# ARTICLE 1700
# SUPPLEMENTARY PROVISIONS

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## 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.

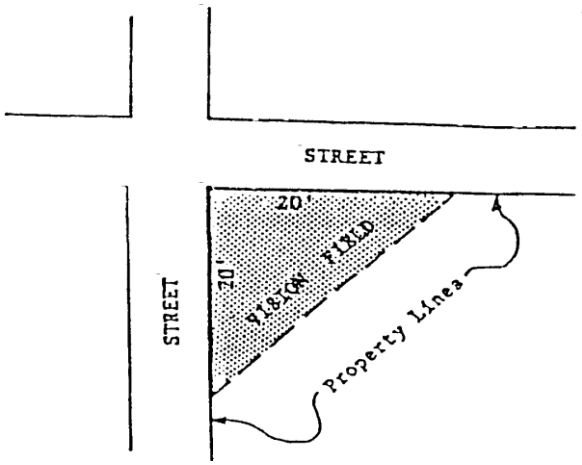
C. Fences, walls, terraces, steps, or other similar features may project into a required setback, except as provided under Section 1700.04 - Vision Field, but shall not exceed eight feet in height.

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 feet 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 roofs, 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 roofs, 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 feet 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 roofs, 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 | • 20 Feet |
| Minimum Setback from Rear of Lot | • 10 Feet |
| Minimum Distance between Buildings | • 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 a 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. The Planning Commission may, upon a written finding that public health, safety, welfare, morals, or convenience require it, issue a temporary permit authorizing the 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. The 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 the 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 the 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 the 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. The 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 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**. Hillsides 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 are 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. **Commercial Recreation or Sports Facility: Conditions Specific to Indoor Shooting Ranges** *(Amended 05-16-24)*

1. Indoor Shooting Range owners/operators are responsible to apply for and receive all required licenses and/or permits and must be compliant with all applicable Federal, State and County laws, rules, policies, acts, and/or ordinances regulating the design and operation of such facilities.
2. Indoor Shooting Range design criteria must meet or exceed all engineering and operational guidelines outlined by The United States Department of Energy (DOE) Office of Health, Safety, and Security in their Range Design Criteria Document relative to such facilities.
3. Indoor Shooting Range design criteria must also meet or exceed all applicable engineering and operational requirements mandated by Federal, State, and County agencies regulating the design and operation of such facilities, including but limited to:
    a. The United States Environmental Protection Agency,
    b. The Occupational Health and Safety Administration (OSHA),
    c. The National Institute for Occupational Safety and Health (NIOSH),
    d. The West Virginia Department of Natural Resources,
    e. The Putnam County Health Department,
    f. The West Virginia State Fire Marshal's Office,
    g. All other applicable governmental and/or legal regulatory agencies, acts, and policies relative to such facilities.

C. **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.

D. **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.

E. **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.
   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.

F. **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.

G. **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. **Laydown Yard** *(Amended 03-11-25)*

1. Parking requirements as outlined in Article 1200 Parking, Loading and Internal Roadways shall be reviewed based upon whether the applicant meets with customers on site, as well as the number and type of employees proposed to access the site.
2. The surface of a laydown yard may be asphalt, concrete, gravel/stone, or a combination thereof and its composition shall comply with minimum design standards per Article 1200.03 Non-Residential Paving Requirement. Higher standards may be required by the Planning Director to withstand the weight and movement of large and/or industrial tools, materials, products, equipment, and vehicles as applicable. All gravel/stone areas shall have fabric for separation between the compacted subgrade and the stone.
    a. If higher standards are required the design engineer shall specify and provide official certification regarding composition of all proposed construction materials to withstand the weight and movement of large and/or industrial tools, materials, products, equipment, and vehicles as applicable.
3. Access to the interior of the laydown yard shall be a minimum of twenty-two feet (22') aisle width.
4. Proposed traffic/mobility layout shall be included on the site plan.
5. If applicable, there shall be a minimum thirty-foot (30') rear and/or side yard area adjacent to any residential district or any residence.
6. Service bay openings, if applicable, shall be positioned away from any residential district or residence.
7. Wrecked or damaged vehicles and/or equipment not to be repaired shall not be stored on the site.
8. A fuel dispenser, if applicable, shall only be allowed for the service of vehicles and/or equipment stored on site. The sale of fuel is prohibited.
9. 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.
10. The dismantling of vehicles and/or equipment, and the recycling or sale of vehicle and/or equipment parts on the premises shall be considered a separate use and shall be subject to other requirements of the zoning ordinance.
11. Vehicle and/or equipment repair that includes body and paintwork shall be considered a separate use and shall be subject to other requirements of the zoning ordinance.
12. If applicable, 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 to manage traffic disruption.
13. It is suggested that the following be addressed during the site plan review:
    a. Management of visual impact within the neighborhood.
    b. Management of safety within the neighborhood.

c. Provisions to keep the laydown yard clean and orderly.

