.

Application requirements and review criteria for requesting enlargement or expansion of a nonconforming use are included in sections 1800.05 through 1800.08 of this article.
- B. **Ordinary repair and maintenance.** Ordinary maintenance and repairs, or repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, shall be permitted, provided such allowance shall not be deemed to authorize any violation of the other parts of this section (Section 1800.04). Nothing in this ordinance shall be deemed to prevent the strengthening of a structure or restoring a structure to a safe condition (except for a damaged or destroyed structure subject to provisions of subsection (D) of this section) in accordance with the order of a public official who is charged with protecting the public safety, and who declares such structure to be unsafe, and orders its restoration to a safe condition.
- C. **Structural alteration.** No structural alteration shall be made unless the entire structure and the use thereof shall thereafter conform to the regulations of this ordinance for the district in which they are located. However, nothing in this ordinance shall be construed to prevent owners of nonconforming residential structures those structural alterations which do not increase the number of dwelling units within it or enlarge its exterior dimension.
- D. **Damage or destruction.** In the event a structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to such an extent that the cost of restoration to its prior condition exceeds 50 percent of the current replacement cost of the entire

structure, exclusive of foundations, such structure shall not be permitted unless a building permit is obtained and restoration actually begun within one year of the date of such partial destruction and is diligently pursued to completion. However, in a residential zoning district, a nonconforming residential structure destroyed by a natural disaster or fire, including a structure in an area which has been downzoned, may be replaced, provided the new structure does not contain more bedrooms or dwelling units than the previous structure and provided the new structure is in the process of reconstruction within twelve (12) months of the date it was destroyed.

- E. **Moving.** No nonconforming use of land or structure shall be moved, in whole or in part, for any distance whatsoever, to any other location on the same or on any other lot, unless such use shall conform to the regulations of this ordinance for the district in which it is located after being moved.
- F. **Extension.** Except as hereinafter provided, a nonconforming use shall not be extended, expanded, or increased in intensity. Such prohibited activities shall include the following:
 - 1. Extension of a nonconforming use to any structure or land area other than one occupied by such use on the effective date of this ordinance (or on the effective date of a subsequent amendment thereto that causes such use to be nonconforming).
 - 2. Extension of a nonconforming use within a structure to any portion or the floor area that was not occupied by such use on the effective date of this ordinance (or on the effective date of an amendment thereto that causes such use to become nonconforming), provided a nonconforming use may be extended throughout any part of such structure that was lawfully and manifestly designed or arranged for such use on said effective date.
- G. **Change.** A nonconforming use shall not be changed to any use other than the same use, or a use permitted by this ordinance in the district in which the land is located, or a use that is of less nonconformity in terms of the type of intensity of use. When a nonconforming use has been changed to a permitted use, it shall not thereafter be changed to a nonconforming use.
- H. **Discontinuance.** A nonconforming use which is hereafter voluntarily discontinued and remains such for a continuous period of one year, shall not thereafter be reestablished. Such location shall thereafter be occupied by a use which conforms to the regulations of this ordinance for the district in which it is located.
- I. **Nonconforming accessory use.** No nonconforming accessory use shall continue after the principal use to which it is accessory has been destroyed, moved, or abandoned.
- J. **Avoidance of Undue Hardship.** To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is hereby defined as work done which is beyond the preparation stage and into that stage where the changes or additions are made permanent.

1800.05 EXPANSION OR ENLARGEMENT OF NONCONFORMING USES

It is the intent of this section of the nonconforming provisions article of the zoning ordinance to:

- A. Manage and accommodate the rapid growth and development in Putnam County in a planned and orderly manner
- B. Provide for greater flexibility of nonconforming nonresidential land uses located in nonresidential zoned districts which provide necessary commercial and industrial amenities to county residents and contribute financially to a viable economy
- C. Encourage more creative design of nonresidential developments than generally is possible under conventional zoning regulations, and
- D. Decrease the negative impact which may be created by adjacent non-compatible land uses, where one or more of the adjacent land uses is nonconforming.

**1800.06 APPLICATION REQUIREMENTS FOR EXPANSION OR ENLARGEMENT OF
NONCONFORMING USES**

Provided that existing nonconforming uses do not meet the criteria stated at Section 1800.04(a)1,2 of this article, nonconforming uses may apply for expansion or enlargement.

- A. **Initiation by Owner of Record.** An application for the expansion or enlargement of a structure or improvement being used for a nonconforming use or for the expansion or enlargement of a nonconforming use, must be initiated by the owner of record of the property for upon which the requested expansion is to occur.
- B. **Pre-Application Conference.** The applicant shall schedule a pre-application conference with the planning officer to: (1) discuss the application for expansion or enlargement of a nonconforming use prior to initiating the application process, (2) determine the eligibility of the property for expansion or enlargement prior to the applicant incurring application expenses, and (3) establish the exact requirements for a complete and full submission of an application.
- C. **Formal Application.** The applicant shall make formal application to the Office of Planning & Infrastructure requesting the expansion or enlargement of a nonconforming use. The initial application shall include the following:
 - 1. A completed application form as prescribed by the Office of Planning & Infrastructure, and
 - 2. The application fee as stated in the fee policy maintained on file in the planning office, and
 - 3. A list of property owners' names and addresses located within 250' of the boundaries of the property upon which the expansion or enlargement is required, as of record in the Office of the Putnam County Tax Assessor. The applicant must also submit the tax map and parcel numbers for the list of properties along with a stamped and addressed envelope for each of the names and addresses of the property owners in the affected area. If the list includes a lot within a residential subdivision, the applicant must submit the name of the president of the homeowners' association along with a stamped and addressed envelope for that member, and
 - 4. A sketch plat drawn to scale that shows the size of the lot, the footprint of the existing structure and the proposed expansion or enlargement.
- D. **First Public Hearing Scheduled.** If the planning officer determines that the applicant is eligible to apply for an expansion or enlargement of a nonconforming use, according to section 1800.04(A) of this ordinance, the first of two public hearings is scheduled before the Board of Zoning Appeals. The purposes of the first public hearing is to solicit public comment and review staff's report on the proposed expansion or enlargement.
- E. **Public Notice of Proposed Land Use Action.** The Office of Planning & Infrastructure (OPI) shall publish a legal advertisement describing the request for expansion or enlargement of the nonconforming use, structure, or improvement in a local newspaper of general circulation fifteen (15) days prior to the scheduled public hearing before the Board of Zoning Appeals. The prepared envelopes notifying the property owners located within 250 feet of the affected property and a homeowners association board member of an affected subdivision will be mailed at or about the same time the legal advertisement is submitted to the newspaper for publication.

Planning staff shall post suitable signs upon the property for which the application has been made giving notice to the public that application has been made for expansion or enlargement of the existing nonconformity.
- F. **First Public Hearing Held Before Board of Zoning Appeals.** The Board of Zoning Appeals shall hold the first of two public hearings on the applicant's request and consider public comment and the planning officer's report. If the Board of Zoning Appeals determines that the applicant meets the established criteria to expand or enlarge a nonconforming use, the Board shall approve a Notice to Proceed to the applicant to initiate an overall site development plan. In exercising its judgment and discretion, the Board of Zoning Appeals shall consider that generally expansion and enlargement of nonconforming structures, improvements and uses are not favored and should only be approved when it can be reasonably expected that the expansion or enlargement can be

approved and undertaken upon specific terms and conditions and in such a manner that the existing, expanded and enlarged structure, improvement, and use will constitute an overall improvement to the economic, social and aesthetic betterment of the immediately affected area.

- G. **Denial of Applicant's Request by Board of Zoning Appeals.** If the request for expansion or enlargement of the nonconforming structure, improvement or use is denied by the Board of Zoning Appeals, the applicant shall be formally notified in writing by the OPI of the denial and shall be advised of his right to appeal the decision to the Circuit Court of Putnam County within thirty (30) calendar days from the date of the original decision of the Board of Zoning Appeals.

The Board of Zoning Appeals may deny the applicant's request based on one or more of the following:

1. Written denial of the proposed expansion or enlargement by another regulatory entity (e.g., public service district, Division of Highways, etc.) for valid and documented reason(s).
2. Inability of the applicant to reasonably meet conformance requirements of the zoning ordinance.
3. The proposed expansion or enlargement will, in the opinion of the Board of Zoning Appeals, increase the degree of nonconformity of the existing land use with surrounding properties.
4. The applicant does not agree to implement reasonable conditions placed on the overall site development plan, as imposed by the Board of Zoning Appeals which result from the public input received at the first public hearing.

- H. **Approval of Applicant's Request by Board of Zoning Appeals.** If the request for expansion or enlargement of a nonconforming use is approved by the Board of Zoning Appeals and a Notice to Proceed is issued, the applicant shall within a reasonable time thereafter be formally notified by mail by the OPI of the approval.

