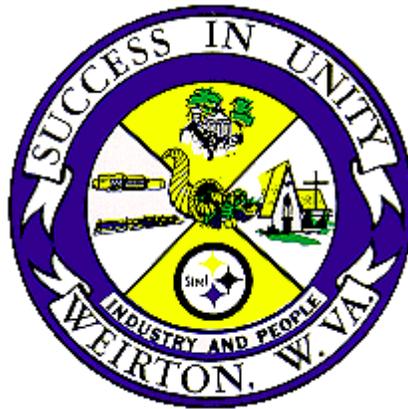


City of Weirton, West Virginia

Unified Development Ordinance



Adopted July 11, 2005
Effective September 11, 2005

**UNIFIED DEVELOPMENT ORDINANCE
CITY OF WEIRTON, WEST VIRGINIA**

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ARTICLE 1
GENERAL PROVISIONS

SECTION 1.1 TITLE

This Ordinance and Ordinances supplemental or amendatory thereto, shall be known and may be cited as the “Unified Development Ordinance of the City of Weirton, West Virginia.”

SECTION 1.2 AUTHORITY

This Ordinance is enacted pursuant to the authority contained in the Code of West Virginia, Chapter 8A, Articles 1 through 12, as amended, and in accordance with the Charter of the City of Weirton, West Virginia.

SECTION 1.3 JURISDICTION

This Ordinance shall govern the land use, subdivision and development activities proposed, planned and conducted on parcels of land located within the corporate boundaries of the City of Weirton, West Virginia.

SECTION 1.4 INTENT

This Ordinance is enacted pursuant to the Comprehensive Plan of the City of Weirton to protect and promote the health, safety, comfort, morals and general public welfare of the City through the regulation and restriction by means of zoning and subdivision regulations, the height and size of buildings and other structures, the appearance of developments, the percentage of lots that may be covered or occupied, the dimensions of setbacks, the size of open spaces, the density of population, and the location, use and design of landscaping, buildings, structures, and land for residential, commercial, industrial, institutional, recreational, and other purposes.

SECTION 1.5 COMPLIANCE WITH ORDINANCE PROVISIONS

Except as otherwise specifically provided in this Ordinance, no land shall be subdivided and no land or building shall hereafter be used or occupied, and no excavation, removal of soil, clearing of a site, or placing of fill shall take place on lands contemplated for development, and no building, or part thereof, shall be constructed, erected, altered, or moved, except in compliance with all of the applicable provisions of this Ordinance.

SECTION 1.6 RELATIONSHIP TO THE EXISTING ZONING AND SUBDIVISION ORDINANCES

To the extent that the provisions of this Ordinance are the same as the previously adopted provisions that they replace in the City’s Zoning Ordinance and the City’s Subdivision Ordinance, they shall be considered as continuations thereof and not as new enactment unless otherwise specifically provided.

SECTION 1.7 RELATIONSHIP TO THE COMPREHENSIVE PLAN AND RELATED PLANNING DOCUMENTS

It is the intention of City Council that this Ordinance implement the planning policies adopted for the City, as reflected in the Comprehensive Plan and other related planning documents. While the Council reaffirms its commitment that this Ordinance and any amendment to it be in conformity with adopted planning policies, the Council hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged on the basis of any alleged non-conformity with any planning document.

SECTION 1.8 FEES

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notices, and similar matters shall be charged to applicants for Zoning Compliance Permits, Conditional Use Permits, Sign Permits, final plat approvals, zoning amendments, appeals, variances, and other permits. The amount of such fees shall be fixed from time to time by City Council and applied uniformly.

SECTION 1.9 ACCESS FOR INSPECTION OF PROPERTY

The City of Weirton and its authorized representatives shall have access to premises and buildings, during reasonable hours, for the purpose of making evaluations or inspections necessary to determine compliance with the standards referenced in this Ordinance. The official is authorized to enter the structure or premises at reasonable times to inspect or to perform duties imposed by this Ordinance; provided that, if the structure or premises is occupied, that credentials be presented to the occupant and entry requested. If the structure or premises is unoccupied, the official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the official shall have recourse to the remedies provided by law to secure entry.

SECTION 1.10 EFFECTIVE DATE

This Ordinance shall take effect sixty (60) days after approval by the City Council of the City of Weirton, West Virginia.

ARTICLE 2 DEFINITIONS

SECTION 2.1 DEFINITION OF WORDS IN OTHER ORDINANCES AND CODES

Where a word or term used in this Ordinance is not defined below, but is defined in another ordinance or code, the meaning of said word or term shall be as set forth in that ordinance or code.

SECTION 2.2 RULES OF CONTENT AND USAGE

The following rules of construction and usage shall apply to the text of this Ordinance:

- (A) Words used in the present tense shall include the future.
- (B) The particular shall control the general.
- (C) Words used in the singular shall include the plural. Words used in the plural shall include the singular.
- (D) The word “person” includes a profit or non-profit corporation, company, partnership, individual or an association of individuals.
- (E) The word “lot” includes the words “plot” or “parcel.”
- (F) The terms “shall” and “will” are always mandatory.
- (G) The word “may” is permissive.
- (H) The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, “arranged” or “designed” to be used or occupied.
- (I) The word “building” includes the word “structure”.
- (J) Unless otherwise specified, all distances shall be measured horizontally.
- (K) The masculine shall include the feminine.
- (L) The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- (M) 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.
- (N) A "building" or "structure" shall include any part thereof.
- (O) 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, the heading shall not be deemed to affect the scope, meaning, or intent of such context.
- (P) 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.
- (Q) In case of conflict between regulations the more restrictive shall apply.
- (R) 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.

SECTION 2.3 DEFINITION OF TERMS (Revised August 9, 2006)

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 Director.

ABANDONMENT – The relinquishment of property or a cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the Nonconforming Use of the property for a period of one year.

ABUTTING – Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

ACCESS – A means of vehicular or pedestrian approach, entry to, or exit from property.

ACCESS MANAGEMENT – The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity and speed.

ACREAGE, GROSS – The total area within a Parcel of land.

ACREAGE, NET – The area within lot boundaries of all lands comprising the Building Site. A net acre shall not include any existing rights-of-way and flood or drainage control easements.

ADDITION – Any increase in the Gross Floor Area of a building or structure or use, including those in which the Building Footprint is not enlarged.

ADMINISTRATIVE OFFICE – An office establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal and sales activities, performed in a single location or building for other branches or divisions of the same company.

ADULT BOOK STORE - An establishment having more than 10 square feet of floor area devoted to 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. See also Sexually-Oriented Business.

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. See also Sexually-Oriented Business.

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. See also Sexually-Oriented Business.

ADULT VIDEOTAPE STORE - An establishment having more than 10 square feet of floor area devoted to 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. See also Sexually-Oriented Business.

ADVERSE IMPACT – A negative consequence for the physical, social, or economic environment resulting from an action or project.

AESTHETIC ZONING – The regulation of building or site design to achieve desirable appearance.

AFFECTED PERSONS – Those owners of record of real property located in whole or in part within a specified distance, including public streets and other rights-of-way.

AFFORDABLE HOUSING – Housing renting for a monthly rent, or housing that may be purchased with monthly payments (including principal, interest, taxes, insurance, homeowners association fees, etc.) that are not more than 30 percent of the total monthly household income of low-income households (defined to be a household earning less than 80 percent of the median annual income, adjusted for household size, as determined by the United States Department of Housing and Urban Development).

AGGRIEVED or AGGRIEVED PERSON – A person who (1) is denied by the Planning Commission or Board of Zoning Appeals, in whole or in part, the relief sought in any application or appeal, or (2) has demonstrated that he or she will suffer a peculiar injury, prejudice or inconvenience beyond that which other residents of the City may suffer.

ALLEY – A Right-of-Way dedicated to public use, other than a street, road, crosswalk, or easement, designed to provide a secondary means of access for the special accommodation of the property it reaches. An Alley shall not be considered adequate as the sole access for a parcel of land.

ALTERATION – Any change, addition or modification in construction or occupancy of an existing structure.

AMENITY – Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as a unified building design, recreational facilities (e.g. swimming pool, walking trails, bicycle trails, lakes, tennis courts, picnic areas, playgrounds), views, landscaping, etc.

AMUSEMENT, COMMERCIAL INDOOR – See Recreation Facility, Commercial Indoor.

AMUSEMENT, COMMERCIAL OUTDOOR – See Recreation Facility, Commercial Outdoor.

ANIMAL GROOMING SERVICE – Any place or establishment whose primary service offered is to be a place where animals are bathed, clipped or combed for the purpose of enhancing their aesthetic value and/or health, and for which a fee is charged.

ANIMAL SHELTER – A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

ANTENNA – Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

ANTENNA, DISH - See Telecommunications, Satellite Dish Antenna.

APARTMENT – One or more rooms in a building designed and intended for occupancy as a separate Dwelling Unit.

APPAREL SHOP - An establishment involved in selling clothing and clothing accessories.

APPLIANCE REPAIR -- Establishments involved in repairing instruments or devices designed for a particular use, such as stoves, fans or refrigerators that are operated by gas or electric current.

APPLIANCE SALES - Establishments involved in selling instruments or devices designed for a particular use, such as stoves, fans or refrigerators that are operated by gas or electric current.

ARCHITECTURAL DECORATION – An element, design, or motif, other than an architectural feature, installed, attached, painted or applied to the exterior of a building or structure for the purpose of ornamentation or artistic expression.

ARCHITECTURAL FEATURES – Cornices, eaves, gutter, belt courses, sills, lintels, bay windows, and chimneys.

AREA, BUILDABLE – The area of a Lot remaining after the minimum yard and open space requirements of this Ordinance have been met.

AREA, BUILDING – The maximum horizontal projected area of the Principal and Accessory Building, excluding open steps or terraces, unenclosed porches and not exceeding one story in height, or architectural appurtenances projecting not more than three (3) feet.

AREA, GREEN – Land shown on a development plan, master plan, or official map for preservation, recreation, landscaping, or park.

AREA, GROSS FLOOR – The sum of the gross area of all floors of a Building or Buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two Buildings. Gross Floor Area shall not include: (a) underground parking; (b) uncovered steps, or (3) exterior lines.

AREA, GROSS LEASABLE - The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

AREA, LANDSCAPED - A portion of the site or property containing vegetation to exist after construction is completed. Some examples include natural areas, buffers, streetscapes, lawns and plantings.

ART GALLERY – An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

ART, PUBLIC – Any visual work of art, accessible to public view, on public or private property within the City neighborhood environs including residential, business, industrial building, or apartment complexes, parks, etc. The work of art may include but need not be limited to sculptures, murals, monuments, frescoes, fountains, paintings, stained glass or ceramics.

ARTIST STUDIO – Workspace for artists or artisans, including individuals practicing one or more of the fine arts or skilled in an applied art or craft.

AS-BUILT DRAWING or PLAN – A Site Plan which represents the actual construction and/or development conditions and characteristics, which is generally completed after the construction and/or development have been completed.

ASSEMBLY HALL – A meeting place at which the public or membership groups are assembled regularly or occasionally, including, but not limited to, schools, churches, theatres, auditoriums, funeral homes, stadiums, and similar places of assembly.

ASSISTED LIVING CENTER – See Elderly Housing, Assisted Living Facility.

ATHLETIC FIELD – Outdoor sites, often requiring equipment, designed for formal athletic competition in field sports.

ATTENTION-ATTRACTING DEVICE – Any device or object visible from any public right-of-way which is primarily designed to attract the attention of the public to a business, institution, sign or activity through such means, including but not limited to illumination, color, size or location. Attention-attracting devices or objects oftentimes incorporate illumination, which may be stationary, moving, turning, blinking (including animation) or flashing. Attention-attracting devices may or may not convey a message and can include, but are not limited to, search lights, beacons, strobe lights, strings of lights, barber poles, internally illuminated translucent canopies or panels, electronically controlled message boards (time/temperature signs, gas price signs, public service announcements, etc.), banners, streamers,

pennants, propellers and inflatable objects (including strings of balloons) or other device designed to attract attention. Approved traffic-control devices are not considered to be attention-attracting devices.

ATTIC – The part of a building that is immediately below and wholly or partly within the roof framing.

AUTOMATED TELLER MACHINE (ATM) – An automated device that performs banking or financial functions at a location remote from the controlling financial institution. Such devices are considered to be Accessory Uses.

AUTOMOBILE REPAIR FACILITY – Any building, structure or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, watercraft repairs or similar vehicles, including but not limited to upholstery work, oil change and lubrication, painting, tire service, etc.

AUTOMOBILE REPAIR FACILITY, INCIDENTAL – Any building, structure or land used for the repair or maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles, and which is incidental to the primary use. Examples may include, but are not limited to, service bays associated with a gasoline station, and battery and tire repair services and/or oil change services associated with automobile parts stores.

AUTOMOTIVE PAINT SHOP - An establishment primarily engaged in automotive painting and refinishing.

AUTOMOTIVE RENTALS - Establishments involved in renting passenger cars, noncommercial trucks, motor homes or recreational vehicles, including incidental parking and servicing of vehicles available for rent.

AUTOMOTIVE SALES - Establishments involved in the retail sale of new and used automobiles, noncommercial trucks, motor homes or recreational vehicles, including incidental storage, maintenance and servicing.

AUTOMOTIVE SUPPLY - An establishment primarily engaged in the retail sale of automotive parts, tires and accessories.

AUTOMOTIVE / BOAT REPAIR SHOP – General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, framework, welding and major painting services.

AUTOMOTIVE TIRE SHOP - An establishment primarily engaged in the sale, installation and repair or re-treading of automotive tires.

AWNING - Any rigid or non-rigid material, such as fabric or flexible plastic that extends from the exterior wall of a building and is supported by or attached to a frame.

BAR – Any corporation or unincorporated association meeting the definition of private club as contained and utilized within Chapter Sixty, Article Seven of the Code of West Virginia Code, as amended, as the same applies to licensing for sale of alcoholic liquor. These establishments are permitted to sell liquor, beer and wine.

BASEMENT – The portion of a building having at least one-half its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of 6.5 feet or more. A Basement shall be counted as a story, and thus included in all standards controlling the intensity of development.

BEACON - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST INN – A private residence that offers, for a fee, transient sleeping accommodations to visitors in up to five (5) rooms of an owner-occupied single-family dwelling; and provides, at no extra charge, breakfast to the guests. For purposes of this definition, transient shall mean that a room is rented for not more than 30 days to any one visitor in any given calendar year.

BIKEWAY – A pathway used for bicycling, walking and other recreation.

BLOCK – Property having Frontage on both sides of street, and lying between the two nearest intersecting or intercepting streets, or nearest intersecting and intercepting street and railroad right-of-way, waterway or other barrier (including an alley between zoned areas).

BOARD – The Board of Zoning Appeals of the City of Weirton, West Virginia as officially constituted pursuant to Chapter 8A, Articles 1 through 12 of the Code of West Virginia, unless otherwise noted.

BOARDING HOUSE – A building not open to transients, where lodging and/or meals are provided for three (3) or more, but not over 30 persons regularly; a lodging house.

BOUNDARY CHANGE, MAJOR -- A Major Boundary Change makes substantial adjustment to lot layout and/or improvements that will require Planning Commission review for the adequacy of drainage, roads, water, sewer, and any other improvements or conditions.

BOUNDARY CHANGE, MINOR -- A Minor Boundary Change consists of lot line adjustments that do not affect public improvements.

BREEZEWAY – A covered passage, open on at least one side, between two buildings.

BUFFER STRIP – Land area used to visibly separate one use from another or to shield or block noise, light or other nuisances.

BUILDING – A Structure having a roof supported by columns or walls, for the shelter, support, enclosure, or protection of persons, animals, chattels or property. When separated by party walls, without opening through such walls, each portion of such a Building shall be considered a separate structure.

BUILDING ENVELOPE – The area formed by the Front, Side and Rear Setback lines of a Lot within which the Principal Building must be located.

BUILDING FOOTPRINT – The outline of the total area of a Lot covered by a building’s perimeter. Where a Building has a recessed ground floor, the footprint shall be construed to be the outline of the largest perimeter of the building, excluding architectural decorations or features as defined herein.

BUILDING HEIGHT – The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges of gable, hip, and gambrel roofs. On lots with topographic elevation changes, the lot ground level shall be construed to mean the halfway point between the highest and lowest elevations of the Building Footprint.

BUILDING LINE – The line, parallel to the street line, that passes through the point of the Principal Building nearest the front lot line.

BUILDING SITE or LOT – A single parcel of land occupied or intended to be occupied by a Building or Structure. A building site shall be synonymous with lot or parcel of land.

BUILDING MATERIALS - Establishments involved in selling lumber, and a general line of building materials and supplies, to the general public, which may include roofing, siding, shingles, wallboard, paint, cement, and so forth, including incidental storage.

BUILDING WALL -- An exterior load-bearing or non-load-bearing vertical structure that encompasses the area between the final grade elevation and eaves of the Building, and used to enclose the space within the Building. A porch, balcony or stoop is part of the Building structure and may be considered as a Building Wall.

BUILDING, ACCESSORY – See Accessory Structure.

BUILDING, DETACHED – A Building having no structural connection with another Building.

BUILDING, FRONT LINE OF – The line of the face of the Building nearest the front lot line.

BUILDING, NONCONFORMING – The lawful use of a Building or Structure or portion thereof, existing at the time this Ordinance or amendments thereto take effect, and which does not conform to the development standards prescribed in the district in which it is located.

BUILDING, PRINCIPAL – A Building in which is conducted the Principal Use of the lot on which said Building is situated.

BUILD-TO LINE – An alignment established a certain distance from the front property line to a line along which the Building shall be built.

BULK REQUIREMENTS – Standards that control the height, density and location of Structures.

BUS SHELTER – A small, roofed Structure, usually having three walls, located near a Street and designed primarily for the protection and convenience of bus passengers.

BUS TERMINAL - See Passenger Station, Railroad, Motor Bus.

BUSINESS or COMMERCIAL USE – The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

BUSINESS CONDOMINIUM - A condominium project or condominium subdivision project that is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for commercial or industrial use. These units must front on a street or provide frontage into a common parking area, with conforming ingress and egress into the common areas.

BY RIGHT – A Use permitted or allowed in the district involved, and upon review has been determined to comply with the zoning provisions of this Ordinance and other applicable ordinances and regulations.

CALIPER – A horticultural method of measuring the diameter of nursery stock. For trees less than four inches in diameter, the measurement should be taken at six inches above the ground level. For trees greater than four (4) inches in diameter up to and including twelve (12) inches, the Caliper measurement must be taken twelve (12) inches above the ground level. For trees greater than twelve (12) inches in diameter, the trunk is measured at breast height, which is four and one-half (4.5) feet above the ground.

CAMPUS – The grounds and buildings of a public or private College, University, School, Hospital or other institution.

CANOPY – A permanently roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area, which shelter may be wholly supported by a building or partially supported by columns, poles, or braces extending from the ground. Any roof overhang extending more than three (3) feet from the face of a building shall be considered a canopy.

CAR WASH/DETAILING – The use of a site for washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment.

CARETAKER’S RESIDENCE – A residence located on a premises with a main nonresidential use and occupied only by a caretaker or guard employed on the premises.

CARPORT - A roofed structure not more than seventy-five (75) percent enclosed by walls and attached to the main Building for the purpose of providing shelter for one or more motor vehicles.

CART-WAY – The hard or paved surface portion of a street customarily used by vehicles in the regular course of travel. Where there are curbs, the cart-way is that portion between the curbs.

CEMETERY - Land used or intended to be used for burying the human dead and dedicated for Cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of the Cemetery.

CHANGE OF OCCUPANCY/USE- A discontinuance of an existing use and the substitution therefore of a use of a different kind or class.

CHARITABLE, FRATERNAL, or SOCIAL ORGANIZATION - A facility for administrative, meeting, or social purposes for a private or Nonprofit Organization, primarily for use by administrative personnel, members and guests. Examples include, but are not limited to: Lions Club, Veterans of Foreign Wars, etc.

CHILD CARE CENTER – See Family Day Care Center and Family Day Care Home.

CHURCH or PLACE OF WORSHIP – A Building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all Accessory Buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities. Customary Accessory Uses include a Caretaker’s Residence, a meeting or activity hall, a gymnasium, a playground, etc, but not a Medical Clinic, homeless shelter, rehabilitation center, etc.

CITY COUNCIL – The City Council of the City of Weirton, West Virginia.

CITY MANAGER – The City Manager of the City of Weirton, West Virginia.

CLEAR VISION TRIANGLE – An area of unobstructed vision at street intersections between three (3) and eight (8) feet above the gutter line and within a triangular area at the street corner, which area is bounded by: (1) The street property lines of the corner lot and a line connecting points twenty-five (25) feet distant from the intersection of the property lines of such lot; or (2) The curb lines of an intersection and a line connecting points thirty (30) feet distant from the corner of the intersection, such corner determined by projecting the curb lines out to a specific point, whichever is the lesser.

CLEAR-CUTTING – Removal of an entire stand of trees and shrubs.

CLINIC, MEDICAL - An Establishment providing medical, psychiatric or surgical services exclusively on an outpatient basis, including emergency treatment and diagnostic services.

CLINIC, VETERINARY – A use or structure intended or used primarily for the testing and treatment of animals on an emergency or outpatient basis. Veterinary Clinic shall not include the boarding or training of animals, except for medical purposes and shall not provide outdoor runs or kennels. Also includes Veterinary Hospital.

CLUB OR LODGE - A use providing meeting, recreational or social facilities for a private association or Nonprofit Organization, primarily for use by members and guests.

COIN-OPERATED CLEANING AND LAUNDRY SERVICE - An Establishment providing coin-operated or similar self-service laundry and dry cleaning equipment for use on the premises.

COMMISSION – See Planning Commission.

COMMON AREA – Any portion of a Development that is not part of a lot or tract and is designed for the common usage of the Development. These areas include green Open Spaces and may include such other uses as parking lots and pedestrian walkways. Maintenance of such areas is not the responsibility of City government and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.

COMMUNICATIONS EQUIPMENT BUILDING - An unmanned Building or cabinet containing communications equipment required for the operation of communications antennas and covering and area on the ground not greater than two hundred fifty (250) square feet.

COMMUNITY CENTER – A Building used for activities that, through proximity to residents, benefit the community. Activities permitted include any combination of the following: meeting space for civic groups, clubs, or organizations; spaces for the provision of daycare services for up to 12 children; group cultural and /or recreational activities, whether self-directed or organized; space for artisans, crafters, etc., including occasional (not more than one day each week) sale of such merchandise produced on-premises;

and educational and/or instructional programs. Community centers may be owned and/or operated by public or private entities. Only those activities specifically listed herein are permitted.

COMPOSTING OPERATION - A solid waste processing facility specifically designed and operated for the express purpose of composting.

COMPREHENSIVE PLAN - The City of Weirton Comprehensive Plan adopted by Ordinance by City Council, and as subsequently amended.

CONDOMINIUM – A common interest community in which portions of the real estate are designated for separate ownership and the remainder of the real estate is designated for common ownership solely by the owners of those portions. A common interest community is not a condominium unless the undivided interest in the common elements are vested in the unit owners.

CONFERENCE CENTER – A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include sleeping, eating, and recreation. A Conference Center is not designed solely to be utilized by the general public for overnight purposes.

CONVENIENCE STORE, NEIGHBORHOOD - Any Retail Establishment with a floor area of less than 3,000 square feet offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood. The term is to be distinguished from Gas Station Minimart. No fuel sales are permitted on site.

CONTIGUOUS – Lots, parcels, or municipal boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine lots, parcels, or municipal boundaries as contiguous.

COOPERATIVE – A common interest community in which the real estate is owned by an association, each of whose members is entitled by virtue of his ownership interest in the association to exclusive possession of a unit.

COUNTRY CLUB – A club with recreational facilities for members, their families and invited guests.

COVENANT – A restriction on the use of land set forth in a written document or plat. The restriction runs with the land and is binding upon subsequent owners of the property.

CO-LOCATION - Locating wireless communication equipment for more than one provider on a single site.

DANCE or SOCIAL CLUB - An establishment that does not sell, serve or allow alcoholic beverages to be consumed on the premises, and where dancing and other social activities occur.

DAY CARE FACILITY, ADULT – A facility, licensed by the State of West Virginia, providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

DECK – A Structure, without a roof, directly adjacent to a Principal Building, which is elevated at least six (6) inches above grade.

DENSITY – The number of Dwelling Units situated on or to be developed on a net acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting surface water, undevelopable lands (e.g. wetlands) and the area in rights-of-way for streets and roads.

DENSITY BONUS – The granting of the allowance of additional density in a Development in exchange for the provision by the developer of other desirable amenities from a public perspective (e.g., public open spaces, plazas, art, landscaping, etc.).

DEPARTMENT STORE - A retail store carrying a general line of apparel, home furnishings, floor coverings, major household appliances, and housewares. These and other merchandise lines are normally arranged in separate sections or departments with accounting on departmentalized basis, integrated under a single management.

DEVELOPMENT – (1) Any man-made change to improved or unimproved land, including but not limited to the construction, reconstruction, conversion, structural alteration, relocation, enlargement or use of any Structure or parking area; (2) Any mining, excavation, dredging, filling, grading, drilling or any land disturbance; or (3) Any use or extension of the use of the land.

DEVELOPMENT, CLUSTER – A development design technique that concentrates buildings in specific area on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

DEVELOPMENT, NEO-TRADITIONAL – An approach to land-use planning and urban design that promotes the building of neighborhoods with a mix of uses and housing types, disciplined architectural variety, a central public gathering place, interconnecting streets and alleys, and edges defined by greenbelts or boulevards. The basic goal is integration of the activities of potential residents with work, shopping, recreation, and transit all within reasonable walking distance.

DIRECTOR - The Director of Planning for the City of Weirton, West Virginia, unless otherwise noted.

DISTRIBUTION CENTER - A use where goods are received and/or stored for delivery to the ultimate customer at remote locations. See Warehousing and Distribution.

DOCK - A Structure built over or floating upon the water and used as a mooring place for boats and other marine transport, fishing, swimming, and other recreational uses.

DONATION COLLECTION BIN – A receptacle designed with a door, slot, or other opening that is intended to accept and store donated items; provided, however, that the definition of Donation Collection Bins shall not include trailers where personnel are present to accept donations.

DRAINAGE – (1) Surface water run-off; (2) the removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development; or (3) the means for preserving the water supply and the prevention or alleviation of flooding.

DRIP LINE – An imaginary vertical line that extends from the outermost branches of a tree’s canopy to the ground.

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.

DRIVEWAY – A private roadway providing access for vehicles to a Parking Space, Garage, Dwelling, or other Structure.

DRIVEWAY, COMMON - A Driveway shared by adjacent property owners and privately owned and maintained.

DRIVEWAY, CROSS ACCESS - A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

DRIVING RANGE, GOLF - An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro-shop, but excludes miniature golf courses and “putt-putt” courses.

DRUG STORE - An Establishment engaged in the retail sale of prescription drugs and patient medicines and which may carry a number of related product lines, such as cosmetics, toiletries, tobacco and novelty merchandise, and which may also operate a soda fountain or lunch counter.

DRY CLEANING AND LAUNDRY PICK-UP - An Establishment providing dry cleaning and laundry pickup services, but where no dry cleaning and laundering are done on the premises.

DRY CLEANING AND LAUNDRY SERVICE - An Establishment providing dry cleaning and laundering services where dry cleaning and laundering are done on the premises.

DWELLING – A Building, or portion thereof containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more families. Such definition shall not include Hotels, Motels, motor homes, tents, automobiles, rooming houses or any other facilities primarily intended to provide transient accommodations.

DWELLING UNIT – A single unit providing complete, independent living facilities for a single housekeeping unit. In no case shall a motor home, trailer, Hotel or Motel, lodging or boarding house, automobile, tent, or portable building be considered a dwelling unit. Dwelling Units are contained within Single-Family Dwellings (in which case the definition is synonymous), Garage Apartment Dwellings and Accessory Dwellings, Mixed-Use Dwellings, and Multifamily Dwellings. Units without self-contained sanitary facilities and kitchens are not classified as Dwelling Units, but rather are considered to be rental rooms.

DWELLING, GARAGE APARTMENT – A single Dwelling Unit located above a detached garage, located on the same Lot as a single-family, owner-occupied Dwelling Unit.

DWELLING, MIXED USE – A Building containing primarily residential uses with a subordinate amount of commercial and/or office uses on the ground floor in the front of the Building facing the primary street Frontage. Residential units can be on the ground floor, but cannot be accessed from any portion of the Building that faces the primary street. Residential units can be located on the ground floor behind the commercial uses.

DWELLING, MULTI-FAMILY – A freestanding Building containing three (3) or more Dwelling Units, whether they have direct access to the outside, or access to a common building entrance. Multi-family dwellings can consist of rental apartment buildings, rental or owner occupied Townhouse buildings, and rental or owner occupied Condominium buildings, provided that all such freestanding buildings contain three (3) or more Dwelling Units.

DWELLING, OVERSTORE-A Building which contains a non-residential use on the ground floor and a Dwelling Unit on the second floor above the commercial or office use. The residential use on the second floor shall be subordinate in use to the non-residential use. If the residential use contains more gross floor area than the non-residential use, it shall be considered as a Mixed Use Dwelling.

DWELLING, SINGLE FAMILY – A freestanding building designed solely for occupancy by one family for residential purposes as a single housekeeping unit.

DWELLING, TOWNHOUSE –A one-family Dwelling Unit, with private entrance, which is part of a Structure whose Dwelling Units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation. Setbacks are measured from the perimeter of the overall Building.

DWELLING, TWO-FAMILY – A freestanding Building containing two (2) Dwelling Units, each of which has direct access to the outside.

DWELLING, ZERO LOT LINE – The location of a Building on a lot in such a manner that one or more of the Building’s sides rest directly on a lot line.

EASEMENT – A grant by a property owner to the use of the land by the public, a corporation, or persons for specific purposes as the construction of utilities, drainage ways and roadways.

EASEMENT, CONSERVATION - A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air or water quality.

ELDERLY HOUSING, ASSISTED LIVING FACILITY - A facility that provides primarily non-medical resident services to seven (7) or more individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, excluding members of the resident family or person employed as facility staff, on a 24-hour a day basis.

ELECTRICAL REPAIR - An Establishment primarily engaged in repairing electrical and electronic equipment, such as electrical household appliances, television and audio equipment, and the like.

ELEVATION – (1) A vertical distance above or below a fixed reference level; or (2) a flat scale drawing of the front, rear or side of a Building.

EMERGENCY SHELTER – A residential facility which provides room and board for a temporary period, protection, counseling, and pre-placement screening for abused, displaced or transient adults or children.

EMPLOYEE QUARTERS – Accessory residential structures that house people employed by the residents of the principal building or owners of the property and that is not used for rental purposes.

EQUIPMENT RENTAL / SALES - An Establishment involved in renting small tools and equipment, janitorial equipment, and small furniture and appliances, such as baby beds, chairs and tables, televisions and audio equipment and so forth.

EROSION – The process by which the ground surface is worn away by the action of wind, water, gravity, ice or a combination thereof, or the detachment and movement of soil or rock fragments.

ESSENTIAL UTILITIES AND EQUIPMENT – Underground or overhead electrical, gas, communications not regulated by the Federal Communications Commission, water and sewage systems, including pole structures, towers, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone structures, police call boxes, traffic signals, hydrants, regulating and measuring devices and the structures in which they are housed, and other similar equipment accessories in connection therewith. Essential Utility and Equipment is recognized in three categories: (1) local serving; (2) non-local or transmission through the City; and (3) water and sewage systems, the activities of which are regulated, in whole or in part, by one or more of the following State agencies: Public Service Commission; Department of Environmental Protection; or, the Department of Health and Human Resources.

ESTABLISHMENT – An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

EXCAVATION – Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

EXTERIOR DISPLAY – The outdoor display of products, vehicles, equipment and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products.

EXTRACTIVE INDUSTRY – The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gasses, such as natural gasses. The term also includes quarrying; well operation; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

FAÇADE – That portion of any exterior elevation on the Building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

FAÇADE, NONPRINCIPAL – The exterior wall(s) of a Structure that do not face a public right-of-way.

FAÇADE, PRINCIPAL – Exterior walls of a Building which are adjacent to or front on a public street, park, or plaza. There may be more than one Principal Façade on a Building.

FACTORY-BUILT HOMES – Modular and manufactured homes.

FAMILY – One or more individuals occupying a Dwelling Unit and living as a single housekeeping unit, also known as a Household.

FAMILY DAY CARE CENTER – Any facility which is used to provide non-residential child care for compensation for seven (7) to twelve (12) children, including children who are living in the Household

who are less than six (6) years of age. No more than four (4) of the total number of children may be less than twenty-four (24) months of age.

FAMILY DAY CARE HOME – A private home which is used to provide non-residential child care for compensation in other than the child’s own home. The provider may care for four (4) to six (6) children, including children who are living in the Household, who are less than six (6) years of age. No more than two (2) of the total number of children may be less than twenty-four (24) months of age.

FARMER’S MARKET – The offering for sale of fresh agricultural products directly to the consumer at an open-air market designated by the council as a community activity.

FENCE – An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

FILL – Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans, for purposes of creating a new elevation of the ground.

FINANCIAL SERVICES - An Establishment primarily engaged in providing financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers, loan and lending activities and similar services.

FLAG - Any fabric or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, corporation, lodge, fraternity or sorority, political party, nonprofit organization, charity, club, association or other entity.

FLAG, BUSINESS – A Flag displaying the name, insignia, emblem, or logo of a profit-making entity.

FLAG, PUBLIC – A Flag displaying the name, insignia, emblem, or logo of any nation, state, municipality, or noncommercial organization.

FLEA MARKET – An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

FLOOD-PRONE AREA – Any land area susceptible to repeated inundation by water from any source.

FLOODPLAIN OR FLOOD HAZARD AREA – Any land within the City adjoining any river, stream, or watercourse as delineated in the Flood Boundary & Floodway Map for Weirton, West Virginia, prepared by the Federal Emergency Management Agency, which is subject to partial or complete inundation or an area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOR AREA – The sum of the gross horizontal areas of all floors, including basements, of a Building measured from the exterior faces of the exterior walls or from the centerline of walls separating two Buildings. The floor area of enclosed required off-street parking areas shall not be included. Floor area for outdoor display of merchandise or customer seating, whether uncovered or covered by a tent or canopy, shall mean the smallest rectangular area encompassing the display or customer seating area.

FLOOR AREA RATIO (FAR) – The Gross Floor Area of the Principal and Accessory Buildings on a Lot divided by the area of the Lot. The ratio is an expression of the intensity of development. For example, an FAR of 1.0 would allow one square foot of building area to be constructed for each square foot of lot area; an FAR of 4.0 would allow four square feet of building area for each square foot of lot area.

FLOOR AREA, NET – The gross area of a floor or several floors of a building or structure, excluding those areas not directly devoted to the Principal or Accessory Use of the building or structure, such as storage areas or stairwells, measured from the exterior faces of exterior walls or interior walls. Examples of areas to subtract from the gross floor area include stairways, storage rooms, mechanical equipment rooms, and other areas generally not accessible to the public.

FRONTAGE – (1) The boundary of a lot fronting on a public street; (2) the front lot line.

FUNERAL HOME – A Building or part thereof used for human funeral services. Such Building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation.

FURNITURE RENTAL / SALES - Establishments where furniture is the main item offered for sale; however, these places of business may also sell home furnishings, major appliances and floor coverings.

GARAGE, PRIVATE – A detached accessory or portion of a main Building housing the automobiles of the occupants of the premises, but not commercial vehicles.

GARAGE, PUBLIC – A Building or part thereof for the parking or storage of motor vehicles and in which no other use is conducted, which is available for public use.

GARDEN CENTERS - Establishments primarily engaged in selling containerized trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools and other garden supplies to the general public and where no trees, shrubs or plants are grown on the premises.

GAS STATION MINIMART – A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience store or supermarket.

GASOLINE SERVICE STATION – A building, place of business, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing of gasoline, oil and grease, and other vehicle fuels, and including, as an Accessory Use, the sale and installation of batteries, tires, lubricants, and other automobile accessories and retail items. Minor repair service may also be rendered.

GOLF COURSE – A tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, a driving range and shelters as Accessory Uses.

GRADE – The average level of the finished surface of the ground adjacent to the exterior walls of the Building.

GRADE, PERCENTAGE OF – The rise or fall of a slope in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.

GRANDFATHERED – Describes the status accorded certain properties, uses, and activities that are legally existing prior to the date of adoption of this Ordinance and any subsequent amendments.

GREENHOUSE, NON-COMMERCIAL – A Building or Structure constructed chiefly of glass, glasslike or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other weather sensitive plants.

GREENHOUSE, COMMERCIAL – A Building used for the growing of plants, all or part of which are sold at retail or wholesale.

GROCERY STORE - A Building used for the sale of primarily food products in a space larger than 3,000 square feet.

GROUND FLOOR – The first floor of a Building other than a cellar or basement.

GROUND COVER – Any evergreen or broadleaf evergreen plant that does not attain a mature height of more than one (1) foot. Sod and seed shall also be considered as qualifying groundcover.