I. **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, breakover 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.

J. **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.

K. **Motor Vehicles - Towing or Wrecker Service** *(Amended 07-11-23)*

1. Storage areas must be subordinate in area to the principal structure.
2. Storage areas must be paved.
    a) Composition: Driveways and areas used for loading, parking, and internal roadways for towing or wrecker service uses shall have a surface which is durable, all weather, and paved of either asphalt, concrete, or gravel.
        i. All graveled areas shall not be less than six (6) inches in depth of compacted limestone gravel.
        ii. See Article 1200.03 – Detailed Standards for Internal Roadways, Off-Street Parking and Loading Areas for non-residential paving requirements.
3. Suggested Design Standards for towing or wrecker service: In establishing or expanding a towing service, all following requirements and standards must be met.
    a) Setbacks: See standard "C-2" High Density Commercial District setbacks, found in Article 650.05 Development Standards
    b) Screening: See WV Code R. § 150-9-6 – Rules and Regulations Applicable to Wrecker Companies for screening requirements
    c) Wrecker/ Tow Vehicle Service and Maintenance:
        i. All on-site repairs and maintenance of wrecker/ tow vehicles shall be performed in a completely enclosed building.
        ii. Service bay openings shall be positioned away from any residential district or residence (and further comply with Article 1150 – Site Plan).
        iii. There shall be no outdoor storage of wrecker/ tow vehicles except within an area defined on the site plan that is totally screened from view on all sides by an opaque fence that meets or exceeds WV Code R. § 150-9-6 – Rules and Regulations Applicable to Wrecker Companies
    d) Storage and Maneuvering:
        i. See WV Code R. § 150-9-6 – Rules and Regulations Applicable to Wrecker Companies for wrecked or damaged vehicle storage requirements.
        ii. Access to the interior of the towing service storage yard shall be a minimum of twenty-two feet (22') aisle width.
        iii. See WV Code R. § 150-9-6 – Rules and Regulations Applicable to Wrecker Companies for the length of time wrecked or damaged vehicles may be stored on premises.

L. **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.

M. **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.

N. **Oil and gas operation, exploration, and production**

These regulations shall apply to the drilling of new wells as well as redrilling, 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.
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.

O. **Parking structure or lot, automobile (commercial)**

1. Such a parking structure or lot shall be a principal commercial use.

P. **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.

Q. **Recreational Vehicle (RV) Park** *(Amended 07-11-23)*

1. The maximum gross density allowed for the Recreational Vehicle Park development shall be one recreational vehicle site per 1,200 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.
   a. PER TITLE 64 – LEGISLATIVE RULE BUREAU FOR PUBLIC HEALTH DEPARTMENT OF HEALTH AND HUMAN RESOURCES – SERIES 18 – GENERAL SANITATION – ARTICLE 64-18-17 – SIZE, SPACE:
      i. 64-18-17. Size, Space.
      ii. 17.1. In campgrounds, one thousand two hundred (1200) square feet of space shall be provided for each campsite. The average campground density shall not exceed twenty-five (25) campsites per acre.
      iii. 17.2. In campgrounds, camping units, including canopies and similar appurtenances, shall be separated from other camping units on adjacent campsites and all campground buildings and structures by a minimum distance of ten (10) feet.
      iv. 17.3. There shall be at least ten (10) feet of space between a camping unit and any campground street, common parking area, or other common use areas and at least twenty (20) feet between a camping unit and a public road.
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 in compliance with Article 1300 Landscaping and Screening of the Zoning Ordinance for the Zoned Unincorporated Areas of Putnam Count, WV.
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", "C-1", or "C-2" 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.

R. **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.

S. **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 they are 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 sells 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, Amended 07-11-23, Amended 05-16-24, Amended 03-11-25.*