- I. **Preparation of Overall Site Development Plan.** Once the Notice to Proceed is issued, the applicant shall submit an overall site development plan for the proposed expansion or enlargement of the nonconforming use. The overall site development plan shall consist of the following:

1. A site plan (3 copies), drawn to scale, that includes the following for the use of the planning officer:
 - a. The actual dimensions, size, square footage, and shape of the affected lot as shown on an actual survey by a licensed land surveyor or registered professional engineer licensed by the State of West Virginia, said survey to be provided by the applicant.
 - b. The exact sizes and locations on the lot of all existing structures as well as the proposed expansions or enlargements.
 - c. The location, square footage, and dimensions of the proposed structure or alteration.
 - d. The location of the lot with respect to adjacent rights-of-way.
 - e. The existing and proposed uses of the structure and land.
 - f. The location and dimensions of off-street parking and means of ingress and egress for such space.
 - g. height of structure
 - h. setbacks

- i. buffer yard and screening
 - j. location of garbage collection area and screening
 - k. location of sign
 - l. street typical for internal roadways
 - m. location and size of drainage structures
 - n. location of stormwater detention system
 - o. utility lines and easements
 - p. signature of applicant.
2. Drainage plan and drainage calculations that bear the name, address, signature, and seal of a registered professional engineer, with floodplain zones clearly denoted, a typical of all swales, and a design of the drop inlets (See Article 1500)
 3. If applicable, design of stormwater detention system and drainage calculations that bear the name, address, and seal of a registered professional engineer and that meet the requirements of Article 1500 of this ordinance and the design standards of the United States Natural Resource Conservation Service
 4. Parking plan (See Article 1200)
 5. Landscaping plan (See Article 1300)
 6. Sign plan (See Article 1400)
 7. Approved WV Division of Highways Access Permit, if applicable
 8. Approved State of West Virginia NPDES General Permit for Storm Water Associated with Industrial (Construction) Activity, if applicable.
 9. Any other such information concerning the lot or neighboring lots as may be required by the Planning Officer to determine conformance with, and provide for the enforcement of, this ordinance; where deemed necessary, the Planning Officer may require that in the case of accessory structures or minor additions, all dimensions shown on plans relating to the size of the lot and the location of the structure(s) thereon be based on an actual survey by a registered land surveyor or professional engineer licensed by the State of West Virginia, said survey to be provided by the applicant.
 10. A statement listing and explaining any specific variances from provisions of this ordinance which may be necessary and giving the reasons, therefore. Requests for any variances shall be made to the Putnam County Board of Zoning Appeals and shall be made in accordance with Article 2100 of this zoning ordinance.
 11. Where the Planning Officer determines that any of the items (1) through (8) above is unnecessary, he may waive its requirement.

No site plan shall be accepted unless it is complete and is verified as to the correctness of information given by the signature of the applicant attesting thereto.

The Planning Officer may require that the lot and location of the building thereon shall be staked out on the ground before construction is begun. The Planning Officer, where deemed appropriate, may require the same for accessory structures or minor additions. In any case, it shall be the owner's responsibility to make sure that a structure is placed on his property according to his approved site plan (zoning review) and as required by any applicable county ordinance.

Site plans approved by the Planning Officer authorize only the use, arrangement, and construction set forth in such approved site plans and no other use, arrangement, or construction. Furthermore, the approval of a site plan shall not be construed to be approval of any violation of the provisions of this ordinance. The issuance of a building permit based upon site plans given approval by the Planning Officer shall not prevent the Planning Officer from thereafter requiring the correction of errors in said site plans or from preventing operations from being carried on thereunder when in violation with this ordinance.

One copy of the site plan submitted for a permit shall be returned to the applicant after the Planning Officer has marked such copy as either approved or disapproved as to the provisions of this ordinance and attested to same by his signature on such copy. The original, similarly marked, shall be retained by the planning officer.

- J. **Review of Site Plan.** The planning officer will conduct a formal review of the completed overall site development plan and will endeavor to complete such review within five (5) days. If the planning officer determines the application is complete, a second public hearing shall be held before the Board of Zoning Appeals for the purpose of approving the overall site development plan.
- K. **Second Public Hearing Scheduled Before Board of Zoning Appeals.** Once the planning officer has completed his review of the overall site development plan, a second public hearing shall be scheduled. The second public hearing shall be advertised, and the surrounding property owners notified in the same manner as described for the first public hearing. The purpose of the second public hearing is to allow the public and the Board of Zoning Appeals to review the overall site development plan and to determine if any specific terms and conditions are required for approval.
- L. **Approval of Applicant's Request by Board of Zoning Appeals.** The planning officer shall issue an approved building permit to the applicant only after the Board of Zoning Appeals has formally approved the overall site development plan. Construction of the proposed expansion or enlargement of the nonconforming use cannot be initiated until an approved building permit is issued by the planning officer.
- M. **Certificate of Compliance with the Zoning Ordinance.** Once the expansion or enlargement of the nonconforming use is completed, the applicant shall contact the planning officer to schedule an inspection of the property. A Certificate of Compliance shall not be issued until all elements of the approved overall site development plan are achieved.

1800.07 STANDARDS FOR REVIEW OF EXPANSION OR ENLARGEMENT OF NONCONFORMING USES

The planning officer shall give general guidance to the applicant and review all completed applications requesting the expansion or enlargement of a structure or improvement for a nonconforming use according to the following standards:

- A. **General conformance with the established regulatory requirements for the zoning district in which the nonconforming use is located.** The application must show that, except for the use to which any new, enlarged, or expanded structure or improvement shall be put, the proposed expansion or enlargement will conform, as closely as possible, to all the building, regulatory, subdivision and zoning requirements for the zoning district in which it is located and that any existing structure and all existing improvements will also be made to so conform as a condition for having the application considered by the Board of Zoning Appeals. The application must demonstrate that the proposed expansion conforms to the minimum standards permitted in the district, as much as possible, except as to use.
- B. **Traffic.** The West Virginia Division of Highways - Highway Access Permit process shall be used to determine the provisions for the safe and convenient traffic flow onto highway accesses, if appropriate.
- C. **Sanitary facilities.** The sanitary services and facilities plan shall be reviewed by, and a report received from, the provider and/or the West Virginia State Department of Health prior to action by the Board of Zoning Appeals, if appropriate.
- D. **Utilities.** The plan must demonstrate the location and availability of necessary utility services.

- E. **Off-site impact.** The plan must demonstrate that light, heat, glare, or any other use or activity on the subject property shall not deleteriously affect nor discourage orderly development of adjacent properties.
- F. **General conformance with subdivision regulations and drainage considerations.** The plan must demonstrate that the traffic circulation system conforms with the provisions of the Putnam County Subdivision Regulations and the Zoning Ordinance for the Zoned Unincorporated Areas of Putnam County, West Virginia. The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site; from probability of flooding, erosion, subsidence or slipping of the soil; or other dangers, annoyances, or inconveniences. The condition of the soil, ground water level, topography, and drainage plans shall be appropriate to both kind and pattern of intended use.
- G. **Site planning.** The site shall be planned to provide for good functional relationships between land uses, buildings, parking areas, and recreation areas.
- H. **Conformance with Floodplain Management Ordinance provisions.** All applicants must comply with the applicable floodplain management requirements.

**1800.08 ADHERENCE TO APPROVED PLAN FOR EXPANSION OR ENLARGEMENT OF
NONCONFORMING USES; MODIFICATIONS**

- A. The applicant and his successors in interest, be it owners, lessees, assigns, occupants, users, or otherwise, shall be bound by the approved terms and conditions as approved and recorded in the Office of the Clerk of the County Commission of Putnam County, until such time as there is a subsequent change or modification approved by the Board of Zoning Appeals. The approved and recorded final site plan shall control the issuance of all building permits and shall control, govern, limit, and restrict the expansion and enlargement upon the property upon which the application has been made and such adjoining property of the applicant, if any, from which the expansion or enlargement emanates.
- B. Any substantial changes, modifications, or amendments to an approved plan shall require a new application. Any minimal changes, modifications or amendments to an approved plan may be approved by the planning officer or the planning officer may determine that the changes are substantial and require the approval of the Board of Zoning Appeals.
- C. The approval of the expansion or enlargement under this article, upon recordation, shall vest a limited and conditional property right in the applicant which right shall be lost for the reasons set forth in the immediately following paragraph or if the applicant or his successors in interest fail to construct, develop, maintain or use the property for whose benefit the expansion or enlargement was granted in strict accordance with the plat, terms and condition of the approval; and, if the Board of Zoning Appeals decides there has been any such failure it shall have the legal authority to seek a judicial determination as to any such failure and compelled discontinuance of such use as allowed by its previous approval. In the event that the Board of Zoning Appeals is successful in obtaining a final judicial determination of such failure and loss of the expansion or enlargement of such nonconforming use, the Board of Zoning Appeals shall have a lien against the property having been given the approval for the reasonable costs of its attorney fees and expenses with interest thereon.