GROUP RESIDENTIAL FACILITY means a facility which is owned, leased or operated by a behavioral health service provider and which: (1) Provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled; (2) is occupied as a residence by not more than eight individuals who are developmentally disabled and not more than three supervisors or is occupied as a residence by not more than twelve individuals who are behaviorally disabled and not more than three supervisors; (3) is licensed by the Department of Health and Human Resources; and (4) complies with the State Fire Commission for residential facilities. **(Revised/Added January 12, 2015)**

GROUP RESIDENTIAL HOME means a building owned or leased by developmentally disabled or behaviorally disabled persons for purposes of establishing a personal residence. **(Revised/Added January 12, 2015)**

GUEST HOUSE – An attached or detached Building that provides living quarters for guests and (a) contains no kitchen or cooking facility; (b) is clearly subordinate and incidental to the principle residence on the same building site; and (c) is not rented or leased, whether compensation be direct or indirect.

HARDWARE STORE - A facility of 30,000 or fewer square feet Gross Floor Area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliance, garden supplies and cutlery. If the facility is larger than 30,000 square feet, then it is a Home Improvement Center.

HALF-WAY HOUSE – A place for transitional group living arrangements for persons discharged from hospitals, correctional facilities, or in lieu of hospitalization, characterized by the presence of such live-in staff, emphasizing the development of skills necessary for more independent living. The facility shall be licensed and operated in accordance with all applicable laws.

HAZARDOUS MATERIAL – Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes, but is not limited to, hazardous substances and hazardous wastes.

HEALTH/SPORTS CLUB – A Building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit. The sale of sports nutrition products, non-alcoholic beverages, packaged health foods, exercise clothing, and sports videos and magazines is permitted as an Accessory Use to such facilities.

HEAVY MACHINERY SALES - Establishments primarily engaged in marketing heavy machinery, such as road construction and maintenance machinery, mining machinery, agricultural machinery, industrial machinery and equipment, and so forth.

HEIGHT – The vertical distance of a building measured from the average grade level at the base of the building to the highest point of the roof if the roof is flat or mansard, or to the average level between the eaves and the highest point of the roof if the roof is of any other type. Height calculation shall not include chimneys, spires, towers, elevator and mechanical penthouses, water tanks, radio antennas, and similar projections.

HELIPORT – An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

HELISTOP or HELIPAD – An area designed to be used for the landing or takeoff of one (1) helicopter, the temporary parking of one (1) helicopter, and other facilities as may be required by federal and state regulations, but not including operation facilities such as maintenance, storage, fueling, or terminal facilities.

HISTORIC DISTRICT – A geographically definable area, designated as historic on a national, state or local register, possessing a significant concentration, linkage or continuity of sites, buildings or structures or objects united historically or aesthetically by plan or physical development.

HISTORIC LANDMARK – A site, building, structure or object designated as historic on a national, state or local register.

HISTORIC SITE – The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure and designated as historic on a national, state or local register.

HOLIDAY DECORATIONS - Displays erected on a seasonal basis in observance of religious, national or state holidays, which are temporary and contain no advertising material.

HOME IMPROVEMENT CENTER – A facility of more than 30,000 square feet Gross Floor Area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, house wares and household appliances, garden supplies, lumber, plumbing and electrical supplies, etc.

HOME OCCUPATION – An occupation carried on in a Dwelling Unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the Dwelling Unit for residential purposes and does not change the character thereof. All home occupations are subject to the regulations included in this Ordinance.

HOSPITAL – An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general practice.

HOSPITAL, ANIMAL VETERINARIAN – An Establishment where animals are given medical or surgical treatment and are cared for during the time of such treatment. Use as a Kennel shall be limited to short-time boarding and shall be incidental to such hospital.

HOTEL – A Building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house.

HOUSEHOLD – A family living together in a single Dwelling Unit with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the Dwelling Unit.

HYPERMARKET – A large-scale (minimum of 100,000 square feet) self-service retail store selling food, drugs, household merchandise, clothing, and a variety of other retail goods. The store may, in some cases, include limited, ancillary commercial tenants within the main building, such as medical offices, postage stores, snack counters, coffee shops, hair salons, etc.

IMPERVIOUS SURFACE – Surfaces that do not absorb water. Examples of such surfaces include buildings and concrete or asphalt parking areas, roads, sidewalks, or driveways.

IMPROVEMENT – Any man-made, immovable item that becomes part of, placed on, or is affixed to real estate.

INDUSTRIAL EQUIPMENT REPAIR - An Establishment primarily engaged in repairing industrial equipment, including repairing heavy-construction and earth-moving equipment.

INDUSTRIAL PARK - A planned, coordinated development of a tract of land designed to contain two (2) or more separate industrial buildings. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

INDUSTRIAL SUPPLIES - Establishments primarily engaged in marketing industrial supplies, such as bearings, boxes, gaskets, bottles, rubber goods, welding supplies, metal containers, and so forth.

INDUSTRY, HEAVY - A use engaged in the basic processing and manufacturing of 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.

INDUSTRY, LIGHT – Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semi-finished products may be temporarily stored outdoors pending shipment.

INFILL DEVELOPMENT – To fill in vacant or underused land in existing communities with new development that blends in with its surroundings.

INSTITUTIONAL USE - A school, religious institution, or other use operated by a public agency or non-profit organization.

INSTRUCTIONAL STUDIO - A facility offering educational instruction, having regular sessions with regularly employed instructors, but not a school as defined by the State of West Virginia.

JUNKYARD – See Salvage Yard.

KENNEL, COMMERCIAL – The boarding, breeding, raising, grooming or training of two or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

KITCHEN – Any room principally used, intended or designed to be used for cooking or the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall normally be considered as establishing a kitchen.

LABORATORIES - Facilities equipped for experimental study in a science or for testing and analysis; facilities providing opportunity for research, experimentation, observation or practice in a field of study.

LAND DEVELOPMENT – The development of one or more lots, tracts or parcels of land by any means for any purpose, but does not include easements, rights-of-way or construction of private roads for extraction, harvesting or transporting of natural resources.

LAND TRUST – A private, nonprofit conservation organization formed to protect natural resources, such as productive farm and forest land, natural areas, historic structures, and recreational areas. Land trusts purchase and accept donations of conservation easements. They educate the public about the need to conserve land and some provide land-use and estate planning services to local governments and individual citizens.

LANDSCAPED BUFFER – An area of landscaping separating two distinct land uses, or a land use and a public right-of-way, and acts to soften or mitigate the effects of one land use on the other.

LANDSCAPING – The bringing of the soil surface to a smooth finished grade, installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect of the premises.

LANDSCAPING PLAN – A plan which contains the Site Plan requirements listed in the landscaping section of this Ordinance.

LAUNDROMAT – A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

LEVEL OF SERVICE – The capacity of a roadway system to carry traffic is determined by the number and character of traffic lanes provided, the configuration and operation of intersections, and the number and character of access points adjoining the system. In traffic engineering terms, the adequacy with which a system functions is expressed in what is known as level-of-service. Levels-of-service (LOS) are indicated by letter grades ranging from A to F, with an LOS of C or D being considered the minimum acceptable level. At intersections, LOS is measured by the average amount of delay that a driver experiences while trying to pass through the intersection during peak periods. For roadway sections, this measure is determined by the number and width of lanes, the width of shoulders, and the number of hills and curves, as compared with the traffic volume the road must carry.

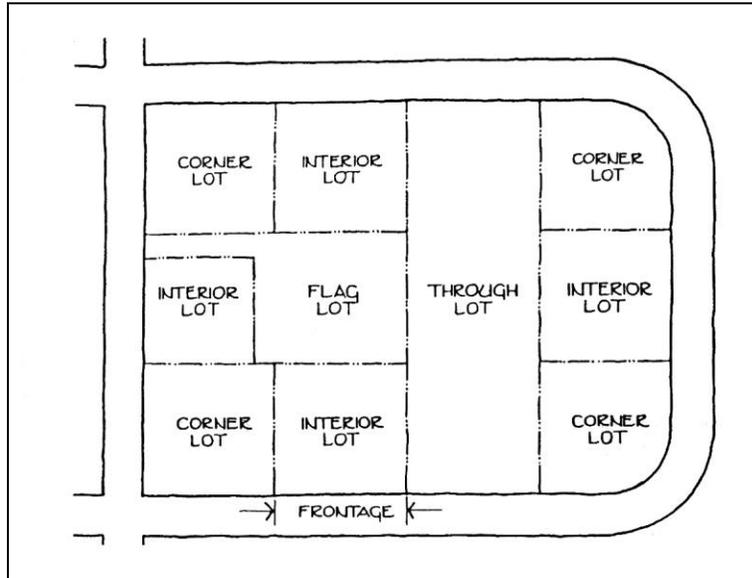
LIBRARY - A Building containing printed and pictorial material for public use for purposes of study, reference and recreation. See also Municipal Services Building.

LIMITED 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 communicate the results of the game and which does not utilize an interactive electronic terminal device allowing input by one or more players.

LIMITED 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.

LOADING DOCK / SPACE – A space or berth available for the loading and/or unloading of goods from commercial vehicles.

LOGO - The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations, or the superimposition of letters or numbers or any other use of graphics or images other than the sequential use of letters and numbers.



Source: *A Glossary of Zoning Development and Planning Terms*, Davidson and Dolnick, APA publication, 1999.

LOT – Also known as Lot of Record.

LOT AREA – The total area within the lot lines of a lot, excluding any public streets and rights-of-way.

LOT, BUILDING - A parcel of land that was legally existing at the time of adoption of this Ordinance, or is legally created through subdivision thereafter, upon which a Building or Structure may be erected in accordance with all relevant provisions in this Ordinance (including variance provisions, if applicable). Parcels of land that area created in violation of any provision of this Ordinance shall not be eligible for the issuance of permits to build any structure thereupon.

LOT COVERAGE – The total area covered, measured from the outside of the exterior walls, by all Principal and Accessory Buildings on a lot. Open porches, decks, balconies and similar features that are not covered by a roof shall not be counted.

LOT DEPTH – The distance measured from the front lot line to the rear lot line. Where the front and rear lot lines are not parallel, the lot depth shall be measured by drawing lines from the front to rear lot lines at right angles to the front lot line, every ten (10) feet and averaging the length of these lines.

LOT FRONT – The side of a Lot that abuts a public street. For Corner Lots, the shortest side fronting upon a street shall be considered the front of the lot. Where Buildings exist on the Lot, the frontage may be established by the orientation of the Building, or of the principal entrance, if Building orientation does not clearly indicate Lot Frontage. Where no other method determines conclusively the front of a lot, the Planning Director shall select one frontage on the bases of traffic flow on adjacent streets, so that the lot is considered to front on the street with the greatest traffic flow.

LOT OF RECORD – A Lot that is part of a subdivision or a parcel of land, the map or plat of which has been legally recorded with the Office of the County Clerk, or, a Lot or parcel of land, described by metes and bounds, the deed of which has been recorded with the Office of the County Clerk. No Building Permits shall be issued for any parcel created by metes and bounds description, unless said parcel conforms to all requirements contained within this Ordinance.

LOT, CORNER - A Lot located at the intersection of two or more streets. The minimum Setback for the side abutting the street shall be one hundred fifty (150) percent the minimum Side Setback for the district.

LOT, FLAG – A polygonal-shaped Lot with the appearance of a frying pan or flag and staff in which the handle is most often used as the point of access. The handle, when less than the minimum width for a Building Lot in the zoning district in which it is located, is not to be used in computing the minimum required Lot Area or delineating the minimum required Building Envelope.

LOT, NONCONFORMING – A Lot or parcel of land that was of record and lawfully established and maintained by which, because of the enactment of this Ordinance, no longer conforms to the land-use standards of the zone in which it is located.

LOT, THROUGH - A Lot other than a Corner Lot with frontage on more than one street. Through Lots abutting two streets may be referred to as double frontage lots.

LOT, IRREGULAR - A Lot of such shape or configuration that technically meets the area, frontage and width to depth requirements of the ordinance but has unusual elongation's, angles, and curvilinear lines.

MAJOR BOUNDARY CHANGE – See Boundary Change, Major.

MINOR BOUNDARY CHANGE – See Boundary Change, Minor.

MANUFACTURED HOME – Housing built in a factory according to the Federal Manufactured Home Construction and Safety Standards effective June 15, 1976.

MANUFACTURED HOUSING SALES - Establishments primarily engaged in the retail sale of new Manufactured Homes, including incidental storage.

MANUFACTURING, HEAVY - The manufacturing or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations a part of their manufacturing process.

MANUFACTURING, LIGHT - Light manufacturing includes(1) Laboratory manufacturing, which includes operations involving the compounding of products such as perfumes, pharmaceutical and the development and assembly of instruments and similar items; (2) Light fabrication and assembly process, which includes the manufacture and/or packaging of clothing, jewelry, trimming decorations, computers and computer parts, and any similar item not involving the generation of noise, odor, vibration dust or hazard.

MARQUEE - A roof-like Structure that cantilevers from the wall of a Building over its principal entrance, that has no vertical supports other than the wall from which it cantilevers, and that provides a wall surface at least four (4) feet high, generally constructed for purposes of containing a sign.

MEDICAL/BEHAVIORAL HEALTH FACILITY A short term in patient facility for the treatment of a medical and/or behavioral health conditions including but not limited to crisis stabilization and addiction issues. This facility shall be operated by a Medical and/or Behavioral Health Provider and licensed in accordance to all applicable laws. **(Revised/Added January 12, 2015)**

MINERAL EXTRACTION OR MINING – All or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining and surface work incidental to an underground mine.

MIXED-USE DEVELOPMENT – A single development of more than one (1) building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and

functionally integrated to the use of shared vehicular and pedestrian access and parking areas, but not a Mixed Use Dwelling as defined in this Ordinance.

MOBILE HOME. - A structure transportable in one or more sections which in the traveling mode is eight feet wide or more in width or 32 feet or more in length or, when erected, is 320 or more square feet in area, and which is built on a permanent wheeled chassis. Suitable for year round single-family occupancy and having water, electrical, sewage connections similar to those of conventional dwellings.

MOBILE HOME PARK - Any place where two or more mobile homes are located within 500 feet of one another on a lot, tract, or parcel of land not less than one acre under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person.

MODULAR HOME - Housing built in a factory that meets State or local building codes where the homes will be sited.

MOTEL - An Establishment providing transient lodging in which the guest rooms are usually accessible from an outdoor parking lot.

MOTORCYCLE SALES - Establishments primarily engaged in the retail sale of new and used motorcycles, motor scooters, clothing and accessories, and personal watercraft, including incidental storage, maintenance and servicing.

MOVIE THEATER – An indoor theatre consisting of screens, audience seating and auditorium, and a lobby and refreshment stand.

MUNICIPAL SERVICES BUILDING – Facilities in which services traditionally provided by local units of government, including water, sewer, roads, parks, schools, libraries, and police and fire protection services, are located.

NEIGHBORHOOD CONVENIENCE STORE – See Convenience Store, Neighborhood.

NEWSSTAND – A temporary structure manned by a vendor that sells newspapers, magazines and other periodicals.

NONPROFIT ORGANIZATION – Any person(s), partnership, association, corporation or other group whose activities are conducted for unselfish, civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group and may include, but shall not be limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities. A non-profit organization shall be registered as such with the West Virginia Secretary of State and the Internal Revenue Service.

NURSERY – An Establishment for the growth, display, and/or sale of plants, shrubs, trees and materials used in indoor or outdoor planting, conducted within or without of an enclosed Building.

NURSING HOME – A facility licensed by the State of West Virginia for elderly, or chronically or incurably ill persons in which five (5) or more persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

OFFICE – A room or suite of rooms or portion of a Building used for the practices of a profession or for the conduct of a business that involves the accessory sale of goods from the premises. If the goods or merchandise are sold for delivery on or from the premises, and constitutes greater than twenty (20) percent of the gross revenue from the office, then the premises shall be considered a store rather than an office.

OFFICE BUILDING – A Building used primarily for offices that may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper, or candy stand.

OFFICE EQUIPMENT REPAIR - An Establishment involved in repairing office equipment, such as typewriters, copying machines, computers, calculators, and so forth.

OFFICE PARK – A development that contains a number of separate office buildings, supporting uses and open space designed, planned, constructed, and managed on an integrated and coordinated basis, and located on one or more parcels under single ownership.

OFFICE SUPPLIES - Places of business where stationery and office supplies, such as envelopes, typewriter and copier paper, file cards and folders, pens and pencils, and so forth, are the main items offered for sale.

OIL CHANGE FACILITY – Operations that provide lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. It is intended that these services will be provided while customers wait, generally within a fifteen (15) to thirty (30) minute time period. Rotation of tires is also permitted. If the establishment offers tire sales, tune-ups or other mechanical servicing and repair, then the facility shall be deemed an Automobile Repair Facility.

OPEN SPACE – Any land or area, the preservation of which in its present use would: (1) conserve or enhance natural or scenic resources; or (2) promote streams or water supply; or (3) promote conservation of soils, or wetlands; or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance recreational opportunities.

OPEN SPACE, IMPROVED – Parks, playgrounds, swimming pools, ball fields, plazas, landscaped green spaces, and other areas that are created or modified by man. Improved Open Space shall not include Schools, Community Centers or other similar areas in public ownership.

OPEN SPACE, NATURAL – Areas of natural vegetation, water bodies, or other landforms that are to be left undisturbed. Creation of a graded and surfaced walking trail through areas of Natural Open Space shall constitute disturbance of the area in the amount of the length of the walking trail multiplied by its approximate average width. Natural Open Space shall not include Schools, Community Centers or other similar areas in public ownership.

OUTDOOR STORAGE – The storage of any material for a period of greater than twenty-four (24) hours, including items for sale or, lease, processing, and repair (including vehicles) not in an enclosed Building.

OUTDOOR STORAGE, SEASONAL – Outdoor storage of items for retail sale that are, by their nature, sold during a peak season, including such items as fruits, vegetables, Christmas trees, pumpkins, lawn accessories, bedding plants, etc.

OVERLAY DISTRICT – A zoning district that extends on top of a base zoning district and is intended to protect certain critical features and resources in conjunction with WV Code §8A-7-2. (4) Contents of zoning ordinance; Establishing corridor overlay districts to achieve land design goals and regulating the uses of land within the corridor overlay districts. **(Revised August 7, 2008)**

PARAPET – The portion of a wall, which extends above the roofline.

PARCEL – A single Lot, or a grouping of old Lots acquired by a single deed; and considered as one Buildable Lot for zoning purposes.

PARK – Any area that is predominately Open Space, used principally for active or passive recreation, and not used for a profit-making purpose. Any area designated by the City as a park.

PARKING AISLE – The clear space for either one or two-way traffic movement or maneuvering between rows of parking stalls.

PARKING LOT, COMMERCIAL - A Private Parking Lot that is the stand-alone use of a parcel, and whose stalls are leased to individuals.

PARKING LOT, PRIVATE - An open area, other than a street or alley, designed to be used for the temporary parking of more than four motor vehicles, whether free or for compensation, and available for private use or as an accommodation for clients or customers.

PARKING SPACE – An off-street space available for the parking of one (1) motor vehicle.

PARKING SPACE, COMPACT – A Parking Space in a garage or parking area, not less than eight (8) feet wide clear dimension and sixteen (16) feet long clear dimension, reserved for the parking of only one compact automobile.

PARKING SPACE, HANDICAP – A Parking Space in a garage or parking area not less than thirteen (13) feet wide and eighteen (18) feet long in clear dimension, reserved exclusively for an automobile registered with the State with handicapped license plates or displaying an official state issued handicapped placard.

PARKING STRUCTURE – A Structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a Building. This definition includes Parking Structures, deck parking and underground or under-building parking areas.

PARKING, PUBLIC - A publicly owned or operated open area or Parking Structure, other than a Street or Alley, designed to be used for the temporary parking of more than four (4) motor vehicles, whether free or for compensation, and available for public use or as an accommodation for clients or customers.

PARSONAGE – The permanent place of residence of the pastor or minister of a church. May be considered an Accessory Use to a church.

PASSENGER STATION, RAILROAD, BUS - A facility designed to accommodate passengers who arrive and depart on commercial buses, or rail which may include management offices, bus parking or storage areas and personal services for passengers.

PATIO – A level, surfaced area directly adjacent to a principal building side or rear walls at or within three feet of the finished grade, without walls or a roof., within 30” of finished grade.

PATIO HOUSE – A Detached, Single Family Dwelling Unit typically situated on a reduced sized Lot that orients outdoor activity within Rear or Side Yard patio areas for better use of the site for outdoor living space.

PAVED SURFACE AREA – Ground surface covered with cobblestones, clay fired bricks, concrete pre-cast paver units poured concrete with or without decorative surface materials, blacktop, or other asphalt or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a Paved Surface Area.

PAWNSHOP – Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

PENNANT - Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, which is suspended from a rope, wire, string or pole, usually in series, and which is designed to move in the wind.

PERFORMANCE GUARANTEE – Any security that may be accepted by a municipality as a guarantee that improvements required as part of an application for development are satisfactorily completed.

PERMIT, BUILDING – A document issued by the City of Weirton authorizing the applicant to undertake certain development activities in accordance with the provisions of this Ordinance.

PERMIT, ZONING – A document issued by the City of Weirton which acknowledges that a Use, Structure, Building or Lot either complies with or is legally nonconforming to all the applicable zoning provisions of this Ordinance, or is an authorized variance therefrom.

PERSON - Any association, company, corporation, firm, organization or partnership, singular or plural, of any kind.

PERSONAL SERVICES - A business which is associated with the grooming or persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a barber shop, beauty parlor, shoe repair shop, self-service laundry, but not a tattoo parlor.

PERSONAL STORAGE FACILITY – A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property. Also referred to as mini-warehouses or self-storage facilities.

PERVIOUS SURFACE - Area maintained in its natural condition, or covered by a material that permits infiltration of water into the ground.

PLAN – A written description for the development of land.

PLANNED UNIT DEVELOPMENT – An area under single ownership or control to be developed in conformance with an approved development plan, consisting of 1) a map showing the development area and all proposed improvements to the development area, 2) a text which sets forth the uses and the development standards to be met, and 3) exhibits setting forth any aspects of the development plan not fully described in the map and text. The map, exhibits, and text constitute a development plan. The uses and standards expressed in the development plan constitute the use and development regulations for the planned unit development site in lieu of the regulations for the underlying district. The purpose of the planned unit development is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new developments; to encourage a harmonious and appropriate mixture of uses and/or housing types; to facilitate the adequate and economic provision of streets, utilities and municipal services; to preserve critical natural environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features; and, to mitigate the problems which may be presented by specific site conditions.

PLANNING COMMISSION – The Planning Commission of the City of Weirton, West Virginia, as officially constituted pursuant to Chapter 8A, Articles 1 through 12 of the Code of West Virginia, unless otherwise noted.

PLAT – A map of the land development.

PLAZA – An Open Space that may be improved, landscaped, or paved usually surrounded by Buildings or Streets.

PORCH – A covered but unenclosed projection from the main wall of a Building that may or may not use columns or other ground supports for structural purposes. If a porch is uncovered, it is considered to be a Deck.

PRINTING / PUBLISHING – Facilities for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes may include photocopying, blueprint, facsimile sending and receiving, and offset printing services.

PROFESSIONAL SERVICES - An Establishment engaged in providing professional services such as consulting, legal, engineering and the like, but not including Personal Services.

PUBLIC IMPROVEMENT – Any improvement, facility, or service together with its associated public site or Right-of-Way necessary to provide transportation, drainage, public utilities, cable television, or similar essential services.

PUBLIC PLACE – Any lots, tracts or parcels of land, structures, buildings or parts thereof owned or leased by a governing body or unit of government.

QUADHOME / QUADRA-PLEX - A building containing four attached dwellings in one building in which each unit has two open-space exposures and shares two walls with an adjoining unit or units all of which have individually separate entrances from the exterior of the structure. Each dwelling has frontal access to a street. Each dwelling unit is individually deeded and owned.

RECREATION FACILITY, COMMERCIAL INDOOR – A privately owned commercial Establishment designed and equipped for the conduct of sports, leisure activities and other recreational activities wholly within an enclosed building. Examples of such uses include but are not limited to health or fitness centers, indoor play areas, training studios for martial arts, gymnastics, and dance, bowling alleys, shooting ranges and roller rinks.

RECREATION FACILITY, COMMERCIAL OUTDOOR – A privately owned commercial Establishment designed and equipped for the conduct of sports, leisure activities and other recreational activities wholly or partially outside of any Building or Structure. Examples of such uses include but are not limited to swimming pools, driving ranges, miniature golf courses, amusement parks, skateboard facilities and go-cart tracks.

RECREATIONAL VEHICLE (RV) – A vehicle built on a single chassis, containing four hundred (400) square feet or less when measured at the largest horizontal projections and designed to be self propelled or towed by another vehicle. A Recreational Vehicle is not designed or intended for use as a permanent Dwelling Unit, but as temporary living quarters for recreational camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, boats, house- boats, and campers.

RECYCLABLE COLLECTION CENTER/ SOLID WASTE TRANSFER STATION - A facility for the collection, separation, compaction, processing and storage of solid waste or recyclable materials until said waste can be transported or transferred to a sanitary landfill or other facility approved and licensed for the disposal of solid wastes or the recycling of materials by the State.

RECYCLING COLLECTION POINT - An Accessory Use, Structure, or enclosed area that serves as a neighborhood drop-off point for temporary storage of recyclable materials. A Recycling Collection Point may also include a facility for the temporary collection of used clothing and household goods.

REPAIR OR MAINTENANCE – An activity that restores the character, scope, size, or design of a serviceable area, structure, or land use to its previously existing, authorized, and undamaged condition. Activities that change the character, size or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter additional regulated wetlands are not included in this definition.

REPAIR, SMALL ENGINE OR MOTOR - An Establishment primarily engaged in the repair or refurbishment of engines and motors, excluding passenger vehicles.

RESEARCH AND DEVELOPMENT CENTER – Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, sale of products, or, a structure or complex of structures designed or used primarily for research development functions related to industry and similar fields of endeavor.

RESTAURANT – A commercial Establishment where food and beverages are prepared, served, and consumed primarily within the Principal Building and where food sales constitute sixty (60) percent or more of the gross sales receipts.

RESTAURANT, FAMILY – An Establishment engaged in the preparation of food and beverages containing no more than 3,000 gross square feet and characterized primarily by table service to thirty (30) or fewer customers in non-disposable containers. Typical uses include cafes, coffee shops, and small restaurants.

RESTAURANT, FAST-FOOD – Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed. This facility may or may not include a Drive-Through Facility.

RETAIL SALES ESTABLISHMENT – A business having as its primary function the supply of merchandise or wares to the end consumer. Such sales constitute the primary function of the business when such sales equal at least eighty (80) percent of the gross sales of the business.

RETAINING WALL – A wall or terraced combination of walls used to retain more than eighteen (18) vertical inches of material and not used to support, provide a foundation for, or provide a wall for a Building or Structure.

RETENTION SYSTEM – A Storm Water Management Facility that is designed to accept runoff from a developed site and discharge it at a limited rate (when the runoff rate into the system drops below the limited rate). A specified volume is stored indefinitely (retained) until it is displaced by runoff from another storm.

RIGHT-OF-WAY – A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, waterline, sanitary sewer, and/or other public utilities or facilities.

RIVER WALK – A publicly owned or privately owned way, generally open to the sky and unobstructed by buildings, that runs along the river edge and is open to the public during specified times. It may include without limitation, any combination of open space, paved areas, landscaped areas, pedestrian paths, and pedestrian furnishings.

ROADSIDE STAND – A temporary Structure not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of farm products produced on the premises upon which such roadside stand is located.

ROUNDBOUT/ TRAFFIC CIRCLE – A raised island that is usually landscaped and located at the intersection of two streets used to reduce traffic speeds and accidents without diverting traffic onto adjacent residential streets

RUNOFF – The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to a water body such as a river, stream, pond, or reservoir.

SALVAGE YARD – A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Scrap or discarded material includes, but is not limited to, metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment and appliances. The term includes facilities for separating trash and debris from recoverable resources, such as paper products, glass, metal cans, and other products that can be returned to a condition in which they may again be used for production. Also called a junk yard.

SCHOOL - A facility offering educational instruction at one (1) or more levels from pre-kindergarten through grade twelve (12), that is licensed or otherwise sanctioned by the West Virginia State Board of Education.

SCHOOL, COLLEGE or UNIVERSITY -- A public or private post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.

SCHOOL, TRADE or TECHNICAL – An educational Establishment that provides on-site training of business, commercial, and/or trade skills.

SETBACK – The shortest distance by which any building or structure must be separated from a street Right-of-Way or lot line.

SETBACK, FRONT – The minimum allowable distance from the street Right-of-Way line to the closest point of the foundation of a Building or projection thereof.

SETBACK, FRONT, ON CORNER LOTS – The distance measured from the side of the Lot designated as the front. On a Corner Lot, only one street line shall be considered a front line, which shall be the shorter Street Frontage.

SETBACK, REAR – The minimum allowable distance between the building line and the rear lot line.

SETBACK, SIDE – The minimum allowable distance between the building line and the side lot line.

SEXUALLY-ORIENTED BUSINESS – An Establishment other than a hotel, motel, or similar Establishment offering public accommodations, which for any form of consideration provides a place where any number of persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. Sexually-Oriented Businesses include Adult Book Stores, Adult Motion Picture Theatres, Adult Videotape Stores, and Adult Entertainment.

SHOPPING CENTER – A group of retail and other commercial Establishments that is planned, owned, and managed as a single property. The center's size and orientation are generally determined by the

market characteristics of the trade area served by the center. The two main configurations of shopping centers are malls and open-air strip centers.

SHOPPING CENTER, LARGE-SCALE – A shopping center larger than thirty thousand (30,000) square feet of Gross Floor Area engaged in the sale or rental of goods for consumer or household use. This type of Shopping Center may or may not contain Hypermarkets.

SHOPPING CENTER, MEDIUM-SCALE – A shopping center of more than ten thousand (10,000) square feet and not greater than thirty thousand (30,000) square feet of Gross Floor Area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service; building materials and/or supplies, sales, or rental; and food sales or markets.

SHOPPING CENTER, SMALL-SCALE – A shopping center of ten thousand (10,000) square feet or fewer of Gross Floor Area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service; building materials and/or supplies, sales or rental; and food sales or markets.

SIDEWALK CAFE – Any outdoor dining area located in any public Sidewalk or Right-of-Way that is associated with a restaurant or other eating and drinking Establishment on a contiguous adjacent parcel.

SIDEWALK SALE – A seasonal or occasional sale held during the summer months on the Sidewalk or other Structure along the front or side of the place of business where goods are offered for sale to the public, typically at a discounted price.

SIDEWALK VENDOR STAND – Any portable pushcart, or similar device used for the displaying, storing, or transporting of articles offered for sale by a sidewalk vendor.

SIGN - Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN, ABANDONED – A Sign and/or supporting structure which no longer identifies a bona fide business conducted or product sold on the premises. A Sign shall be deemed abandoned when these conditions have been in existence for a period exceeding ninety (90) calendar days.

SIGN, ANIMATED - Any Sign that uses movement or change of lighting to depict action or create a special effect or scene, except electronic digital signage displays on restaurant menu boards.

SIGN AREA - The entire face of a Sign including the advertising surface and any framing, trim, or modeling, but not including the supporting structure.

SIGN, AWNING - A Sign located on an awning. See also Canopy Sign.

SIGN, BANNER - A Temporary Sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.

SIGN, BUILDING - Any Sign attached to any part of a Building, as contrasted to a Ground Sign.

SIGN, BUILDING MARKER - Any Sign indicating the name of a Building and date and incidental information about its construction. Such Sign typically is cut into a masonry surface or made of bronze or other permanent material.

SIGN, CANOPY - Any Sign that is a part of or attached to a structural protective cover over a door, entrance, window or outdoor service area. A Marquee is not a Canopy Sign.

SIGN, CHANGEABLE COPY - Any Sign designed so that letters or numbers attached to the Sign can be periodically changed to indicate a different message.

SIGN, CONSTRUCTION - Any Sign bearing the names of contractors, architects, engineers and the like, or advertising, promotions, price ranges and similar information that is placed at a construction site that has received development plan approval.

SIGN COPY – Any word, letter, number or emblem affixed to the Sign surface either permanently or in removable form.

SIGN, DIRECTIONAL – An On-Premise Sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way. A Directional Sign excludes commercial messages and logos but may include information, that has a purpose secondary to the use of the site on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and similar information and directives. A Directional Sign may also include information stating the hours of operation of a business, emergency telephone numbers, credit card usage, or other information of a similar nature.

SIGN, DIRECTORY - A Ground or Building Sign that lists tenants or occupants of a Building or project, with unit numbers, arrows or other directional information.

SIGN, ELECTRONIC SCROLLING MESSAGE - A Sign with a fixed or changing display/message composed of a series of lights, wherein the sequence of message and the rate of change is electronically programmed and can be modified by electronic processes.

SIGN, EXTERNALLY ILLUMINATED – A Sign illuminated primarily by light directed toward or across it or by backlighting from a source not within it.

SIGN FACE – The area of a Sign on which the copy is placed.

SIGN, FLASHING – A Sign, the illumination of which is not constant in intensity when in use, and which exhibits sudden or marked changes in lighting effects.

SIGN, FREESTANDING – A Sign that is attached to, erected on, or supported by some Structure (such as a post, mast, frame, or other structure) that is not itself an integral part of or attached to a Building or other Structure whose principal function is something other than support.

SIGN, GROUND - Any Sign attached to the ground, as contrasted to a Building Sign. See also Freestanding Sign.

SIGN HEIGHT – The vertical distance measured from the lowest adjacent grade to the highest point of the Sign or sign structure.

SIGN, IDENTIFICATION - A Sign bearing the address of the premises or name of occupant, but containing no Logo or commercial message.

SIGN, ILLUMINATED - A Sign that is illuminated by electrical or other artificial devices.

SIGN, INTERNALLY ILLUMINATED – A Sign whose light source is either located in the interior of the Sign so that the rays go through the Sign Face, or which is attached to the Sign Face and is perceived as a design element of the Sign.

SIGN, MARQUEE - A Sign attached to or mounted on top of a Marquee.

SIGN, MENU BOARD - An accessory Sign providing items and prices associated with a drive-thru window.

SIGN, MONUMENT – A Freestanding Sign where the base of the Sign structure is on the ground or a maximum of twelve (12) inches above the adjacent grade. The width of the top of the Sign structure can be no less than ninety (90) and no more than one hundred twenty (120) percent of the width of the base.

SIGN, NEON – A Sign containing glass tube lighting in which a gas and phosphors are used in combination to create a colored light.

SIGN, NONCONFORMING - Any Sign that met the requirements of the City at the time it was erected, but does not conform to the requirements of this Ordinance.

SIGN, OFF-PREMISE – A Sign that directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such a Sign is located or to which it is affixed.

SIGN, ON-PREMISE – Any Sign identifying or advertising a business, person, activity, goods, services, or products, located on the premises where the Sign is installed and maintained.

SIGN, POLE – A Sign that is mounted on a freestanding pole(s) or other support so that the bottom edge of the Sign Face is six (6) feet or more above grade.

SIGN, POLITICAL - A Sign attracting attention to political candidates or issues, expressing support for a candidate for public office or another position regarding a public figure or issue, but bearing no commercial message.

SIGN, PORTABLE - Any Sign not permanently attached to the ground or other permanent structure or a Sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; and, balloons used as Signs.

SIGN, POST AND PANEL – A Sign, consisting of one or more panels which are supported between two (2) posts, and which is permanently placed in the ground.

SIGN, PROJECTING-- Any Sign attached to a building wall and extending laterally more than eighteen (18) inches from the face of such wall.

SIGN, PUBLIC INFORMATION – Any Sign erected and maintained by public officials or public agencies, or approved and authorized for use by state or local government authorities.

SIGN, REAL ESTATE - A Sign announcing the sale or rental of the property upon which the sign is located.

SIGN, SANDWICH BOARD - A Sign not permanently attached to the ground or a permanent structure; a Sign connected to or located on A or T frames.

SIGN, SHINGLE – A Sign suspended from and located entirely under a covered porch, covered walkway, or an Awning. See also Suspended Sign.

SIGN, SPECIAL EVENT – A Sign advertising or announcing a special community wide event or activity conducted by, or sponsored by, or on behalf of a unit of local government, a college or university, a charitable organization, or a nonprofit corporation. A special community wide event or activity is one that occurs not more than twice in any twelve (12) month period and seeks to attract donations, participants, or customers throughout the City.

SIGN, SUSPENDED - A Sign that is suspended from the underside of a horizontal plane surface and supported by such surface.

SIGN, TEMPORARY - Any Sign (excluding all political signage) that is used only temporarily and is not permanently mounted, and that can be used only for a designated period of time. .

SIGN, TRAFFIC - A Sign indicating federal, state, or municipal regulations for automobile, truck, bicycle or pedestrian movement.

SIGN, V-TYPE – For purposes of computing surface area, is two separate Signs if the angle between the two outer surfaces is less than sixty (60) degrees; otherwise, the wings shall be considered one Sign.

SIGN, WALL - Any Sign painted on or attached to and extending not more than six (6) inches from an exterior wall in a parallel manner.

