

**ARTICLE 150  
DEFINITIONS**

**150.01 GENERAL DEFINITIONS**

**150.02 DEFINITION OF TERMS** *(Amended 10-11-22) (Amended 12-13-22) (Amended 07-11-23) (Amended 05-16-24) (Amended 12-17-24) (Amended 03-11-25)*

**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, 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 provides 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 practitioners, 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 interment of dead bodies or the cremated remains thereof. It may be a burial park for earth interments, a mausoleum for vault or crypt interments, or a columbarium for cinerary interments.

**Childcare 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.

**Childcare 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.

**Childcare 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 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-through 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.

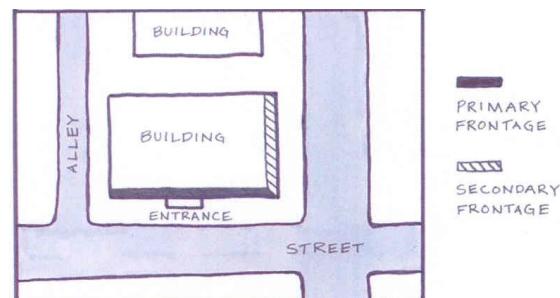
**Floor area** - The sum of the gross horizontal areas of the floors of a building or buildings measured from the exterior walls of the building. This definition shall include attic space providing structural headroom of eight feet or more and basement space unless such space is used for storage.

**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".

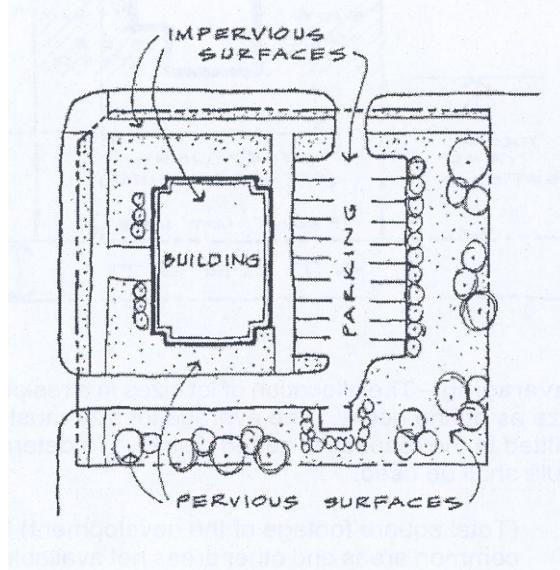
**Hospital, animal (limited to small animals)** - A facility established to supply examination, diagnostic, and prophylactic services, and medical and surgical treatment to house pets, equipped to supply housing and nursing care for animals during illness or convalescence only, and also boarding of animals.

**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.

**Laydown Yard** – A designated staging area where large and/or industrial tools, materials, products, equipment, and vehicles may be organized and temporarily stored when not in use. A laydown yard may include a storage building (or buildings) used for storage, repair, service, and/or maintenance of large and/or industrial tools, equipment, and related vehicles.

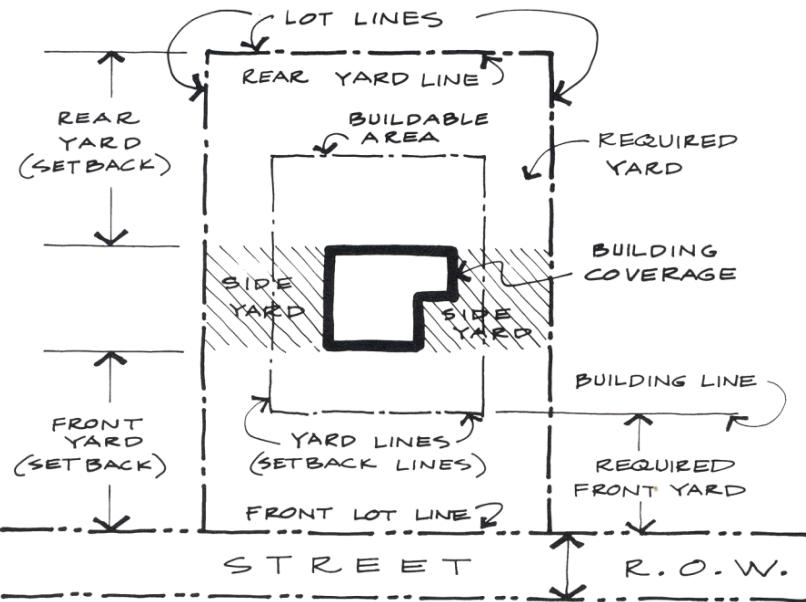
*(Amended 03-11-25)*

**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 defined 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 a 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 or membership, 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, Indoor Shooting Ranges, Ice Skating Rinks, Batting Cages, or Swimming Pools. *(Amended 05-16-24)*