1800.09 LOSS OF RIGHT TO EXPAND NONCONFORMING USE

Approval of the expansion of a nonconforming use shall be null and void if construction work is not begun within one year from the date of approval, or in the event such work is suspended or abandoned at any time after the work is commenced for a period of ninety (90) days. Should the nonconforming use of a structure cease, for whatever reason, for a period of twelve (12) consecutive calendar months, the use of the property shall revert to a land use permitted within the zoning district.

**ARTICLE 1900
ADMINISTRATION AND ENFORCEMENT**

1900.01 RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT

1900.02 GENERAL PROVISIONS

1900.03 ZONING REVIEWS

1900.04 CERTIFICATE OF COMPLIANCE WITH THE ZONING ORDINANCE

1900.05 PROCEDURES FOR VIOLATIONS

1900.06 PENALTIES FOR VIOLATIONS

1900.01 RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT

- A. It shall be the duty of the Planning Officer to administer and enforce the provisions of this ordinance, except as otherwise expressly provided in this ordinance.
- B. It shall be the duty of the Planning Officer to:
 - 1. Perform zoning reviews of building permit applications as necessary to determine compliance with the provisions of this ordinance.
 - 2. Maintain permanent and current records of all applications for all reclassification, variances, special permits, amendments, and other zoning related records required by this ordinance and of the hearings and actions thereon.
 - 3. Conduct investigations as necessary to determine compliance with or violation of this ordinance.
 - 4. Participate in the abatement of violations of this ordinance and aid in the prosecution of such violations.
 - 5. Maintain in current status the official zoning maps.
 - 6. Provide information on zoning upon request by citizens and public agencies.

1900.02 GENERAL PROVISIONS

- A. No commission, board, agency, officer, or employee of the County shall issue, grant, or approve any permit, license, certificate, or any other authorization for any construction, reconstruction, alteration, enlargement, or relocation of any building or structure, or for any use of land or building, that would not be in compliance with the provisions of this ordinance.
- B. In administering the provisions of this ordinance, the standard rule of rounding numbers to the nearest whole shall apply. When the unit of measurement results in a fraction less than one-half or less than .5, the fraction shall be disregarded; fractions of one-half or more, or .5 or over, shall require the addition of unit of measure.

1900.03 ZONING REVIEWS

- A. No improvement location permit (building permit) pertaining to the construction, enlargement, moving, remodeling, reconstruction of a structure or change of use shall be issued unless there is compliance with Article 1150 Site Plan Review and approval of all plans by the Planning Officer. The Planning Officer shall permit approvals only in conformance with the provisions of this ordinance except when he receives a written order from the Planning Commission, Board of Zoning Appeals, or a court of law in the form of an administrative review, special exception, variance, or judgment as provided in this ordinance.

When required, a change of land use permit must be acquired prior to issuance of a certificate of compliance with the zoning ordinance.

- B. The Planning Officer's report on an application shall be submitted to the applicant by the end of five working days following the day on which a completed application is received.
- C. All applications for permits for uses identified in Section 1150.02 Applicability shall be accompanied by all required data in Section 1150.03(D)

Any other such information concerning the lot or neighboring lots as may be required by the Planning Officer to determine conformance with, and provide for the enforcement of, this ordinance: where deemed necessary, the Planning Officer may require that in the case of accessory structures or minor additions, all dimensions shown on plans relating to the size of the lot and the location of the structure(s) thereon be based on an actual survey by a registered land surveyor or professional engineer licensed by the State of West Virginia, said survey to be provided by the applicant.

Where the Planning Officer determines that any of the items in Section 1150.03(D) is unnecessary, he may waive its requirement.

- D. No site plan shall be accepted unless it is complete and is verified as to the correctness of information given by the signature of the applicant attesting thereto.
- E. The Planning Officer may require that the lot and location of the building thereon shall be staked out on the ground before construction of a dwelling unit or primary structure is begun. The Planning Officer, where deemed appropriate, may require the same for accessory structures or minor additions. In any case, it shall be the owner's responsibility to make sure that a structure is placed on his property according to his approved site plan (zoning review) and as required by any applicable county ordinance.
- F. Site plans approved by the Planning Officer authorize only the use, arrangement, and construction set forth in such approved site plans and no other use, arrangement, or construction. Furthermore, the approval of a site plan shall not be construed to be approval of any violation of the provisions of this ordinance. The issuance of a building permit based upon site plans given approval by the Planning Officer shall not prevent the Planning Officer from thereafter requiring the correction of errors in said site plans or from preventing operations from being carried on thereunder when in violation with this ordinance.
- G. One copy of the site plan submitted for a permit as required in subsection (C) above for the Planning Office shall be returned to the applicant after the Planning Officer has marked such copy as either approved or disapproved as to the provisions of this ordinance and attested to same by his signature on such copy. The original, similarly marked, shall be retained by the Planning Officer.

1900.04 CERTIFICATE OF COMPLIANCE WITH THE ZONING ORDINANCE

- A. A Certificate of Compliance with the Zoning Ordinance shall be required for all non-residential, multi-family, and factory-built rental community uses.
- B. The Planning Officer shall withhold issuance of a certificate of compliance to the zoning ordinance for a building or premises when such building or premises does not conform to the provisions of this ordinance.
- C. A Certificate of Compliance with the Zoning Ordinance must be received from the Planning Officer prior to the occupancy of any non-residential, multi-family and lease community use. Failure to obtain the certificate prior to occupancy will result in noncompliance with the ordinance and a fine pursuant to §8A-10-2 or an injunction pursuant to §8A-10-3. The noncompliance will remain in place until (1) all conditions of the building permit are achieved satisfactorily and (2) the Planning Officer verifies such through a site inspection.

1900.05 PROCEDURES FOR VIOLATIONS

- A. 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 Planning Officer. He shall record properly such complaint, conduct appropriate investigations, and take action thereon as provided by this ordinance.
- B. If the Planning Officer finds that any of the provisions of this ordinance are being violated, whether reported by private citizen or by any commission, board, agency, officer, or employee of the County, or by his own observation, he shall notify in writing the person responsible for such violation. Service of the written notice shall be deemed complete upon sending the notice by certified mail to the last known address of such person. Such notice shall include the following:
 - 1. Street address or legal description of the property involved; and
 - 2. A statement indicating the nature of the violation; and
 - 3. A specification of the section of this ordinance upon which the notice of violation is based; and
 - 4. A description of the action required to correct the violation; and
 - 5. A statement indicating the time within which compliance with this ordinance must be accomplished; and
 - 6. A statement advising that upon failure to comply with the requirements of the notice, the County shall take such enforcement procedures as may be required in this ordinance.
- C. The Planning Officer may order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or may take any other action authorized by this ordinance to ensure compliance with its provisions.
- D. In any case in which any building or structure is or is proposed to be constructed, reconstructed, altered, maintained, or used, in violation of the provisions of this ordinance, the County may, in addition to other remedies provided by law, institute injunction, abatement, or any appropriate action or proceedings to prevent, enjoin, abate, remove, or penalize by fine such unlawful construction, reconstruction, alteration, maintenance, or use.

1900.06 PENALTIES FOR VIOLATIONS

- A. It shall be the duty of the office of the Planning Commission to enforce this ordinance and to bring to the attention of the Prosecuting Attorney any violations or lack of compliance. Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be subject to a fine or imprisonment as provided by laws of the State of West Virginia, Chapter 8A of the Code of West Virginia.

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure, or premises, and these remedies shall be in addition to the penalties described above.

Each day during which any violation of this ordinance continues constitutes a separate offense. The imposition of a fine or penalty for any violation of, or noncompliance with, this ordinance shall not excuse the violation or non-compliance or permit it to continue; any and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this ordinance, may be declared by the Putnam County Commission to be a public nuisance and abatable as such.

- B. Nothing contained herein shall prevent the County from taking other lawful action as necessary to prevent or remedy any violation.

**ARTICLE 2000
AMENDMENTS AND HEARING PROCEDURES**

- 2000.01 POWER OF COUNTY COMMISSION**
- 2000.02 INITIATION OF AMENDMENT TO THE ORDINANCE**
- 2000.03 FILING PROCEDURES** (*Amended 10-11-22*)
- 2000.04 FEES**
- 2000.05 PUBLIC HEARING** (*Amended 10-11-22*)
- 2000.06 PROTEST BY CITIZENS**
- 2000.07 CONFLICT OF INTEREST**

2000.01 POWER OF COUNTY COMMISSION

Whenever public necessity and the public health, safety, general welfare, and morals require, the County Commission may amend, supplement, or modify, by ordinance, the zoning district map boundaries or the regulations set forth in this ordinance.

2000.02 INITIATION OF AMENDMENT TO THE ORDINANCE

An amendment, supplement, or modification, in the zoning text or zoning maps of this ordinance may be initiated by:

- A. A petition approved by the County Planning Commission; or
- B. A petition duly signed by real property owners of 50 percent or more of the property involved in the petition.