SIGN, WINDOW - Any Sign that is applied to the inside of glassed areas of a Building. Such Signs shall be treated as Wall Signs.

SITE - A lot, tract or parcel of land considered as one land-unit for purposes of this Ordinance.

SITE-BUILT HOUSE – A residential housing unit wholly constructed on the parcel of land upon which it will be permanently located.

SITE PLAN - A plan depicting the proposed development of a property, in terms of the location, scale and configuration of buildings and other features containing all the required information under the site plan review section of this Ordinance.

SKETCH PLAT – A very informal sketch prepared by an applicant for presentation of concepts or ideas prior to initiating a preliminary plat of a subdivision.

SLOPE – The face of an embankment, fill or cut section or any ground whose surface makes an angle with the plane of the horizon. Slope is expressed as a percentage, based upon the vertical difference in feet per one hundred (100) feet of horizontal distance

SNACK BAR / SNACK SHOP – An Establishment similar to a restaurant, but limited to the extent that no food is cooked on the premises other than heating by a microwave oven, no drive-through windows exist on the premises, and seating for customers does not exceed twelve (12).

SPECIFIED ANATOMICAL AREAS – (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or (2) human male genitals in a discernable turgid state, even if completely or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES – (1) Human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse or sodomy; or (3) fondling, erotic display or erotic touching of human genitals, pubic region, buttocks or breasts, even if completely and opaquely covered.

SPORTING GOODS - Establishments primarily engaged in selling sporting goods, sporting equipment and accessories.

SPOT ZONING – A change in district boundaries and area maps that violate sound principles of zoning and are characterized by the following: (a) individuals seek to have property rezoned for their personal benefit exclusive of the impact on others; (b) generally, the amount of land involved is small and limited to one or two owners; (c) the proposed rezoning would give privileges not generally extended to property similarly located in the area; (d) applications usually show little or no evidence of, or interest in, consideration of the general welfare of the public, the effect on surrounding property, whether all uses permitted in the classification sought are appropriate in the locations proposed, or conformity to the comprehensive plan (including alterations to the population density patterns and increase of load on utilities, schools, and traffic.); and, (e) the district requested is not adjacent to the subject property.

SQUARE – Open spaces that may encompass up to an entire block, located at the intersection of important streets, and set-aside for civic purposes, with landscaping consisting of paved walks, lawns, trees, and civic buildings.

STACKING LANE – An area for temporary queuing of motor vehicles.

STATE - Shall mean the State of West Virginia, unless otherwise specified.

STEALTH TECHNOLOGY - Towers designed with alternative design structures such as clock towers, artificial trees and similar non-traditional structures that are compatible with the surroundings and camouflage or partially conceal the presence of telecommunications towers. Antennae erected on alternative structures such as ball field light poles, electric utility poles, water towers and similar existing structures.

STORAGE, OUTSIDE – The storage, collection or display for more than three (3) consecutive days, or any part of a day for three (3) consecutive days, of any products, materials, equipment, appliances, vehicles not in service, and / or personal property of any kind on an unenclosed, uncovered area.

STORMWATER MANAGEMENT – Any Storm Water Management technique, apparatus, or facility that control or manages the path, storage, or rate of release of storm water runoff. Such facilities may include storm sewers, retention or detention basins, drainage channels, drainage swales, inlet or outlet structures, or other similar facilities.

STORMWATER MANAGEMENT FACILITY – Any ditch, gutter, pipe, culvert, swale, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any subdivision, land area or contiguous land areas.

STORY – That portion of a Building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

STREET – Streets, avenues, boulevards, highways, roads, lanes, alleys and all public ways.

STREET, ARTERIAL – A Street designated for large volumes of traffic movement. Certain Arterial Streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

STREET, COLLECTOR – A Street which primarily collects traffic from local streets and feeds it to the arterial network. Collector Streets provide circulation within neighborhood areas.

STREET, CUL-DE-SAC – A Street with a single common ingress and egress and with a turnaround at the end.

STREET, DEAD-END – A local street open at one end only and without a special provision for vehicles turning around.

STREET FRONTAGE - The distance along which a property line of a Lot adjoins a public or private Street.

STREET, FRONTAGE ROAD – A minor street, parallel to and adjacent to an Arterial Street, whose primary purpose is providing access to abutting properties.

STREET, INTERSTATE HIGHWAY - The highest type of primary arterial highway, with full access control and designed for higher speeds. Access control is exercised to give preference to through traffic, by providing access connections with selected public roads only, and by prohibiting crossings at grade or direct private driveway connections.

STREET, LOOP – A short, independent Street that usually terminates along the same Collector Street of its origin.

STREET, PRIVATE - Any Street that is not publicly owned and maintained and used for access by the occupants of the development, their guests, and the general public.

STREET, RESIDENTIAL – A Street used primarily for access to abutting properties, usually residential.

STRUCTURAL ALTERATION – (1) Any change in the supporting members of a Building, such as bearing walls or partitions, columns, beams or girders, or any rebuilding of the roof or exterior walls; (2) 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; (3) any action that changes the height, size or shape of a Sign or any action that affects the structural supports of a Sign so as to prolong the life of a Sign.

STRUCTURE – (1) A combination of materials forming an edifice or Building of any kind, or any piece of work artificially built up or comprised of parts joined together in some definite manner, but excluding the following: retaining walls; fences not over six feet high; platforms or decks not more than thirty (30) inches above grade and not over any basement or story below; utility mains, lines, and underground facilities; and yard and play equipment; (2) a permanent Structure built of materials in a manner that would commonly be expected to remain useful for a substantial period of time; (3) a temporary Structure is built of materials in a manner that would commonly be expected to have relatively short useful life, or is built for a purpose that would be expected to be relatively short-term in duration.

STRUCTURE, ACCESSORY - A subordinate Structure detached from but located on the same Lot as a Principal Building. The use of an Accessory Structure must be incidental and accessory to the use of the Principal Building. Accessory Structures include garages.

STRUCTURE, DETACHED – A Structure with no vertical common or party wall with another Structure.

STRUCTURE, NONCONFORMING – A Structure, or portion thereof, that no longer conforms to the site area, coverage, setback or other regulations prescribing physical development standards for the district in which the Structure is located.

SUBDIVISION – The division of a lot, tract or parcel of land into two or more lots, tracts or parcels of land, or the recombination of existing lots, tracts or parcels of land..

SUBDIVISION, MAJOR – Any Subdivision not classified as a Minor Subdivision, including but not limited to subdivisions of four (4) or more lots, or any size Subdivision requiring any new Street, other than an internal access drive in a Shopping Center or Office Park, or extension of the local governmental facilities, or the creation of any public improvements.

SUBDIVISION, MINOR – Any Subdivision containing not more than three (3) lots in which all lots have the minimum required Frontage on an existing street, do not involve any new Street or the extension of municipal facilities, do not require the creation of any new public improvements, and are not in conflict with any provision or portion of the Comprehensive Plan, Official Zoning Map, or this Ordinance.

SUBSTANCE ABUSE TREATMENT FACILITY – Structures or land used for the treatment of alcohol or other drug abuse where no meals or lodging is provided.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. Includes structures that have incurred Substantial Damage regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a Structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

SWIMMING POOL – A pool or tub constructed either above or below grade and having a capacity of one thousand (1,000) or more gallons.

TANNING STUDIO – Any business that uses artificial lighting systems to produce a tan on an individual’s body. The use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment.

TATTOO PARLOR/ BODY-PIERCING STUDIO – An Establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TELECOMMUNICATIONS, CLASS I -- Class I Telecommunications Facilities shall include but are not limited to such facilities as television antennas, ham radio antennas, am/fm reception. No Class I Telecommunications facility may be utilized for cell phone reception.

TELECOMMUNICATIONS, CLASS II -- Class II Telecommunications Facilities shall include but are not limited to such facilities as antennae and associated electronic equipment designed expressly for use by cell phone companies, as regulated under the Federal Telecommunications Act of 1996, that is not intended to be supported by or attached to a new telecommunications tower, as defined.

TELECOMMUNICATIONS , CLASS III -- Class III Telecommunications Facilities shall include but are not limited to such facilities as antennae and associated electronic equipment that is supported by or attached to a new telecommunications tower, as defined herein, and is designed expressly for use by cell phone companies, as regulated under the Federal Telecommunications Act of 1996.

TERMINAL, TRUCK OR TERMINAL, MOTOR FREIGHT – Any premises used by a motor freight company regulated by the public utility commission and / or the Interstate Commerce Commission as a carrier of goods, which is the origin and / or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.

TERMINAL, WATER PORT – A transportation facility in which quantities of goods or container cargo are stored without undergoing any manufacturing processes, transferred to other carriers, or stored outdoors in order to transfer them to other locations.

THIS ORDINANCE - All portions of the City of Weirton Unified Development Ordinance as adopted by City Council, and as subsequently amended.

TIMBERING – The removal by select-cut or clear-cut of trees and brush, for commercial or personal purposes, which would allow the possibility of additional stormwater runoff and / or erosion.

TOWNHOUSE - A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation. Ownership; Each dwelling unit is individually deeded and owned.

TOWING SERVICE – Establishment that provides for the removal and temporary storage of vehicles but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

TRAFFIC CALMING – Physical improvements installed on a Street that are intended to reduce motorist speed, decrease motor vehicle volumes, and increase safety for pedestrians and non-motorized vehicles.

TRAFFIC IMPACT ANALYSIS – A formal analysis prepared by a traffic engineer or transportation planner, on the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.

TRANSIENT AMUSEMENT ENTERPRISE - Carnivals, circuses or other similar Transient Amusement Enterprise.

TRANSIT-ORIENTED DEVELOPMENT – Moderate and high-density housing concentrated in Mixed-Use Developments located along transit routes. Land is developed for commercial, industrial, social and public uses to complement and service the community. The location, design and mix of uses in a TOD emphasize pedestrian-oriented environments and encourage the use of public transportation.

TREE - A plant having at least one (1) well defined stem or trunk and normally attaining a mature height of at least fifteen (15) feet, with an average mature spread of fifteen (15) feet, and having a trunk that shall be kept clear of leaves and branches at least six (6) feet above grade at maturity

TREE, PUBLIC – Any Tree located on City-owned or controlled property including parks, Street Rights-of-Ways, parkways, etc.

UNNECESSARY HARDSHIP – A hardship by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship that is self-imposed.

UPHOLSTERY / INTERIOR DESIGN SERVICE - An Establishment offering re-upholstery and repair services and specific upholstery materials for sale.

URBAN AREA – All lands or lots within the jurisdiction of the Municipal Planning Commission.

USE – The conduct of an activity or the performance of a function or operation, on a site or in a Building.

USE, ACCESSORY – A land use that is (1) subordinate in area, extent and purpose to the Principal Use; (2) contributes to the comfort, convenience, or necessity of the Principal Use; and (3) is located on the same lot and in the same zoning district as the Principal Use.

USE, CONDITIONAL – A Use, which because of special requirements or characteristics, may be permitted in a particular Zoning District only after review by the Board of Zoning Appeals and upon issuance of a Conditional Use, and subject to the limitations and conditions specified in this Ordinance.

USE, EXISTING – The use of land, buildings or activity permitted or in existence prior to the adoption of this Ordinance. If the use is nonconforming and lawfully existed prior to the adoption of this

Ordinance, the use may continue to exist as a Nonconforming Use until abandoned for a period of one year: Provided, that in the case of natural resources, the absence of natural resources extraction or harvesting is not abandonment of the use.

USE, NONCONFORMING – A Structure, land Use or parcel of land that was valid when brought into existence, but by subsequent regulation becomes no longer conforming to the provisions of this Ordinance.

USE, PERMITTED – Any use allowed with a zoning district, subject to the restrictions applicable to that zoning district and is not a Conditional Use.

USE, PRINCIPAL – The primary Use of any Lot.

USE, PUBLIC – A Use by agency or department of the City, county, state, or federal government. This shall also include public utilities or uses by any organization that receives funding either all or in part from any agency or department of the City, county, state, or federal government. This shall also include buildings and premises used in the operation of the public use.

USED MERCHANDISE (GENERAL) - A store engaged in the retail sale of used merchandise, antiques and secondhand goods, such as clothing, furniture, musical instruments, cameras, phonographs, and so forth.

UTILITY – A public or private distribution service to the public that is regulated by the Public Service Commission.

VARIANCE, SUBDIVISION – A deviation from the minimum subdivision standards of this Ordinance.

VARIANCE, ZONING – A deviation from the minimum zoning standards of this Ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classification of a parcel of land.

VESTED RIGHT – A right to undertake and complete a land development. The right is established when a site plan is approved by the Planning Commission and is only applicable under the terms and conditions of the approved site plan.

VISTA – A range of sight including pleasing views or scenes. Vistas include but are not limited to the sight of geologic features, bays, rivers, skylines, bridges and distant cities or towns.

WALL, EXTERIOR - A vertical, structural component of a Building which encloses habitable or usable space; a parapet extending not more than twelve (12) inches above a flat roof shall be considered part of the Exterior Wall for purposes of determining signage.

WAREHOUSE - Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise and odors, but not involved in manufacturing or production.

WAREHOUSING AND DISTRIBUTION - Establishments involved in storing, stocking or distributing of merchandise or commodities.

WHOLESALE ESTABLISHMENT - The sale of commodities to retailers or jobbers and shall include the sale of commodities for the purpose of carrying on any trade or business even if the said trade or business is the consumer or end user of the commodity.

WINDBLOWN DEVICE - Any banner, pennant, spinner, streamer, propeller, disc, moored blimp, gas balloon or flag (which is not of local, state, federal, corporate, nonprofit or religious origin) that is designed to inform or attract attention, whether or not such device carries a message, all or part of which is set in motion by wind, mechanical, electrical or any other means.

WRECKER SERVICE - A service for towing wrecked, illegally parked, or disabled automobiles or for freeing stalled automobiles.

YARD - FRONT - An open, unoccupied space on a lot facing a street, extending across the front of the lot between the side lot lines and from the outermost surface of the main structure to the front lot line.

YARD - REAR - An open, unoccupied space, except for accessory structures as permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a minimum depth between the main building and the rear lot line as specified for the district in which the lot is located.

YARD - SIDE - An open area extending from the front yard to the rear yard between the principal building and the nearest side lot line measured perpendicular from the side lot line to the nearest point of the principal building.

ZONING – The division of a municipality or county into districts or zones which specify Permitted and Conditional Uses and development standards for real property within the districts or zones.

ZONING DISTRICT – A specifically delineated area or district within the corporate limits of the City for which the requirements governing use, placement, spacing, size, lot dimensions, and bulk of buildings and premises are uniform.

ZONING MAP – The map that geographically illustrates all zoning districts with the City of Weirton, as described within this Ordinance, and which is certified as the official Zoning Map for the City.

ZONING OFFICER – The person appointed or employed by the City and who has any other authority this Ordinance may confer upon him or her to administer this Ordinance and to issue related permits.

ARTICLE 3
ADMINISTRATION AND ENFORCEMENT

SECTION 3.1 RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT

It shall be the duty of the Planning Director to:

- (A) Perform reviews of permit applications as necessary to determine compliance with the provisions of this Ordinance.
- (B) Maintain permanent and current records of all permit applications and other related records required by this Ordinance and of the hearings and actions thereon.
- (C) Conduct investigations as necessary to determine compliance with or violation of this Ordinance.
- (D) Participate in the abatement of violations of this Ordinance and aid in the prosecution of such violations.
- (E) Maintain in current status the Official Zoning Maps.
- (F) Provide information relative to this Ordinance upon request by citizens and public agencies.

SECTION 3.2 GENERAL PROVISIONS

No commission, board, agency, officer, or employee of the City shall issue, grant, or approve any permit, license, certificate, or any other authorization for any construction, reconstruction, alteration, enlargement, or relocation of any building or structure, or for any use of land or building, or for the subdivision of any parcel, that would not be in compliance with the provisions of this Ordinance.

SECTION 3.3 FEES

The Schedule of Fees for all applications shall be maintained on file with the Planning Department. The appropriate fee shall be paid by the applicant when the application is submitted for review. An application shall not be considered complete until the appropriate fee is paid in full. The Planning Director may waive fees in unusual or extreme circumstances, with permission from the City Manager. Approvals shall not be granted nor permits issued until the appropriate fee is paid.

SECTION 3.4 ADMINISTRATIVE INTERPRETATIONS

3.4.1 Authority

The Planning Director, subject to the procedures, standards, and limitations of this Article, may render written interpretations, including use interpretations, of the provisions of this Ordinance and of any rule or regulations issued pursuant to it. The Planning Director may forward requests for zoning interpretations to the Board of Zoning Appeals, where, in the opinion of the Planning Director, the proposed use is not sufficiently similar to a use expressly listed as a Permitted, Accessory or Conditional Use on the Permitted Land Use Table to allow staff interpretation.

3.4.2 Purpose

The interpretation authority established by this Section is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied. In particular, certain categories of land uses are listed as either Permitted Uses, Accessory Uses or Conditional Uses, but certain specific proposed uses may not clearly fall within the common meaning of any of the listed uses. Many such situations can be readily addressed by an interpretation of the specific provisions of this Ordinance in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, an interpretation shall not have the effect of adding to or changing the essential content of this Ordinance, but is intended only to allow authoritative application of that content to specific cases.

3.4.3 In making an interpretation of any zoning district boundary, or in deciding any appeal thereof, the Planning Director or Board of Zoning Appeals shall apply the following standards:

- (A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following such centerlines;
- (B) Boundaries indicated as approximately following lot lines shall be construed as following such lot lines;
- (C) Boundaries indicated as approximately following corporate limits shall be construed as following such limits;
- (D) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks;
- (E) Boundaries indicated as approximately following the shorelines or centerlines of streams, rivers, lakes, or other bodies of water shall be construed as following such shorelines or centerlines; in the event of change in the shoreline or centerline, the boundary shall be construed as moving with the actual shoreline or centerline;
- (F) Boundaries indicated as approximately following designated limits of areas of special flood hazard shall be construed as following such limits, as shown on the official Base Floodway and Floodplain Boundary Maps, and Base Flood Profiles;
- (G) Boundaries indicated as approximately parallel to, or as extensions of, features described above shall be so construed; distances not specifically indicated on the Zoning Map shall be determined by reference to the scale of the map;
- (H) Where features described in Sections (A) through (G) above, as existing on the ground, are at variance with those indicated on the Zoning Map or in other circumstances not covered above, the Board of Zoning Appeals shall interpret the district boundaries.

3.4.4 Parties Entitled to Seek Interpretations

Applications for interpretations may be filed by any person having a legal or equitable interest in property that gives rise to the need for an interpretation, provided that interpretations shall not be sought by any person based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion.

3.4.5 Procedure

(A) Application

Applications for interpretations of this Ordinance shall be filed on a form provided by the Planning Director and shall contain information describing the nature of the requested information.

(B) Action on Application

The Planning Director shall inform the applicant in writing of his or her interpretation, stating any specific precedent, the reasons, and the analysis upon which the determination is based.

3.4.6 Standards for Use Interpretations

The following standards shall govern the Planning Director and the Board of Zoning Appeals (on zoning appeals from the Planning Director) in issuing land use interpretations:

- (A) Any listed use defined in Article 2, Definitions, shall be interpreted as therein defined;
- (B) No use interpretation shall authorize any land use in any district unless evidence is presented demonstrating that it will comply with the general district regulations established for that particular district.
- (C) No use interpretation shall authorize any use in a particular district unless such use is substantially similar to other uses specifically listed as Permitted, Accessory or Conditional in such district and is more similar to such uses than to other uses listed as Permitted, Accessory or Conditional Uses in another zoning district.
- (D) If the proposed use is most similar to a use allowed only as a Conditional Use in the district in which it is proposed to be located, then any use interpretation authorizing such use shall be subject to the issuance of a Conditional Use permit pursuant to Section 3.6.
- (E) No use interpretation shall allow the establishment of any use that would be inconsistent with the statement of purpose of the district in question.

3.4.7 Effect of Favorable Use Interpretations

Use interpretations shall only authorize a use in a specific district and shall not allow the development, construction, reconstruction, alteration, or moving of any building or structure. Use interpretations shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the City, including, but not limited to, a building permit, a zoning permit, a certificate of occupancy, subdivision approval, and site plan approval.

3.4.8 Limitations on Favorable Use Interpretations

- (A) A use interpretation finding a particular use to be allowed as a Permitted, Accessory or Conditional Use in a particular district, shall be deemed to authorize only the particular use for which it is issued, and such interpretation shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued.
- (B) Once a use interpretation is made for a particular use in a particular district, that use shall be permitted as a Conditional Use for the entire district and shall be available for other property owners in that district through the Conditional Use process.

3.4.9 Appeals from Planning Director Decisions

The Board of Zoning Appeals shall hear and decide zoning appeals from any administrative interpretations by the Planning Director acting pursuant to the authority and duties under this Section.

SECTION 3.5 AMENDMENTS TO THE TEXT AND ZONING MAP

3.5.1 General Provisions

3.5.1.1 Proposed amendments to this Ordinance may be presented by the Planning Commission to City Council requesting an amendment, supplement, repeal or change of the regulations of the Ordinance. Prior to submission to City Council of a Planning Commission petition or a report on a proposed ordinance, the Planning Commission shall hold a public hearing in accordance with the provisions of Article 7 of this Ordinance. After the public hearing, the Planning Commission shall make its report on the proposed ordinance to City Council. Thereafter, City Council shall proceed to take action on the proposed ordinance in accordance with Chapter 8A, Article Seven, Sections 8 and 9 of the Code of West Virginia, as amended.

3.5.1.2 City Council may, from time to time, amend, supplement, or change the rules and regulations and districts fixed by this Ordinance.

3.5.2 Authority and Procedures

Whenever public necessity and the public health, safety, and general welfare require, City Council may, by ordinance and after receipt of recommendation thereon from the Planning Commission and subject to the procedures below, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classifications of property.

3.5.3 Application Procedures

3.5.3.1 Amendment to the Zoning Map

- (A) A request for rezoning of property shall be filed on prescribed forms with the Planning Director.
- (B) The Planning Director will conduct a formal review of the completed application.
- (C) The Planning Director shall publish a Class I legal advertisement describing the request for rezoning in a local newspaper of general circulation at least fifteen (15) days prior to the scheduled public hearing before the Planning Commission.
- (D) The Planning Commission shall hold a duly scheduled public hearing on the rezoning request, prepare a report, and make a recommendation to City Council.
- (E) City Council shall hear the case according to its rules and procedures.
- (F) If the request for rezoning is approved by Council, the applicant shall receive approval and will be formally notified by mail by the Planning Director. The Planning Director shall amend the zoning map to reflect the approved rezoning.
- (G) If the request for rezoning is denied by Council, the applicant is formally notified in writing by the Planning Director of the denial and the right to appeal the decision to Hancock County Circuit Court or Brooke County Circuit Court, as the case may be.
- (H) Any person who feels aggrieved by an approval or denial of a rezoning may appeal the decision to the Hancock County Circuit Court or Brooke County Circuit Court, as the case may be.

3.5.3.2 Amendment to the Ordinance Text

- (A) A request for an amendment, or change, to the text of this Ordinance shall be filed on prescribed forms with the Planning Director.
- (B) The Planning Director will conduct a formal review of the completed application.

- (C) The Planning Director shall publish a Class I legal advertisement describing the request for a text amendment in a local newspaper of general circulation at least fifteen (15) days prior to the scheduled public hearing before the Planning Commission.
- (D) The Planning Commission shall hold a duly scheduled public hearing on the text amendment request, prepare a report, and make a recommendation to Council.
- (E) City Council shall hear the case according to its rules and procedures.
- (F) If the request for the text amendment is approved by Council, the applicant receives approval and is formally notified by mail by the Planning Director. The Planning Director shall amend the ordinance text to reflect the approved amendment.
- (G) If the request for the text amendment is denied by Council, the applicant is formally notified in writing by the Planning Director of the denial and the right to appeal the decision to Hancock County Circuit Court or Brooke County Circuit Court, as the case may be.
- (H) If the request for the text amendment is denied by Council, the applicant shall not re-submit the same request for a period of one (1) year unless the Planning Director determines that there have been significant changes in conditions in the area proximate to the parcel in question.

3.5.3.3 Amendment to the Comprehensive Plan

Amendments, supplements or changes of the rules and regulations of this Ordinance shall be considered as amendments to the Comprehensive Plan.

SECTION 3.6 CONDITIONAL USES

3.6.1 General Provisions

3.6.1.1 Purpose

It is the purpose of this Section to recognize that there may be cases where community and Comprehensive Plan goals are met by a flexible and individual regulation of land uses within a zoning district. The establishment of a Conditional Use permit procedure provides Weirton with such flexibility to provide for certain uses which shall be permitted only if adequate conditions exist or can be imposed that will make such uses compatible with the purposes of this Ordinance and the Comprehensive Plan. The Conditional Use permit procedure shall provide for some measure of individualized judgment and the imposing of conditions on certain uses, in order to make them compatible with uses in the surrounding area. It is further intended that the Conditional Use permit, through a site plan review process, shall provide a method whereby it can be determined whether or not a use would cause any damage, hazard, nuisance, or other detriment to persons or property in the vicinity.

3.6.1.2 Standards and Requirements

All such uses are declared to possess characteristics of such unique and special form that each specific use must be considered as an individual case. Consideration by the Board of Zoning Appeals shall be based on adopted standards and requirements. These considerations shall be both general, applying to all Conditional Uses, and specific, applying to individual types of Conditional Uses. The standards and requirements stipulated in this Article shall be made a condition of approval. In addition, the Board of Zoning Appeals may impose additional, reasonable conditions to fit the particular use and site under review.

3.6.1.3 Limits of Authorization

A Conditional Use permit shall be deemed to authorize only the particular use specified in the permit.

3.6.1.4 Review

If a Conditional Use permit is required for any new use, the Planning Director and Board of Zoning Appeals will review the site plan in order to determine if the Conditional Use permit is warranted.

3.6.2 Application for Conditional Use Approval

3.6.2.1 The applicant shall file a formal and complete application for a Conditional Use permit with the Planning Director. The application shall include:

- (A) A preliminary site plan which demonstrates the overall site layout and building locations, parking areas and circulation, access and egress locations, setbacks and buffer areas, lighting, landscaping, signage and the location and extent of existing development on adjacent parcels.
- (B) Preliminary building plans and elevations illustrating proposed building construction and alteration, including an indication of exterior materials, textures and colors.
- (C) Any other information deemed helpful by the applicant or necessary by the Board of Zoning Appeals to explain the nature of the proposed use and its consistency with the standards established by this Section for Conditional Use permits.
- (D) The Planning Director will conduct a formal review of the complete application. As part of the formal review process, the Planning Director will notify appropriate municipal departments and agencies and request summaries of agency reviews
- (E) The Planning Director shall publish a Class I legal advertisement describing the request for a Conditional Use permit in a local newspaper of general circulation at least fifteen (15) days prior to the scheduled public hearing before the Board of Zoning Appeals.
- (F) The Board of Zoning Appeals shall hold a duly scheduled public hearing to review the complete site plan and application for the Conditional Use permit request.
- (G) If the Conditional Use permit is granted by the Board, the applicant receives approval and is formally notified in writing by the Planning Director.
- (H) If the Conditional Use is denied by the Board, the applicant is formally notified in writing of the denial and the right to appeal the decision to the Circuit Court of Hancock County or Brooke County, as the case may be, within thirty (30) days.

3.6.3 Standards for Approval

3.6.3.1 The Board of Zoning Appeals may approve an application for a Conditional Use permit, subject to such reasonable conditions and restrictions as are directly related to and incidental to the proposed Conditional Use permit, if it finds that the following general standards have been met:

- (A) The proposed use is compatible with the goals of the Comprehensive Plan.
- (B) The proposed use shall be compatible with the appropriate and orderly development of the district, taking into consideration the location and size of the use, the nature and intensity of the operations involved in or conducted in connection with such use, the size of the site in relation to the use, the assembly of persons in connection with the use, and the location of the site with respect to streets giving access to the site.
- (C) The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings, taking into

consideration the location, nature and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site.

- (D) Neighborhood character and surrounding property values shall be reasonably safeguarded.
- (E) Operations in connection with the use shall not be offensive, dangerous, destructive of property values and basic environmental characteristics, or detrimental to the public interest of the community. They shall not be more objectionable to nearby properties by reason of fumes, noise, vibration, flashing of or glare from lights, and similar nuisance conditions than the operations of any Permitted Use not requiring a Conditional Use permit in the district.
- (F) The character and appearance of the proposed use, buildings, structures, and/or outdoor signs should be in general harmony or better, with the character and appearance of the surrounding neighborhood.

3.6.3.2 Other Conditions and Restrictions

The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed Conditional Use permit.

3.6.4 Conditional Approval

A Conditional Use approval may be denied or revoked where the applicant fails to comply with specific conditions made a part of the approval by the Board, or fails to comply with a reasonable request of the Board or the Planning Director for furnishing specific information related to the proposed use. Failure to comply with the conditions of approval shall constitute a violation of this Ordinance.

3.6.5 Expiration

In the case where a Conditional Use Permit has not been used within twelve (12) months after the granting thereof, then without further action it shall be null and void. This may be extended to eighteen (18) months upon prior written request of the Board. The word “used” shall mean that the approved Conditional Use Permit has been activated as evidenced by permits, construction, or required licenses.

3.6.6 Miscellaneous Guidelines

If there are other valid reasons for denying a Conditional Use application, the denial may be sustained even if the proposed Conditional Use constitutes the highest and best use, which can be made of the subject property. The Board may not deny a permit solely for the purpose of limiting the number of similar uses in an area. However, the Board may require that reasonable minimum distances be maintained between similar uses as a condition of approval.

- 3.6.7 If the request for a conditional use is denied by the Board of Zoning Appeals, the applicant shall not bet re-submit the same request for a period of one (1) year unless the Planning Director determines that there have been significant changes in conditions in the area proximate to the parcel in question (revised 6-12-08)

SECTION 3.7 ZONING VARIANCES

3.7.1 Variances from Ordinance

The zoning regulations set forth in this Ordinance are provided to establish procedures, criteria and conditions which shall be met before the Board of Zoning Appeals may approve variances from the zoning terms of this Ordinance.

3.7.2 Application for Variance

A person desiring a variance from the zoning regulations of this Ordinance shall submit a written application for variance approval with the Planning Director. An application for variance approval shall:

- (A) Be made on the forms available from the Planning Director and signed by the owner of the property subject to the variance request or by a person who has-been authorized to sign the form by the owner. If the form is signed by a person other than the owner, the person must submit written documentation of his/her authority to sign the form (e.g., a letter from the owner which states that the person has been authorized to sign the form);
- (B) Describe the specific use or standard for which the variance is sought;
- (C) Be accompanied by a copy of an area map which shows the location of the subject property, the locations of related public and utility facilities (e.g., schools, sewer, etc.), and the relationship of the subject property to the adopted transportation plan for the area;
- (D) Be accompanied by a copy of a site plan, drawn to an appropriate scale, which shows:
 - (1) The subject property;
 - (2) The location of all existing and proposed buildings, structures and improvements to be made to the subject property, including drainage and erosion control facilities and features;
 - (3) Accurate dimensions of the parcel, buildings, parking areas and ingress/egress driveways;
 - (4) Location, right-of-way and pavement width of all streets adjacent to the subject property; and,
 - (5) Be accompanied by any other information reasonably required by the Planning Director; and,
 - (6) Be accompanied by the required fee.

3.7.3. Standards for Variance Approval

Applications for variance approval shall be considered in accordance with the following procedures.

- (A) After receiving a complete application, the Planning Director shall schedule and announce the date and time of the Board of Zoning Appeal's hearing on the application. At the time the hearing is scheduled, the Planning Director shall provide the applicant with written notice of the hearing date and time.
- (B) Prior to the Board of Zoning Appeals hearing on the application, the Planning Director shall review the application for compliance with this Ordinance. Following such review and prior to the hearing, the Planning Director shall prepare and provide the Board of Zoning Appeals and the applicant with the Planning Director's written comments and recommendation on the application, including the Planning Director's opinion as to any effect with the proposed variance might have upon the integrity of the Ordinance.
- (C) The Board of Zoning Appeals, at its discretion, may visit the subject property at any reasonable time during the review process.
- (D) Notice of the Board of Zoning Appeals hearing on the application for variance approval shall be published as a Class I legal advertisement in a local newspaper of general circulation at least fifteen (15) days prior to the hearing.
- (E) The Board of Zoning Appeals shall conduct a duly scheduled public hearing on the application for variance approval, and may approve the application, approve the application with conditions, or deny the application.
- (F) The Board of Zoning Appeals shall grant approval for a variance request if it finds that the variance:
 - (1) Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
 - (2) Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
 - (3) Would eliminate an unnecessary hardship and permit a reasonable use of the land; and,
 - (4) Will allow the intent of this Ordinance to be observed and substantial justice done.
- (G) The Board of Zoning Appeals shall make written findings of fact in support of its decision. The Planning Director shall promptly provide the applicant with a copy of the Board's written findings.
- (H) If the Board of Zoning Appeals approves the application for variance approval, the City shall issue the applicant a permit subject to the conditions of variance approval and the provisions of this Ordinance and any other applicable law.
- (I) If the request for a variance is denied by the Board of Zoning Appeals, the applicant shall not re-submit the same request for a period of one (1) year unless the Planning Director determines that there have been significant changes in conditions in the area proximate to the parcel in question
- (J) Variances from the use of a parcel or building on any parcel shall not be permitted under any circumstances.

3.7.4 Conditional Approval

The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort and convenience (e.g., to ensure compatibility with surroundings). A variance approval may be denied or revoked where the applicant fails to comply with specific conditions made a part of the approval by the Board, or fails to comply with a reasonable request of the Board or the Planning Director for furnishing specific information related to the proposed variance. Failure to comply with the conditions of approval shall constitute a violation of this Ordinance.

3.7.5 Expiration

In the case where a variance has not been used within twelve (12) months after the granting thereof, then without further action it shall be null and void. This may be extended to eighteen (18) months upon prior written request of the Board. The word “used” shall mean that the approved variance has been activated as evidenced by permits, construction, or required licenses.

3.7.6 Relationship to Subject Property

Variance approval applies to the subject property and may be transferred with ownership of the subject property subject to the provisions and conditions prescribed by or made pursuant to this Ordinance.

SECTION 3.8 APPEAL TO BOARD OF ZONING APPEALS

3.8.1 An appeal from any order, requirement, decision or determination made by an administrative official or board charged with the enforcement of the zoning provisions of this Ordinance, or zoning rule or regulation adopted pursuant to this Ordinance, shall be filed with the Board of Zoning Appeals.

3.8.2 The appeal shall:

- (A) Specify the grounds of the appeal;
- (B) Be filed within thirty (30) days of the original order, requirement, decision or determination made by an administrative official or board charged with the enforcement of the zoning provisions of this Ordinance; and,
- (C) Upon request of the Board of Zoning Appeals, the administrative official or board shall transmit all documents, plans and papers constituting the record of the action from which the appeal was taken.

3.8.3 Within ten (10) days of receipt of the appeal by the Board, the Board shall set a time for the public hearing of the appeal and give notice. The hearing on the appeal must be held within forty-five (45) days of receipt of the appeal by the Board.

3.8.4 At least fifteen (15) days prior to the date set for the public hearing, the Board shall publish a notice of the date, time and place of the hearing on the appeal as a Class I legal advertisement in compliance with the provisions of Chapter Fifty-Nine, Article Three of the Code of West Virginia, as amended, and written notice shall be given to interested parties. The publication area shall be the area covered in the appeal.

3.8.5 The Board may require the party taking the appeal to pay for the cost of public notice and written notice to interested parties.

- 3.8.6 At the hearing, any party may appear in person, by agent or by an attorney licensed to practice in the State of West Virginia.
- 3.8.7 Every decision by the Board must be in writing and state findings of fact and conclusions of law on which the Board based its decision. If the Board fails to provide findings of fact and conclusions of law adequate for decision by the Circuit Court of Hancock County or Brooke County, as the case may be, and as a result of the failure, the circuit court returns an appealed matter to the Board and dismisses jurisdiction over an applicant's appeal without deciding the matter, whether the circuit court returns the matter with or without restrictions, the Board of Zoning Appeals shall pay any additional costs for court filing fees, service of process and reasonable attorneys' fees required to permit the person appealing the Board's decision to return the matter to the circuit court for completion of the appeal.
- 3.8.8 When an appeal has been filed with the Board of Zoning Appeals, all proceedings and work on the premises in question shall be stayed, unless the official or board from where the appeal was taken certifies in writing to the Board of Zoning Appeals, that a stay would cause imminent peril to life or property. If the written certification is filed, proceedings or work on the premises shall not be stayed. Nothing in this Section prevents obtaining a restraining order.

SECTION 3.9 SUBDIVISION WAIVERS

3.9.1 Waivers from Ordinance

A waiver from the subdivision regulations of this Ordinance may be granted by the Planning Commission if the Commission finds that strict enforcement of the regulations would result in practical difficulties or unnecessary hardships to the applicant for the waiver, and that, by granting the waiver, the intent of this Ordinance and the Comprehensive Plan will be observed, public safety and welfare secured, and substantial justice done.