**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 service 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.

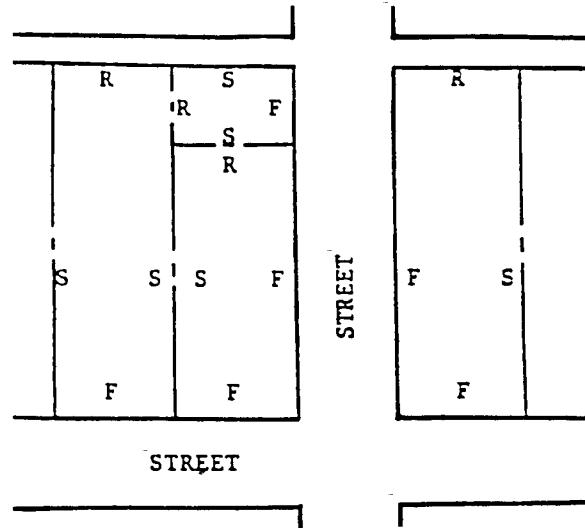
**School, Industrial, Technical, or Trade** - An institution or place for instruction, specifically in one or more of the general trades such as welding, carpentry, electronics, automotive repair, or barber or beauty culture.

**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

**Shooting Range, Indoor** - An indoor facility designed and operated where people may participate in supervised recreation, competition, skill development, and training with firearms, archery equipment, and/or air guns along with other related activities such as the sale of legal firearms, legal ammunition, targets, and other related items. See Article 1700.17. *(Amended 05-16-24)*

**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, billboard** – A freestanding sign advertising a business, commodity, service, activity, or entertainment not taking place on the premises upon which the billboard is located.

*(Amended 12-17-24)*

**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.

**Towing Services** – A facility that dispatches tow trucks and provides temporary storage of operative or inoperative vehicles. This classification DOES NOT include automobile repair, automobile wrecking, dismantling, or sales of automotive salvage or automotive parts. *(Amended 07-11-23)*

**Trailer, Travel** - A temporary mobile dwelling for travel, recreation, or vacation use. Units may include travel trailers, pick-up campers, converted buses, 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 accommodation 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.

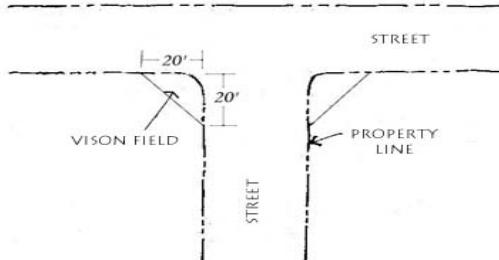
**Use, Special Exception** - A use that meets the intents and purposes of the zoning district in which the use is situated, but which requires the review and approval of the Board of Zoning Appeals in order to ensure that any possible adverse impacts on adjacent uses, structures or public services and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

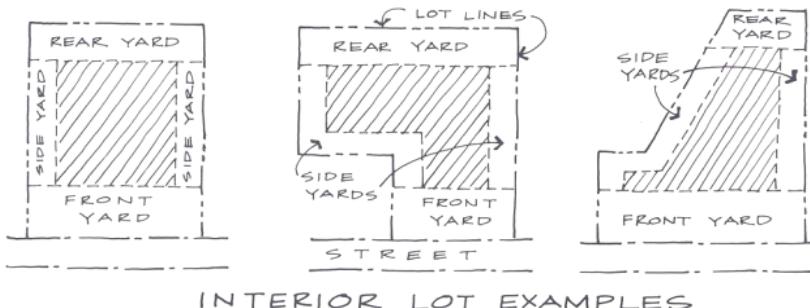
**Yard** - A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations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

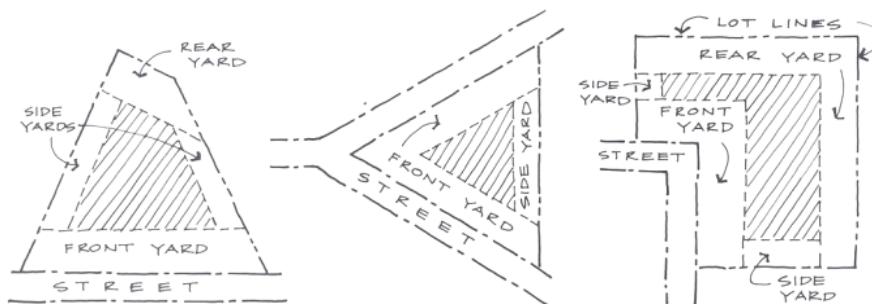
**Yard, Rear\*** - A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building; and

**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



INTERIOR LOT EXAMPLES



ODD-SHAPED LOT EXAMPLES

#### REQUIRED YARDS

BUILDING (ZONING) ENVELOPE  
(TWO DIMENSIONAL)