Any proposed amendment, supplement, or modification shall first be submitted to the County Planning Commission for a public hearing, recommendation, and written report.

2000.03 FILING PROCEDURES

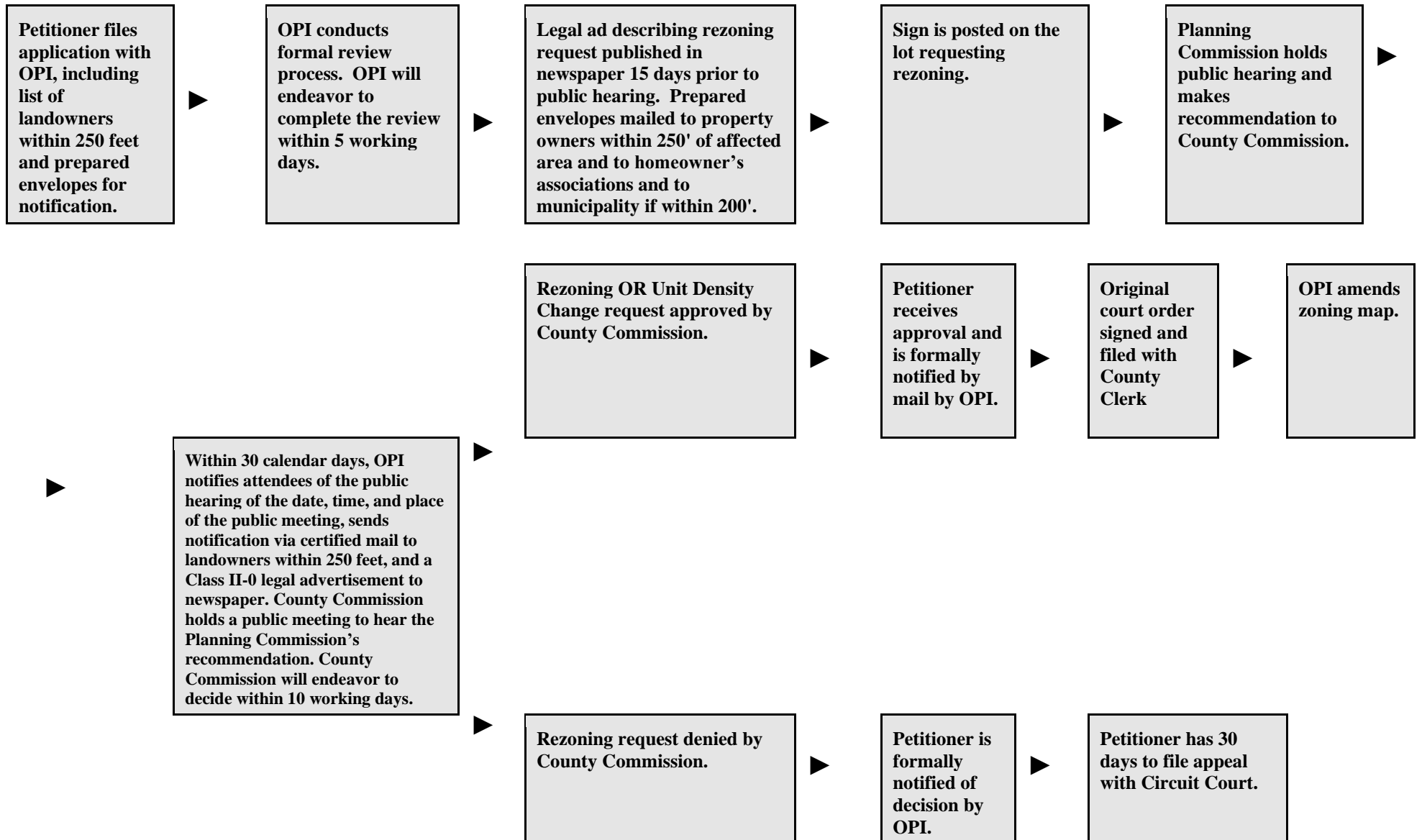
A. REQUEST FOR REZONING OF PROPERTY

- 1. A request for rezoning of property shall be filed on prescribed forms with the Office of Planning & Infrastructure (OPI). The request, or application, shall include a list of the property owners' names and addresses located within 250 feet of the affected area, as of record in the office of the Putnam County Assessor. The subject property also shall be included in the affected area. The applicant must also submit the tax map and parcel numbers for the list of properties along with a stamped and addressed envelope for each of the names and addresses of property owners in the affected area. If the list includes a lot within a subdivision, the applicant must submit the name of the president for that subdivision's homeowner's association along with a stamped and addressed envelope for that member.
- 2. The OPI will conduct a formal review of the completed application. The OPI will endeavor to complete its review within 5 working days.
 - I. Only the current rezoning request information will be reviewed by the Office of Planning and Infrastructure. *Amended 10-11-22*
- 3. The OPI will publish a legal advertisement describing the request for rezoning in a local newspaper of general circulation 15 days prior to the scheduled public hearing before the Planning Commission. The prepared envelopes notifying the property owners located within 250 feet of the affected property and a homeowners association board member of

an affected subdivision and submitted by the applicant will be mailed at the same time the legal advertisement is submitted to the newspaper for publication.

4. The Planning Commission holds a duly scheduled public hearing on the rezoning request and makes a recommendation to the County Commission. A written report of the decision is prepared by the OPI.
 - I. Only the current rezoning request information will be reviewed by the Planning Commission during this duly scheduled public hearing. *Amended 10-11-22*
 - II. At least thirty (30) days prior to the enactment of the proposed amendment if there is not an election, or at least thirty (30) days prior to an election on the proposed amendment to the zoning ordinance, OPI will give attendees at the public hearing notification of the date and time of the County Commission public meeting, and give written notice by certified mail to the landowner(s) within 250' and the applicant(s) of the rezoning request, and publish notice of the proposed amendment to the zoning ordinance in a local newspaper of general circulation as a Class II-0 legal advertisement, in accordance with the provisions of article three [§§59-3-1 et seq.], chapter fifty-nine of WV State Code, §8A-7-8. *Amended 10-11-22*
5. The County Commission holds a public meeting to hear the Planning Commission's recommendation. The County Commission will endeavor to decide on the request and recommendation within 10 working days. *Amended 10-11-22*
 - I. Only the current rezoning request information will be reviewed by the County Commission during this duly scheduled public hearing. *Amended 10-11-22*
6. If the request for rezoning is approved by the County Commission, the applicant receives approval and is formally notified by mail by the OPI. An original court order is signed by the County Commission and filed with the Clerk of Court of Putnam County within five (5) working days. The OPI amends the zoning map to reflect the approved rezoning. *Amended 10-11-22*
7. If the request for rezoning is denied by the County Commission, the applicant is formally notified in writing by the OPI of the denial and the right to appeal the decision to Putnam County Circuit Court within thirty (30) days of the County Commission's decision. An original court order is signed by the County Commission and filed with the Clerk of Court of Putnam County within five (5) working days and a copy of the order is mailed to the applicant. *Amended 10-11-22*