3.9.2 Application for Waiver

A person desiring a waiver from the subdivision regulations of this Ordinance shall submit a written application for waiver approval with the Planning Director. An application for waiver approval shall:

- (A) Be made on forms available from the Planning Director and signed by the owner of the property subject to the waiver request or by a person who has been authorized to sign the form by the owner. If the form is signed by a person other than the owner, the person must submit written documentation of his/her authority to sign the form (e.g., a letter from the owner which states that the person has been authorized to sign the form);
- (B) Describe the specific use or standard for which the waiver is sought;
- (C) Be accompanied by a copy of an area map which shows the location of the subject property, the locations of related public and utility facilities (e.g., schools, sewer, etc.), and the relationship of the subject property to the adopted transportation plan for the area;
- (D) Be accompanied by a copy of a site plan, drawn to an appropriate scale, which shows:
 - (1) The subject property;
 - (2) The location of all existing and proposed buildings, structures and improvements to be made to the subject property, including drainage and erosion control facilities and features;
 - (3) Accurate dimensions of the parcel, buildings, parking areas and ingress/egress driveways;

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- (4) Location, right-of-way and pavement width of all streets adjacent to the subject property; and,
 - (5) Be accompanied by any other information reasonably required by the Planning Director; and,
 - (6) Be accompanied by the required fee.

3.9.3 Standards for Waiver Approval

Applications for waiver approval shall be considered in accordance with the following procedures.

- (A) After receiving a complete application, the Planning Director shall schedule and announce the date and time of the Planning Commission public hearing on the application. At the time the hearing is scheduled, the Planning Director shall provide the applicant with written notice of the hearing date and time.
- (B) Prior to the public hearing on the application, the Planning Director shall review the application for compliance with this Ordinance. Following such review and prior to the hearing, the Planning Director shall prepare and provide the Planning Commission and the applicant with the Planning Director's written comments and recommendation on the application, including the Planning Director's opinion as to any effect with the proposed waiver might have upon the integrity of the Ordinance.
- (C) The Planning Commission, and its representatives, at its discretion, may visit the subject property at any reasonable time during the review process.
- (D) Notice of the public hearing on the application for waiver approval shall be published as a Class I legal advertisement in a local newspaper of general circulation at least fifteen (15) days prior to the hearing.
- (E) The Planning Commission shall conduct a duly scheduled public hearing on the application for waiver approval, and may approve the application, approve the application with conditions, or deny the application.
- (F) The Planning Commission shall make written findings of fact in support of its decision. The Planning Director shall promptly provide the applicant with a copy of the Commission's written findings.

3.9.4 Conditional Approval

The Commission shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort and convenience (e.g., to ensure compatibility with surroundings). A waiver approval may be denied or revoked where the applicant fails to comply with specific conditions made a part of the approval by the Commission, or fails to comply with a reasonable request of the Commission or the Planning Director for furnishing specific information related to the proposed variance. Failure to comply with the conditions of approval shall constitute a violation of this Ordinance.

3.9.5 Relationship to Subject Property

Waiver approval applies to the subject property and may be transferred with ownership of the subject property subject to the provisions and conditions prescribed by or made pursuant to this Ordinance.

SECTION 3.10 MUNICIPAL PLANNING COMMISSION**3.10.1 Establishment**

City Council may establish a Municipal Planning Commission in order to promote the orderly development of Weirton and its environs. The Planning Commission shall be established in accordance with Chapter 8A, Article 2 of the Code of West Virginia, as amended, with all the rights and responsibilities accorded therein. The Planning Commission shall serve in an advisory capacity to City Council and shall have certain regulatory powers over land planning.

3.10.2 Powers and Duties

The Planning Commission shall have the powers and duties to:

- (A) Exercise general supervision for the administration of the affairs of the Commission;
- (B) Prescribe rules and regulations pertaining to administration, investigations and hearings: Provided, that the rules and regulations are adopted by City Council;
- (C) Supervise the fiscal affairs and responsibilities of the Commission;
- (D) With the consent of City Council, hire employees necessary to carry out the duties and responsibilities of the Planning Commission; Provided, that City Council sets the salaries;
- (E) Keep an accurate and complete record of all Commission proceedings;
- (F) Record and file all bonds and contracts;
- (G) Take responsibility for the custody and preservation of all papers and documents of the Planning Commission;
- (H) Make recommendations to City Council concerning planning;
- (I) Make an annual report to City Council concerning the operation of the Planning Commission and the status of planning within its jurisdiction;
- (J) Prepare, publish and distribute reports, ordinances and other material relating to the activities authorized under Chapter 8A, Article 2 of the Code of west Virginia, as amended;
- (K) Adopt a seal, and certify all official acts;
- (L) Invoke any legal, equitable or special remedy for the enforcement of the provisions of Chapter 8A, Article 2 of the Code of West Virginia or any ordinance, rule and regulation or any action taken thereunder;
- (M) Prepare and submit an annual budget to City Council;
- (N) If necessary, establish advisory committees;
- (O) Delegate limited powers to a committee composed of one or more members of the Commission; and
- (P) Contract for special or temporary services and professional counsel with the approval of City Council.

SECTION 3.11 BOARD OF ZONING APPEALS

3.11.1 Establishment

The City Council shall establish a Board of Zoning Appeals consisting of five members to be appointed by City Council. The Board of Zoning Appeals shall be established in accordance with Chapter 8A, Article Eight of the Code of West Virginia, as amended, with all the rights and responsibilities accorded therein.

3.11.2 Powers and Duties

3.11.2.1 The Board of Zoning Appeals shall:

- (A) Hear, review and determine appeals from an order, requirement, decision or determination made by an administrative official or board charged with the enforcement of the zoning provisions of this Ordinance;
- (B) Authorize exceptions to the district rules and regulations only in the classes of cases or in particular situations, as specified in this Ordinance;
- (C) Hear and decide conditional uses of the zoning provisions of this Ordinance upon which the Board is required to act under the Ordinance;
- (D) Authorize, upon appeal in specific cases, a variance from the zoning provisions of this Ordinance;
- (E) Reverse, affirm or modify the order, requirement, decision or determination appealed from and have all the powers and authority of the official or board from which the appeal was taken;
- (F) Adopt rules and regulations concerning:
 - (1) The filing of appeals, including the process and forms for the appeal;
 - (2) Applications for zoning variances and conditional uses;
 - (3) The giving of notice; and
 - (4) The conduct of hearings necessary to carry out the Board’s duties under the terms of Chapter 8A, Article Eight, Section Nine of the Code of West Virginia, as amended;
- (G) Keep minutes of its proceedings;
- (H) Keep an accurate and complete audio record of all the Board’s proceedings and official actions and keep the audio record in a safe manner, which audio record is accessible within twenty-four (24) hours of demand, for three (3) years;
- (I) Record the vote on all actions taken;
- (J) Take responsibility for the custody and preservation of all papers and documents of the Board. All minutes and records shall be filed in the Planning Office and shall be public records;
- (K) With consent of Council, hire employees necessary to carry out the duties and responsibilities of the Board; Provided, that City Council sets the salaries; and
- (L) Supervise the fiscal affairs and responsibilities of the Board.

SECTION 3.12 CITY COUNCIL

3.12.1 General Powers

City Council is authorized and empowered to initiate amendments to the text of this Ordinance and the Official Zoning Map pursuant to the procedures and standards for amendments set forth in this Ordinance and to take such other actions not delegated to other bodies, which may be desirable and necessary to implement the provisions of this Ordinance.

3.12.2 General Duties

City Council shall give consideration to the general policy and pattern of development set out in the Comprehensive Plan in the adoption, amendment, or repeal of this Ordinance.

SECTION 3.13 PLANNING DIRECTOR

3.13.1 The City may employ a Planning Director whose responsibilities would include:

- (A) Perform reviews of all permit applications as necessary to determine compliance with the provisions of this Ordinance;
- (B) Maintain permanent and current records of all applications for all rezonings, variances, Conditional Use permits, amendments, administrative appeals and other zoning related records required by this Ordinance and of the hearings and actions hereon;
- (C) Perform reviews of all development permit applications as necessary to determine compliance with the provisions of this Ordinance;
- (D) Conduct investigations as necessary to determine compliance with or violation of this Ordinance;
- (E) Participate in the abatement of violations of this Ordinance and aid in the prosecution of such violations;
- (F) Maintain in current status the official zoning maps; and,
- (G) Provide information on zoning, subdivision, and all other aspects of this Ordinance upon request by citizens and public agencies.

3.13.2 The City Manager may designate a staff person to act in the capacity of Planning Director. Such a designation would confer all the duties and responsibilities of the Planning Director, as described in this Ordinance, upon the staff person.

ARTICLE 4
PERMIT AND SITE PLAN APPROVAL

SECTION 4.1 PERMIT REQUIRED

No permit pertaining to the clearing, grading or preparation of land; the construction, enlargement, moving, remodeling, reconstruction of a structure; the subdivision of a parcel of property; or, the change of use of a structure or parcel shall be issued unless approval of the application has been granted by the Planning Director or the Board of Zoning Appeals. The Planning Director or Board of Zoning Appeals shall grant approvals only in conformance with the provisions of this Ordinance except in the case of receiving a written order from a court of law in the form of an administrative review, variance, or judgment.

SECTION 4.2 SITE PLAN REVIEW

4.2.1 Site Plan Required

4.2.1.1 No land within the jurisdiction of the Weirton Planning Commission shall be developed or altered for the purpose of constructing buildings or establishing uses without first having received site plan approval.

4.2.1.2 Plans proposing development within Planned Unit Development (PUD) Districts and Planned Development Districts (PDD) shall be submitted with all land uses identified by major land use category and the proposed intensity of development. As an alternative to this requirement, an applicant may identify the boundaries of the PUD or PDD, and the proposed land use by major category and the proposed intensity of development on a parcel-by-parcel basis; however, Planning Commission approval is required for each parcel prior to the commencement of development.

4.2.2 Application

All applications for site plan review shall be made on application forms prescribed by the Planning Office and shall follow established submittal deadlines.

4.2.3 Design Requirements and Improvements Requirements

Requirements, standards and specifications for engineering design for construction of improvements for site plans shall be equal to or greater than the minimum requirements, standards, and specifications established for design and improvements by the Department of Public Works, Weirton Area Water Board, Weirton Sanitary Board and Weirton Fire Department. In addition to the plan sheets specified below, the applicant shall submit a complete drainage report, including calculations and justifications.

4.2.4 Site Plan Review

There are two types of site plan reviews, which have different application requirements and approval procedures. These are:

- (A) Type I: Administrative Review of Site Plans for Permitted Uses by the Planning Director, and
- (B) Type II: Review of Site Plans for Conditional Uses by the Board of Zoning Appeals.

4.2.5 Type I: Administrative Review of Site Plans for Permitted Uses by the Planning Director

All applications for permitted uses shall be accompanied by a site plan drawn to scale, that includes the following for review by the Planning Director:

- (A) The actual dimensions, size, square footage, and shape of the lot to be built upon;
- (B) The exact sizes and locations on the lot of existing structures, if any;
- (C) The location, square footage, and dimensions of the proposed structure or alteration;
- (D) The location of the lot with respect to adjacent rights-of-way and easements;
- (E) The existing and proposed uses of the structure and land;
- (F) The location and dimensions of off-street parking and means of ingress and egress for such space;
- (G) Height of structure;
- (H) Setbacks; and,
- (I) Signature of applicant.

4.2.6 Type II: Review of Site Plans for Conditional Uses by the Board of Zoning Appeals

All applications for Conditional Use Permits shall be accompanied by eight (8) copies of a site plan, drawn to scale, that includes the following for review by the Board of Zoning Appeals, unless determined by the Board to be unnecessary:

- (A) The actual dimensions, size, square footage, and shape of the lot to be built upon as shown on an actual survey by a land surveyor or registered professional engineer licensed by the State of West Virginia;
- (B) The exact sizes and locations on the lot of existing structures, if any;
- (C) The location, square footage, and dimensions of the proposed structure or alteration;
- (D) The location of the lot with respect to adjacent rights-of-way;
- (E) The existing and proposed uses of the structure and land;
- (F) The number of employees, families, housekeeping units, bedrooms, or rental units the structure is designed to accommodate;
- (G) The location and dimensions of off-street parking and means of ingress and egress for such space;
- (H) Height of structure;
- (I) Setbacks;
- (J) Buffer yard and screening, if applicable;
- (K) Location of garbage collection area and screening;
- (L) Location of existing and/or proposed signs;
- (M) Street typical for internal roadways;
- (N) Location and size of drainage structures;
- (O) Location of stormwater detention system (if applicable);
- (P) Utility lines and easements;
- (Q) Signature of applicant;

- (R) Drainage plan and drainage calculations that bear the name, address, signature and seal of a registered professional engineer, with floodplain zones clearly denoted, a typical of all swales, and a design of the drop inlets;
- (S) If applicable, design of stormwater management facilities and drainage calculations that bear the name, address, and seal of a registered professional engineer and that meet the requirements of Article 17.12 of this Ordinance and the design standards of the Natural Resource Conservation Service;
- (T) Parking and landscaping plan;
- (U) Sign plan;
- (V) Approved West Virginia Division of Highways Access Permit, if applicable;
- (W) Approved State of West Virginia NPDES General Permit for Storm Water Associated with Industrial (Construction) Activity, if applicable; and,
- (X) Any other such information concerning the lot or neighboring lots as may be required by the Planning Director or Planning Commission to determine conformance with, and provide for the enforcement of, this Ordinance; where deemed necessary, the Planning Director or Commission may require that in the case of accessory structures or minor additions, all dimensions shown on plans relating to the size of the lot and the location of the structure(s) thereon be based on an actual survey by a land surveyor or professional engineer licensed by the State of West Virginia, said survey to be provided by the applicant.

4.2.7 Completeness of Application

No site plan shall be accepted unless it is complete and is verified as to the correctness of information given by the signature of the applicant attesting thereto.

4.2.8 Restriction of Approved Site Plans

Site plans approved by the Planning Director or Board of Zoning Appeals authorize only the use, arrangement, and construction set forth in such approved site plans and no other use, arrangement or construction. Furthermore, the approval of a site plan shall not be construed to be approval of any violation of the provisions of this Ordinance. The issuance of a permit based upon site plans given approval by the Planning Director or Board of Zoning Appeals shall not prevent the Planning Director or Board from thereafter requiring the correction of errors in said site plans or from preventing operations from being carried on thereunder when in violation with this Ordinance.

4.2.9 Approved Site Plans

One (1) copy of the site plan submitted for a permit as required above shall be returned to the applicant after the Planning Director or Board of Zoning Appeals has marked such copy as either approved or disapproved as to the provisions of this Ordinance and attested to same by the signature of the Planning Director or the chairman of the Board of Zoning Appeals, as the case may be, on such copy. The original, similarly marked, shall be retained by the Planning Director.

4.2.10 Resubmittal of Plans

The applicant shall submit eight (8) complete sets of the final, revised plans showing conditions, if any, required by the Planning Director or Board of Zoning Appeals. Final revised plans shall be submitted at least ten (10) working days prior to issuance of a permit.

4.2.11 Rejection Statement

The Planning Director may initially reject any site plan application submittal for the following reasons:

- (A) Incomplete application; or
- (B) The drawing set or supporting documents are not complete.

4.2.12 Provision of Written Decision

After the review of a site plan application, the Planning Director or Board of Zoning Appeals shall render a decision in writing, which decision shall consist of:

- (A) Approval of the site plan based upon the determination that the proposed plan complies with the general, design and performance standards set forth in this Ordinance;
- (B) Disapproval of the site plan based upon the determination that the proposed project does not meet the general, design and performance standards set forth in this Ordinance; or
- (C) Approval of the site plan subject to any conditions, modifications and restrictions as required by the Planning Director or Board of Zoning Appeals which will ensure that the project meets the general, design and performance standards set forth in this Ordinance.

4.2.13 Deviation from the Approved Site Plan and Additions to Existing Structures

Minor changes that do not constitute material deviation shall be reviewed and approved by the Planning Director. If the installation of the elements on the site plan materially deviate from the approved site plan (as determined by the Planning Director or other City staff), the site plan shall be resubmitted to the Planning Director or Board of Zoning Appeals, as the case may be, for a new site plan approval in accordance with the procedures and requirements for site plan approval. For purposes of this section, material deviation is one that:

- (A) Adds, removes, or reconfigures an internal street or relocates an access point;
- (B) Affects a condition of site plan approval that was established by the Planning Director or Board of Zoning Appeals during the site plan approval stage;
- (C) Reduces the area devoted to open spaces or buffer landscaping; and/or
- (D) Involves the enlargement of a non-residential building footprint on the site due to future additions that are more than ten (10) percent of the gross floor area or five thousand (5,000) square feet, whichever is less.

4.2.14 Record Drawings and Certificate of Completion and Compliance

Where applicable, the developer or owner shall cause as-built drawings to be prepared and submitted to the Planning Director for all streets, drainage ditches and facilities, utility pipes and structures, and finished grade elevations for the project. Said record drawings shall be filed with the Planning Director prior to the release of any performance assurances. As-built drawings, including the approved final plat shall be submitted on forms specified by the Planning Director.

SECTION 4.3 SIGN PERMITS

Sign permit applications shall be submitted for all signs identified in Article 18, except for those specifically exempted. Such signs may be erected, altered, constructed, moved, converted or enlarged only after the issuance of a sign permit as required by this Ordinance.

ARTICLE 5
SUBDIVISION APPROVAL

SECTION 5.1 INTENT

It is the intent of this Article to provide an orderly process for the division of land into lots, tracts or parcels. This Article is also intended to ensure that subdivided lots, tracts or parcels can be used safely to build on without danger to the health, safety, and general welfare of both their prospective owners and of the Weirton community, and that subdivisions are provided with and provide for adequate and efficient access and transportation, water, sewer and other utilities, parks, playgrounds, recreation, and other public requirements and facilities.

SECTION 5.2 CLASSIFICATION OF SUBDIVISIONS

Whenever any subdivision of land is proposed, the owner of the property shall apply for and secure approval of such proposed subdivision in accordance with the following procedures:

5.2.1 Minor Subdivision

- (A) Complete application, and
- (B) Review and action by Planning Director.

5.2.2 Major Subdivision

- (A) Complete application
- (B) Sketch plat review by Planning Director
- (C) Preliminary subdivision plat review by Planning Commission with public hearing, and
- (D) Final subdivision plat approval by Planning Commission.

SECTION 5.3 SUBDIVISIONS DEFINED

5.3.1 For purposes of this Article, a subdivision is defined as the division of a lot, tract or parcel of land into two or more lots, tracts or parcels of land.

5.3.2 A minor subdivision is defined as any subdivision containing not more than three (3) lots in which all lots have the minimum required frontage on an existing street, do not involve any new street or the extension of municipal facilities, do not require the creation of any new public improvements, and are not in conflict with any provision or portion of the Comprehensive Plan, Official Zoning Map, or this Ordinance. If one or more of the lots within the proposed minor subdivision meet all of these criteria except the minimum lot frontage requirement and / or the minimum lot size requirement, variances may be requested from the Planning Commission for these two conditions. Variances from the requirements of new streets, utility extensions and / or the creation of new public improvements shall not be permitted.

5.3.3 A major subdivision is defined as any subdivision not classified as a minor subdivision, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street, other than an internal access drive in a shopping center or office park, or extension of local governmental facilities, or the creation of any public improvements.

SECTION 5.4 AUTHORITY OF PLANNING DIRECTOR TO APPROVE MINOR SUBDIVISIONS

- 5.4.1 Pursuant to Chapter 8A, Article Four, Section 2(a)(2) of the Code of West Virginia, as amended, the Planning Commission conveys upon the Planning Director the authority to review and approve minor subdivision applications as defined by this Ordinance.
- 5.4.2 The minor subdivision, as defined in this Ordinance, of any lot, tract or parcel shall not be recorded by the Clerk of the County Commission of Hancock or the Clerk of the County Commission of Brooke unless it has first been approved by the Planning Director.

SECTION 5.5 AUTHORITY OF PLANNING COMMISSION TO APPROVE MAJOR SUBDIVISIONS

Pursuant to Chapter 8A, Article Four, Section 2(a)(2) of the Code of West Virginia, as amended, major subdivisions, as defined by this Ordinance, of any lot, tract or parcel shall not be recorded by the Clerk of the County Commission of Hancock or the Clerk of the County Commission of Brooke unless it has first been approved by the Planning Commission.

SECTION 5.6 GENERAL PROCEDURES

- 5.6.1 The plan requirements and processing procedures shall be followed by the applicant as set forth herein and all applications for minor subdivisions shall be submitted to the Planning Director for review and action and all major subdivisions shall be submitted to the Planning Commission for review and action.
- 5.6.2 All subdivision applications shall be for the purposes of procedure, classified as minor or major, as defined in Section 5.3.
- 5.6.3 Preliminary or final subdivision plan submittals shall be filed with the Planning Director, who will make the appropriate distributions to municipal departments and agencies for review. All plans shall be submitted with the necessary forms required by this Ordinance. No application shall be considered filed until application fees have been fully paid and all application requirements have been met.
- 5.6.4 All major subdivision applications shall be filed no later than forty-five (45) days prior to a Planning Commission regularly scheduled meeting.
- 5.6.5 The applicant, or his or her representative, shall attend all meetings at which his or her application is scheduled for discussion.

SECTION 5.7 SKETCH PLAT SUBMISSION

- 5.7.1 Sketch plats for minor and major subdivisions will be considered as submitted for informal discussion between the applicant and the Planning Director. Submission of a sketch plat shall not constitute formal filing or submission of an application for approval of a subdivision with the Planning Commission.
- 5.7.2 As far as may be practical on the basis of a sketch plat, the Planning Director shall informally advise the applicant as promptly as possible of the extent to which the proposed minor or major subdivision conforms to the design standards of this Ordinance and will discuss possible plan modifications necessary to secure conformance.
- 5.7.3 Submission of a sketch plat shall not constitute or replace a formal application for a preliminary or final subdivision.

SECTION 5.8 PLAN SUBMISSION STANDARDS

- 5.8.1 All plans for subdivision, together with planning modules, documents and applicable permits as may be required by other government agencies, shall be submitted to the Planning Commission for review and action.
- 5.8.2 Preliminary and final plan applications will not be accepted for review until all supplementary data and studies as specified in Section 5.12 of this Ordinance have been received by the Planning Director.
- 5.8.3 The City shall require the payment of all review and other fees prior to formal action on the plan by the Planning Commission. At the time of filing, the applicant shall pay to the City fees to be used to defray the cost of processing such plans. There shall be an additional charge for repeat review of rejected plans, plus any additional costs incurred in processing plans. Fees to be paid are subject to change pursuant to procedures adopted by City Council.
- 5.8.4 Preliminary and final plans for all proposed subdivisions within the City shall be filed by the Planning Director with the appropriate municipal departments and agencies for review and report.
- 5.8.5 From the time an application for approval of a plan is duly filed as provided in this Ordinance, and while such application is pending action, no change or amendment of this Ordinance or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the applicant was duly filed.

SECTION 5.9 PREPARATION OF PLANS AND SPECIFICATIONS

- 5.9.1 Specifications and plans for a subdivision plan including roads, water, sewer and stormwater management systems shall be prepared by a professional engineer licensed by the State of West Virginia, and shall bear his or her seal and signature.
- 5.9.2 The layout and preparation of plans should be based on site topography with due consideration given to stormwater management, aesthetics and environmental constraints.
- 5.9.3 The City strongly encourages the submission of all plans and plats in an electronic version in a format that is compatible with municipal software, in addition to submitting the required paper format.

SECTION 5.10 PRELIMINARY PLAN REVIEW

- 5.10.1 Preliminary plans and supporting data shall comply with the provisions of Section 5.12 of this Ordinance.
- 5.10.2 Eight (8) copies of the preliminary plan shall be submitted to the Planning Director no less than forty-five (45) days prior to the Planning Commission regularly scheduled meeting.
- 5.10.3 The Planning Director shall consider the plan and make his recommendations to the Planning Commission. In its review of the plan, the Planning Director shall consider overall compliance of the plan with this Ordinance and shall, if necessary, refer the plan to the Weirton Area Water Board and the Weirton Sanitary Board to examine the engineering feasibility of the various schemes presented for the location, alignment and grade of streets, sewers, storm sewers and water supply. The Planning Director shall also consider the suitability of the plan for the development of the site and its relation to the appropriate extension of streets and the arrangement and density of housing, and the compatibility of the plan with the Comprehensive Plan. The comments and recommendations of the Planning Director, along with the comments of the

Weirton Area Water Board, and the Weirton Sanitary Board, if any, shall be forwarded to the Planning Commission.

5.10.4 The Planning Commission shall publish a notice of the public hearing as a Class I legal advertisement in compliance with Chapter Fifty-nine, Article Three of the Code of West Virginia at least thirty (30) days prior to the date of the public hearing.

5.10.5 The Planning Commission, at a regular meeting open to the public, shall conduct the public hearing to review the preliminary plan, solicit public comment and make recommendations as necessary to obtain conformance with this Ordinance.

5.10.6 Effective Period of Preliminary Plan Approval

5.10.6.1 Preliminary plan approval shall be granted for a specified period of time depending on the number of lots to be developed, and in accordance with the following:

Total Number of Lots in Subdivision	Effective Period of Preliminary Plat Approval
1-50	4 years
51-100	6 years
101-500	8 years

5.10.6.2 If all capital improvements are not complete at the end of the specified period, an extension of time may be granted by the Planning Commission. The developer shall formally apply to the Planning Commission, in writing, requesting a time extension and the reasons for the extension. When considering an extension, the Planning Commission shall consider the following criteria:

- (A) Has the developer diligently pursued the completion of the capital improvements on the land granted preliminary plan approval; and
- (B) Has the developer completed at least seventy-five (75) percent of the capital improvements on the land granted preliminary plan approval?

5.10.6.3 The burden of proofing these criteria shall rest with the developer.

5.10.6.4 The Planning Commission may grant a time extension of up to one (1) year. A developer may request a maximum of two (2) one-year extensions; however, only one extension may be granted at a time.

5.10.6.5 If an extension of time is not granted, preliminary approval shall be null and void, and the developer shall be required to resubmit a new plat for preliminary plan approval subject to all subdivision regulations and fees in effect at that time.

5.10.6.6 All residential subdivisions which have received preliminary plan approval from the Planning Commission prior to the effective date of this Ordinance shall be entitled to request an extension of time from the Planning Commission.

SECTION 5.11 FINAL PLAN REVIEW

- 5.11.1 Major Subdivisions and All Planned Developments
 - 5.11.1.1 Following the effective period of preliminary plan approval, a final plan and necessary supporting data shall be submitted to the Commission for final approval; provided, however, that an extension of time may be granted by the Commission upon written request. Otherwise, the plan submitted shall be considered as a new preliminary plan.
 - 5.11.1.2 The final plan shall conform in all aspects with the preliminary plan as previously reviewed by the Commission and shall incorporate modifications and revisions specified by the Commission in its review of the preliminary plan.
 - 5.11.1.3 The final plan and supporting data shall comply with the provisions of Section 5.12 of this Ordinance. Applications not filed in accordance with Section 5.12 shall be considered incomplete and shall not be considered for approval.
 - 5.11.1.4 Eight (8) copies of the final plan shall be submitted to the Commission which shall provide a copy of the final plan to all appropriate departments and agencies for their recommendation.
 - 5.11.1.5 The Commission shall review the final plan at a regularly scheduled meeting or at a special meeting for that purpose, and shall render its decision in writing, listing all reasons for plan rejection if such is the case, within ninety days from the date of the first Planning Commission at which the final application was reviewed.
 - 5.11.1.6 Upon completion of necessary reviews of final plans, the applicant shall present copies of all final plans in the form of clearly legible xerographic prints made from originals drawn on paper or plastic film.
- 5.11.2 Minor Subdivisions
 - 5.11.2.1 Preliminary plans and reviews may be eliminated and final plans prepared at the direction of the Planning Director.
 - 5.11.2.2 The applicant shall submit two (2) copies of a final plan of any minor subdivision to the Planning Director. The plan shall outline the proposal in sufficient detail to permit a determination by the Planning Commission that the proposed subdivision conforms with this Ordinance.
 - 5.11.2.3 Upon a determination by the Planning Director that the proposed subdivision is in conformance with this Ordinance, the applicant shall be advised of the decision, or of such changes as may be required, and shall be requested to submit two (2) copies of the plan in the approved format.
- 5.11.3 Performance Bonds
 - 5.11.3.1 If all of the improvements required for a major subdivision have not been installed or completed, and the developer wishes to record the plat, the Planning Commission, at its discretion, may waive the requirement that the developer complete and dedicate all public improvements prior to the signing of the final plat, and require the developer to post a corporate surety bond, a cash bond, escrow account, or a cashier's check with the Planning Commission in an amount equal to a verifiable cost estimate sufficient to secure to the City of Weirton the satisfactory construction, installation, and dedication of the incomplete portion of the required improvements.
 - 5.11.3.2 The City may require an administrative fee equal to two percent of the total verifiable cost estimate to cover the City's costs should the City be required to complete the development of the public improvements.

SECTION 5.12 PLAN REQUIREMENTS FOR MAJOR SUBDIVISIONS AND ALL PLANNED DEVELOPMENTS**5.12.1 Sketch Plat**

5.12.1.1 A sketch plat shall be submitted by the applicant as a basis for informal discussion with the Planning Director.

5.12.1.2 Sketch plats may be professionally drafted or freehand, done in ink on paper, or may be in the form of electronic prints. Plats shall be submitted on 11" x 17" medium.

5.12.1.3 A sketch plat need not be to exact scale nor are precise dimensions required. Scale is at the option of the applicant, but a scale of one (1) inch equals not more than two hundred (200) feet is recommended.

5.12.1.4 Data furnished in a sketch plat shall be at the discretion of the applicant. For a sketch plat to be fully useful, it is suggested that the plat include the following information:

- (A) Proposed subdivision name.
- (B) Name and address of the owner of the tract and of the developer.
- (C) Tract boundaries showing all distances and bearings, total acreage of the tract, number of lots proposed, remaining acreage of any unsubdivided land.
- (D) North arrow, graphic scale and date of drawing.
- (E) Streets on and adjacent to the tract.
- (F) A key map for the purpose of locating the site in the City, showing the relation of the tract to adjoining property and streets, roads, bodies of water, and municipal boundaries within two thousand (2,000) feet of the development property.
- (G) Significant topographical and physical features.
- (H) Proposed general street layout. If a WVDOH Highway Occupancy Permit is required, the approved permit number should be shown on the plat.
- (I) Proposed general lot layout.
- (J) Physical features such as soil types, floodplains, streams, ponds, lakes, wetland areas, and contours at twenty (20) foot intervals.
- (K) Proposed major changes to the physical features.
- (L) An indication of the proposed intensity of use, such as gross density in residential developments or the number and nature of prospective tenants in an office, commercial or industrial development.
- (M) All existing buildings.
- (N) The names of all platted subdivisions immediately adjacent to the development; and, the locations and dimensions of any streets or easements terminating adjacent to the development.

5.12.2 Preliminary Plan

5.12.2.1 A complete preliminary plan shall include all the information described by this Section, including the studies, analyses and documents as may be required. All plans, drawings and other sketches shall conform to the following standards:

- (A) Preliminary plans must be submitted in the form of xerographic copies made from

original drawings on reproducible paper or mylar and shall show the property boundaries of the entire tract being subdivided or developed.

- (B) The preliminary plan shall be at a scale of not more than one hundred (100) feet to one (1) inch.
- (C) The size of plan drawings shall be 11 inches by 17 inches. Where more than two sheets are required, an overall key sheet shall be provided, and match lines must be shown on each sheet. A set of plans shall consist of uniformly sized sheets.
- (D) Tract boundaries with bearings shown to the nearest seconds and distances shown to the nearest one-hundredth (0.01) of a foot shall be illustrated.
- (E) Proposed lot layout with the area of each in acres, calculated to the nearest one-thousandth (0.001) of an acre shall be shown. Proposed lots smaller than one (1) acre shall be further labeled with their lot size to the nearest square foot.
- (F) Plan Content

In order to be considered complete, all preliminary plans shall contain at least the following:

- (1) A preliminary plan shall be submitted with a completed application form with the required fee.
- (2) Proposed subdivision name.
- (3) A location map at a scale of not less than one (1) inch equals two thousand (2,000) feet. The location map shall be placed on each sheet and with identical orientation to the plan.
- (4) North arrow, scale, date of original drawings and any revisions, and a signature approval block located in the lower right corner of each sheet requiring municipal signatures.
- (5) Name of recorded owner of property and applicant along with appropriate tax data from the Hancock County or Brooke County Tax Assessor's Office.
- (6) Name and seal of the professional engineer or surveyor licensed in the State of West Virginia, responsible for the preparation of the plan.
- (7) Lot numbers, which shall be assigned to the development by the City of Weirton Addressing System and shall be consecutive throughout the subdivision and not independent for each block or phase of the proposal.
- (8) Significant physical features within the tract and an adjacent fifty (50) foot perimeter. If the project is a major subdivision, then the perimeter strip shall be extended up to four hundred (400) feet in width. Such physical features shall include:
 - (a) Contour lines of not more than two (2) foot intervals for land with an average natural slope of eight (8) percent or less, and at intervals of not more than five (5) feet for land with an average natural slope exceeding eight (8) feet.
 - (b) Data to which elevation controls refer.
 - (c) Soil types based on a U.S.D.A. Soil Survey.
 - (d) Man-made or natural watercourses and their accompanying floodplain,

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- designated wetland areas, swales, ponds or reservoirs.
- (e) Existing vegetation coverage and proposals for improvements.
 - (f) All existing buildings, sewer mains and on-lot disposal systems, wells, water mains and fire hydrants, culverts, pipelines, gas mains, power lines, telephone lines, and other significant utilities and facilities.
 - (g) All existing streets on or adjacent to the tract, including street name, right-of-way width, and cart-way width.
 - (h) All existing property lines, easements, and rights-of-way, and the purpose for which the easements or rights-of-way have been established.
 - (i) The location and width of all proposed streets, alleys, rights-of-way and easements.
 - (j) The minimum building setback line from each street.
 - (k) Playgrounds, public buildings, public areas, and parcels of land proposed to be dedicated or reserved for public use.
 - (l) Proposals requiring access to roads under the jurisdiction of the West Virginia Division of Highways shall bear a notice that a highway occupancy permit is required before access to a state road is permitted.
 - (m) The names of owners of all abutting, unplatted land and the names of all abutting subdivisions.
 - (n) Where the preliminary plan covers only a part of the applicant's entire holding, a sketch plat shall be submitted of the prospective street layout for the remainder to determine how safe and efficient access will be provided to the remainder of the property and how future subdivision and land development will relate and interact with the current proposal.
 - (o) All street extensions or spurs as are reasonably necessary to provide adequate street connections and facilities to adjoining or contiguous developed or undeveloped areas.
 - (p) Where off-site water service is to be provided, the location and size of all water service facilities within the subdivision including wells, storage tanks, pumps, mains, valves and hydrants.
 - (q) Maintenance responsibilities and use restrictions for all rights-of-way and easements within or adjacent to the tract shall be described. The ownership of all such rights-of-way and easements shall also be indicated, including the owner's name and address. This information shall not be required for existing public roads.
 - (r) A statement of the proposed method of water supply, including evidence that such source is capable of providing (i) a reliable supply of potable water in sufficient quantity and (ii) and adequate flows for fire suppression for the entire proposed development.
 - (s) A statement of the proposed method for sewage disposal. Where on-site sewage disposal facilities are proposed, the applicant shall submit a statement with regard to the suitability of the soil to absorb sewage wastes.
 - (t) A statement describing all proposed public improvements including
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streets, curbs and stormwater facilities.

- 5.12.3 Final Plan
- 5.12.3.1 Final plans must be submitted in the form of xerographic copies made from original drawings on reproducible paper or mylar and shall show the property boundaries of the entire tract being subdivided or developed.
- 5.12.3.2 A master plan of the entire development site at a scale of four hundred (400) feet to one (1) inch shall be included with the final plan.
- 5.12.3.3 Final plans shall include the following information and documentation:
 - (A) All information required on preliminary plans.
 - (B) Final subdivision or development name.
 - (C) Sufficient data to readily determine the location, bearing, and length of every street, lot and boundary line and to produce such lines upon the ground.
 - (D) Tangent bearings and the length of all straight lines, radii, and curves for each street.
 - (E) All dimensions and angles or bearings of the lines of each proposed lot and of each area proposed to be dedicated to public use.
 - (F) Final street names within the subdivision or development.
 - (G) A copy of the restrictive covenants proposed by the applicant.
 - (H) Copies of all relevant permits or certificates as may be required by County, State and federal agencies having jurisdiction.
 - (I) If any of the supporting plans or studies submitted with the preliminary plan were deemed by the Planning Commission to need extensive revision, final and correct copies of such plans and studies shall be submitted with the final plan.
- 5.12.3.4 The applicant shall be responsible for returning to the Planning Director one (1) recorded plan within ten (10) days of the plan being recorded with the Clerk of the County Commission of Brooke or the Clerk of the County Commission of Hancock, as the case may be.

SECTION 5.13 SALE OF PROPERTY

The developer or owner of a major subdivision, which has received preliminary plan approval, may sell one (1) lot within the approved subdivision before receiving final plan approval for the purpose of financing the construction of public improvements within the approved subdivision, provided that the following conditions are met:

- (A) The lot must derive access from existing streets or roads or must derive access from streets which the Planning Commission shall determine are consistent with the final approval of the non-residential subdivision. If neither of these conditions can be met, the nearest property corner of the lot must be within the first five hundred (500) feet of the subdivision entrance for the platted section or be within five hundred (500) feet of a street that the Planning Commission shall determine is consistent with the final approval of the subdivision.
- (B) Water service, including fire service, must be provided to the lot before a building permit shall be issued.

- (C) Sewer service may be provided after the issuance of an approved building permit but prior to the issuance of an occupancy permit.

SECTION 5.14 MISCELLANEOUS SUBDIVISION REVIEW AND APPROVALS

5.14.1 Major Boundary Change

For any change in a plat of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or public improvements or area reserved thereon for public use, or if it affects any plat or plan legally accessed prior to the adoption of this Ordinance, such parcel shall be approved by the Planning Commission by the same procedure, rules, and regulations as for a major subdivision.

5.14.2 Minor Boundary Change

Minor boundary changes consist of lot line adjustments that do not affect public improvements. Minor boundary adjustments shall be reviewed and approved by the Planning Director by the same procedure, rules, and regulations as for a minor subdivision.

5.14.3 Merging Parcels

When two or more contiguous lots, tracts or parcels of land are proposed to be merged for the sole purpose of enlarging an existing lot, tract, or parcel, the action shall be deemed a minor subdivision, provided the following statement is written on the plat representing the merger:

The property hereon described shall be merged into one property with the adjoining ___ acre parcel which is recorded in Deed Book ___, Page ___, for the exclusive purpose of increasing the land of said parcel. The merged properties shall not be used or sold individually unless there is compliance with the Unified Development Ordinance of the City of Weirton.

5.14.4 Plat Drawn From Existing Plat

When a plat is redrawn from an existing recorded plat to improve the quality and accuracy of the plat, it shall be reviewed and approved by the Planning Director.

5.14.5 Plat Drawn From Existing Deed

When a plat is drawn from an existing recorded deed(s) to improve the legal description of the property, it shall be reviewed and approved by the Planning Director, unless the deed was originally prepared or recorded without a plat to circumvent subdivision regulations.

5.14.6 Plat Created For Non-development Purposes

When a plat is created to subdivide a parcel of land for the sole purpose of separating the parcel for non-development purposes, it may be reviewed and approved by the Planning Commission, provided the following language is written on the plat:

DEVELOPMENT RESTRICTIONS

The property hereon described shall not be developed unless it is developed in full compliance with the Unified Development Ordinance of the City of Weirton.

_____ Grantor _____ Date

_____ Grantee _____ Date

ARTICLE 6
PUBLIC HEARINGS AND PROCEDURES

SECTION 6.1 PUBLIC HEARING REQUIRED

- 6.1.1 A decision by the Board of Zoning Appeals, Planning Commission, or City Council, as the case may be, on an appeal, variance, waiver, Conditional Use Permit, zoning map amendment, text amendment to this Ordinance, or Comprehensive Plan amendment shall be made only after a public hearing has been held.
- 6.1.2 Subject to Section 6.1.3 below, the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
- 6.1.3 The Board of Zoning Appeals, Planning Commission or City Council may impose reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.
- 6.1.4 The Board, Commission or Council may continue the public hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made.

SECTION 6.2 NOTICE OF HEARING

The Planning Director shall give notice of any public hearing required by Section 6.1 above as follows:

- (A) Notice shall be given to the applicant and any other person who makes a written request for such notice by mailing a written notice to such persons not later than ten (10) days before the hearing.
- (B) A notice of the public hearing shall be published as a Class I legal advertisement in compliance with Chapter Fifty-nine, Article Three of the Code of West Virginia, as amended, at least thirty (30) days prior to the date of a public hearing held for a major subdivision; and at least fifteen (15) days prior to a zoning appeal, subdivision waiver, Conditional Use Permit, zoning map amendment or text amendment to this Ordinance.
- (C) The Class I legal advertisement shall state the date, time, and place of the hearing, reasonably identify the parcel that is the subject of the application, if applicable, and give a brief description of the action requested or proposed.

SECTION 6.3 EVIDENCE

- 6.3.1 The provisions of this section apply to all hearings for a variance heard by the Board of Zoning Appeals.
- 6.3.2 All crucial findings and conclusions necessary for the approval or denial of the requested action shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings and conclusions be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed during the public hearing.

SECTION 6.4 MODIFICATION OF APPLICATION AT HEARING

- 6.4.1 In response to questions or comments by persons appearing at the public hearing or to suggestions or comments by members of the Council, Board or Commission, the applicant may agree to modify his application, including the plans and specifications submitted.
- 6.4.2 Unless such modifications are so substantial or extensive that the Council, Board or Commission cannot reasonably be expected to perceive the nature and impact of the proposed changes without having revised plans submitted, the Council, Board or Commission may approve an application with a condition that the permit will not be issued until plans reflecting the agreed upon modifications are submitted to the Planning Director.

SECTION 6.5 RECORD

- 6.5.1 A tape recording shall be made of all public hearings and such recordings shall be kept by the City for at least three (3) years and made accessible within twenty-four (24) hours of demand. Accurate minutes shall also be kept of all such proceedings.
- 6.5.2 Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the City for at least three (3) years.

SECTION 6.6 WRITTEN DECISION

- 6.6.1 Any decision made by the Board, Commission or Council regarding an appeal, variance, waiver, Conditional Use Permit, zoning map amendment, or text amendment to this Ordinance shall be reduced to writing and served upon the applicant and all other persons who make a written request for a copy.
- 6.6.2 In addition to a statement of the ultimate disposition of the case by the Board, Commission or Council and any other information deemed appropriate, the written decision shall state the findings and conclusions of the Board, Commission or Council, as well as supporting reasons or facts, whenever this Ordinance requires the same as a prerequisite to taking action.

ARTICLE 7
ENFORCEMENT AND REVIEW

SECTION 7.1 VIOLATIONS

The Planning Director shall have the authority to investigate potential violations of this Ordinance in the course of their duties as Planning Director or following receipt of a complaint alleging violations of this Ordinance.

SECTION 7.2 PERSONS LIABLE

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, engineer, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

SECTION 7.3 PROCEDURES UPON DISCOVERY OF VIOLATIONS

- 7.3.1 If the Planning Director finds that any provision of this Ordinance is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Any written notice sent by the Planning Director with respect to a violation shall state the action that may be taken if the violation is not corrected within the period of time specified by the Planning Director in the written notice and shall further state that the Planning Director's decision with respect to the violation may be appealed to the Board of Zoning Appeals. The Planning Director shall only be required to send a single written notice with respect to any violation prior to imposing penalties or seeking other remedies pursuant to this Article; provided, however, that the Planning Director may, at his discretion, send more than one (1) notice with respect to the same violation. The Planning Director may identify more than one (1) violation in the same notice, in which case the Planning Director shall specify all information required by this Section with respect to each reported violation.
- 7.3.2 Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Planning Director may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 7.4 of this Ordinance or may seek enforcement through whatever other means are available as provided by law, including, but not limited to injunction and mandamus.

SECTION 7.4 PENALTIES AND REMEDIES FOR VIOLATIONS

Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances, waivers or Conditional Use Permits, shall constitute a misdemeanor, punishable pursuant to Chapter 8A, Article Ten of the Code of West Virginia, as amended.

SECTION 7.5 PERMIT REVOCATION

- 7.5.1 A permit issued under the authority of this Ordinance may be revoked by the Planning Director if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Ordinance or any additional requirements lawfully imposed by the permit issuing authority.
- 7.5.2 The Planning Director may, at his discretion, give the permit holder thirty (30) days from the date of the written notice revoking a permit pursuant to Section 7.5.2 in which to remedy the violations of this Ordinance that warrant the revocation of the permit. At any time during the thirty (30) day period, the permit holder may request that the Planning Director review such remedial measures as have been taken by the permit holder to determine whether the violations of this Ordinance have been remedied. Upon such review, if the Planning Director determines that the violations have been corrected, the Planning Director shall send written notice of reinstatement of the permit to the permit holder. However, if the violations have not been corrected, the Planning Director shall not be required to take any additional action and the permit shall be revoked upon expiration of the thirty (30) day period specified in the original written notice.
- 7.5.3 No person may continue to make use of land or buildings in the manner authorized by any permit after such permit has been revoked in accordance with this Section.

SECTION 7.6 JUDICIAL REVIEW

- 7.6.1 Every decision of the Planning Commission, Board of Zoning Appeals and City Council is subject to review by certiorari pursuant to Chapter 8A, Article Nine of the Code of West Virginia, as amended.
- 7.6.2 Within thirty (30) days after a decision or order by the Planning Commission, Board of Zoning Appeals or City Council, any aggrieved person may present to the Circuit Court of the County of Brooke or the Circuit Court of County of Hancock, as the case may be, a duly verified petition for a writ of certiorari setting forth:
 - (A) That the decision or order by the Planning Commission, Board of Zoning Appeals or City Council is illegal in whole or in part; and
 - (B) Specify the grounds of the alleged illegality.

ARTICLE 8 (Revised January 21, 2007, August 7, 2008)
NONCONFORMING PROVISIONS

SECTION 8.1 NONCONFORMING USES

- 8.1.1 It is the intent of this Article to recognize that the eventual elimination, as expeditiously as is reasonable, of existing uses or structures that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses or structures that would violate the provisions of this Ordinance. It is also the intent of this Article that any elimination of nonconformities shall be effected so as to avoid any unreasonable invasion of established private property rights.
- 8.1.2 The uses that were both in existence and in compliance with all land use and other laws on the date of passage of this Ordinance, and, further, that do not conform to the use regulations set forth in this Ordinance, shall be deemed to be legal, pre-existing nonconforming uses that may be continued subject to the following provisions:
- (A) No legal, pre-existing nonconforming use may be enlarged, moved or otherwise changed, except that such use may be changed to a Permitted Use.
 - (B) A legal, pre-existing nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use but shall not be expanded to occupy any parts of such building that were not so arranged or designed or any land outside such building.
 - (C) When a legal, pre-existing nonconforming use is superseded or replaced by a Permitted Use, the nonconforming use may not thereafter be resumed.
 - (D) When a legal, pre-existing nonconforming use is discontinued or abandoned for twelve (12) consecutive months, the land, structure, or land and structure in combination, may thereafter only be put to a Permitted Use and the nonconforming use may not thereafter be resumed.
 - (E) Any legal, pre-existing nonconforming use shall continue until or unless modified or terminated as herein provided. Such use may be sold, inherited, or otherwise transferred, provided the use, land and structure (if any) remain the same.

SECTION 8.2 NONCONFORMING STRUCTURES

Structures that were in existence and in compliance with all land use and other laws prior to the date of passage of these regulations, however do not conform to the development regulations set forth in this Ordinance after its adoption, shall be deemed to be legal, pre-existing nonconforming structures that may be continued subject to the following provisions:

- (A) No legal, pre-existing structure may be enlarged, moved or otherwise changed, unless a variance from the terms of this Ordinance is obtained from the Board of Zoning Appeals in such a manner that increases the extent of its non-conformity.

SECTION 8.3 NONCONFORMING LOTS

Lots that were both in existence and in compliance with all land use and other laws on the date of passage of this Ordinance, and, further, that do not conform to the area regulations set forth in this Ordinance, shall be deemed to be legal, pre-existing nonconforming lots that may be occupied or used subject to the following provisions:

- (A) The use is a Permitted Use or a legal, pre-existing nonconforming use.
- (B) The legal, pre-existing nonconforming lot may not be further developed until compliance with this Ordinance is demonstrated or until a variance from the terms of the Ordinance is obtained from the Board of Zoning Appeals.

SECTION 8.4 BURDEN OF ESTABLISHING STATUS

The burden of establishing legal, pre-existing nonconforming use status rests on: the property owner or party seeking to continue the nonconforming use or occupancy; any person applying for a building permit or zoning permit; or, any other person asserting such status. Such persons shall provide sufficient proof in a form acceptable to the Planning Director of the following:

- (A) The date of construction of the building or structure, or the date the use was established;
- (B) The continuous operation of the nonconforming use; and,
- (C) Such other proof as may be deemed necessary by the Planning Director to verify legal, nonconforming status.

SECTION 8.5 NONCONFORMING SIGNS (Revised August 10, 2006)

Nonconforming signs shall be regulated by the provisions of Article 18.7.

**ARTICLE 9
ZONING DISTRICTS, ZONING MAP AND PERMITTED USES**

SECTION 9.1 ESTABLISHMENT AND INTENT OF ZONING DISTRICTS (Revised August 7, 2008)

9.1.1 The following zoning districts are hereby established within the City of Weirton:

- R-1 Single-Family Residential District
- R-2 Single-Family and Two-Family Residential District
- R-3 Multi-Family Residential District
- PUD Planned Unit Development
- C-1 Highway Commercial District
- C-2 Regional Commercial/Professional District
- C-3 Mixed Commercial / Professional / High Density Residential District
- PDD Planned Development District
- M-1 Mixed Light Manufacturing / Office / Commercial District
- M-2 Heavy Industrial / Light Industrial / Commercial District
- COD Conservation Overlay District.
- PADOD Pennsylvania Avenue Development Overlay District

9.1.2 The zoning districts in the City of Weirton have been established with the following intent.

9.1.2.1 Single-Family Residential District (R-1)

This district is intended to create, preserve and enhance areas of the City composed primarily of single-family residences built at low or medium densities on quiet streets, but which were developed at a period when lot sizes were smaller than those of more recently developed single-family neighborhoods. These areas are still stable and essentially in sound condition and should be protected from the intrusion of uses and activities incompatible with the character of a single-family area. Because of the older and more modest character of this type of neighborhood, a limited amount of uses not of the single-family residential type may have found a place in the district in the past. It is the intention that these uses may continue on a limited basis until thresholds in Article 8, Nonconforming Provisions, are exceeded.

9.1.2.2 Single-Family and Two-Family Residential District (R-2)

This district is intended to create, preserve and enhance areas of the City that are primarily residential in character, but which are composed primarily of one- and two-family dwellings and provide sufficient parking and open space. These districts most often serve as a buffer between R-1 and R-3 districts.

9.1.2.3 Multi-Family Residential Districts (R-3)

This district is intended to create, preserve and enhance areas of the City that are primarily residential in character but built at higher densities than the previous residential districts. It is expected that these areas would have more traffic on the streets and be conveniently located along

public transportation lines; would be more densely built up, but still have adequate light and space around the buildings; and, be well-landscaped with mature trees and shrubbery. These areas would have been built up in the past years and have undergone some change in use and character with the passage of time, and area likely to be located near the Central Business District or in the vicinity of business centers.

9.1.2.4 Planned Unit Development (PUD)

This district is intended to permit a range of housing types and commercial and office uses mixed together at various densities on large sites for which flexibility in the regulations for building bulk and placement is desirable due to the nature of the topography, configuration of the site and the desirability for the preservation of natural features, scenic areas, and/or open space. The creation of this district is a desirable objective due to the limited land resources within the City suitable for new mixed residential, recreation, open space and commercial development. The provision of this district is designed to achieve the following objectives:

- (A) Protect the character and property values of adjoining land uses.
- (B) Permit a range of housing types, commercial and office uses with flexibility in the regulations with respect to building bulk and placement.
- (C) Protect the natural features and open space character of the district.

9.1.2.5 Highway Commercial District (C-1)

This district, located along the Pennsylvania Avenue corridor, is intended to provide varied professional, personal, and retail establishments located conveniently to surrounding neighborhoods in an attractive setting and considerate of vehicle, pedestrian and bicycle traffic safety concerns resulting from the location along this major corridor within the City.

9.1.2.6 Regional Commercial/Professional District (C-2)

The intent of this district is to capitalize on its strategic location along U.S. Route 22 and create, preserve and enhance the Three Springs Drive / Penco Road corridor as a regional center for shopping, personal and professional services, employment, professional offices, lodging, entertainment, and education.

9.1.2.7 Mixed Commercial / Professional District (C-3)

The intent of this district is to create, preserve and enhance Main Street as a highly diversified and integrated part of the City, serving a wide variety of missions to a broad range of persons, both within the City and regionally. This district recognizes the unique role which the Downtown area has played in the formation, growth and life of Weirton. Due to the linkages with major transportation routes, this area has evolved to include government, professional office, service and residential uses. This district will be the civic core of the City and promote these diversified activities, as well as provide recreational amenities to adjoining neighborhoods and higher density housing opportunities.

9.1.2.8 Planned Development District (PDD)

This district is intended to promote development of large tracts of land in a planned and orderly manner. The purpose of this zoning district is to encourage a unified, orderly, and creative flexible use of large parcels with close access to major transportation systems. The district allows flexibility in planning and development and provides a process for evaluating plans to assure compatibility with adjacent parcels. Planned Development Districts should provide for the establishment of areas in which diverse commercial, light industrial and residential uses may be brought together as a compatible and unified plan of development which is in the best interest and the general welfare of the public.

9.1.2.9 Mixed Light Manufacturing / Office / Commercial District (M-1) (Revised 1-13-08)

In permitting mixed uses, this district will maximize the benefits of location and existing infrastructure such as, state roads, sewer service and water service. The level and quality of traffic provides accessibility and exposure to an environment suitable for certain industrial, commercial and professional/business offices which can exist in close proximity to benefit each other. The location of commercial and office uses in this district should not necessarily be related to retail trade. Rather, the commercial and office uses should complement and provide basic services to development. All development within this district should maintain a high quality of development so as to promote future investment and development in this area

9.1.2.10 Heavy Industrial / Light Industrial / Commercial District (M-2)

This district is intended to create, preserve and enhance industrial areas devoted to manufacturing and other non-commercial and non-residential uses which are potentially incompatible with most other activities, and are typically appropriate to areas of the City which are somewhat distant from residential areas and have access to suitable and adequate railroad, waterway, or highway shipping facilities. It is the expectation that such manufacturing or other non-residential uses would have operating characteristics that are considered more obnoxious or unpleasant than those in the M-1 districts, but would not be so obnoxious nor unpleasant that they would be detrimental to surrounding properties or to other parts of the City. The district provides an area where industrial/office/warehouse activities can be accommodated in an integrated plan evolving around world-class transportation connections.

9.1.2.11 Conservation Overlay District

The purpose of the conservation overlay district is to minimize the impacts of development activities on steep slopes in excess of twenty (20) percent in the City by regulating activities in these areas and by requiring review and permit approval prior to project commencement. The developmental impacts include soil erosion and sedimentation, destruction of vegetation, increased runoff rates and slope failure. The regulations contained in this district are designed to minimize the disturbance or removal of existing vegetation, prevent increased erosion and runoff, maintain established drainage systems, locate development where it is less likely to cause future slope failures and to retain, as much as possible, the natural character of these areas.

9.1.2.12 Pennsylvania Avenue Development Overlay District (Revised August 7, 2008)

The purpose of the Pennsylvania Avenue Development Overlay District, which extends from 11th Street to the Pennsylvania State Line, creates a regulatory mechanism in an area where development and growth is imminent and where both the impact of individual development projects and the collective impact of such business and residential developments on public resources and private properties are not mitigated through the existing regulations. Specifically, the intent of the Pennsylvania Avenue Development Overlay District (PADOD) is to protect existing residential and commercial uses and encourage new uses that are complimentary to the context of the mixed-use nature of the Pennsylvania Avenue Corridor.

SECTION 9.2 EFFECT OF ESTABLISHMENT OF DISTRICTS

Following the effective date of this Ordinance:

- (A) Any use not permitted by this Ordinance shall be prohibited, unless such use is deemed by the Planning Commission to not be contrary to the spirit of this Ordinance.
- (B) Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

SECTION 9.3 PROCEDURE RELATING TO ANNEXED OR VACATED AREAS

- 9.3.1 When the City initiates an ordinance for the annexation of property to the City, the Planning Commission shall prepare an Ordinance to amend the Unified Development Ordinance embracing the proposed zoning provisions to be established for such area proposed to be annexed. Procedure on the proposed ordinance to amend the Unified Development Ordinance shall progress concurrently with the procedure on the annexation ordinance in order that the zoning amendment may be adopted by the City Council at the same time as the annexation ordinance.
- 9.3.2 Whenever any street, place, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way or similar area shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate provisions of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

SECTION 9.4 PERMITTED LAND USE TABLE

- 9.4.1 The Permitted Land Use Table (Table 1) and its contents are incorporated into this Article and identify the types of land uses that are permitted in each of the zoning districts established within the City.
- 9.4.2 To determine the zone(s) in which a particular land use is allowed, find the use in the list of uses in the left column of the Permitted Land Use Table and read across the use row to find the zone column designations.
- 9.4.3 The land uses listed in the Permitted Land Use Table are defined in Article 2 of this Ordinance.
- 9.4.4 The following legend is applicable to the Permitted Land Use Table:
 - P: Use is permitted by right in a particular zone; a permit is required.
 - A: Use is permitted as an Accessory Use in a particular zone; a permit is required.
 - C: Use is allowed as a Conditional Use in a particular zone subject to the limitations and conditions specified; a permit is required.

SECTION 9.5 ZONING MAP

- 9.5.1 The boundaries of the zoning districts described in Section 9.1 are hereby established as shown on the Official Zoning Map which accompanies this Ordinance and which, with all notations, references, and other information shown thereon, shall be as much a part of this Ordinance as if fully described herein.
- 9.5.2 The Official Zoning Map shall be retained in the Planning Department and made available for inspection by the general public.
- 9.5.3 Copies of the Zoning Map, or portions thereof, may be made. However, the Official Zoning Map is the final and sole authority as to the zoning status of land within the City of Weirton.
- 9.5.4 Amendments to the Official Zoning Map shall be adopted by City Council as provided in Article 23. The Planning Director shall update the official Zoning Map as soon as reasonably possible after the effective date of such amendments. Upon such amendment entries, a revision date shall be entered on the updated map along with the rezoning case number and date of adoption by City Council. A copy of the map, prior to each said amendment, shall be retained in the Planning Department. This procedure shall create a file of chronological copies of official Zoning Maps.
- 9.5.5 The Planning Director shall authenticate the entry of each amendment on the official Zoning Map and shall maintain a record of the nature and date of entry of each amendment. Changes to the official Zoning Map other than those authorized by duly approved amendments to this Section shall be prohibited.
- 9.5.6 When all or part of the official Zoning Map becomes damaged, lost, destroyed, worn, or difficult to interpret because of its age, condition, number of changes, or otherwise, replacement may be authorized by resolution of Council. A new edition of the official Zoning Map shall not change the zoning status of any property, but it may correct previous errors or omissions. Such replacements shall be authenticated by the Planning Director and shall bear the date of the authorizing resolution.

Table 1. Permitted Land Use Table “P”=Permitted “C”=Conditional “A”=Accessory

(Revised January 21, 2007, August 7, 2008, July 8, 2013, January 12, 2015, May 27, 2015)

Land Uses	R-1	R-2	R-3*	PUD	C-1	C-2	C-3	PDD	M-1	M-2	PA. DOD	Supplemental Regulations
Accessory Use	A	A	A	A	A	A	A	A	A	A	A	20
Administrative Office					P	P	P	P	P		P	5
Animal Grooming Service				P	P	P	P				P	
Animal Shelter					P						P	
Appliance Repair							P				P	14
Appliance Sales						P	P	P			P	
Art Gallery				P	P	P	P				P	5
Artist Studio				P	P	P	P				P	5
Assisted Living Center			P	P	P	P	P				P	
Athletic Field			C	P	C						C	
Automobile Repair Facility					P	P		C	P	P	P	5
Automobile Repair Facility, Incidental					P	P	P		P	P	P	5
Automotive Paint Shop					P	P		C	P	P	P	5
Automotive Rentals / Sales						P		P			P	
Automotive Supply					P	P					P	5
Automotive Tire Repair/Sales					P	P	P		P	P	P	5
Automotive/Boat Repair Shop					P	P			P	P	P	5
Bakery/Bakeshop				P	P	P	P				P	
Bakery, Commercial								P	P	P		
Bars or Nightclubs				C	C	C	P	P			C	5
Bed and Breakfast Inns	C	C	C		P	P	P				P	
Boarding House				C					C			
Building Materials					P	P		C			P	5
Bus Shelter	C	C	C	C	P	P	P	C			P	
Business Condominium					P	P	P	C			P	
Car Wash/Detailing					P	P	p		P		P	2, 5
Caretaker's Residence	A	A	A	A	A	A	A				A	
Cemetery / Crematory	P	P	P		C						C	23
Charitable, Fraternal or Social Organization				P	P	P	P				P	1, 5
Churches, Places of Worship	C	C	P	P	P	P	P	P			P	5
Clinic, Medical				P	P	P	P	A	C		P	5
Clinic, Veterinary				P	P	P	P				P	5
Club / Lodge				C	C	C	P	P			C	
Coin-operated Cleaning/Laundry				P	P	P	P				P	5
Community Center	C	C	P				P				P	
Composting Operation									P	P		18
Conference Center						P		P			C	1
Convenience Store, Neighborhood				C	P	P	P				p	5
Country Club			P	P								
Dance / Social Club				C	C	C	P	P			C	
Day Care Facility, Adult			P	P	P		P				P	5
Department Store					P	P		P	P		P	5, 13

*All nonconforming uses in the R-3 district located on Pennsylvania Avenue at the time of the adoption of this Ordinance on July 11, 2005, shall be permitted to continue or to change to any permitted use in Table 1 for C-1, C-2 and C-3 districts from time to time in accord with Article 8.”

Land Uses	R-1	R-2	R-3*	PUD	C-1	C-2	C-3	PDD	M-1	M-2	PA. DOD	Supplemental Regulations
Drive-through Facility				A	A	A	A	A	A	A	A	
Driving Range, Golf					C						C	
² Drug Store				P	P	P	P	P	P		P	5, 13
Dry Cleaning and Laundry Pick-up				P	P	P	P	P	P		P	5, 13
Dry Cleaning and Laundry Service					P	P			P		P	5
Dwelling, Garage Apartment	C	C	A	A							A	
Dwelling, Mixed Use				P	P		P				P	5, 8
Dwelling, Multi-family (up to 2 buildings)		C	P	P			P		P		P	8
Dwelling, Multi-family (more than 2 buildings)		C	P				P	P	P		P	8
Dwelling, Overstore							P				C	8
Dwelling, Single family attached		P	P	P							P	
Dwelling, Single family detached	P	P	P	P							P	
Dwelling, Two-family	C	P	P	P							P	
Electrical Repair					P	P	P				P	5
Emergency Shelter			P	P	P		P				C	5
Equipment Rental / Sales						P					C	
Family Day Care Center			P	P	P	P	P	P			P	5, 11
Family Day Care Home	A	A	A	A							A	11
Farmer's Market						C	P					
Financial Services			C	P	P	P	P	P	P		P	5, 13
Flea Market						C						
Funeral Home				P	P	P	P				P	5
Furniture Sales/Rental (Antique, New or Used)					P	P	P	P			P	5
Garden Center						P		C				
Gas Station Mini-mart				C	P	P		P	C		P	5, 13
Gasoline Service Station					P	P				P	P	5, 10
Golf Course			C	P								
Government Buildings					P		P	P			P	
Greenhouse, Commercial					P	P					C	5
Greenhouse, Non-commercial	A	A	A								A	
Grocery Store						P	P	P			P	
Group Residential Facility	P	P	P	P	P	P	P	P	P	P	P	
Group Residential Home	P	P	P	P							C	
Half-way House			C	C	C						C	
Hardware Store					P	P	P	P			P	5
Health/Sports Club				C	P	P		P			P	5
Heavy Machinery Sales						P				P		
Helipad or Helipad				C		C		C		C		
Home Improvement Center						P		P				
Home Occupation, Category I	A	A	A	A			A	A			A	22
Home Occupation, Category II			A	A			A	A			A	22
Hospital				C		P		C				
Hospital, Animal Veterinarian					P	P					C	5
Hotel					P	P		P			C	

*All nonconforming uses in the R-3 district located on Pennsylvania Avenue at the time of the adoption of this Ordinance on July 11, 2005, shall be permitted to continue or to change to any permitted use in Table 1 for C-1, C-2 and C-3 districts from time to time in accord with Article 8.”²

Land Uses	R-1	R-2	R-3*	PUD	C-1	C-2	C-3	PDD	M-1	M-2	PA. DOD	Supplemental Regulations
Hypermarket						P		P				
Industrial Equipment Repair									P	P		
Industrial Park								P		P		12
³ Industrial Supplies									P	P	C	
Industry, Heavy										P		
Industry, Light								P	C			12, 15
Instructional Studio				P	P	P	P	P			P	5, 13
Kennel, Commercial					C	C					C	5
Laboratories				C	P	P	C	P	P	P	C	
Laundromat					P	P	P				P	5
Limited Video Lottery Establishment						C	C					17
Manufactured Housing Unit	P	P	P	P							P	
Manufacturing, Heavy										P		
Manufacturing, Light								P	C			15
Medical/Behavioral Health Facility				C		C		C				
Mineral Extraction	C	C	C	C	C	C	C	C	C	C	C	6
Mineral Processing										P		
Mobile Home Parks			C									
Motel					P	P		P			C	
Motorcycle Sales					P	P		P			P	5
Movie Theater				C		P		P			C	
Municipal Services Buildings					C		P	P			C	
Newsstand				P	P	P	P	P			C	5
Nursery, Plant					P	P					C	5
Nursing Home			P	P	P						P	
Office Building				P	P	P	P	P	P		P	
Office Equipment Repair					P	P					P	5
Office Park						P		P	P			
Office Supplies					P	P	P	P			P	5
Oil Change Facility					P	P			P		P	5, 21
Oil / Gas Extraction	C	C	C	C	C	C	C	C	C	C	C	24
Outdoor Storage									A			
Park and Recreational Services	P	P	P	P	P	P			P	P	P	
Parking, Commercial							P	P	P	P		
Passenger Station, Motor Bus, Railroad					P	P	P	P	P	P	P	
Pawnshop					P	P	P				P	5
Personal Services				P	P	P	P	P			P	5, 13
Personal Storage Facility					C	C			C	C	C	7
Printing / Publishing					P	P	P	P			P	5
Professional Services				P	P	P	P	P			P	5
Quadhome/Quadra-Plex	P	P	P	P							P	
Railroad Facilities										P		
Recreation Facility, Commercial Outdoor			A	C	C	C	C	C			C	
Recreation Facility, Commercial Indoor			A	P	P	P	P	P			P	5
Recyclable Collection Center / Solid Waste Transfer Station									C	P		16
Redevelopment of Closed School	C	C	C	C	C	C	C	C	C	C	C	

*All nonconforming uses in the R-3 district located on Pennsylvania Avenue at the time of the adoption of this Ordinance on July 11, 2005, shall be permitted to continue or to change to any permitted use in Table 1 for C-1, C-2 and C-3 districts from time to time in accord with Article 8.”

Land Uses	R-1	R-2	R-3*	PUD	C-1	C-2	C-3	PDD	M-1	M-2	PA. DOD	Supplemental Regulations
Repair, Small Engine and Motor					P		C		P		P	
Research and Development Center						P		P	P	P		
Restaurant				P	P	P	P	P			P	5, 13
Restaurant, Family				P	P	P	P	P			P	5, 13
Restaurant, Fast Food					P	P	P	P			P	5, 9, 13, 21
Retail Establishment				P	P	P	P	P			P	5, 13, 21
School – Nursery / Kindergarten	C	C	C	C				P			C	
School – Elementary / Middle	C	C	C	C				P			C	
School – High School / Technical / Trade / College / University	C	C	C	C			C	C		C	C	
Sexually-Oriented Business									C			
Shopping Center, Large Scale						P		P			C	
Shopping Center, Medium Scale				C		P		C			C	
Shopping Center, Small Scale				P	P	P	P				P	
Sidewalk Cafe				A	A	A	A	A			A	
Sidewalk Sale				A	A	A	A	A			A	
Sidewalk Vendor Stand				C	C	C	C	C			C	
Snack Bar/Snack Shop				P	P		P				P	5
Sporting Goods					P	P	P	P			P	5
Substance Abuse Treatment Facility				C	C	C	C	C			C	
Tattoo Parlor / Body Piercing					C						C	5
Telecommunications Class I	P	P	P	P	P	P	P	P	P	P	P	3, 4
Telecommunications Class II				C	P	P	P	P	P	P	P	3, 4
Telecommunications Class III					C	C	C	C	C	C	C	3, 4
Timbering	C	C	C	C	C	C	C	C	C	C	C	19
Transient Amusement Enterprise					C	C				P	C	
Terminal, Water Port										P		
Terminal, Truck								P	P	P		
Townhouse/Condominium	P	P	P	P							P	
Upholstery/Interior Decorating Service					P	P	P	P			P	5, 13
Used Merchandise (General)					P	P	P				P	5
Utility Service Facility	C	C	C	C	C	C	C	C	C	C	C	
Warehousing and Distribution								P	C	P	C	
Wholesale Establishment						P		P	C	P	C	
Wrecker Service								C	P	P		

*All nonconforming uses in the R-3 district located on Pennsylvania Avenue at the time of the adoption of this Ordinance on July 11, 2005, shall be permitted to continue or to change to any permitted use in Table 1 for C-1, C-2 and C-3 districts from time to time in accord with Article 8.”