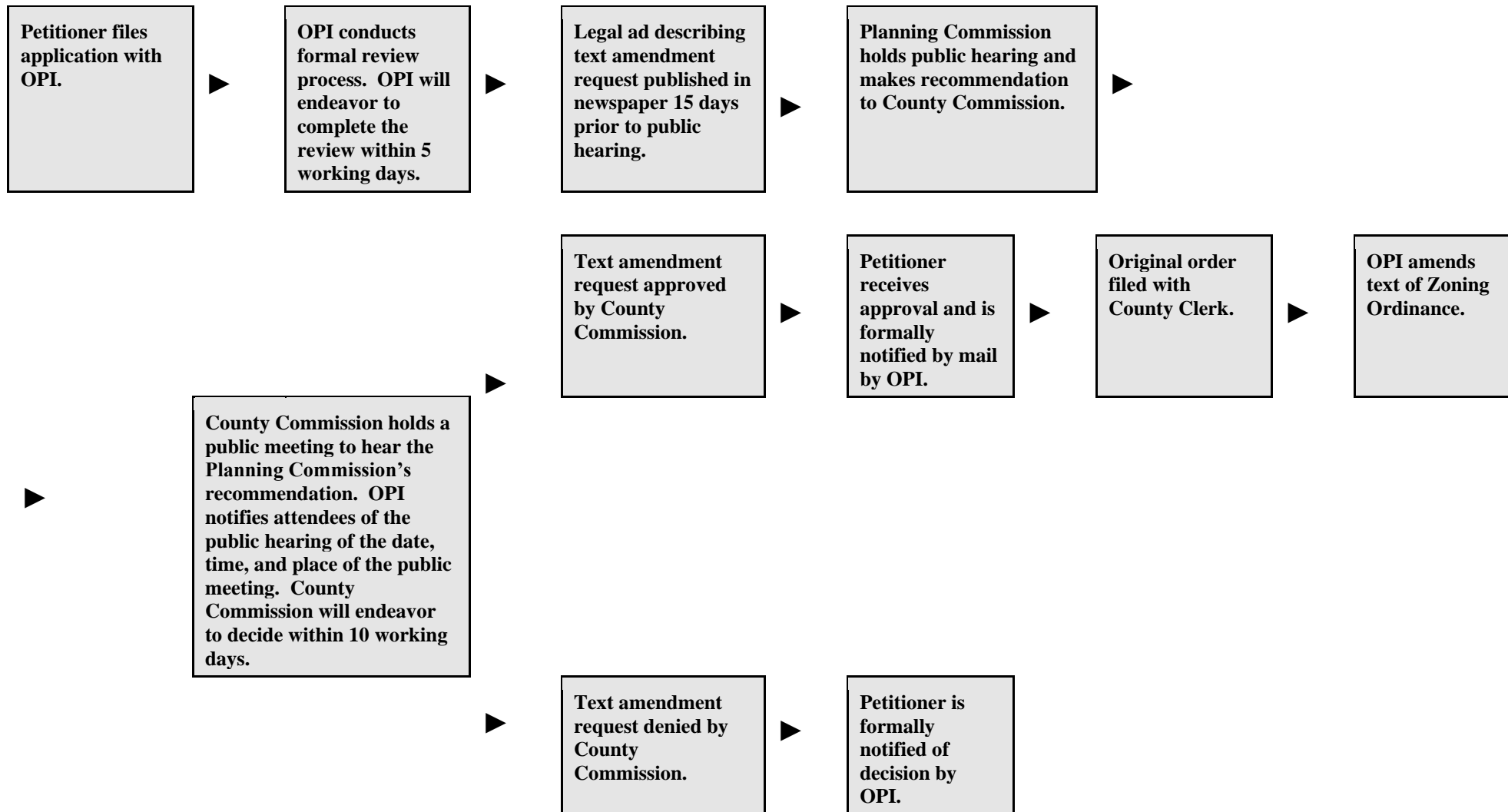
REZONING FLOW CHART *Amended 10-11-22*



B. REQUEST FOR TEXT AMENDMENT TO THE ZONING ORDINANCE

1. A request for an amendment, or change, to the text of the zoning ordinance shall be filed on prescribed forms with the OPI.
2. The OPI will conduct a formal review of the completed application. The OPI will endeavor to complete its review within 5 working days.
3. The OPI will publish a legal advertisement describing the request for a text amendment in a local newspaper of general circulation 15 days prior to the scheduled public hearing before the Planning Commission.
4. The Planning Commission holds a duly scheduled public hearing on the text amendment request and makes a recommendation to the County Commission. A written report of the decision is prepared by the OPI.
5. The County Commission holds a public meeting to hear the Planning Commission's recommendation. Attendees at the public hearing are notified of the date and time of the public meeting. The County Commission will endeavor to decide on the request and recommendation within 10 working days. *Amended 10-11-22*
6. If the request for the text amendment is approved by the County Commission, the applicant receives approval and is formally notified by mail by the OPI. An original court order is signed by the County Commission and filed with the Clerk of Court of Putnam County within five (5) working days. The OPI amends the zoning ordinance text to reflect the approved amendment. *Amended 10-11-22*
7. If the request for the text amendment is denied by the County Commission, the applicant is formally notified in writing by the OPI of the denial and the right to appeal the decision to Putnam County Circuit Court within thirty (30) days of the County Commission's decision. An original court order is signed by the County Commission and filed with the Clerk of Court of Putnam County within five (5) working days and a copy of the order is mailed to the applicant. *Amended 10-11-22*

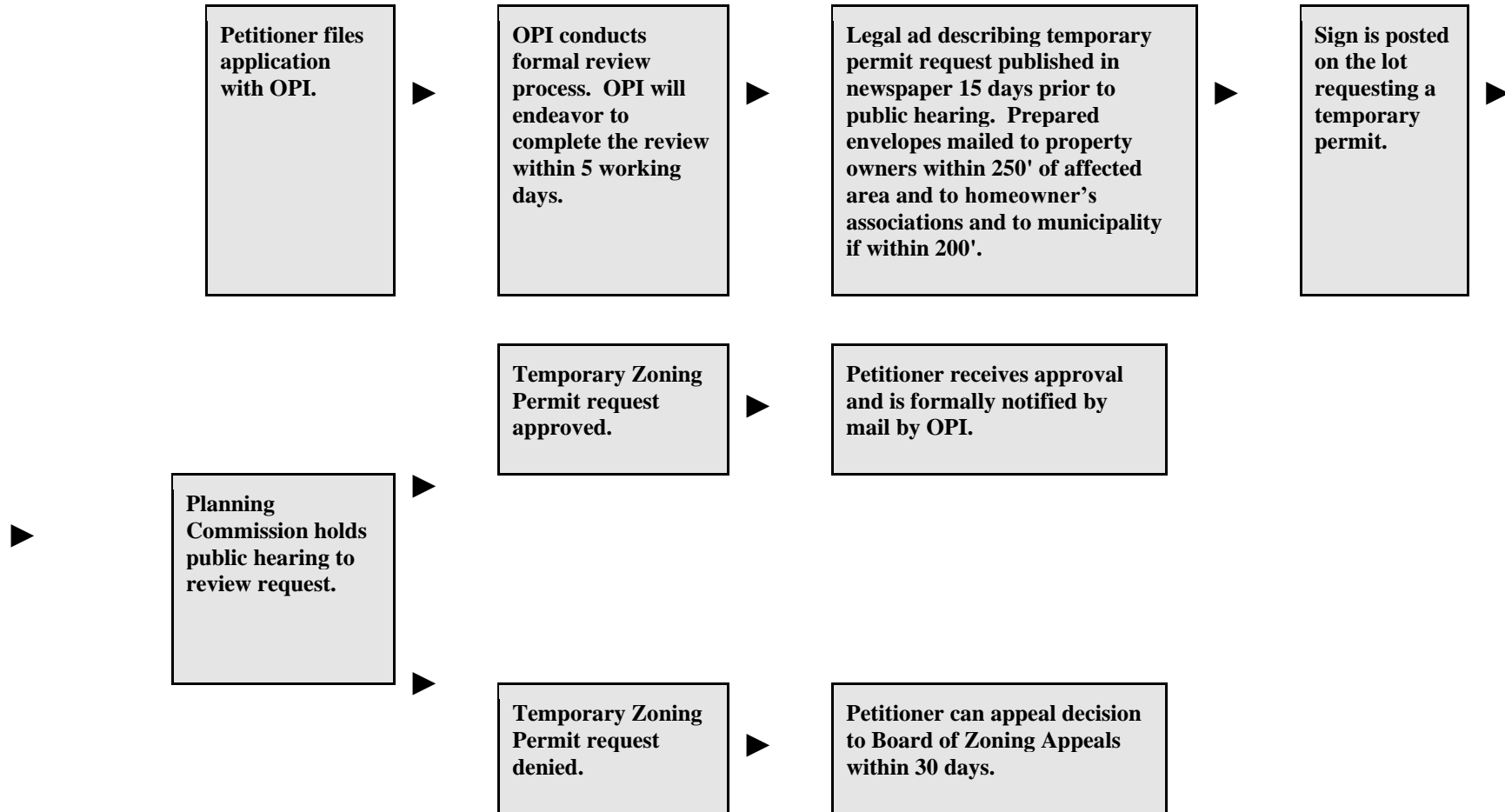
TEXT AMENDMENT FLOW CHART *Amended 10-11-22*



C. REQUEST FOR A TEMPORARY ZONING PERMIT

1. A request for a temporary zoning permit shall be filed on prescribed forms with the OPI.
2. The potential impact and processing procedure of a temporary zoning permit request may be discussed by the Planning Director and the President of the Planning Commission to determine if a public hearing is required to approve the temporary zoning permit application. *Amended 10-11-22*
3. If it is determined that a public hearing is required (*Amended 10-11-22*), the request, or application, shall include a list of the property owners' names and addresses located within 250 feet of the affected area, as of record in the office of the Putnam County Assessor. The subject property also shall be included in the affected area. The applicant must also submit the tax map and parcel numbers for the list of properties along with a stamped and addressed envelope for each of the names and addresses of property owners in the affected area. If the list includes a lot within a subdivision, the applicant must submit the name of the president for that subdivision's homeowner's association along with a stamped and addressed envelope for that member.
4. The OPI will conduct a formal review of the completed application. The OPI will endeavor to complete its review within 5 working days.
5. The OPI will publish a legal advertisement describing the request for a temporary zoning permit in a local newspaper of general circulation 15 days prior to the scheduled public hearing before the Planning Commission. The prepared envelopes notifying the property owners located within 250 feet of the affected property and the president of the homeowner's association of an affected subdivision and submitted by the applicant will be mailed at the same time the legal advertisement is submitted to the newspaper for publication.
6. The Planning Commission holds a duly scheduled public hearing to review the application for the temporary zoning permit request.
7. If the request for a temporary zoning permit is approved by the Planning Commission, the applicant receives approval and is formally notified by mail by the OPI.
8. If the request for a temporary zoning permit is denied by the Planning Commission, the applicant is formally notified in writing by the OPI of the denial and the right to appeal the decision to the Putnam County Board of Zoning Appeals within thirty (30) days.
9. The use of tax map and parcel numbers, in lieu of deed descriptions or metes and bounds descriptions, shall be considered adequate and valid for description of properties to be rezoned.

TEMPORARY ZONING PERMIT FLOW CHART *Amended 10-11-22*



2000.04 FEES

- A. Petitions and applications filed by property owners shall be accompanied by a filing fee. The purpose of the fee shall be to defray, in part, the expense connected with each application. Such fee shall be waived in the case of a bill to rezone or amend the text of this ordinance when offered by the County Planning Commission.
- B. See the Planning Commission Fee Schedule in the OPI for current fee amount.

2000.05 PUBLIC HEARING (*Amended 10-11-22*)

- A. The County Planning Commission shall hold a public hearing before acting on a request for rezoning, a temporary zoning permit or text amendment. Public hearing dates and time shall be established by the Commission.
- B. Notice of a scheduled public hearing for a proposed rezoning, or temporary zoning permit shall consist of the following:
 - 1. Publication of a legal advertisement in compliance with the provisions of Article 3, Chapter 59 of the Code of West Virginia.
 - 2. The posting of a notice of the public hearing on the subject property; and,
 - 3. The mailing of notices of the public hearing to the petitioner or applicant, to recorded owners of property within 250 feet of any part of the subject property, and to a homeowner's association board member of an affected subdivision. The list of owners may be as established in the Putnam County Assessor's office; and,
 - 4. Whenever a public hearing involves property within 200 feet of an adjoining municipality, written notice of the public hearing shall be sent by certified mail to the clerk of the municipality; and,
 - 5. The notice required for amending the zoning ordinance to provide for overall updating and revision of the zoning ordinance text and map(s) shall be by a) publication in a newspaper of general circulation as provided in paragraph B.1. above, b) mailing postcard notices, first class mail, to applicable property owners only where rezoning of property is involved; and c) mailing notice to a homeowner's association board member of an affected subdivision.
- C. Notice of a scheduled public hearing for a proposed text amendment shall meet the requirement as stated in B.1.
- D. All notices shall include the time and place of the hearing and the action to be considered. For an overall updating and revision of the zoning ordinance, the OPI shall not have to specify the change(s) proposed for each parcel of land; reference to the overall updating and revision shall be sufficient description of the action to be considered.
- E. Notices meeting the above requirements in subsections B. through D. shall be deemed adequate notice.
- F. The Planning Commission shall establish rules and policies governing the order and conduct of public hearings.

2000.06 PROTEST BY CITIZENS

Written petition or letters to the County Commission or County Planning Commission should include the following:

- A. The case to which the petition or letter refers; and
- B. Signature and addresses of the petitioners; and
- C. Reasons for the protest; and
- D. The date of the petition, letter, or signatures.

Petitions or letters favoring a request also may be submitted and follow the same guidelines as stated in (A) through (D) above.

2000.07 CONFLICT OF INTEREST

- A. The proper operation of democratic government requires that public officials be independent, impartial, and responsible to the people; that government decisions and policies be made in proper channels of governmental structures; and, that the public have confidence in the integrity of its government. In recognition of those goals, this section relating to conflict of interest sets forth those acts or actions that are incompatible with the best interest of the County and directs disclosures by such officials of such interest in matters which may affect the outcome of any decision related to this ordinance made by the County Commission, Board of Zoning Appeals, or County Planning Commission.
- B. Any public official having a conflict of interest, as defined in subsection C. below, shall declare such conflict and refrain from discussion of, participation in, or voting on any decision relating to the matter in which the official has a conflict of interest.
- C. Interest shall be considered as direct or indirect pecuniary or material benefits accruing to a public official as a result of any decision relating to this ordinance which is or may be the subject of an official act or action by the County Commission, Board of Zoning Appeals or County Planning Commission. For the purpose of this ordinance, a public official shall be deemed to have a conflict of interest if any of the following relationships are present:
 - 1. Any person related to him by blood or marriage in a degree closer than first cousins; a divorce or separation between spouses shall not be deemed to terminate any such relationship; or
 - 2. Any person or business entity with whom a contractual relationship exists with the public official; it is not intended that this relationship be construed to be affected by minor contractual relationships, such as personal insurance policies, mortgages, bank accounts, or charge accounts; or
 - 3. Any business entity in which the public official is an officer, director, member having a financial interest therein, or by which he is employed; or
 - 4. Any business entity in which in excess of 15 percent of the total stock or total legal and beneficial interest is controlled or owned directly or indirectly by the public official.

**ARTICLE 2100
BOARD OF ZONING APPEALS**

2100.01 ESTABLISHMENT

2100.02 MEMBERSHIP AND ORGANIZATION

2100.03 QUORUM AND OFFICIAL ACTION

2100.04 GENERAL PROCEDURES

2100.05 POWERS AND DUTIES

2100.06 STAY OF WORK

2100.07 FILING PROCEDURE FOR AN APPEAL OF AN ADMINISTRATIVE DECISION (Amended 12-13-22)

2100.08 FILING PROCEDURE FOR A VARIANCE REQUEST (Amended 12-13-22)

2100.09 FILING PROCEDURE FOR A SPECIAL PERMIT USE

2100.10 PUBLIC HEARINGS (Amended 12-13-22)

2100.11 FEES

2100.12 APPEAL OF A DECISION OF THE BOARD

2100.01 ESTABLISHMENT

A Board of Zoning Appeals shall be established in accordance with WV State Code, Article 8A. The word "Board" in this article shall mean the Board of Zoning Appeals.

2100.02 MEMBERSHIP AND ORGANIZATION

- A. Board members shall be appointed pursuant to §8A-8-4 of the Code of West Virginia, which states as follows:

§ 8A-8-4. Board of Zoning Appeals - Creation; membership; terms; vacancies.

As part of the zoning ordinance, the governing body of the municipality or the county court [county commission] shall create a board of zoning appeals consisting of five members to be appointed by the governing body of the municipality or by the county court [county commission].

The members of the board of zoning appeals shall be individuals who are freeholders and residents of the municipality or county and at least three fifths of such members must have been residents of the municipality or county for at least ten years preceding the time of their appointment. No member of the board of zoning appeals shall be a member of the planning commission nor shall any member hold other elective or appointive office in the municipality or county government. Members of the board shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.

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

If a vacancy occurs, by resignation or otherwise, among the members of the board of zoning appeals, the governing body of the municipality or the county court [county commission] shall appoint a member for the unexpired term.

- B. At its first meeting of each year, the Board shall elect a president, vice-president, and secretary from its membership. The vice chairman shall have the power and authority to act as chairman during the absence or disability of the chairman.

2100.03 QUORUM AND OFFICIAL ACTION

A majority of the members of the Board shall constitute a quorum. No action of the Board shall be official, however, unless authorized by a majority of all the members of the Board.

2100.04 GENERAL PROCEDURES

- A. The Board shall adopt such rules as shall be necessary to carry out its duties under the terms of this ordinance.
- B. The Board shall keep minutes of its proceedings, records of all official actions and shall record the vote on all actions taken. All minutes and records shall be filed in the Office of Planning & Infrastructure (OPI) and shall be public records.

2100.05 POWERS AND DUTIES

- A. The Board shall:
 - 1. Hear and determine appeals from and review any order, requirement, decision, or determination made by the County Planning Commission or Planning Officer charged with the enforcement of this ordinance.
 - 2. Permit and authorize exceptions to the district rules and regulations of this ordinance only in the classes of cases or situations, as specified in this ordinance.
 - 3. Hear and decide special exceptions to the terms of this ordinance upon which the Board is required to act under this ordinance; and
 - 4. Authorize, upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed, and substantial justice done.
 - a. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance.
 - b. Under no circumstances shall the Board grant a variance to allow a land use not permitted under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
 - c. In exercising its powers and authority, the Board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision or determination appealed from, as in its opinion ought to be done in the premises, and to this end shall have all the powers and authority of the official or body from whom or which the appeal is taken.