SECTION 9.6 SUPPLEMENTAL REGULATIONS PERTAINING TO THE PERMITTED LAND USE TABLE

1. Alcoholic beverages are prohibited.
2. A **car wash establishment** shall comply with the following:
 - a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - b. On-lot traffic circulation aisles and parking areas shall be clearly marked.
 - c. Adequate provisions shall be made for the proper and convenient disposal of refuse. For a truck wash, the applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways.
 - d. Water from the operation shall not flow onto sidewalks or streets.
 - e. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.
3. **Telecommunications facilities** shall be classified as follows:
 - a. Class I telecommunications facilities shall include but are not limited to such facilities as television antennas, ham radio antennas, AM/FM reception. Any Class I facility cannot be utilized for cell phone reception.
 - b. Class II telecommunications facilities shall include but are not limited to such facilities as antennae and associated electronic equipment designed expressly for use by cell phone companies, as regulated under the Federal Telecommunication Act of 1996, that is not intended to be supported by or attached to a new telecommunications tower, as defined.
 - c. Class III telecommunications facilities shall include but are not limited to such facilities as antennae and associated electronic equipment that is supported by or attached to a new telecommunications tower, as defined herein, and is designed expressly for use by cell phone companies, as regulated under the Federal Telecommunications Act of 1996.
4. **Telecommunications facilities** shall be permitted in accordance with the following standards:
 - a. Class I facilities
 - (i) Permitted in any zoning district;
 - (ii) Maximum height of 60 feet above grade; and
 - (iii) Standard Building Permit required.
 - b. Class II facilities (Revised November 9, 2006)
 - (i) Permitted in any zoning district except R-1, R-2 and R-3; Facilities are permitted in R-1, R-2 and R-3 if it is a co-location of an antennae and associated electronic equipment on public facilities in accordance with City of Weirton Ordinance 1434.
 - (ii) Antenna or associated electronic equipment shall be designed for co-location on an existing, permitted telecommunications tower, or attachment to an existing building, water tank or other existing structure. Unless specifically being attached to an existing permitted telecommunications tower, these facilities must be designed utilizing the latest stealth technologies as defined in this Ordinance.
 - (iii) Standard Building Permit required.
 - c. Class III facilities
 - (i) Permitted as a Conditional Use in all zoning districts except R-1, R-2, R-3 and PUD;

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- (ii) Reserved for applicants seeking to erect a new tower structure, with associated antennae and electronic equipment;
 - (iii) Towers shall be designed in such a manner as to permit future co-location of other carriers' antennae, rather than construction of additional single-use towers;
 - (iv) Minimal adverse visual impact of towers and telecommunications facilities shall be achieved through careful design, siting, landscaping and innovative camouflaging techniques;
 - (v) Security fencing shall be provided around the equipment shed. A clear zone shall be established at a distance equivalent to the tower height around the base within which no existing structures are permitted; and,
 - (vi) Potential damage to property caused by towers and telecommunications facilities shall be avoided by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or determined to be structurally unsound.
5. Limited to a maximum of twelve thousand (12,000) square feet gross floor area in C-1 districts.
6. **Mineral extraction activities** shall comply with the following:
- a. Minimum front, side, and rear yards: 150 feet.
 - b. Maximum number of principal entrances from major thoroughfare: one.
 - c. Buffering requirements in accordance with Article 14.5 shall be enforced. A six (6) foot fence is required when use abuts a residential district.
7. All **self-storage facilities** shall comply with the following regulations:
- a. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No junk vehicles shall be stored. Outdoor storage areas shall be screened in compliance with Article 14.
 - b. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items are prohibited.
 - c. The interior traffic aisles, required off-street parking areas, loading areas and access ways shall be paved with a hard surface and shall be kept clear of stored items.
 - d. Maximum building length: 250 feet.
 - e. Minimum separation between buildings: 20 feet.
8. For residential apartments and flats located on floors above permitted non-residential uses and fronting directly on Main Street, residential uses shall only be permitted to be located on floors above the first floor. First floor uses shall be reserved for commercial retail uses only.
9. Drive-thru establishments are prohibited in C-1 districts.
10. **Gasoline service stations** shall comply with the following:
- a. All storage areas, pits, lifts and working areas shall be within a building. All lubrication, repair or similar activities shall be performed in an enclosed building, and no dismantled parts shall be placed outside.
 - b. All gasoline pumps, air pumps and islands upon which pumps are normally located shall be set back from the street line at least 15 feet and at least fifty feet from other property lines. Layout of all pumps shall conform to the requirements of the City Building Code.
 - c. No junked motor vehicle or part thereof or no unregistered motor vehicle shall be permitted outside an enclosed service station, except that not more than six (6) motor vehicles may be located outside a building for a period not to exceed five (5) days for

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- each vehicle, provided that the vehicle owners are awaiting the repair of the motor vehicle.
- d. The exterior display and parking of equipment or vehicles for rent or sale shall be permitted, provided that the area devoted to this purpose is in addition to the minimum lot size required for a service station, the area devoted to this purpose does not exceed twenty (20) percent of the total area of the entire site, the maximum sign area for a service station is not exceeded and the location of the equipment or vehicles being rented or sold does not interfere with the required off-street parking requirements for the service station and does not interfere with the on-lot traffic circulation indicated on the approved site plan.
11. All **family day care facilities** shall comply with all applicable County, State and Federal regulations, and if located in a residential neighborhood shall maintain an exterior appearance that resembles and is compatible with existing dwellings in the neighborhood.
12. **Light industrial uses** are permitted in which the principal permitted activity shall be the manufacture, intermediate processing, assembly of goods or similar operations.
13. Limited to a maximum of twelve thousand (12,000) square feet gross floor area in PDD districts.
14. Limited to carpentry, cabinet making, furniture repair and upholstery, electrical, metal-working, tin-smithing, welding, plumbing, heating, ventilation and air conditioning shops and other similar craft and/or repair facilities when such facilities are within a completely enclosed building and are primarily sales and service facilities and manufacturing plants.
15. Low nuisance light manufacturing, fabricating, processing, cleaning, servicing, testing, repair and assembly facilities not listed elsewhere as permitted or Conditional Uses are permitted here if such uses conform to the following regulations:
- a. Outdoor storage of materials and equipment will be permitted only in areas which do not front on public streets and only if enclosed or screened by a wall, planting or other suitable barrier, providing year-round visual screening.
- b. Above-ground storage tanks will be permitted to the rear of the property and must be fully screened from view on adjacent properties.
16. Any **recycling collection center** shall comply with the following regulations:
- a. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- b. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- c. A fifteen (15) foot buffer yard with screening as described in Article 14.5 shall be provided between this use and any abutting residential use or district.
- d. This use may be a principal or Accessory Use, including being an Accessory Use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a City-owned use, subject to the limitations of this Section. On residential properties, only recyclables produced by the resident household may be collected and stored.
- e. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for garbage generated on-site or garbage accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
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- f. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. Unless located in an industrial zone, no burning or melting or mechanical shredding of metal or land filling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard and shredding of newspaper.
 - g. The use shall not include the collection or processing of pieces of metal that have a weight greater than fifty (50) pounds, except within an industrial district.
17. **Limited video lottery establishments** shall comply with the following supplemental regulations:
- a. It shall be unlawful to open or operate a limited video lottery establishment within one thousand (1,000) feet of any church or school.
 - b. The measurement of distances for the purpose of this Ordinance shall be from whichever exterior corner of the lot on which a limited video lottery establishment is located which is closest to an existing school or church, measured to the nearest corner of any schoolyard, school parking lot, or lot on which a school building is located, or to any lot on which any church building or church parking lot is located.
18. **Composting** as a principal or Accessory Use shall comply with the following:
- a. On a lot of less than five (5) acres, composting shall be limited to the composting of biodegradable vegetative material, including grass clippings, trees, shrubs, leaves and vegetable waste, and shall not include animal wastes or fats.
 - b. Composting shall only be conducted in ways that fire, rodent or disease-carrying insect hazards or noxious odors are not created.
 - c. Composting of manure shall be setback a minimum of one hundred fifty (150) feet from any dwelling on an adjacent lot, and be located and graded to prevent manure from being washed into a creek or lake by storm water.
 - d. Compost shall be kept free of other garbage.
 - e. All composting shall be conducted in accordance with the guidelines issued by the West Virginia University Cooperative Extension Service.
19. **Timbering activities** shall comply with the following supplemental regulations:
- a. A plan showing all haul roads, harvesting areas, property lines, skid trails, streams and all impacted streets shall be submitted to the Planning Director for review. The plan shall also show all proposed stormwater runoff as well as sediment and erosion control measures. Drainage calculations shall be prepared and submitted with the plan to indicate the impact of the timbering activities on any watershed areas. The City Engineer shall review the plans and provide a recommendation to the Planning Director.
 - b. The applicant shall provide the Planning Director with a list of the names and addresses of all property owners adjacent to the timbering activities. The list may be prepared using current information available from the Offices of the Tax Assessors in Hancock and Brooke Counties. Upon receipt of a properly completed application and adjacent property owners' list, the Planning Director shall notify the property owners by mail of the time, place and location of the public hearing.
 - c. The speed limit on all City streets to be traveled by logging trucks shall be established by the City Engineer. Any violations of the speed limits shall be cause for revocation of any and all permits and the immediate suspension of all work.
 - d. All applicable State and local regulations and laws shall apply.
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- e. No logging activities shall occur during the hours of 6:00 p.m. through 6:00 a.m. Additional limitations may be imposed by the Planning Director if appropriate.
 - f. The contractor shall be responsible for all necessary repairs to City streets which may have been damaged during timbering activities. These repairs shall be paid for by the contractor and shall be performed at any time during the timbering activities and immediately upon completion of all timbering activities. The Director of Public Works shall determine the need for all street repairs.
 - g. The contractor shall provide the City with a performance bond (representative to be registered in West Virginia) in an amount to be determined by the Director of Public Works prior to the commencement of any work. This bond amount shall not be construed to relieve the contractor of any obligations concerning street repairs and / or reimbursement for City services. Furthermore, the amount of the bond shall not be the maximum amount of obligation on the part of the contractor.
 - h. All logging trucks shall be cleaned of any mud before entering City streets. At a minimum, the contractor shall place a stone blanket near the intersection of the hauling road and the nearest paved street with which to ensure the cleaning of mud from the logging trucks prior to accessing City streets.
 - i. If, due to negligence on the part of the contractor or any other reason, the City is required to clean any streets of mud and debris resulting from the timbering operation, or is required to perform any emergency street repairs, the contractor shall be billed and shall compensate the City for this work at a rate to be determined by the Director of Public Works.
20. An **Accessory Use** to a principal residential dwelling unit is only permitted if such use is customary and incidental to the residential use.
21. If **drive-thru service** is provided, a maximum of two outdoor menu boards are permitted, beyond the signs normally permitted, with a maximum sign area of forty (40) square feet each. The words on such signs shall not be readable from a street or residential lot line. Traffic circulation onto, within and off of the lot shall be clearly marked. Any drive-thru use shall be designed:
- a. With adequate capacity for waiting vehicles, and
 - b. To avoid conflicts with traffic onto, around and off the site.
22. **Home occupations** shall be subject to the following regulations:
- a. A home occupation shall be conducted completely indoors, and may be within a principal or accessory building. The total amount of floor area of all buildings used for a home occupation shall not be greater than twenty (20) percent of the total floor area of the principal dwelling unit or a maximum of three hundred (300) square feet.
 - b. There shall be no outdoor operations or outdoor storage of materials, products or equipment.
 - c. There shall be no use of show windows, business display or advertising visible from outside the premises.
 - d. The use shall not require the parking of, storage of or regular servicing by a vehicle with an aggregate gross vehicle weight of more than ten thousand (10,000) pounds,
 - e. The following uses shall not be permitted as a home occupation: veterinarian office, stable, kennel, funeral home, industrial uses, wholesale or retail sales on the premises (except as accessory to custom crafts and except for sales over the telephone, over the computer or through the mail), restaurant, repairs of motor vehicles or trucking company terminal, manufacturing, or repair of machinery, automobiles, trucks, and motorcycles.
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- f. No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby, domestic or sewing purposes shall be permitted. No use shall generate noise or glare in excess of what is typical in a residential neighborhood.
 - g. In addition to the off-street parking provided to meet the normal requirements of the dwelling, the lot on which the home occupation is located shall include sufficient parking for the maximum number of vehicles on-site at one time. A defined driveway shall be provided, and shall be shown on the site plan. The applicant shall prove that such driveway provides for safe sight distance.
 - h. The exterior of the residential building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces and the permitted sign.
 - i. A home occupation shall not be conducted in a way that is perceptible from beyond the lot line between the hours of 9:00 p.m. and 7:00 a.m. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes noise to adjoining residents.
 - j. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling.
 - k. The address of the home occupation shall not be advertised in such a way that would encourage customers or salespersons to come to the property without an appointment.
 - l. Number of Employees:
 - (i) Category I: No more than one (1) employee who is not a permanent resident of the dwelling may work on the premises, except for businesses that involve field or on-site service, including salesmen, plumbers, cleaners, home repair, and other similar service activities. Such home occupations may employ up to four (4) persons, provided that such worker spend no more than one (1) hour per week at the home office.
 - (ii) Category II: No more than two (2) employees who are not permanent residents of the dwelling may work on the premises, except for businesses that involve field or on-site service, including salesmen, plumbers, cleaners, home repair, and other similar service activities. Such home occupations may employ up to four (4) persons, provided that such worker spend no more than one (1) hour per week at the home office.
 - m. Any instruction or tutoring shall be limited to a maximum of two (2) students for Category I and four (4) students for Category II on the property at any one (1) time.
 - n. A permit shall be required for any home occupation.
23. **Cemeteries** shall comply with the following:
- a. Minimum lot area: 20 acres.
 - b. Minimum front setback: the requirements of the district shall apply.
 - c. Minimum rear setback: 50 feet.
 - d. Minimum side setback: 50 feet.
 - e. Buffering requirements of Article 14.5 shall apply.
 - f. Restrictive covenants by owners to perpetuate required maintenance and approve future improvements shall be recorded.
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24. **Oil and gas extraction activities** shall comply with the following:
- a. No well may be located closer than two hundred (200) feet to any residential use.
 - b. All oil and gas exploration shall be subject to the Oil and Gas Laws, Chapter Twenty-two, Article Four, of the Code of West Virginia, as amended, and the rules and regulations of the West Virginia Department of Environment Protection.
25. **Conditional Use in R-1, R-2 and R-3 zoning districts** shall comply with the following:
- a. A conditional use permit may only be requested if both of the following site conditions are met.
 - 1. The structure in which the use is being requested has had or currently has an existing non conforming use within the structure.
 - 2. The structure or part of the structures original construction was intended to facilitate commercial.
 - b. Existing single family, two family and multi family dwellings are not permitted to request a conditional Use Permit to change the existing use of the property.

(revised 9-10-12)

ARTICLE 10
DEVELOPMENT STANDARDS

SECTION 10.1 INTENT

It is the intent of this Article to provide density and dimensional standards which serve to define the development character of an area, and to ensure the compatibility of development with the environmental characteristics, accessibility levels, and special amenities offered by the development site and with surrounding land uses. The standards are established in Table 2, Development Standards.

SECTION 10.2 DEVELOPMENT STANDARDS TABLE

- 10.2.1 The Development Standards Table (Table 2) and its contents are incorporated into this Article and identify the types of development standards to which property can be developed in each zoning district established throughout the City.
- 10.2.2 For a parcel of land to qualify for a rezoning to Planned Unit Development (PUD), the minimum size of the property shall be two (2) acres. Within the overall PUD, there shall be no minimum lot size for an individual land use.

Table 2. DEVELOPMENT STANDARDS

(Revised November 9, 2006)

Zoning District	Minimum Lot Area	Minimum Lot Width	Maximum Height	Maximum Lot Coverage	Minimum Setbacks		
					Front	Rear	Side
R-1							
Single Family DU	6,600 sf	60 ft	35 ft	40%	20 ft	30 ft	5 ft
Townhouse/Condominium	2,000 sf	20 ft	35 ft	50%	20 ft	30 ft (j)	15 ft (h)
Quadrahome/Quadra-plex	3,000 sf	55 ft	35 ft	50%	20 ft	---	20 ft (i)
Accessory Structure	---	---	15 ft	---	(a)	3 ft (k)	3 ft
R-2							
Single Family DU	6,600 sf	60 ft	35 ft	40%	20 ft	30 ft	5 ft
Two Family DU	6,600 sf	60 ft	35 ft	40%	20 ft	30 ft	5 ft
Townhouse/Condominium	2,000 sf	20 ft	35 ft	50%	20 ft	30 ft (j)	15 ft (h)
Quadrahome/Quadra-plex	3,000 sf	55 ft	35 ft	50%	20 ft	---	20 ft (i)
Accessory Structure	---	---	15 ft	---	(a)	3 ft (k)	3 ft
R-3							
Single/Two Family DU	3,000 sf	30 ft	35 ft	60%	20 ft	15 ft	5 ft
Accessory Structure	---	---	15 ft	---	(a)	3 ft	3 ft
Multi-Family DU	3,600 sf	30 ft	55 ft	60%	20 ft	15 ft	5 ft
Townhouse/Condominium	2,000 sf	20 ft	35 ft	50%	20 ft	30 ft (j)	15 ft (h)
Quadrahome/Quadra-plex	3,000 sf	55 ft	35 ft	50%	20 ft	---	20 ft (i)
Accessory Structure	---	---	15 ft	---	(a)	3 ft (k)	3 ft
PUD					A peripheral setback of 25 ft around the entire PUD is required.		
Planned Residence District	---	---	---	(b)			
Townhouse/Condominium	2,000 sf	20 ft	35 ft	50%	20 ft	30 ft (j)	15 ft (h)
Quadrahome/Quadra-plex	3,000 sf	55 ft	35 ft	50%	20 ft	---	20 ft (i)
Business Condominium	1,000 sf	15 ft	35 ft	100%	---	---	---
Accessory Structures	---	---	15 ft	---			
C-1							
Highway Commercial	6,600 sf	---	38 ft	90%	20 ft	15 ft	15 ft (c)
Business Condominium	1,000 sf	15 ft	38 ft	100%	---	---	---
Accessory Structures	---	---	20 ft	---	---	10 ft (c)	10 ft (c)
C-2							
Regional Commercial / Professional	---	---	50 ft	---	20 ft	20 ft	---
Business Condominium	1,000 sf	15 ft	50 ft	100%	---	---	---
Accessory Structures	---	---	50 ft	---	(a)	---	---
C-3							
Mixed Commercial / Professional / High Density Residential	---	---	60 ft	90%	---	15 ft	5 ft (e)
Business Condominium	1,000 sf	15 ft	60 ft	100%	---	---	---
Accessory Structures	---	---	60 ft	---	(a)	15 ft	5 ft (e)
PDD							
Planned Industrial / Commercial	---	400 ft	60 ft	(d)	40 ft	15 ft	20 ft
Accessory Structures	---	---	20 ft	---	(a)	10 ft	10 ft
M-1							
Mixed Light Manufacturing / Office / Commercial	20,000 sf	---	38 ft	90%	25 ft (f)	100 ft (g)	100 ft (g)
Accessory Structures	---	---	20 ft	---	(a)	100 ft (g)	100 ft (g)
M-2							
Heavy Industrial / Light Industrial / Commercial	20,000 sf	---	38 ft	90%	15 ft	100 ft (g)	100 ft (g)
Accessory Structures	---	---	20 ft	---	(a)	100 ft (g)	100 ft (g)

NOTES:

DU – dwelling unit

- (a) Must be located behind rear wall of principal structure.
- (b) Maximum lot coverage shall be determined by drainage plan.
- (c) Minimum setback if located adjacent to a residential use; otherwise, minimum setback is 5 ft.
- (d) Aggregate coverage by flex building is 60% maximum of site; aggregate coverage by offices shall be not less than 15% of site.
- (e) Minimum setback if located adjacent to a residential use; otherwise, minimum setback is 0 ft.
- (f) Minimum setback if located adjacent to a residential street; otherwise, minimum setback is 15 ft.
- (g) Minimum setback if located adjacent to a residential use; otherwise, minimum setback is 15 ft.
- (h) 15' foot minimum right of way from the side of the end unit.
- (i) Side setback is 20 feet unless side is the shared common wall.
- (j) Right of way minimum of 10 foot rear of each property line and 10 foot right away between end units and adjoining property
- (k) Accessory structures being accessed by vehicles in a R-1, R-2 or R-3 area require a Ten (10) foot minimum setback from a rear alley.

ARTICLE 11
DESIGN STANDARDS

SECTION 11.1 INTENT

It is the intent of this Article to provide general performance standards to ensure that development within the City will be designed, arranged, and constructed in a safe, orderly, energy-efficient, and visually attractive manner, and will reflect the basic character of the development site and its immediate surroundings as well as the nature of the proposed use for the site. It is further the intent of this Article to provide general performance standards to ensure that development within the City will be designed, arranged, and constructed to promote the public safety, health and general welfare; to provide for suitable neighborhoods with adequate streets, utilities and appropriate building sites, as well as provide for adequate and efficient access, water, sewer and other utilities, schools, parks, recreation, open space and other public requirements and facilities.

SECTION 11.2 GENERAL SITE ARRANGEMENT

Structures shall be placed and arranged so as not to adversely affect adjacent property. Adverse effects shall include, but are not limited to, the removal of lateral support, the creation of hazard, nuisance, danger, or inconvenience, the unreasonable loss of light and air, or the unreasonable loss of privacy or views. Developments shall be arranged so as to be visually attractive both within the development site and in relation to adjacent developments. Site design elements of the development shall be integrated to the degree of their compatibility with each other and shall be separated to the degree of their incompatibility. Insofar as is practicable, developments shall be arranged so as to preserve or enhance vistas.

SECTION 11.3 SITE PLAN CRITERIA

11.3.1 All site plans shall demonstrate a high quality of overall site design and in the design and construction of site elements, including appropriate consideration of the relationship and balance among site elements, the relationship of the development to natural features, neighboring developments, and access and circulation systems, retention of natural vegetation, minimal alteration of natural topography, mitigation of erosion and sedimentation, mitigation of stormwater drainage and flooding, arrangement and orientation of buildings and amenities in relation to each other and to neighboring streets, landscaping, preservation or enhancement of vistas, and mitigation of traffic impacts.

11.3.2 Development within the Conservation Overlay District (COD)

11.3.2.1A topographical map shall be submitted with any application for development on a parcel located within the Conservation Overlay District. The applicant shall indicate on the topographical map the project area, including but not limited to all building footprints, all infrastructure elements, and any other areas of proposed soil disturbance.

11.3.2.2The Planning Director shall review the application along with the topographical map and if it is determined that any proposed soil disturbance shall occur on any slopes in excess of twenty (20) percent, a professional soils engineer licensed in the State of West Virginia shall review the application and certify that the proposed activities shall not adversely impact surrounding properties nor cause a public safety hazard. The applicant shall be responsible for obtaining the services of a professional soils engineer and shall assume responsibility for all associated costs.

SECTION 11.4 ACCESS AND CIRCULATION

11.4.1 External Circulation

The type and arrangement of streets and driveways for the development shall be in compliance with the City's Comprehensive Plan and the provisions of this Section.

Principal vehicular access points to the development shall be designed to encourage smooth traffic flow with minimum hazards to pedestrian, bicycle, and other vehicular traffic. Accommodations for controlled turning movements into and out of the development and improvements to the approach street shall be provided where existing or anticipated heavy traffic flows indicate need.

Pedestrian access to the site shall be in compliance with and coordinate to existing and proposed pedestrian systems and the systems of adjacent developments.

Access for cyclists and pedestrians shall be by safe and convenient routes, which need not be limited to the vicinity of vehicular access points. Accommodations for safe intersections of bicycle and/or pedestrian routes with adjacent vehicular routes shall be provided where existing or anticipated heavy traffic flows indicate need.

11.4.2 Internal Circulation

Internal circulation systems shall provide the types, amounts, and locations of accessibility appropriate to the type and size of the development, and shall be designed so as to facilitate the movement of persons, goods, services, and waste products in a safe and efficient manner, with maximum pedestrian orientation and a minimum of impervious cover areas.

Safe and convenient vehicular access shall be provided for emergency and service vehicles.

Whenever appropriate to the type and size of the development, safe, efficient, and conveniently located bicycle and/or pedestrian circulation systems shall be provided.

The integration or separation of circulation systems and patterns shall be provided as appropriate to the type and size of the development and to the existing or anticipated traffic flows.

11.4.3 Clear Vision Triangle Easements

Where necessary to ensure proper visibility for the safe flow of vehicular traffic at street intersections and major driveway intersections with streets, clear vision triangle easements shall be provided at the corners of such intersections. Major driveways are considered to be those private drives serving multi-family or non-residential developments. No structure or planting that would interfere with safe sight lines shall be permitted within the clear vision triangle easement.

SECTION 11.5 REFUSE COLLECTION

11.5.1 Except for single-family and two-family dwellings, developments shall provide secure, safe, and sanitary facilities for the storage and pickup of refuse. Such facilities shall be convenient to collection and shall be appropriate to the type and size of the development being served.

11.5.2 Except for single-family and two-family dwellings, all refuse storage facilities shall be screened by a solid wall, fence, tight evergreen hedge, or combination of the above. Such screening shall be of sufficient height and design to effectively screen the facility from the view from adjacent residential uses and streets, and from adjacent properties.

11.5.3 Except for single-family and two-family dwellings, all refuse collection containers shall be placed on a reinforced concrete pad constructed with positive surface drainage.

SECTION 11.6 OUTDOOR LIGHTING

11.6.1 Purpose

It is the goal of this Section to provide guidance to developers in implementing minimum requirements for lighting for all new developments. The City recognizes that inappropriate and poorly designed or installed outdoor lighting causes unsafe and unpleasant conditions, limits residents' ability to enjoy the nighttime sky, and results in unnecessary use of electric power. Conversely, the City also recognizes that some outdoor lighting is appropriate and necessary in areas such as residential subdivisions, and civic, commercial and industrial centers. To ensure appropriate lighting while minimizing its undesirable side effects, the following regulations are established.

11.6.2 Applicability

Lighting facilities shall be required for all off-street parking areas and off-street loading areas and for all driveways providing ingress and egress thereto for all new developments. In the approval of any development plan, the Planning Director, Planning Commission or Board of Zoning Appeals, as the case may be, shall have the authority to require lighting to be incorporated for other uses or locations where in their reasonable discretion such lighting is warranted.

11.6.3 General Provisions and Standards

11.6.3.1 All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent glare from encroaching onto adjoining properties or public rights-of-way.

11.6.3.2 Uplighting of any architectural feature of a building or of a sign is permitted, but such lighting may consist only of low wattage fixtures (designed for bulbs not exceeding 75 watts) trained directly onto the surface intended to be illuminated. Internally lit signs are acceptable in certain zoning districts provided that they meet the requirements of this Ordinance.

11.6.3.3 All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for security. Non-essential lighting applies to display, aesthetic, parking and sign lighting.

11.6.3.4 When outdoor lighting installation or replacement is part of a development proposal for which site plan approval is required under these regulations, the Planning Director or Board of Zoning Appeals, as the case may be, shall review and approve the lighting installation as part of its site plan approval.

11.6.3.5 The applicant shall submit sufficient information, in the form of an overall exterior lighting plan, to enable the Planning Director or Board of Zoning Appeals, as the case may be, to determine that the applicable provisions will be satisfied.

11.6.3.6 When an outdoor lighting installation is being modified, extended, expanded or added to, the entire outdoor lighting installation shall be subject to the requirements of this Section.

11.6.3.7 Where practicable, electrical service to outdoor lighting fixtures shall be underground.

11.6.3.8 Temporary holiday lighting during the months of November, December and January shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties.

11.6.4 Installation and Maintenance

11.6.4.1 Electrical feeds to lighting standards shall be run underground, not overhead.

11.6.4.2 Lighting fixtures shall be maintained by the property owner so as to always meet the requirements of this Ordinance.

11.6.5 Exemptions

The following uses shall be exempt from the provisions of this Ordinance:

- (A) Roadway and airport lighting and lighting activated by motion sensor devices.
- (B) Temporary circus, fair, carnival, or civic uses.
- (C) Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
- (D) Temporary lighting.

SECTION 11.7 DESIGN STANDARDS FOR SINGLE-LOT DEVELOPMENT AND THE SUBDIVISION OF PROPERTY

11.7.1 Minimum Standards

Each subdivision shall contain the improvements specified in this Article, which shall be installed in accordance with the requirements of the City by the developer. Each subdivision shall be required to reserve or dedicate land as specified in this Section, and shall adhere to the minimum standards of design established herein.

11.7.2 Suitable Building Area

Every lot or tract shall have sufficient suitable building area for the use intended. In determining whether suitable area exists, the following areas shall be eliminated for consideration as development area or suitable building area:

- (A) Area within the floodway or floodway fringe; and
- (B) Area with slopes in excess of twenty-five (25) percent; and
- (C) Area subject to utility easements and setbacks; and
- (D) Area within the right-of-way for existing or planned streets.

11.7.3 Name of Subdivision or Development

The name of the subdivision or development shall not duplicate nor closely approximate the name of an existing subdivision or development in the City of Weirton.

11.7.4 Applicability of Lot Design Standards

Each lot in a subdivision shall comply with the standards included on Table 2, Development Standards contained herein, and any other standards provided in this Ordinance. Newly created or revised lots shall be designed so that any existing structures continue to meet the requirements of this Article or so that any existing nonconformity is not increased, extended, or enlarged.

11.7.5 Lot Arrangement

Lots shall be arranged in such a manner that there will be no foreseeable difficulties in obtaining building permits and any required on-lot sewage disposal and other development related permits which may be required subsequent to Final Plat approval.

11.7.6 Access to Streets

Every subdivided lot shall front on a street meeting the standards in this Ordinance.

11.7.7 Lot Dimensions and Sizes

Lot dimensions and sizes shall comply with Table 2, Development Standards contained herein and any other standards provided in this Ordinance. When open space is preserved beyond the amount required by City regulations, the density of development may be increased so as to net the same number of lots as could be created if the additional open space was developed.

11.7.8 Flag Lots

The City discourages and restricts forming flag lots in subdivisions. A flag lot shall be permitted if necessary to allow a property owner reasonable use and benefit from his land or to alleviate situations that would otherwise cause extreme hardship for the owner. Flag lots are prohibited except in Minor Subdivisions, where necessary to eliminate access onto arterials or thoroughfares, to reasonably utilize irregularly shaped land, or to reasonably utilize land with difficult topography. No flag lot shall be allowed if it increases the number of access points onto an arterial or thoroughfare street. Subdivisions or individual lots approved after the effective date of this Ordinance shall not be re-subdivided to create flag lots.

11.7.9 Location of Lot Lines

11.7.9.1 Side lot lines extending from a street should be approximately perpendicular or radial to the street right-of-way line.

11.7.9.2 Lot lines shall be located to permit efficient installation and maintenance of utility lines on utility easements and to maximize buildable area.

11.7.10 Flooding and Stream Protection

11.7.10.1 All subdivisions and developments shall be designed to minimize flood damage throughout the subdivision or development. Furthermore, all subdivisions shall locate and construct public utilities and facilities, including sewer, gas, and water systems to minimize flood damage.

11.7.10.2 Lots shall be designed so that adequate building area exists outside the floodplain to permit a dwelling unit or other proposed structure without violating other provisions of this Ordinance.

11.7.11 Historic and Natural Assets

In any subdivision or development, due consideration shall be given to safeguard the heritage of the City by preserving any archaeological site or any property therein, or located on adjacent property thereto, that embodies important elements of its cultural, social, economic, political or architectural history. All due consideration shall be given to promoting the use and conservation of such property for the education, pleasure and enrichment of the residents of the City and the State as a whole.

11.7.12 Completing Development in Phases

11.7.12.1 If a subdivision or development is to be built in phases or stages, then the phases shall be clearly indicated on the Preliminary Plat and the developer shall submit a proposed schedule for completion of phases and improvements as part of the application. The schedule shall relate completion of improvements to completion of the phases or stages of the entire subdivision or development. Once a completion schedule is approved by the City, no buildings may be occupied and no subdivision lots may be sold except in accordance with the schedule.

11.7.12.2 The order of phases set out in the phasing plan may be changed and the schedule modified with the approval of the Planning Commission provided no part of a facility or improvement intended to benefit several phases of the project will be significantly delayed by the change.

ARTICLE 12

SUPPLEMENTARY REGULATIONS

SECTION 12.1 INTENT

While most of the provisions of this Article set out standards that apply to all or a broad spectrum of uses, the provisions of this Article are intended to provide additional regulations and standards for certain uses which are unusual in their nature or complexity, or are potentially incompatible with their surroundings unless special restrictions are applied. Unless otherwise stated, where any provision of this Article

imposes a different requirement than required elsewhere in this Ordinance, the more stringent standard shall apply. The supplementary standards for the uses listed herein shall be in addition to applicable standards and provisions found elsewhere in this Ordinance.

SECTION 12.2 HEIGHT

No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located. In all districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, transmission lines or towers and distribution poles and lines, and essential mechanical apparatus may be erected to any height not prohibited by other laws or ordinances. Standard antenna and similar apparatus shall not exceed the maximum building height by more than twenty-five feet.

SECTION 12.3 EXCEPTIONS TO MINIMUM LOT AREAS, LOT WIDTHS AND YARDS

12.3.1 Corner Lots

A setback area equal to the minimum front yard setback shall be provided along all portions of a corner lot abutting any public street, except where the applicant proves that the provisions of a smaller setback of a different yard for a residential building will conform with the clearly prevailing yard pattern on numerous existing developed adjoining lots fronting on the same street. The yard directly opposite the front door of the house shall be the designated rear yard.

12.3.2 Projections into required yards

12.3.2.1 Cornices, eaves, sills or other similar architectural features, or other required means of egress, rain leads or chimneys or other similar structures that do not include space usable by persons may extend or project into a required yard not more than four feet. Unenclosed exterior stairways and fire escapes may extend or project into a required side or rear yard not more than four feet.

12.3.2.2 The front yard setback will conform to the clearly prevailing setback pattern of developed lots within the block fronting the same street. When an unimproved lot is situated between two lots with existing principal buildings that each have front yard setbacks less than the setback required in that district, then the front yard setback may be reduced to a depth equal to the average of the two adjacent lots, provided that in no case shall a front yard be reduced by more than fifty (50) percent of the required front yard for that district.

12.3.3 Clear Vision Triangle Clearance on Corner Lots (Revised August 10, 2006)

A triangular area as described in this Section shall be graded and kept free of sight obstructions between a height of three feet and twelve feet above the established street grade, including structures, non-transparent fences, vegetation and signs, but not including sign posts of less than one foot in width or utility posts or the trunks of trees. The clear vision triangle shall be

measured at the intersection of the pavement or curb cut and a diagonal line connecting two points measured thirty (30) feet along each of the street right-of-way lines determines the triangular space.

12.3.4 Lots

12.3.4.1 Every building hereafter erected shall be located on a lot with frontage upon a public street. In no case shall there be more than one principal building used for residential purposes, and no more than two structures located on one lot, except as provided in this Ordinance.

12.3.4.2 A single-family dwelling unit may be located on any lot in any district in which single-family dwellings are permitted if the lot was a single parcel in a single ownership or a single parcel separately described or included in a recorded deed at the time of the passage of this Ordinance even though the lot does not have the minimum lot area specified for the district. Persons applying for a permit to develop a nonconforming lot must provide documentation to prove such

lot was in existence prior to the enactment of this Ordinance. The minimum setback requirements for the district shall remain applicable.

12.3.5 Temporary Uses

12.3.5.1 A temporary permit may be issued by the Planning Director for any of the following:

- (A) Customary, routine and accessory short-term special events or sales, provided that:
 - (1) Only a non-profit organization proposing a temporary use to clearly and primarily serve a charitable, public service or religious purpose shall be eligible to receive approval of a temporary commercial use in a district where that use is not permitted; and
 - (2) The Planning Director shall establish a reasonable and maximum limit on the duration of the use per calendar year.
- (B) Temporary construction-related trailers.
- (C) The temporary erection of a tent or similar temporary structure that is not totally enclosed for a maximum of fourteen (14) days in any four (4) month period, such as for a wedding in the rear yard of a dwelling, a festival at a place of worship or a special sale within the lot of a lawful commercial use. The seasonal sale of plants, produce, and other lawn and garden supplies is permitted within any commercial or industrial zone without a temporary permit.

12.3.5.2 Prior to the issuance of a permit for a temporary use or structure, the Planning Director may require an applicant to present a statement from the owner of record of the land recognizing the application and accepting responsibility to ensure that the use or structure is removed once the permit expires. Any temporary structure or use shall be removed completely upon expiration of the permit without cost to the City. If the structure or use is not removed in a timely fashion after proper notification, the City may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.

12.3.6 Swimming Pool, Household

All swimming pools installed or constructed as an Accessory Use on a residential lot shall comply with the following regulations:

- (A) The swimming pool shall not involve any commercial use.
- (B) An enclosure around in-ground pools shall meet the requirements of the City of Weirton Building Code.
- (C) Any existing or new above-ground pool shall include a secure fence, wall, or other enclosure as required in the City of Weirton Building Code.
- (D) A pool and any deck or shelter that is elevated above the average surrounding ground levels shall meet the applicable setback requirement for an accessory building. Patios around pools that are level with the average surrounding ground level are not required to meet setbacks. A pool is not permitted within a required front yard.
- (E) A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: 1) on-lot septic system; or 2) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.

12.3.7 Swimming Pool, Non-household

All commercial pools, public and private, shall comply with the following regulations:

- a. The water surface shall be setback at least 25 feet from any lot line.
- b. Minimum lot area: 2 acres.

- c. Any water surface within one hundred (100) feet of an existing dwelling on a separate lot shall be separated from the dwelling by evergreen screening in agreement with Article 14.
- d. The water surface shall be surrounded by a secure, well-maintained fence at least six (6) feet in height.
- e. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any on-lot septic system or portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.

12.3.8 Fences and Walls

- (A) Fences and walls are permitted by-right in all districts. All fences and walls require a permit before erection, installation or construction may be initiated. Any fence or wall shall be durably constructed and well-maintained. Privacy fences shall be constructed so that the finished side of the fence faces toward abutting properties or rights-of-way unless the fence is not visible from the adjoining property. Fences that have deteriorated shall be replaced or removed.
- (B) No fence, wall or hedge shall obstruct the sight distance requirements established in this Ordinance. No fence or wall shall obstruct the flow of stormwater.
- (C) Fences
 - (1) Any fence located in the required front yard of a lot in a residential district shall not exceed four (4) feet in height. For the purposes of this Section, on a corner lot each street frontage shall be considered a front yard.
 - (2) A fence in a residential district that is not within a required front yard is permitted a maximum height of eight (8) feet, except a maximum height of ten (10) feet is permitted to enclose a tennis or racquet sport court or a non-household swimming pool or an electric substation. A fence in a commercial district that is not within a required front yard is permitted a maximum height of eight (8) feet.
 - (3) A fence in an industrial district is permitted a maximum height of ten (10) feet in any front, side or rear yard.
 - (4) A fence may be constructed on a lot line, except a fence shall not be placed within a street right-of-way and a fence of a commercial establishment shall be setback a minimum of five feet from the abutting lot line of an existing dwelling or an undeveloped residentially zoned lot. Homeowners are encouraged but not required to setback fences at least two (2) feet from an abutting lot line in order to allow for maintenance over the long-term, however, no fence shall be located closer than three (3) feet from an adjoining residence.
 - (5) A fence shall not be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels. Electric, barb and razor fences are prohibited in all residential districts and on all residential and commercial property.
- (D) Walls
 - (1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this Section, and are permitted by-right as needed in all districts.
 - (2) In a residential district, a freestanding wall (other than a necessary retaining wall) shall have a maximum height no greater than four (4) feet within a required front yard, or is within ten (10) feet of a lot line other than a required front yard or seven (7) feet in other locations.

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- (3) A wall shall not be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels. Elements of electric, barb and razor fences, as part of any wall structure, are prohibited in all zones.

12.3.9 Garage, Yard and Carport Sales

- (A) A garage, yard or carport sale shall not include the sale of new merchandise other than custom crafts.
- (B) Garage sales shall be limited to a maximum of two (2) days in any one calendar month.

12.3.10 Salvage Yard

No new junk or salvage yards shall be permitted within the City from the effective date of this Ordinance. Such uses existing at said date of effectiveness may continue their operations as nonconforming uses, but shall terminate within one year unless they comply with the following provisions:

- (A) All junkyards shall be completely enclosed by a fence or wall at least six (6) feet in height. Any items stored or maintained within the confines of the fence shall not be visible above the top of the fence from the exterior of the junk or salvage yard.
- (B) No highly inflammable or explosive material shall be stored in bulk, with the exception of fuel tanks or drums which are directly connected with heating appliances.
- (C) All materials or wastes causing fumes or dust, constituting a fire hazard, or attraction to rodents or insects, may be stored outdoors only in enclosed containers.
- (D) No operations shall be permitted which cause a general nuisance, herein defined as a use considered to be inconsistent with the public comfort, convenience, health, safety, and general welfare, including uses generating the following:
 - (1) Fire and explosive hazards
 - (2) Electric and radioactive disturbances
 - (3) Noise and vibration
 - (4) Dust, dirt, fly ash
 - (5) Glare
 - (6) Smoke, odors; and
 - (7) Other forms of air pollution not previously listed.