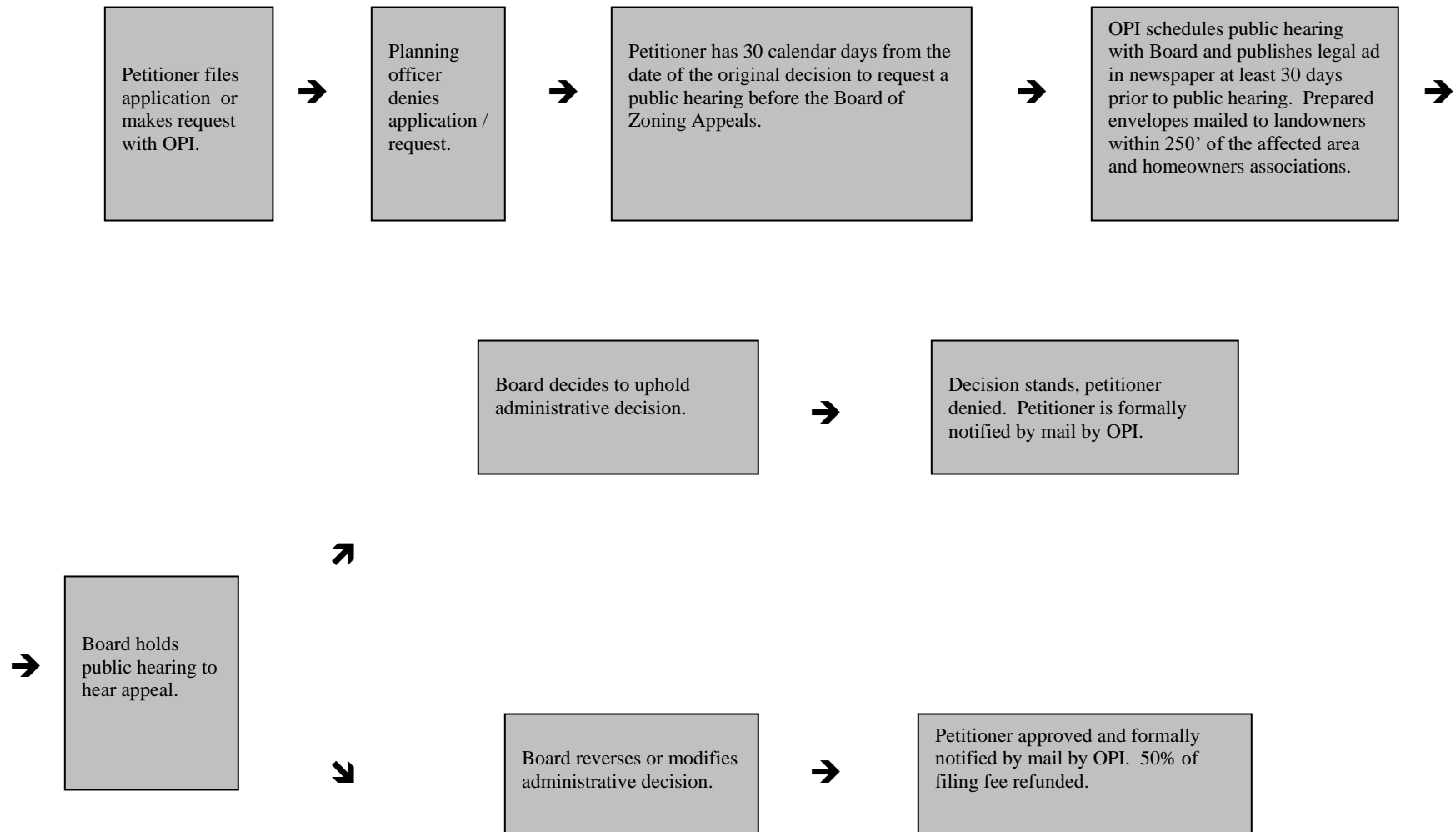
2100.06 STAY OF WORK

When an appeal has been taken and filed with the Board, all proceedings and work on the premises in question shall be stayed, i.e., stopped (by written notice of the OPI and sent to the property owner by certified mail) unless the official or County Planning Commission from whom or which the appeal was taken shall certify to the Board that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. If such certificate be filed, proceedings or work on the premises shall not be stayed except by a restraining order which may be granted by the Circuit Court of Putnam County, upon application thereof, on notice to the official or County Planning Commission from whom or which the appeal was taken, and the owners of the premises affected and on due cause shown.

2100.07 PROCEDURE FOR AN APPEAL OF AN ADMINISTRATIVE DECISION *(Amended 12-13-22)*

- A. An appeal taken from any order, requirement, decision, or determination made by the Planning Officer charged with the enforcement of this ordinance shall be filed with the Board on forms prescribed by the OPI. The appeal shall specify the reasons for the appeal and shall be made within 30 calendar days of the original action in question unless otherwise prescribed by the Board by general rule and regulation.
- The appeal, or application, shall include a list of the property owners' names and addresses located within 250 feet of the affected area, as of record in the office of the Putnam County Assessor. The subject property also shall be included in the affected area. The applicant must also submit the tax map and parcel numbers for the list of properties along with a stamped and addressed envelope for each of the names and address of property owners in the affected area. If the list includes a lot within a subdivision development, the applicant must submit the name of the president for that subdivision development's homeowner's association along with a stamped and addressed envelope for that member.
- B. The OPI will publish a legal advertisement describing the request to appear in a local newspaper of general circulation 30 days prior to the scheduled public hearing before the Board. The prepared envelopes notifying the property owners located within 250 feet of the affected property and the president of the homeowner's association of an affected subdivision development and submitted by the applicant will be mailed at the same time the legal advertisement is submitted to the newspaper for publication.
- C. The Board shall hold a duly scheduled public hearing on the appeal.
- D. If the Board decides to uphold the administrative decision, the administrative decision stands and the petitioner is denied. The petitioner is formally notified by mail by the OPI of the right to appeal the decision to Putnam County Circuit Court within thirty (30) days.
- E. If the Board reverses or modifies the administrative decision, the appeal stands as approved by the Board. The petitioner is formally notified in writing by the OPI and 50 percent of the filing fee is refunded to the petitioner.

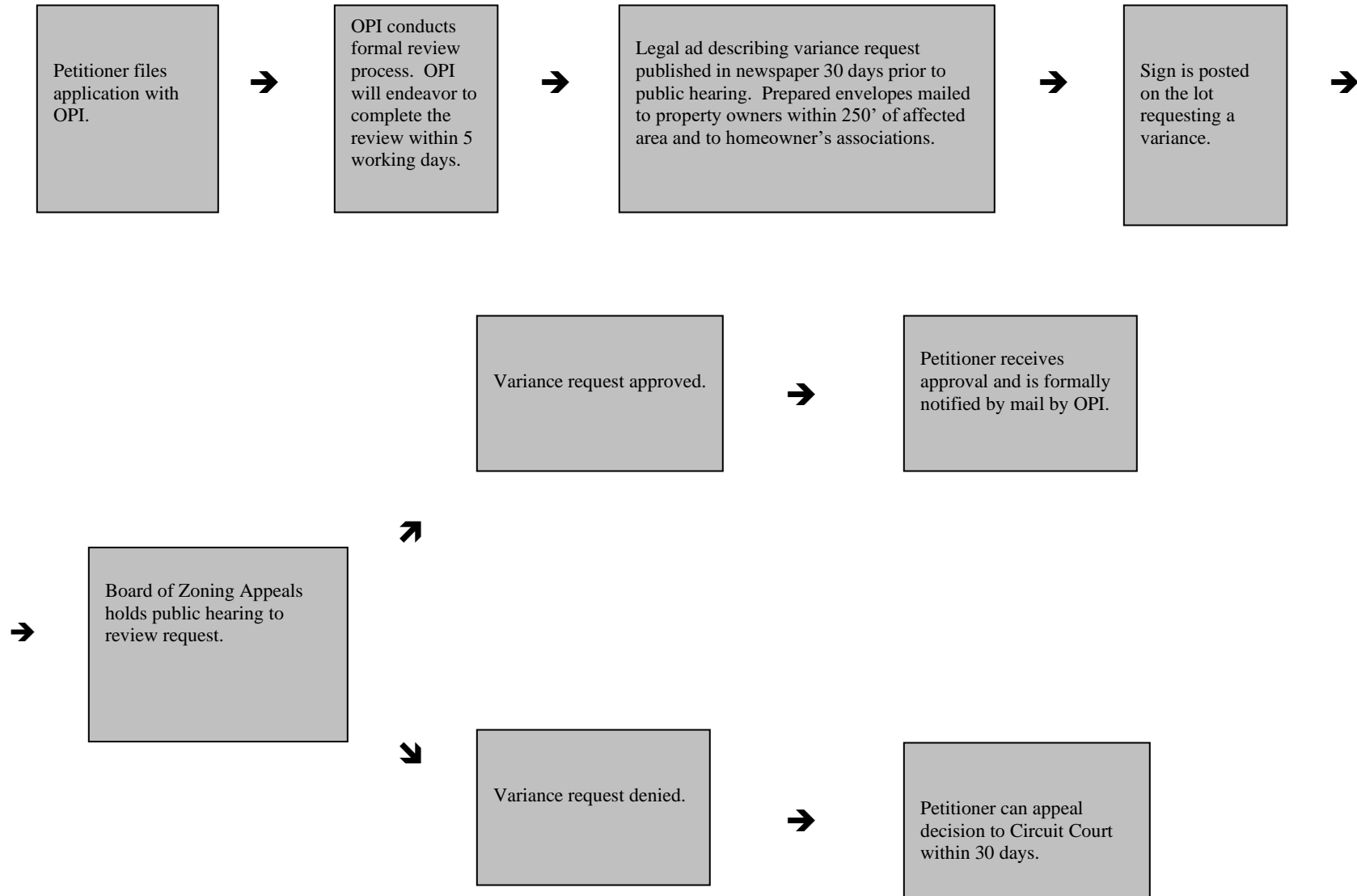
ADMINISTRATIVE DECISION APPEAL FLOW CHART



2100.08 PROCEDURE FOR A VARIANCE REQUEST *(Amended 12-13-22)*

- A. A request for a variance from the terms of this ordinance shall be filed with the Board on forms prescribed by the OPI. The variance request shall specify the reasons for the variance. The variance request, or application, shall include a list of the property owners' names and addresses within 250 feet of the affected area, as of record in the office of the Putnam County Assessor, including across streets and alleys. The subject property also shall be included in the affected area. The applicant must also submit the tax map and parcel numbers for the list of properties along with a stamped and addressed envelope for each of the names and address of property owners in the affected area. If the list includes a lot within a subdivision development, the applicant must submit the name of the president for that subdivision development's homeowner's association along with a stamped and addressed envelope for that member.
- B. The OPI will publish a legal advertisement describing the variance request to appear in a local newspaper of general circulation 30 days prior to the scheduled public hearing before the Board. The prepared envelopes submitted by the applicant notifying the property owners within 250 feet the affected property, including across streets and alleys, and the president of the homeowner's association of an affected subdivision development will be mailed at the same time the legal advertisement is submitted to the newspaper for publication.
- C. The Board shall hold a duly scheduled public hearing on the appeal.
- D. Factors for Considering a Variance Request
 - a. A Variance is a deviation from the minimum standards of the zoning ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classification of a parcel of land.
 - b. The board of zoning appeals shall grant a variance to the zoning ordinance if it finds that the variance:
 - 1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.
 - 2. Arises from special conditions or attributes which pertain to the property for which a variance is sought, and which were not created by the person seeking the variance.
 - 3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
 - 4. Will allow the intent of the zoning ordinance to be observed and substantial justice done.
- E. If the Board decides to deny the variance request, the petitioner is formally notified by mail by the OPI of the right to appeal the decision to Putnam County Circuit Court within thirty (30) days.

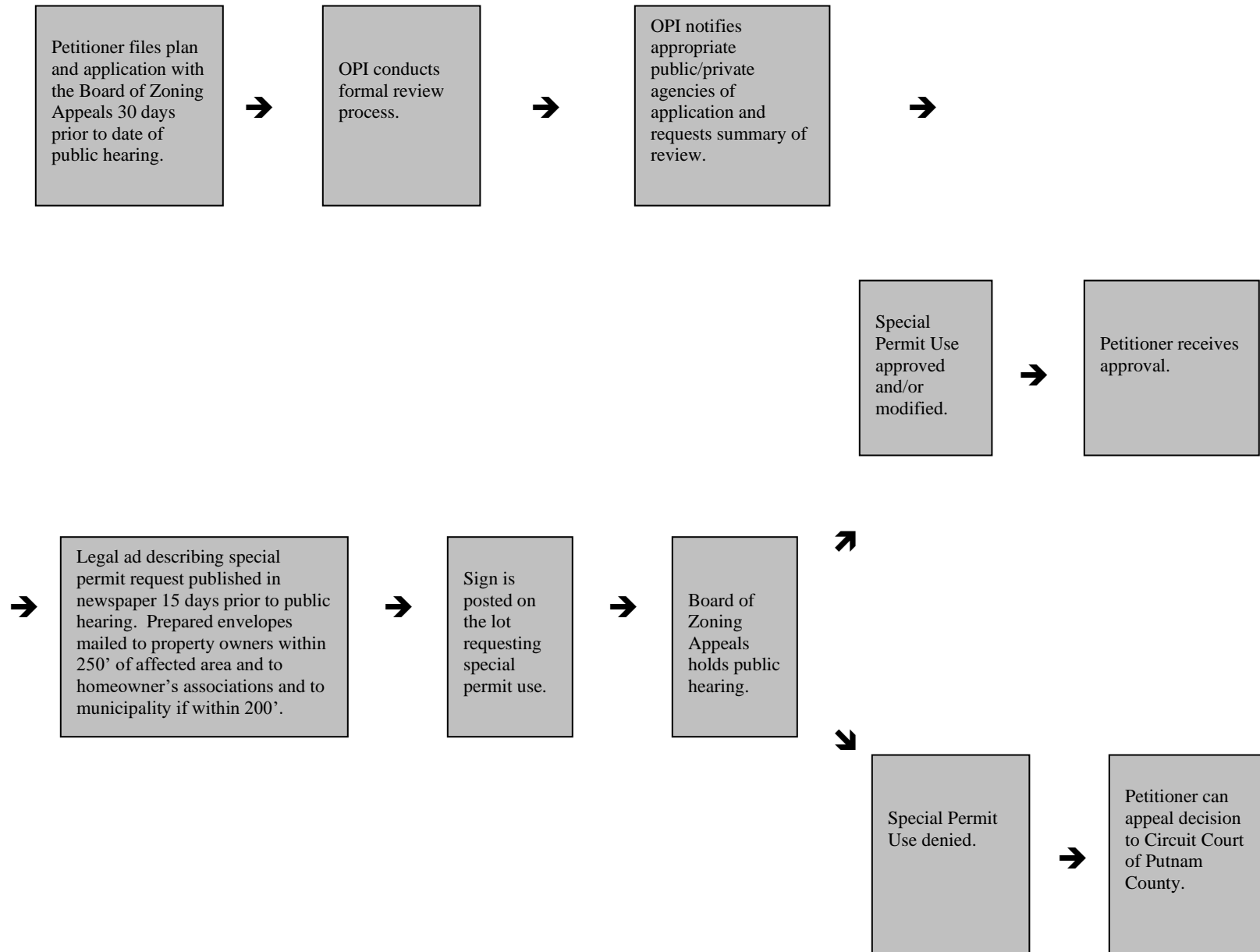
VARIANCE FLOW CHART



2100.09 PROCEDURE FOR A SPECIAL PERMIT USE

An application for a Special Permit Use may be filed with the Board of Zoning Appeals by the owner, lessee, or other person having a legal or equitable interest in the subject property pursuant to Article 1100, Special Permit Uses.

SPECIAL PERMIT USE FLOW CHART



2100.10 PUBLIC HEARINGS *(Amended 12-13-22)*

- A. Before deciding any case filed with the Board, the Board shall hold a public hearing. At the hearing, any party may appear in person, by agent or by attorney. The Board shall fix a reasonable time for the hearing and give public notice as follows:
1. Publication of a Class I legal advertisement (one time) at least fifteen (15) days prior to the date of the hearing; and
 2. The posting of a notice of the public hearing on the subject property for a variance request and special permit use.
 3. Mailing of notices of the hearing at least 15 days prior to the date of the hearing to those parties described below:
 - a. In the case of an administrative appeal, mailing of notices to those owners of record of property within the affected area, as defined in 2000.03 Section 2100.07, and to other property owners who, in the opinion of the Planning Officer, might be affected by the action in question, and to the president of the homeowner's association of an affected subdivision development.
 - b. In the case of an application for a variance, mailing of notices to those owners of record of properties abutting the subject real estate, including across streets and alleys, and to the president of the homeowner's association of an affected subdivision development.
 - c. In the case of an application for a special permit use, mailing of notices to those property owners within 250' of the subject real estate, and to the president of the homeowner's association of an affected subdivision development, and to a municipality if the subject real estate is within 200'
 4. Both the legal advertisement and the mailed notices discussed in subsection a. above shall include the time and place of the hearing and the action to be considered.
 5. Notices of public hearings meeting all the requirements of (Section 2100.19) shall be deemed adequate notice.

2100.11 FEES

Applications or appeals filed with the Board shall be accompanied by a filing fee as shown on the Planning Commission Fee Schedule in the OPI. The purpose of the fee shall be to defray, in part, the expenses connected with each application.

2100.12 APPEAL OF A DECISION OF THE BOARD

- A. Any decision or order of the Board shall be subject to review by certiorari.
- B. Any person or persons jointly or severally aggrieved by any decision or order of the Board may present to the Circuit Court of Putnam County a petition duly verified, setting forth that such decision or order is illegal in whole or in part, and specifying the grounds of the alleged illegality. The petition shall be presented to the Court within 30 days after the date of the Board's decision.