SECTION 12.4 GRADING AND FILL

12.4.1 Regular Grading/Filling (**less than 2,000 cu. yd.**) at a specific site and/or project thereon.

12.4.1.1 Plan Requirements

- General Vicinity Map
- Site drawing indicating the dimensions of the area of Grading/filling including the depths of the cut and/or fill. The total cubic yard amount of dirt being disturbed and/or added shall be indicated. Dimensions to all property lines and building/structures on the property. Structures on a neighboring property shall be indicated when closer than 100 ft. to the work area.
- List of all clean fill material being placed on site.(i.e. borrow soil, stone, rock, asphalt, concrete, sand, gravel, earth, topsoil and/or other appropriate and acceptable materials)
- Erosion control and re-vegetation plan.
- All fill material placed on site shall be graded within fourteen (14) days of it's placement on site.

12.4.2 Engineered Grading (**more than 2,000 cu. yd.**) at a specific site and/or project thereon.

12.4.2.1 Plan Requirements

- General Vicinity Map
- Site drawing indicating the dimensions of the area of Grading/filling including the depths of the cut and/or fill. The total cubic yard amount of dirt being disturbed and/or added shall be indicated. Dimensions to all property lines and building/structures on the property. Structures on a neighboring property shall be indicated when closer than 100 ft. to the work area.
- List of all clean fill material being placed on site.(i.e. borrow soil, stone, rock, asphalt, concrete, sand, gravel, earth, topsoil and/or other appropriate and acceptable materials)
- Erosion control and re-vegetation plan
- All fill material placed on site shall be graded within fourteen (14) days of it's placement on site.
- Soils Engineering Report and Plan.

12.4.3 Permits

12.4.3.1 Commercial, Industrial and Planned Development (C-1, C-2, C-3, PUD, PDD, M-1, M-2)

12.4.3.1.1 Grading/fill permits for a specific site/area within the designated district (C-1, C-2, C-3, PUD, PDD, M-1, M-2) shall be issued administratively and are good for one year after the issuance date; subject, however, to Development plans previously approved by the Planning Commission.

12.4.3.2 Residential (R-1, R-2, R-3)

12.4.3.2.1 Grading/fill permits for regular grading/filling shall be issued to the property owner administratively and are good for one year after the issuance date. The second year, the permit must be requested from the Zoning Board of Appeals as a conditional use permit. After the second year, no addition permits shall be issued to that property owner for that specific site and/or specific project.

12.4.3.2.2 Grading/fill permits for engineered grading must be requested from the Zoning Board of Appeals as a conditional use permit for both the first and second year. After the second year, no addition permits shall be issued to that property owner for that specific site and/or specific project.

ARTICLE 13
PARKING AND LOADING STANDARDS

SECTION 13.1 OFF-STREET PARKING AND LOADING

- 13.1.1 Off-street parking shall be provided for all uses of land, structures, and buildings as well as for any expansion or change of such uses in accordance with the requirements of this Article; however, this requirement shall not be applied to properties in the central business district. For the purpose of this exemption, the central business district includes the area on Main Street from Virginia Avenue to Market Street and West / Washington Street.
- 13.1.2 Off-street loading space shall be provided for all retail business, wholesale, and industrial uses as well as for any expansion of such uses or change in use requiring the regular delivery or shipping of goods, merchandise or equipment to the site by trucks, in accordance with the requirements of this Article.

SECTION 13.2 METHODS OF PROVIDING REQUIRED PARKING AND LOADING

- 13.2.1 All required parking or loading spaces shall be located on the same zoning lot as the Principal Use(s) it serves, except as provided below.
- 13.2.2 In lieu of actual construction of required on-site parking spaces, all or any portion of the off-street parking required in this Article may be provided by satellite parking. Required parking for use(s) on a zoning lot may be located on another zoning lot, either by itself or combined with parking for other uses, subject to certification by the Planning Director that the following requirements have been met:
 - (A) The use being served by the off-site parking shall be a permitted Principal Use, as established in Article 9, in the zoning districts within which the zoning lot containing such parking is located;
 - (B) The off-site parking spaces shall be located within three hundred (300) feet walking distance of a public entrance to the structure or zoning lot containing the use for which such spaces are required. A safe, direct, attractive, lighted and convenient pedestrian route shall exist or be provided between the off-site parking and the use being served; and,
 - (C) The continued availability of off-site parking spaces necessary to meet the requirements of this section shall be ensured by an appropriate condition that the continued validity of the zoning compliance or conditional use permit shall be dependent upon the permit holder's continued ability to provide the requisite number of parking spaces.

SECTION 13.3 COMBINED PARKING

- 13.3.1 Up to one-half of the parking spaces required for one (1) use may be used to satisfy the parking requirements for a second use on the same zoning lot, subject to certification by the Planning Director; provided that the peak usage of the parking facility by one (1) use will be at night or on Sundays (such as with theaters, assembly halls, or churches), and the peak usage of the parking facility by the second use will be at other times.

SECTION 13.4 USE OF REQUIRED PARKING AND LOADING SPACES

- 13.4.1 Required parking areas shall be available for the parking of operable vehicles of residents, customers, and employees, and shall not be used for the storage of vehicles or materials, or for the parking of vehicles used for loading or unloading, or in conducting the use.
- 13.4.2 Required loading space shall be available for the loading and unloading of vehicles, and shall not be used for the storage of vehicles or materials, or to meet off-street parking requirements, or in conducting the use.

SECTION 13.5 PARKING DESIGN STANDARDS

All parking spaces and associated vehicle accommodation areas shall meet the following minimum design requirements:

- 13.5.1 All parking spaces and vehicle accommodation areas shall be surfaced with asphalt or concrete, which shall be maintained in a safe, sanitary, and neat condition.
- 13.5.2 Except for single-family and two-family dwellings or for attendant parking, each parking space shall be arranged so that any vehicle may be parked and removed without moving another vehicle.
- 13.5.3 Except for single-family and two-family dwellings, parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter adjacent streets in a forward manner.
- 13.5.4 No parking area or vehicle accommodation area shall be located within a street right-of-way. Parked vehicles in off-street parking spaces shall be prevented from intruding on travel lanes, walkways, public streets, sidewalks or adjacent properties by means of walls, curbs, wheel stops, or other appropriate means.
- 13.5.5 No stacking lane required for vehicles awaiting service shall be located such that it creates interference with the use of the abutting street(s) or with travel lanes or aisles of the vehicle accommodation area.
- 13.5.6 The size of parking spaces shall be adequate for the safe parking of vehicles and vehicle accommodation areas shall be provided so that parking and backing-up can be accomplished in one continuous maneuver.
- 13.5.7 Parking facilities shall be designed to connect with similar facilities on adjacent zoning lots where appropriate to eliminate the need to use the abutting street(s) for cross movements.
- 13.5.8 Curbed islands shall be required at the ends of and between parking aisles for traffic control and drainage control for all new non-residential development in excess of 10,000 gross square feet.
- 13.5.9 All off-street parking facilities shall be provided with a drainage system meeting the design standards contained in this Article.
- 13.5.10 Adequate provision shall be made for the ventilation of and dispersion and removal of smoke and gases from above-ground and below-ground parking structures.
- 13.5.11 All parking spaces shall be delineated with painted lines.

SECTION 13.6 DESIGN STANDARDS FOR HANDICAPPED PARKING SPACES

- 13.6.1 Parking facilities designed to accommodate ten (10) or more vehicles shall provide, as part of the required number of parking spaces, one (1) handicapped parking space for every fifty (50) parking spaces, or fraction thereof. Such spaces shall be defined with pavement marking and a sign, and clearly reserved for exclusive use by handicapped persons.

- 13.6.2 Each required handicapped parking space shall be ten (10) feet by twenty (20) feet. In addition, each space shall be adjacent to a five (5) foot wide access aisle. The access aisle may be shared by two (2) handicapped spaces by being placed between them. However, one (1) out of every four (4) required handicapped parking spaces shall be van accessible and have an adjacent access aisle of eight (8) feet instead of five (5) feet.
- 13.6.3 Handicapped parking spaces shall be located in areas of less than five (5) percent slope in any direction.
- 13.6.4 All required handicapped spaces shall be well-marked by clearly visible signs or blue pavement markings illustrating the universal handicapped parking logo.

SECTION 13.7 MINIMUM OFF-STREET PARKING REQUIREMENTS

The minimum number of off-street parking space requirements for all land uses identified in this Ordinance are included in Table 3, Off-Street Parking Requirements.

Table 3. Off-Street Parking Requirements

Land Use	Minimum Off-Street Parking Requirement
Administrative Office	3 spaces per 1,000 sf of net floor area up to 20,000 sf; plus 2 spaces per 1,000 sf of net floor area greater than 20,000 sf.
Animal Grooming Service	1 space per 250 sq. ft. of GFA
Animal Shelter	1 space per employee; plus 1 space per 400 sf GFA of enclosed buildings
Appliance Repair / Sales	2 spaces per 1,000 ground floor area and 1 space per employee
Art Gallery	2 spaces per 1,000 sf. of GFA
Artist Studio	1 space per studio
Assisted Living Center	0.5 spaces for each unit
Athletic Field	4 spaces per 1,000 sq. ft. of GFA
Automobile Repair Facility / Incidental	1 space per service bay and 1 space per employee
Automotive Paint Shop	1 space per service bay and 1 space per employee
Automotive Rentals / Sales	2 spaces per 1,000 sq. ft. of GFA of enclosed sales area; plus 1 space per 2,500 sq. ft. of GFA of open sales area; plus 2 spaces per service bay; plus 1 space per employee (minimum 5 spaces required)
Automotive Supply	2.5 spaces per 1,000 sq. ft. of GFA and 1 space per employee
Automotive Tire Repair / Sales	2 spaces per 1,000 sq. ft. of GFA
Automotive/Boat Repair Shop	1 space per service bay and 1 space per employee
Bar / Nightclub	1 space per 4 persons at maximum occupancy
Boarding House	1 space per leased bedroom plus 1 space for owner
Building Materials	5 spaces per 1,000 sq. ft. of GFA of sales area and 1 space per employee
Car Wash/Detailing	1 space per employee; plus 1 drying and 2 stacking spaces per washing space (washing spaces shall not be counted toward the requirements)
Caretaker's Residence	1 space
Cemetery / Crematory	1 space per employee plus parking spaces along internal drives
Charitable, Fraternal or Social Organization	1 space for each 4 persons at capacity
Churches, Places of Worship	1 space per 4 fixed seats, 1 space per 60 square feet of the main assembly where no fixed seats are used.
Clinic, Animal Veterinarian and Hospital, Animal Veterinarian	2 spaces for every doctor; plus 1 space for each additional employee
Clinic, Medical	1 space per exam room and 1 space per employee (including doctors)
Club or Lodge	1 space per 4 persons at maximum capacity
Coin-Operated Cleaning/Laundry	5 spaces per 1,000 sq. ft. of GFA
Community Center	3 spaces per 1,000 sq. ft. of GFA and 1 space per employee
Composting Operation	1 space per employee
Conference Center	1 space per 3 employees; plus 1 space per 4 persons at maximum capacity of each banquet or meeting room
Convenience Store, Neighborhood	3 spaces per 1,000 sq. ft. of GFA of sales area and 1 space per employee
Country Club	1 space per 5 members
Dance / Social Club	1 space for every 4 persons at maximum capacity plus 1 space for each employee
Day Care Facility, Adult	1 space per 4 clients and 1 space per employee
Distribution Center	1 space per employee; plus 1 space per vehicle used in the operation of the distribution center
Driving Range, Golf	1 space per 2 employees, plus 1 space for every 1.5 tees

Land Use	Minimum Off-Street Parking Requirement
Drug Store	2.5 spaces per 1,000 sq. ft. of GFA
Dry Cleaning and Laundry Pick-Up	1 space per employee
Dry Cleaning and Laundry Service	3 spaces and 1space per employee
Dwelling, Garage Apartment	1 space
Dwelling, Mixed Use	1.5 spaces per dwelling unit plus required spaces for non-residential use
Dwelling, Multi-Family	1 bedroom unit - 1 space per unit 2 bedroom unit - 1.6 spaces per unit 3 bedroom unit - 1.8 spaces per unit 4 bedroom unit - 2 spaces per unit for each additional bedroom add 0.5 spaces
Dwelling, Overstore	1.5 spaces per dwelling unit plus required spaces for non-residential use
Dwelling, Single -Family	2 spaces per unit
Dwelling, Two-Family	1.5 spaces per unit
Electrical Repair / Sales	2 spaces per 1,000 sq. ft. of GFA and 1 space per employee
Emergency Shelter	1 space per employee plus 1 space per 0.5 spaces per 10 beds
Equipment Rental / Sales	3 spaces per 1,000 sq. ft. of GFA
Family Day Care Center	1 space per employee plus 1 space per 5 children
Family Day Care Home	Required parking for residential use plus 2 spaces
Farmer's Market	1 space per 100 sf GFA
Financial Service	4 spaces per 1,000 sq. ft. of GFA plus 4 stacking spaces per drive-in lane, plus 1 per employee
Flea Market	1 space per 200 sf of gross sales area
Funeral Home	1 space per 4 persons at maximum capacity
Furniture Sales	1.5 spaces per 1,000 sq. ft. of GFA
Garden Center	2.5 spaces per 1,000 sq. ft. of GFA
Gasoline Service Station (without Convenience Store)	3 spaces per 1,000 sq. ft. of enclosed floor area plus one space per 2 service bays
Gasoline Service Station with Convenience Store (Mini-Mart)	1.5 spaces per fuel nozzle plus 3 spaces per 1,000 sq. ft. of enclosed floor area plus one space per 2 service bays
Golf Course	1 space per 2 employees, plus 2 spaces per golf hole
Greenhouse, Commercial	1 per 3 employees plus 1 per 125 sq. ft. of enclosed sales area
Grocery Store	4.5 spaces per 1,000 sq. ft. of GFA
Group Home	1 space per employee; plus 1 space per 5 residents (or if residents are unable to drive 1 space per 1,000 sq. ft. of gross living area)
Half-Way House	1 space per 4 beds and 1 space per employee
Hardware Store	2 spaces per 1,000 sf. of gross floor area
Health/Sports Club	5 spaces per 1,000 sf. of gross floor area
Heavy Machinery Sales	2 spaces per 1,000 sq. ft. of GFA of enclosed sales area; plus 1 space per 2,500 sq. ft. of GFA of open sales area; plus 1 space per employee
Heliport or Helipad	1 space per employee; plus 1 space per vehicle used in the operation; plus sufficient space to accommodate the number of vehicles at the peak hour
Home Improvement Center	1 space per 250 sf. of gross floor area
Home Occupation	Dwelling unit requirements
Hospital	1 space per 4 patients at design capacity; plus 1 space per employee
Hotel	One space per room or suite; plus 1 space per 3 employees; plus 1 space per 3 persons to the maximum capacity of the largest banquet or meeting room
Hypermarket (minimum 100,000 sf.)	3.3 spaces per 1,000 sf. of GFA
Industrial Equipment Repair	1 space per 2 employees; plus 2 spaces per 1,000 sq. ft. of floor area open to the public

Land Use	Minimum Off-Street Parking Requirement
Industrial Park	1 space per employee; plus 1 space per vehicle used in the operation of the industry; plus 10 customer/visitor spaces
Industrial Supplies	2 spaces per 1,000 sq. ft. of GFA and 1 space per employee
Industry, Heavy	1 space per employee; plus 1 space per vehicle used in the operation of the industry; plus 5 customer/visitor spaces
Industry, Light	1 space per employee; plus 1 space per vehicle used in the operation of the industry; plus 5 customer/visitor spaces
Instructional Studio	3 spaces per 1,000 sq. ft.
Kennel, Commercial	3 spaces per 1,000 sq. ft. of GFA
Laboratories	4 spaces per 1,000 sq. ft. of floor area up to 20,000 sq. ft.; plus 2 spaces per 1,000 sq. ft. of floor area greater than 20,000 sq. ft.
Laundromat	5 spaces per 1,000 sq. ft. of GFA
Limited Video Lottery Establishment	1 space per 4 persons at maximum capacity
Manufactured Housing Sales	1 space per 2,000 sq. ft. of sales area
Manufacturing, Heavy	1 space per employee; plus 1 space per vehicle used in the operation of the industry; plus 5 customer/visitor spaces
Manufacturing, Light	1 space per employee; plus 1 space per vehicle used in the operation of the industry; plus 5 customer/visitor spaces
Mineral Extraction / Processing	1 space per employee; plus 1 space per vehicle used in the operation of the mining facility
Motel	Same as "Hotel"
Motorcycle Sales	1.5 spaces per 1,000 sq. ft. of GFA of display area
Movie Theatre/ Indoor	1 space per 4 seats
Newsstand	1 space per employee plus 3 spaces
Nursery, Plant	1 space per employee plus 1 space per 400 sf GFA
Nursing Home	1 space per 4 beds and 1 space per employee
Office Building	3 spaces per 1,000 sq. ft. of net floor area up to 20,000 sq. ft.; plus 2 spaces per 1,000 sq. ft. of net floor area greater than 20,000 sq. ft.
Office Equipment Repair	1 space per 2 employees; plus 2 spaces per 1,000 sq. ft. of floor area open to the public
Office Park	3 spaces per 1,000 sq. ft. of net floor area up to 20,000 sq. ft.; plus 2 spaces per 1,000 sq. ft. of net floor area greater than 20,000 sq. ft.
Office Supplies	2.5 spaces per 1,000 sq. ft. of GFA
Oil Change Facility	3 spaces per 1,000 sq. ft. of enclosed floor area plus one space per service bay
Oil / Gas Extraction	1 space per employee; plus 1 space per vehicle used in the operation of the mining facility
Park and Recreational Services	1 space per 1,000 sq. ft. of indoor area, or 5 spaces per acre of outdoor area
Passenger Station, Motor Bus, Railroad	1 space per 4 persons at maximum capacity
Pawnshop	1 space per 250 sf of GFA
Personal Services	1 space per 250 sq. ft. of GFA
Personal Storage Facility / Outdoor Storage	3 spaces plus 1 space per 100 units, plus sufficient aisle widths to allow parking in front of storage unit without unduly impeding traffic circulation.
Printing / Publishing	1 space per employee plus spaces to accommodate all trucks and loading vehicles but not less than 1 space per 1,00 sf GFA
Professional Services	3 spaces per 1,000 sq. ft. of GFA, plus 1 per employee
Recreation Facility, Commercial Outdoor	1 space per employee plus 5 spaces per acre of outdoor area
Recreation Facility, Commercial Indoor	1 space per employee plus 1 space per 300 sf GFA
Recyclable Collection Center/ Solid	1 space per employee

Land Use	Minimum Off-Street Parking Requirement
Waste Transfer Station	
Redevelopment of Closed School Building	Required spaces for new use(s)
Repair, Small Engine and Motor	2 spaces per 1,000 sq. ft. of GFA
Research and Development Center	3 spaces per 1,000 sq. ft. of net floor area up to 20,000 sq. ft.; plus 2 spaces per 1,000 sq. ft. of net floor area greater than 20,000 sq. ft.
Restaurant	1 space per 3 seats; plus 1 space per 2 employees
Restaurant, Family	1 space per 100 sf GFA
Restaurant, Fast Food	1 space per 2.5 seats plus 1 space per 2 employees plus 7-8 stacking spaces per window
Retail Establishment, Not Otherwise Specified.	3 spaces per 1,000 sq. ft. of GFA
School Nursery / Kindergarten Elementary / Middle High School / Technical / Trade College / University	1 space per classroom; plus one space per employee 1 space per classroom; plus one space per employee 1 space per 5 students; plus one space per employee 1 space per 5 students; plus 1 space per employee
Sexually Oriented Business	1 space per 200 sq. ft. of GFA
Shopping Center, Large Scale	1 space per 300 sf GFA
Shopping Center, Medium Scale	1 space per 250 sf GFA
Shopping Center, Small Scale	1 space per 200 sf GFA
Snack Bar/Snack Shop	1 space per 3 seats; and 1 space per 2 employees
Sporting Goods	3 spaces per 1,000 sq. ft. of GFA
Tattoo Parlor / Body Piercing	1 space per employee plus 1 space per 200 sf GFA
Telecommunications Tower	1 space for maintenance
Transient Amusement Enterprise	5 spaces per sq. ft. of GFA; plus 1 space per 3 persons that outdoor facilities are designed for at maximum capacity
Truck Terminal	1 space per employee and 1 space per vehicle used in operation
Water Port Terminal	1 space per employee; plus 1 space per vehicle used in the operation of the industry; plus 5 customer/visitor spaces
Upholstery/Interior Decorating Service	1 space per employee plus 1 space per 300 sf GFA
Used Merchandise (General)	1 space per 500 sq. ft. of GFA
Utility Service Facility	1 space per 4 employees
Warehousing and Distribution	1 space per employee; plus one space per vehicle used in the operation of the warehouse
Wholesale Establishment	1 space per employee; plus 3 spaces per 1,000 sf of sales floor open to the public
Wrecker Service	1 space per employee and 1 space per vehicle used in operation

GLA: Gross Leasable Area
 GFA: Gross Floor Area
 sf: Square feet

SECTION 13.8 SUPPLEMENTAL REQUIREMENTS

- 13.8.1 For purposes of this Section, the number of employees shall be the number of persons employed on the largest shift.
- 13.8.2 In the case of a land use classification not listed above, the minimum parking space requirement shall be determined by the Planning Director. In making such determinations, the Planning Director shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the use, and studies of minimum parking space requirements for such use in other jurisdictions.
- 13.8.3 A reduction of up to twenty (20) percent of the minimum number of required parking spaces may be permitted through the granting of a variance by the Board of Zoning Appeals if, based on substantial evidence in the record of its proceedings, the Board finds that compliance with the full minimum off-street parking space requirements of this Section would not be warranted for the particular use(s) and site.

SECTION 13.9 PARKING SPACE DIMENSIONS

- 13.9.1 An off-street parking space shall include a rectangular area with a length of eighteen (18) feet and a width of nine (9) feet, exclusive of access drives, aisles, ramps, columns or outdoor work areas. Such space shall have a minimum vertical clearance of eight (8) feet.
- 13.9.2 A motorcycle parking space shall include a rectangular area with a length of eight (8) feet and a width of four (4) feet. Such space shall have a minimum vertical clearance of eight (8) feet.
- 13.9.3 An off-street parking space designed for parallel parking shall include a rectangular area with a length of twenty (20) feet and a width of nine (9) feet.
- 13.9.4 Parking aisles between parking spaces shall be required to comply with the standards contained in Table 4, Dimensions and Angles of Parking Spaces.

Table 4. Dimensions and Angles of Parking Spaces

Parking Angle(in degrees)	Aisle Width (in feet)	Aisle Traffic Flow
45°	13'	One-way
60°	16'	One-way
90°, or angled parking opening onto two way aisles	20'	Two-way
Parallel	12'	One-way

*Angle shall be measured between centerline of parking space and centerline of aisle.

SECTION 13.10 LOADING SPACE DESIGN STANDARDS

13.10.1 Uses and buildings with a gross floor area of five thousand (5,000) square feet or more shall provide off-street loading spaces in accordance with Table 5, Required Loading Spaces provided that loading spaces shall not be required for uses, which do not receive or transmit goods or wares by truck delivery.

13.10.2 The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development.

13.10.3 All loading spaces and associated vehicle accommodation areas shall meet the following minimum design requirements:

- (A) Off-street loading spaces shall be located and arranged so that a semi-trailer truck shall be able to gain access to and use such spaces by means of one (1) continuous parking maneuver beginning at a public right-of-way.
- (B) A loading space shall observe the minimum setbacks established for structures in Article 10 of this Ordinance.
- (C) All loading spaces and vehicle accommodation areas shall be surfaced with asphalt or concrete which shall be maintained in a safe, sanitary, and neat condition.
- (D) No loading space shall be located so that a vehicle using such space intrudes on travel lanes, walkways, public or private streets, sidewalks or adjacent properties.
- (E) Each required off-street loading space shall have a minimum width of twelve (12) feet, a minimum length of fifty-five (55) feet, and a vertical clearance of fourteen (14) feet above finished grade of the space.
- (F) Off-Street Loading Space Requirements

The number of off-street loading spaces required by this Section shall be considered as the minimum, and the number of spaces specified in the table below shall be provided.

Table 5. Required Loading Spaces

Land Use Description	Floor Area in Square Feet	Number of Loading Spaces Required
Manufacturing, distribution, wholesaling, storage, and similar uses	5,000 - 25,000	1
	25,001 - 60,000	2
	60,001 – 100,000	3
	Each 50,000 above 100,000	1
Office Buildings, hotels and motels, retail sales, hospitals, institutions, and similar uses	5,000 – 60,000	1
	60,001 – 100,000	2
	Each 20,000 above 100,000	1

SECTION 13.11 EXCEPTIONS TO PAVED PARKING

The following situations are exempted from the requirements of Section 13.5.1:

- (A) A parking lot used only for occasional use. (Occasional use is a use that occurs on two or fewer days per week.)
- (B) When a proposed development is temporary in nature, the Planning Commission may exempt the development from the paved parking requirements of Section 13.5.1. The duration of the exception shall not exceed six (6) calendar months and shall be included as a condition of the approved permit.

SECTION 13.12 EXEMPTIONS AND ADJUSTMENTS (revised 1-21-07)

13.12.1 Whenever there exists a lot with one or more buildings on it, constructed before the effective date of this Ordinance, and a change in use that does not involve any enlargement of a building is proposed for such lot, and the parking requirements that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practically be used for parking, then the developer need only comply with the requirements to the extent that (1) parking space is practically available on the lot where the development is located, and (2) satellite parking space is reasonably available. However, if satellite parking space is not available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become reasonably available.

13.12.2 Whenever a building is proposed for development which will be a low volume use, the development shall be designed in such a manner that adequate open space remains on the zoning lot to construct the additional parking spaces which would be required to change the use of the entire building to a high volume use. A tentative design of the additional parking spaces shall be shown on any site plan submitted for approval.

13.12.3 The minimum number of spaces required may be adjusted by the permit issuing authority when it has been determined that the reductions are necessary to preserve a healthy tree or trees with a twelve (12) inch or greater diameter from being damaged or removed, and where the site plan provides for the retention of said tree or trees.

13.12.4 If as the result of land being taken, a reduction of parking spaces occurs as the result of the following conditions;

- A. Involuntary land acquisition by the state or municipal government through the invocation of eminent domain; or
- B. Voluntary land transfer to the state, county, or municipal government in the interest of a public project; and

The land acquisition results in the existing use being unable to meet the current parking standards; the use shall be deemed an existing non-conforming use and shall be regulated by Article 8. In addition, the future parking requirements for any change to another permitted land use for the zoning district shall be based on the parking spaces existing at the time of the acquisition. This credit for lost parking spaces from the acquisition shall not exceed 20% of the new total parking requirement.

The burden of proof and documentation thereof of the total number of existing parking spaces shall rest upon the owner of the property being transferred and shall be submitted to the city at the time of conveyance.

ARTICLE 14 LANDSCAPING

SECTION 14.1 INTENT

It is the intent of this Article to encourage the preservation of existing trees and vegetation; to identify landscape standards and plant classifications; to reduce radiant heat from surfaces and conserve energy; to provide shade; to reduce wind and air turbulence; to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of automobile headlights; to provide visual buffering and to provide for the separation of spaces; to enhance the beautification of the City; to reduce the amount of impervious surface; to reduce stormwater runoff; to safeguard and enhance property values and to protect public and private investment; and, to protect the public health, safety and general welfare.

SECTION 14.2 APPLICABILITY

These landscape regulations shall apply to multi-family developments consisting of more than two units, commercial, office, industrial, and institutional development. Previously approved development need not comply unless new site development approval is being sought.

SECTION 14.3 PRESERVATION OF EXISTING VEGETATION

Existing vegetation shall be retained and maintained whenever possible so as to permit such vegetation to contribute to landscaping requirements. Such retained vegetation may receive partial or total credit towards planting requirements within the buffer. This requirement does not preclude vegetation lost in the construction of those improvements shown on the subdivision or site plan.

SECTION 14.4 MAINTENANCE OF LANDSCAPING AND SCREENING

All vegetative and other screening devices required by this Article shall be maintained so as to continue their effectiveness. Any required plantings which die or otherwise fail to satisfy the requirements of this Article shall be replaced by the developer, or the successors to the developer, with equal or similar species and size.

SECTION 14.5 LANDSCAPE STANDARDS AND PLANT CLASSIFICATIONS

14.5.1 Large Shade Trees

Large shade trees must be a locally adapted species with an expected mature height of thirty-five feet or greater and an expected mature crown spread of at least thirty feet or greater. Large shade trees, existing or planted, must be a minimum of 8 feet high, and have a minimum caliper of 2 inches measured 6 inches above grade. Shade trees may be deciduous or evergreen. In the case of overhead utility lines, relief from the large shade tree requirement may be granted by the Planning Director.

14.5.2 Small Trees

All required small trees must be a minimum of 8 feet high and have a minimum caliper of 1-1/2 inches measured 6 inches above grade. When mature, small trees should be 10 to 15 feet or higher. Small trees may be deciduous or evergreen.

14.5.3 Shrubs

Upright shrubs must be a minimum of eighteen (18) inches tall when planted and must reach a minimum height of thirty (30) inches within two (2) years. All shrubs must have a minimum spread of twelve (12) to fifteen (15) inches when planted. At least fifty (50) percent of the required shrubs must be evergreen.

14.5.4 Groundcover

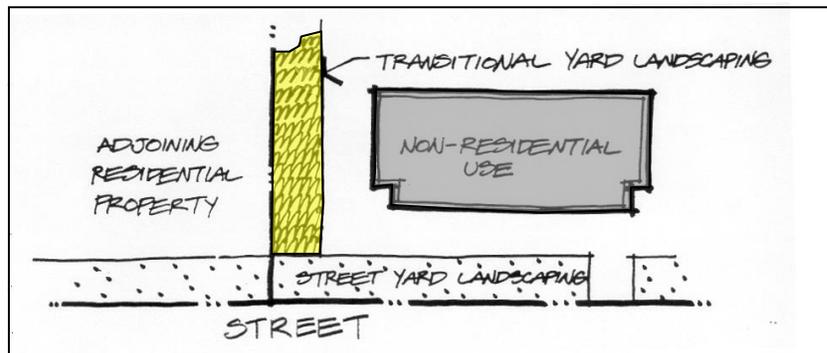
All required groundcover type plants must be a minimum of one and one-half (1-1/2) to two and one-half (2-1/2) inch pots with a four (4) inch minimum length. Groundcover must be planted with on-center spacing equivalent to the average mature spread for each particular species.

14.5.5 All portions of the landscaping area not planted with shrubs and trees or covered by a wall or other screening device shall be planted with ground cover and/or grass, or covered with a natural mulch with a minimum depth of two (2) inches.

SECTION 14.6 BUFFER AND SCREENING REQUIREMENTS

14.6.1 Any new non-residential building that abuts a residential property shall provide a landscape buffer ten feet wide planted with eight (8) large shade trees and ten (10) shrubs per one hundred (100) lineal feet of transitional yard between the non-residential and residential uses.

14.6.2 Undeveloped properties, expansions of more than forty (40) percent of existing floor area, and rezoned properties are subject to the provisions of this Section.



SECTION 14.7 PARKING LOT LANDSCAPING STANDARDS

14.7.1 The following landscape requirements applied to parking lots are intended to screen parking areas from the street, prevent large expanses of unbroken paving, and provide shade to cool paved areas during the hot summer months.

14.7.2 General Provisions

- (A) Parking lots with four stalls or less are exempt from the requirements of this Section. If only four (4) stalls are required per this Ordinance and the applicant chooses to provide more parking, then the requirements of this Section shall apply.
- (B) All remaining unpaved areas of the parking lot shall be grassed or planted in ground cover, unless otherwise specified.

14.7.3 Design Standards for Interior Landscaping for All New Non-Residential Developments in Excess of 10,000 Gross Square Feet

- (A) All rows of parking spaces, when a lot contains twenty (20) or more parking stalls, shall be provided a terminal island with concrete curbs and at least one hundred thirty (130) square feet of area to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways, and provide space for landscaping. These islands may count toward fulfilling the five (5) percent internal landscaping requirement.
- (B) Landscaped islands with concrete curbs and at least one hundred thirty (130) square feet of area shall be provided every fifteen (15) spaces or less within a row of spaces for commercial developments. Planting islands should be evenly spaced throughout the parking lot to consistently shade paved areas. Islands shall be utilized where needed to control vehicular circulation and define major drives. These islands may count toward fulfilling the five (5) percent internal landscaping requirement.
- (C) To prevent cars from parking too close to trees or damaging shrubs, an extended curb or wheel stop must be provided. Planting islands parallel to parking spaces must be a minimum of five (5) feet wide to allow car doors to swing open.

ARTICLE 15
STREETS AND SIDEWALKS

SECTION 15.1 PUBLIC STREETS

When the subdivision of land results in the creation of roads, such roads shall be designed and constructed to comply with Section 15.6 of this Ordinance and dedicated to the City.

SECTION 15.2 TOPOGRAPHY AND STREET LAYOUT

Roads shall be related appropriately to the topography. Collector and local streets shall be curved wherever possible to avoid conformity of lot appearance.

SECTION 15.3 COORDINATION WITH EXISTING STREET SYSTEM

All streets shall be properly integrated with the existing and proposed system of thoroughfares and arterials as established within the City's Comprehensive Plan and in accordance with the West Virginia Division of Highways. The proposed street layout shall be coordinated with the existing street system of the surrounding area and where possible, existing streets shall be extended.

SECTION 15.4 ACCESS TO ADJACENT PROPERTIES

Every new subdivision or development shall provide access to adjacent properties where the access is necessary or desirable to provide an adequate system of streets in the general area of which the subdivision or development is a part. Where it is necessary to provide for street access to an adjoining property, the proposed street right-of-way shall be extended by dedication to the boundary line of such property, and a street stub-out or temporary cul-de-sac shall be provided.

SECTION 15.5 ACCESS TO OR FROM ARTERIALS AND COLLECTORS

15.5.1 Direct access from individual lots to collector or arterial streets is discouraged. Instead, through lots, frontage roads, marginal access streets, joint and shared driveways, and any other methods to prevent direct access, shall be utilized at the boundary line.

15.5.2 Turn Lanes and/or Deceleration Lanes at Intersections

15.5.2.1 Turn lanes or deceleration lanes may be required to be constructed at or near any point of ingress or egress under the following conditions:

- (A) Left Turn Lane - Signalized Intersections
 - (1) Where fully protected left-turn phasing is provided; or
 - (2) Where peak-hour left-turn volumes exceed one hundred (100) vehicles per hours; or
 - (3) Where delay caused by the left-turning vehicles blocking through vehicles would reduce the operating capacity of the intersection below a "C" level of service as defined by the West Virginia Division of Highways.

(B) Right Turn Lane - Signalized Intersections

An exclusive right-turn lane should be provided where the right-turning volume exceeds three hundred (300) vehicles per hour and the adjacent through lanes also exceed three hundred (300) vehicles per hour per lane. When calculating the adjacent through lane volume, it should be assumed that all through lanes have equal volumes.

15.5.3 Street Names

Street names shall be assigned by the developer subject to the approval of the City. Proposed streets which are continuations of existing streets shall be given the same name. In assigning new street names, names shall not duplicate or be phonetically similar to existing street names in the City.

SECTION 15.6 STREET STANDARDS

The street design standards included in Table 6 shall apply.

Table 6. Street Design Standards

Design Criteria	Major Thoroughfare	Principal Arterial	Major Collector	Minor Collector <small>Note 1</small>	Major Local	Minor Commercial Collector	Local	Cul-de-Sac <small>Note 2,3</small>
Right-of-Way Width	120ft	100ft	70ft	60ft	60ft	40ft	42ft	90ft
Pavement Width <small>Note 4,5</small>	65ft	53ft	41ft	35ft	31ft	27ft	28ft	75ft
Sidewalk	Both sides	Both sides	One side <small>Note 8</small>	One side <small>Note 8</small>	One side <small>Note 8</small>	One side <small>Note 6, 8</small>	One side <small>Note 8</small>	One side <small>Note 7, 8</small>

1. If there is no direct access from individual lots to a Minor Collector, the Minor Collector may be constructed using the design standards of a Major Local.
2. A sidewalk is required along one side of the cul-de-sac if the length of the cul-de-sac exceeds two hundred (200) feet. No sidewalk is required if the cul-de-sac is two hundred (200) feet or less.
3. A cul-de-sac turn-around shall have diameter of ninety (90) feet and a paved diameter of seventy-five (75) feet, or a ninety (90) foot diameter for commercial truck traffic. A sidewalk is not required on the turn-around.
4. Curb and gutter are required along all streets.
5. Pavement width for streets is measured from back of one curb to back of opposite curb.
6. When the Minor Commercial Collector serves as a Parallel Collector, sidewalks are required on two (2) sides; otherwise, a sidewalk is required only on one (1) side.
7. A sidewalk is required along one (1) side of the cul-de-sac if the length of the cul-de-sac exceeds two hundred (200) feet. No sidewalk is required if the cul-de-sac is two hundred (200) feet or less.
8. A sidewalk shall be required on both sides of a public street in PDD districts

SECTION 15.7 SPECIAL STREET PROVISIONS**15.7.1 Roadway Improvements**

- (A) The developer shall be responsible for the cost and the installation of thoroughfare improvements in accordance with the City's standards for roadways, and shall be made along the entire length of a development for any development which is located within four hundred linear feet of any of the following:
- (1) An existing or proposed intersection of roads either of which is classified as a Major Thoroughfare, Principal Arterial or Major Collector.
 - (2) A roadway classified as a Major Thoroughfare, Principal Arterial or Major Collector.
- (B) Developments that are not located within four hundred linear feet of any of the intersections described above, shall improve the thoroughfare system roadway to the applicable street standards of a major local, local, or a cul-de-sac when the roadway improvements would provide the only access to the development or adjoining properties.
- (C) Developments that are not located within four hundred linear feet of any of the intersections described above, shall improve the thoroughfare system roadway along the entire length of the development to the applicable street standards of a major local, local, or a cul-de-sac where any of the following conditions occur:
- (1) The vehicle trips generated by the development during peak travel periods along the thoroughfare system roadway would reduce the roadway's operating capacity below level of service C.
 - (2) The traffic from the development is predominantly from non-residential activities and the development would otherwise gain access through a residential area.

15.7.2 Medians and Divided Streets

The developer may be required to continue a median and/or divided street in a subdivision. In the event that a median or divided street is provided, the minimum standards shall remain the same. Pavement requirements shall apply to the divided sections when aggregated together.

15.7.3 Dual Access

Subdivisions proposed to serve more than forty residential dwelling units shall be required to provide dual access. The second point of access may be a street stubbed out to an adjacent property where future extension of the street would provide the second point of access from the subdivision. The second point of access may, if it is found to be in the public interest, be for emergency access only and closed to normal vehicular traffic.

15.7.4 Cul-de-sacs

- (A) Cul-de-sacs shall be either permanent or temporary. A temporary cul-de-sac exists where the street is stubbed out for extension into an adjacent tract or for a future phase of the same development. In this instance the cul-de-sac should comply with the street standards required in this Section, and temporary measures for vehicle turnaround shall be provided. Permanent cul-de-sacs shall be allowed on a cul-de-sac or local street provided a circular turning radius is provided at the closed end of the street with a pavement radius as required in this Section.
- (B) Cul-de-sacs in commercial subdivisions which are anticipated to carry substantial amounts of commercial truck traffic shall have a minimum turning radius of forty-five feet.

- (C) Cul-de-sacs shall not exceed one thousand (1,000) feet in length unless no other practical solution exists due to topographical or other site conditions. The one thousand (1,000) feet are measured from the center of the cul-de-sac to the centerline of the intersecting street.

15.7.5 Alleys

An alley may be provided to the rear of all lots.

15.7.6 Marginal Access Streets

Where a tract of land to be subdivided adjoins a major thoroughfare or principal arterial street, the subdivider may be required to provide a marginal access street parallel to the thoroughfare or arterial street or provide reverse frontage for the lots to be subdivided adjacent to the thoroughfare or arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the thoroughfare or arterial.

15.7.7 Street Intersections

- (A) All streets shall intersect as nearly as possible at right angles and no street shall intersect at an angle of less than seventy-five (75) degrees.
- (B) Intersections for major thoroughfares with principal arterials shall be at least one thousand (1,000) feet apart measured from centerline to centerline, or more if required by the West Virginia Division of Highways.
- (C) Centerline offsets shall be prohibited wherever practical; however, where a centerline offset occurs at an intersection, the distance between centerlines of the intersecting streets shall not be less than one hundred twenty-five (125) feet.

SECTION 15.8 SIDEWALKS AND DRIVEWAYS

15.8.1 Sidewalks

- (A) Where sidewalks are required to be constructed on one side of a street, they shall be constructed on the side that already has a sidewalk partially on it, or in the event that neither or both have a sidewalk on it, then on the north or east sides of the street. Sidewalks shall be constructed to a minimum width of five (5) feet, and a minimum thickness of four (4) inches of concrete, with six (6) inches of concrete at driveway crossings.
- (B) All street curbs being constructed or reconstructed for maintenance procedures, traffic operations, correction of utilities or altered for any reason, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at any other major point of pedestrian flow.
- (C) Where development occurs in an existing neighborhood with sidewalks in place, the property owner shall be responsible for constructing a sidewalk or sidewalk(s) prior to the issuance of an occupancy permit.

15.8.2 Driveways (Revised August 10, 2006, June 12, 2008)

A) Number of Driveway Approaches

Guidelines for the number of driveway approaches to be permitted are as follows:

For single and two-family dwelling units, two driveway approaches per dwelling unit will be permitted. For a circular driveway, the property meets the criteria as set forth in Figure D-1.

Maximum total residential driveway widths shall be as follows:

- a. For lots 60 feet in width or less the maximum width shall be twenty (20) feet
- b. For lots greater than 60 feet in width up to 75 feet in width the maximum width shall be 24 feet.
- c. For lots greater than 75 feet in width with a two car garage or carport, thirty (30) feet.
- d. For lots with greater than 75 ft of street frontage with a three car garage or carport, thirty-six (36) feet.

The Driveway shall be constructed in such a manner that no portion of said driveway is less than five (5) feet from any side lot line at the right-of-way, including that area between the edge of right-of-way and the curb.

- a. A minimum of ten (10) feet is required between driveways, if multiple driveways are permitted.
 - b. Driveways shall be a minimum of 25 feet from any street intersection
 - c. The maximum total curb cut of thirty-six (36) feet per street.
- (B) Driveways for two (2) lanes serving a single commercial lot with a single commercial use shall have a minimum width of twenty-four (24) feet from one (1) edge of pavement to the opposite edge or twenty-seven (27) feet from back of one curb to back of opposite curb, and shall have a maximum width of thirty (30) feet from one (1) edge of pavement to the opposite edge or thirty-five (35) feet from back of one (1) curb to back of opposite curb.
 - (C) Driveways for three (3) lanes serving a single commercial lot with a single commercial use shall have a width of thirty-six (36) feet from one (1) edge of pavement to the opposite edge or forty-one (41) feet from back of one (1) curb to back of opposite curb.
 - (D) Driveways serving a single commercial lot with a single commercial use shall be constructed in such a manner that no portion of said driveway is within fifteen (15) feet of any side lot line.
 - (E) Single-family residential development shall be limited to one (1) driveway for each lot; two-family residential development may be permitted to have two (2) driveways where the lot has a front lot line at least ninety (90) feet in width; and multi-family residential developments with more than forty (40) dwelling units shall be required to have two (2) driveways for dual access.

ARTICLE 16
UTILITIES

SECTION 16.1 PUBLIC WATER

- 16.1.1 Every lot proposed for subdivision shall connect to the public water system.
- 16.1.2 All preliminary plans for water installations shall be approved by the Weirton Area Water Board. Notification of such approval shall be submitted to the Planning Director prior to the issuance of any approved permit, or prior to the approval of a subdivision or site plan.
- 16.1.3 All construction plans for water installations shall be reviewed and approved by the Weirton Area Water Board. Certification of such review and approval shall appear on final construction plans and be submitted to the Planning Director prior to approval for construction and prior to the issuance of a building permit.
- 16.1.4 All water main extensions and distribution facilities, which connect to the water distribution system of the City, shall be designed, constructed and installed in accordance with the Weirton Area Water Board's standard specifications and construction details.
- 16.1.5 A water distribution plan shall be designed to create a complete circuit without dead-ends. Water mains shall be extended to the termination of street right-of-way or where the street right-of-way intersects the boundaries of another phase of the same subdivision or another tract for subdivision.
- 16.1.6 In determining line sizes, the Weirton Area Water Board shall consider the zoning classification of adjacent tracts which could also be served by the mains if extended, the potential type and density of development which might be served, and the City's water distribution network plan.
- 16.1.7 All water main sizing and distribution plans shall be approved by the Weirton Area Water Board.
- 16.1.8 Fire hydrants shall be provided in accordance with National Fire Protection Association standards and shall deliver sufficient water to provide adequate fire protection.

SECTION 16.2 PUBLIC SEWER

- 16.2.1 Every lot proposed for subdivision within the City shall have connection to the public sewer system, where available.
- 16.2.2 All non-residential development shall connect to the public sewer system whenever it is practicable in terms of distance and in accordance with City Council policy on sewer extension.
- 16.2.3 All preliminary plans for sanitary sewer installations shall be approved by the Weirton Sanitary Board. Notification of such approval shall be submitted to the Planning Director prior to the issuance of an approved permit or prior to the approval of a subdivision or site plan.
- 16.2.4 All construction plans for sanitary sewer installations shall be reviewed and approved by the Weirton Sanitary Board. Certification of such review and approval shall appear on final construction plans and be submitted to the Planning Director prior to approval for construction.

16.2.5 Sewer Main Extensions

- (A) All sanitary sewer main extensions and collection facilities which connect to the sewerage collection system of the City shall be designed, constructed and installed in accordance with the Weirton Sanitary Board’s standard specifications and construction details.
- (B) A sewerage collection plan shall be designed to extend sewer mains to the termination of street right-of-way or natural drainageway where the street right-of-way or drainageway intersects the boundaries of another phase of the same subdivision or another tract for subdivision.
- (C) In determining line sizes the Weirton Sanitary Board shall consider the depth, grade and location of the tract and proposed lines. The zoning classification of adjacent tracts which could also be served by the sewer mains if extended, the potential type and density of development that might be served, and the City’s sewer collection network plan shall also be taken into consideration.
- (D) All sewer main sizing and collection plans shall be approved by the Weirton Sanitary Board.

SECTION 16.3 APPLICATIONS FOR REZONING AND CHANGE OF LAND USE

All applications requesting a rezoning or change in land use shall be submitted to the Weirton Utilities Department for review. The Utilities Department shall consider the proposed uses permitted in the requested zoning district or the proposed land use change when determining whether the water and sewer service available to the use will be sufficient. The Utilities Department shall forward their review and recommendation to the Planning Director.

SECTION 16.4 OTHER UTILITIES

- 16.4.1 All utility lines, other than lines used only to transmit electricity between generating stations or substations and three-phase electric power distribution lines, shall be placed underground, and all ground or surface disruptions required for installation shall be rehabilitated to the original or an improved condition.
- 16.4.2 Plans for all utility construction, repair and maintenance proposed within public rights-of-way, including work performed by private utility providers, shall be submitted to the City for review prior to work commencing. Plans shall include details of the work to be performed, a project schedule, a traffic management plan, and other information that the City may require.
- 16.4.3 All utility construction, repair and maintenance performed within public rights-of-way shall include the repair, reconstruction or renovation of streets, sidewalks, alleys, landscaping, plantings and other public structures which were damaged, cut, removed or in some way diminished for the purpose of performing the utility work. The responsibility and expense of returning the condition of the structures located within the public rights-of-way to their original condition shall be borne by the utility provider.
- 16.4.4 Emergency utility repair work shall be exempt from this requirement.

SECTION 16.5 UTILITY EASEMENTS

Easements for underground or above ground utilities shall be provided where necessary across lots or preferably centered on rear or side lot lines and shall have minimum widths as provided in the City’s Standard Specifications and Construction Details.

ARTICLE 17
FLOODPLAIN AND STORMWATER MANAGEMENT

SECTION 17.1 INTENT

It is the intent of this Article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (A) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or flood heights or velocities; and
- (B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; and
- (C) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters; and
- (D) Prevent or control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (E) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

SECTION 17.2 OBJECTIVES

The objectives of this Article are:

- (A) To protect human life and health; and
- (B) To minimize expenditure of public money for costly flood control projects; and
- (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; and
- (D) To minimize prolonged business interruptions; and
- (E) To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; streets; and bridges located in floodplains; and
- (F) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (G) To insure that potential homebuyers are notified when property is located within the 100-year floodplain.

SECTION 17.3 GENERAL REQUIREMENTS

This Article shall apply to all special flood hazard areas within the City of Weirton.

SECTION 17.4 ESTABLISHMENT OF SPECIAL FLOOD HAZARD AREAS

The areas of special flood hazards identified by the Federal Emergency Management Agency (FEMA) through a scientific and engineering report entitled "The Flood Insurance Study for the City of Weirton, Brooke and Hancock Counties, West Virginia," as amended, with accompanying flood insurance rate maps and flood boundary and floodway maps and any revision thereto are hereby adopted by reference and declared to be a part of this Article.

SECTION 17.5 COMPLIANCE

- 17.5.1 No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Article and other applicable regulations.
- 17.5.2 This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- 17.5.4 In the interpretation and application of this Article, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.
- 17.5.5 The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Article does not imply that land outside the areas of special flood hazards will be free from flooding or flood damages.
- 17.5.6 Any land-disturbing activity, conducted within the area of special flood hazard, must meet all the requirements of the Natural Resource Conservation Service Soil Erosion and Sedimentation Control regulations.

SECTION 17.6 ADMINISTRATION

- 17.6.1 The Planning Director is hereby responsible for administration and implementation of the provisions of this Article.
- 17.6.2 The duties of the Planning Director shall include, but not be limited to the following:
 - (A) Review all development permits to assure that the permit requirements of this Article have been satisfied.
 - (B) Review applications for proposed development to assure that all necessary permits have been obtained from those federal, State or local governmental agencies from which approval is required.
 - (C) Notify adjacent communities and the West Virginia Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - (E) Verify the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings by requiring certification from a professional engineer or surveyor licensed with the State of West Virginia.
 - (F) Verify the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed by requiring certification from a professional engineer or surveyor licensed with the State of West Virginia.
- 17.6.3 In carrying out the duties contained herein, the Planning Director may require the Department of Public Works to review, approve or certify some permit application documents or certifications required from the owner's or developer's Project Engineer or Surveyor.
- 17.6.4 Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Department of Public Works shall make the necessary interpretation.

The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation to the Planning Commission.

- 17.6.5 When base flood elevation data is not available from FEMA, then the Planning Director shall require, obtain, review and reasonably utilize any base flood elevation data available from a federal, State or private source, in order to administer the provisions of this section.
- 17.6.6 Ensure that all records pertaining to the provisions of this Article shall be maintained in the Planning Department and shall be available for public inspection.

SECTION 17.7 PERMIT REQUIREMENTS

All development, including new construction, renovations, expansions, additions and replacements of structures, proposed within a 100-year floodplain area shall require a Conditional Use Permit. Such application shall be made to the Planning Director and shall include, but not be limited to, the following plans drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed buildings, fill storage of materials; drainage facilities; and the location of the foregoing. This information shall be in addition to that required for a Conditional Use Permit.

- (A) Elevation in relation to mean sea level, of the lowest floor (including basement) of all buildings.
- (B) Elevation in relation to mean sea level, to which any building has been or will be flood-proofed.
- (C) Provide a certificate from a registered professional engineer that the flood-proofed building meets or will meet the flood-proofing criteria in Section 17.9.
- (D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (E) Description of the extent fill material placed in the flood fringe area will be stabilized to prevent erosion of the fill material during the base flood.

SECTION 17.8 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION

In all areas of special flood hazards the following standards are required:

- (A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the building. Specific requirements for manufactured homes shall be:
 - (1) Over-the-top ties shall be provided at each of the four (4) corners of the home, with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long shall have one additional tie per side.
 - (2) Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long shall have four (4) additional ties per side.
 - (3) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
 - (4) Any additions to the manufactured home shall be similarly anchored.
 - (5) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (6) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

- (7) New and replacement sanitary sewage systems shall be designed to prevent or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (8) On-site waste disposal systems shall be located to avoid impairment to them or contamination to them during flooding.

SECTION 17.9 SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION

In all areas of special flood hazard where base flood elevation data have been provided, the following standards are required:

17.9.1 Residential Construction

New construction or substantial improvement of any residential building shall have the lowest floor, including the basement, elevated no lower than two (2) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a building, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided.

17.9.2 Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including the basement, elevated no lower than two (2) feet above the base flood elevation.

17.9.3 Elevated Buildings

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must be certified by a professional engineer licensed in the State of West Virginia to meet the following minimum criteria:

- (A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
- (B) The bottom of all openings shall be no higher than one (1) foot above grade;
- (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they permit the automatic flow of flood waters in both directions;
- (D) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;
- (E) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door or access door) or entry to the living area (stairway); and
- (F) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

17.9.4 Floodways

Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential, all encroachments within the floodway, including fill, new construction, substantial improvements, buildings, structures, and other developments shall be prohibited.

SECTION 17.10 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

17.10.1 Located within the areas of special flood hazard established are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following standards apply:

- (A) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the FEMA Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
- (B) All new construction and substantial improvements of non-residential buildings shall:
 - (1) Have the lowest floor, including basement, elevated to the depth number specified on the FEMA Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or
 - (2) Be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

SECTION 17.11 STANDARDS FOR SUBDIVISIONS

- 17.11.1 All subdivision proposals shall be consistent with the need to minimize flood damage.
- 17.11.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems designed, located and constructed to prevent or eliminate flood damage.
- 17.11.3 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- 17.11.4 Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks).
- 17.11.5 Lots shall be designed so that adequate building area exists outside the floodplain to permit a dwelling unit or other proposed structure without violating other provisions in this Article.

SECTION 17.12 DRAINAGE AND STORM WATER MANAGEMENT

Subject to the following provisions, each development shall provide all necessary storm drainage facilities, including but not limited to, underground pipe inlets, catch basins, open drainage ditches and/or channels to provide for the adequate disposal of surface and subsurface water.

17.12.1 Storm Drainage in Sanitary Sewer

No surface water shall be channeled or directed into a sanitary sewer.

17.12.2 Design

Natural drainage systems and storm water management installations shall be designed, constructed, and maintained so as to:

- (A) Provide for natural infiltration of storm water wherever practical, and

- (B) Control velocity of runoff flows, and
- (C) Collect and transmit storm water flows into either the City storm sewer system or a natural drainage system.
- (D) Developers shall maintain or reduce the pre-development storm water runoff amounts through the use of approved methods to retain or control storm water runoff.

17.12.3 Except as provided below, the developer shall provide a storm water drainage system capable of disposing storm water generated upon or passing through the development. The system shall be designed to comply with the minimum requirements in the City's Standard Specifications and Construction Details.

17.12.4 Slopes for Surface Drainage

Surface drainage courses shall have side slopes which are a minimum of two (2) feet of horizontal distance for each one (1) foot of vertical distance, shall be of sufficient size to carry storm water generated upon or passing through the development or subdivision, and shall comply with the minimum requirements in the City's Standard Specifications and Construction Details.

17.12.5 Existing Storm Drainage System

Where feasible, the developer shall connect and continue existing storm drainage systems. Systems utilizing piping shall be constructed so that the diameter of downstream pipes are equal to or greater than upstream pipes and so that connections shall be as smooth and flush as practical. When an existing storm drainage system cannot feasibly be extended to the subdivision, measures will be taken to protect the upstream development from water damage.

SECTION 17.13 EROSION AND SEDIMENTATION CONTROL

All subdivisions and developments shall be required to take measures to minimize erosion during construction and after development. All subdivisions and development shall comply with the Natural Resource Conservation Service Soil Erosion and Sedimentation Control regulations. Certification of compliance with or exemption from the plan requirements of such regulations shall be submitted to the Planning Director prior to issuance of an approved permit for a subdivision or development, or any part thereof.

SECTION 17.14 EASEMENTS

17.14.1 Drainage Easements

Where a development is traversed by a water course or drainageway, a private drainage easement encompassing the water course and such additional lands as might be necessary for construction and maintenance of the system or any part thereof shall be provided. Nothing herein shall make the same a part of any municipal drainage system and the City shall not be responsible for maintenance of the same unless maintenance is expressly accepted by City Council. Minimum easement widths shall be as provided in the City's Standard Specifications and Construction Details.

17.14.2 Pedestrian Easements

When a development is located in the proximity of schools, parks, shopping centers, and other facilities and uses which generate substantial pedestrian travel or where a subdivision consists of long blocks, a pedestrian easement may be required. The presence or absence of sufficient sidewalks in the area shall be considered in making this determination. Pedestrian easements shall have a minimum width of fifteen (15) feet, but shall be increased where slope or other conditions warrant an increased width. Paths for pedestrian travel shall be a minimum of five (5) feet in width, surfaced with several inches of crushed stone and bordered with landscape timbers, or other acceptable materials.

ARTICLE 18

SIGN REGULATIONS

SECTION 18.1 INTENT

It is the intent of this Article to authorize the use of signs whose types, sizes and arrangements are compatible with their surroundings, preserve the natural beauty of the area, protect existing property values in both residential and non-residential areas, prevent endangering the public safety, express the identity of the community as a whole or individual properties or occupants, legible in the circumstances in which they are seen, and appropriate to traffic safety. These regulations are designed and intended to prevent over-concentration, improper placement and excessive height, bulk and area of signs.

SECTION 18.2 GENERAL SIGN REGULATIONS (Revised December 10, 2007)

18.2.1. Sign permit requirement and application

- (A) It is unlawful for any person to erect, construct, enlarge, alter, move, or convert any sign in the City of Weirton or cause the same to be done, without first obtaining a sign permit for each sign.
- (B) Applications for a sign permit shall be made in writing to the Planning Director, and shall be accompanied by such information as may be required to assure compliance with these regulations and all other appropriate ordinances and regulations of the City of Weirton.
- (C) Sign permits shall be issued for the life of the sign, or any shorter period as stated on the approved permit application. However, any permit may be revoked at any time by the Planning Director upon finding that the sign violates any provision of this Article or that the permittee made false representations in securing the permit.
- (D) No person shall erect, construct, or maintain any sign upon any property, structure or building without the prior written consent of the owner or person entitled to possession of the property, structure or building, or his authorized representative. The written consent must accompany the sign permit application.
- (E) Every sign permit issued shall become null and void if installation is not commenced within one hundred eighty (180) days from the date of such permit.

18.2.2 The following signs shall be exempt from the permit requirements of this Article, except as they may interfere with traffic safety or in any other way become a public safety hazard.

- (A) Signs or decorations displayed for recognized holidays.
 - (B) Memorial plaques or historic markers or other similar signs which are engraved or a permanent component of a building, monument, tombstone or other similar structure.
 - (C) Public information signs.
 - (D) Street number signs indicating the address of a building or structure, and not exceeding one (1) square foot in area.
 - (E) Temporary signs, provided that a temporary sign shall be displayed for a period not to exceed thirty (30) days per calendar year. Real Estate Signs are exempt from the 30 days per calendar year time restriction.
 - (F) Political Signs
 - (G) Signs for any business or facility which has been designated:
 - (i) as an "attraction" by the United States Department of Transportation (USDOT) and/or the West Virginia Department of Highways (WVDOH); or
 - (ii) as an historic landmark by the federal or state landmark commission.
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Provided, however, the business or facility is located in Hancock or Brooke Counties and such signage is part of a city endorsed program or project.

18.2.3 Sign Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to the construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of land at the principal entrance to the principal structure on the lot, whichever is lower.

18.2.4 Computation of Area of Individual Signs

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly incidental to the display itself.

18.2.5 Computation of Maximum Total Permitted Sign Area for a Lot

The permitted sum of the area of all individual signs shall be permitted in accordance with Tables 7, 8 and 9 of this Article. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street. In no case shall the maximum aggregate sign area exceed 200 square feet per parcel.

18.2.6 Sign Placement

Signs shall be subject to the placement requirements in Tables 7, 8 and 9 of this Article, but in no event shall any sign be placed in a position that will obstruct the view of motorists or cause any other danger to motorists or pedestrians within a public right-of-way or on adjoining lots. Nor shall any sign be placed within the clear vision triangle required to be maintained at all street intersections, driveway and access way entrances onto public streets. All signs shall be set back within the buildable area of the site, except as noted in Tables 7, 8 and 9.

18.2.7 Design, Construction, and Maintenance

All signs shall be designed, constructed, and maintained in accordance with the City Building Code. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Ordinance, at all times.

18.2.8 Prohibited Signs

Unless specifically noted otherwise in this Article, the following signs shall be prohibited in all zoning districts:

- (A) Signs affixed to trees, utility poles, fences, or equipment;
- (B) Roof signs;
- (C) Signs with moving, rotating, or oscillating parts;
- (D) Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed to be a traffic-control sign; and,
- (E) Any sign determined to be unsafe or insecure or that is erected in violation of the provisions of this Ordinance.

SECTION 18.3 SIGNS PERMITTED IN INDIVIDUAL ZONING DISTRICTS

- 18.3.1 Signs in residential districts shall be subject to the time, place and manner regulations found in Table 7.
- 18.3.2 Signs in commercial districts shall be subject to the time, place and manner regulations found in Table 8.
- 18.3.3 Signs in industrial districts shall be subject to the time, place and manner regulations found in Table 9.
- 18.3.4 In addition to the regulations in Tables 7, 8 and 9, all freestanding signs, except for temporary signs, shall comply with the following limitations and requirements:
 - (A) A freestanding sign shall have no more than two (2) sign faces;
 - (B) The area immediately surrounding the base and support structure of the sign shall be landscaped; and
 - (C) Freestanding ground signs shall be required in residential districts and shall be used instead of pole signs to the maximum extent practical or feasible in other districts.

SECTION 18.4 ADDITIONAL STANDARDS FOR ILLUMINATED SIGNS

In addition to the regulations in Tables 7, 8 and 9, all illuminated signs shall meet the following requirements:

- (A) Limits on Degree of Internal Illumination. Any sign located adjacent to a dwelling unit or lot zoned for residential use shall be located, shielded and screened to prevent direct light or glare onto a dwelling unit or residential lot.
- (B) External Illumination. Whenever external illumination is used for a sign, the source of light shall be located, shielded, screened and directed in such a manner that the light source is not visible.
- (C) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited if such signs interfere with traffic safety. Reflective surfaces or devices on sign faces with illumination are permitted, provided such signs do not interfere with traffic safety.
- (D) Signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.
- (E) No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.

SECTION 18.5 SPECIAL STANDARDS FOR SHOPPING CENTERS AND OTHER MULTI-OCCUPANT LAND USES

For all new developments, no sign permit shall be issued for a shopping center or other multi-occupant land use, or for any individual establishment or occupant therein, unless a uniform sign plan has been submitted and approved for the entire development.

SECTION 18.6 OUTDOOR ADVERTISING SIGNS (BILLBOARDS)**18.6.1 General Regulations**

Where permitted, outdoor advertising signs shall comply with the following:

- (A) No outdoor billboard advertising sign, display or device shall be erected or maintained within fifty (50) feet of the nearest edge of the right-of-way of any road, street or highway within the City; provided, that no outdoor advertising sign, display or device shall be erected along Pennsylvania Avenue extending from North Tenth Street to the Pennsylvania State Line.
- (B) No outdoor advertising sign designed to be visible from a highway shall be permitted to be erected within a distance of five hundred (500) feet of any existing outdoor advertising sign located on the same side of the highway.
- (C) No outdoor advertising sign shall be located within five hundred (500) feet of any school, church, hospital or similar institution.
- (D) The display area of an outdoor advertising sign shall not exceed six hundred seventy-two (672) square feet in size. Signs of any type over six hundred seventy-two (672) square feet will not be permitted. Two (2) outdoor advertising signs erected one (1) above the other shall be treated as two (2) signs.
- (E) Back-to-back V-type signs will be permitted and shall be treated as one sign, provided that the interior angle between the two signs does not exceed sixty (60) degrees.
- (F) The maximum height for outdoor advertising signs shall be thirty-five (35) feet measured from the pavement edge or center edge of highway or roadway and/or ground level, whichever is higher. In no case shall a sign be higher than the surrounding buildings. In the case of a single building, the height of the building shall control up to the maximum height permitted by code.
- (G) No structure supporting an outdoor advertising sign shall be located on a lot where there exists a structure, housing or another principal Permitted Use.
- (H) No outdoor advertising sign shall be erected or maintained which involves rapid motion or rotation of the structure, or any part thereof.
- (I) No outdoor advertising sign, display or device shall copy or imitate a traffic sign or other official sign.
- (J) No outdoor advertising sign shall contain lighting which is not shielded, and any lighting shall be of such low intensity as not to cause glare or impair the vision of the operator of any motor vehicle.
- (K) No outdoor advertising display or device shall be illuminated by any rapid flashing, intermittent light or lights.
- (L) No outdoor advertising display or device shall be painted, affixed or attached to any natural feature.
- (M) No outdoor advertising sign, display or device shall hinder the clear, unobstructed view of approaching or merging traffic, or obscure from view any traffic sign or other official sign.
- (N) No outdoor advertising sign, including its structure, shall be located on any building, regardless of use.

18.6.2 Permitted Locations. Outdoor advertising signs shall only be located in the following zoning districts:

C-1, Highway Commercial

C-2, Regional Commercial/Professional

PDD, Planned Industrial/Commercial

M-1, Mixed Light Manufacturing / Office / Commercial District

M-2, Heavy Industrial / Light Industrial / Commercial District.

18.6.3 Maintenance.

All billboards shall be kept in a complete state of repair and maintenance. Any nonconforming billboard that is left to deteriorate or fall into disrepair will be deemed abandoned, and therefore, loses its privilege for continuation as a nonconforming use.

18.6.4 Prohibition of Variances.

This section shall be strictly construed and the requirements and regulations set forth herein shall not be subject to granting of variances for any reasons.

SECTION 18.7 NONCONFORMING SIGNS (Revised August 9, 2006)

Any nonconforming sign may be continued only as provided in this Section.

- (A) Normal maintenance of a nonconforming sign may occur, including any necessary repairs and alterations that do not enlarge, extend, or intensify the nonconformity.
- (B) No structural alteration, enlargement, or extension shall be made of a nonconforming sign except when the alteration will eliminate the nonconforming condition.
- (C) No conforming sign shall be erected on the same premises as an existing nonconforming sign until the nonconforming sign has been removed or changed to a conforming sign. However, for multi-occupant land uses, the fact that one particular establishment therein has a nonconforming sign will not prohibit a different establishment therein from erecting a conforming sign on the same premises.
- (D) A nonconforming sign shall be made to conform to the requirements of this Article whenever there is a change in the use of the building, which the sign serves, or whenever the building or structure, which the sign serves is externally expanded or remodeled.
- (E) Whenever the use of a nonconforming sign, or the use which the sign serves, has been discontinued for a period of ninety (90) calendar days, or whenever it is evident that there is a clear intent on the part of the owner to abandon the use of a nonconforming sign, or the use which the sign serves, then the sign thereafter shall be made to conform with the provisions of this Article.
- (F) If a nonconforming sign is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replacement value at the time of the damage or destruction (based on prevailing costs), then the sign thereafter shall be restored to conform to the provisions of this Article. However, if the damage or destruction is less than fifty (50) percent of the replacement value, then the sign may thereafter be restored to its original condition, so long as restoration or repair of the sign is completed within three (3) months after the date of damage or destruction. The repaired or reconstructed sign shall be made to conform to the City of Weirton Building Code and Electrical Code in force at the time of the repair or reconstruction.
- (F) All non-conforming uses in R-3 zoning districts, are permitted signage in accordance with Table 8 - C-1, C-2 and C-3 Districts.

Table 7. Signs Permitted in Residential Districts

Signs Permitted in Residential Districts (R-1, R-2, R-3 and PUD)				
Type	Max Number Permitted	Max. Area Per Sign	Max. Height	Minimum Setback
Signs for each Single-Family or Two-Family Dwelling:				
1. Permanent Signs				
a. Building Signplate	1 per dwelling unit	2 sq. ft.	6 ft	NA
b. Post and Panel	1 per building	2 sq. ft.	6 ft	5 ft. from ROW
2. Temporary Signs	2 per dwelling unit	6 sq. ft.	4 ft	5 ft. from ROW
3. Subdivision Signs	2 per subdivision entrance	30 sq. ft.	8 ft.	5 ft. from ROW
4. Instructional Signs	Exempt from regulations			
Signs for Multi-Family Buildings:				
1. Permanent Signs				
a. Building Signplate	1 per public entrance to building mounted on door or wall	2 sq. ft.	NA	NA
b. Monument Sign	1 per development entrance or per 500 ft. of public street frontage, which ever is greater	30 sq. ft.	8 ft.	5 ft. from ROW
2. Temporary Signs	2 per building	6 sq. ft.	4 ft	5 ft from ROW (except real estate signs which are exempt from this distancing requirement)
3. Instructional Signs	Exempt from regulations			
Signs for Non-Residential Uses in R-1, R-2, R-3 Districts:				
1. Permanent Signs				
a. Building Signplate	1 per public entrance to building mounted on door or wall	2 sq. ft.	NA	NA
b. Monument Sign	1 per development entrance or per 500 ft. of public street frontage, which ever is greater	30 sq. ft.	8 ft.	5 ft from ROW
2. Temporary Signs	2 per building	6 sq. ft.	4 ft	5 ft from ROW (except real estate signs which are exempt from this distancing requirement)
3. Instructional Signs	Exempt from regulations			
Signs for Non-Residential Uses in the PUD District:				
1. Permanent Signs				
a. Building Signplate	1 per address, mounted on door or wall	2 sq. ft.	NA	NA
b. Monument Sign	1 per building	1 sq ft per 1 lineal foot of street frontage	15 ft	5 ft. from ROW
2. Instructional Signs	Exempt from regulations			

Table 8. Signs Permitted in Commercial Districts

Signs Permitted in Commercial Districts (C-1, C-2, C-3 and PDD)				
Type	Max Number Permitted	Max. Area Per Sign	Max. Height	Minimum Setback
Signs Permitted in the C-2, C-3 and PDD Districts:				
1. Permanent Signs				
a. Building Signplates	1 per public entrance to building mounted on door or wall	2 sq. ft.	NA	NA
b. Single Occupant Bldgs.				
(1) Wall Sign	1 per street frontage	1 sq ft per 1 lineal ft street frontage	NA	NA
(2) Awning Sign			NA	NA
(3) Monument Sign			10 ft	5 ft. from ROW
c. Multi-Occupant Bldgs				
(1) Wall Sign	1 per business; 2 per business if end unit	1 sq ft/1 lineal ft store frontage;. 05 sqft/1 lineal ft store frontage	NA	NA
(2) Awning Sign	1 per business	1 sq ft/ 1 lineal ft store frontage	NA	NA
(3) Monument Sign	1 per building	.25 sq ft per 1 lineal ft street frontage	10 ft	5 ft from ROW(
2. Temporary Signs	1 per business	20 sq ft.	4 ft	5 ft from ROW (except real estate signs which are exempt from this distancing requirement)
3. Instructional Signs				
Exempt from regulations				
Signs Permitted in the in C-1 Districts:				
1. Permanent Signs				
a. Building Signplates	1 per public entrance to building mounted on door or wall	2 sq. ft.	NA	NA
b. Single Occupant Bldgs.				
(1) Wall Sign	1 per street Frontage	1 sq ft per 1 lineal ft street frontage	NA	NA
(2) Awning Sign			NA	NA
(3) Monument Sign			15 ft	5 ft. from ROW
(4) Pole Sign	1 per site	.75 sq ft per 1 lineal ft street frontage	15 ft	5 ft. from ROW
c. Multi-Occupant Bldgs				
(1) Wall Sign	1 per business; 2 per business if end unit	1 sq ft per 1 lineal ft store frontage;. 05 sq ft oer 1 lineal ft store frontage	NA	NA
(2) Awning Sign	1 per business	1 sq ft per 1 lineal ft store frontage	NA	NA
(3) Monument Sign	1 per building	1sq ft per 1 lineal ft street frontage	10 ft	5 ft from ROW(
(4) Pole Sign	1 per site	.75 sq ft per 1 lineal ft street frontage	15 ft	5 ft. from ROW
2. Temporary Signs	1 per business	20 sq ft.	4 ft	5 ft from ROW (except real estate signs which are exempt from this distancing requirement)
3. Instructional Signs				
Exempt from regulations				

Table 9 . Signs Permitted in Industrial Districts

Signs Permitted in Industrial Districts (M-1 and M-2)				
Type	Max Number Permitted	Max. Area Per Sign	Max. Height	Minimum Setback
Signs Permitted in the M-1 and M-2 Districts:				
1. Permanent Signs				
a. Building Signplate	1 per public entrance to building mounting on door or wall	2 sq. ft.	NA	NA
b. Single Occupant Bldgs.				
(1) Wall Sign	1 per street frontage	1 sq ft per 1 lineal ft street frontage	NA	NA
(2) Awning Sign			NA	NA
(3) Monument Sign			10 ft	5 ft. from ROW
c. Multi-Occupant Bldgs				
(1) Wall Sign	1 per business; 2 per business if end unit	1.0 sq ft/1 lineal ft store frontage; .05 sqft/1 lineal ft store frontage	NA	NA
(2) Awning Sign	1 per business	1.0 sq ft/ 1 lineal ft store frontage	NA	NA
(3) Monument Sign	1 per building	1.0 sq ft per 1 lineal ft street frontage	10 ft	5 ft from ROW(
2. Temporary Signs	1 per business	20 sq ft.	4 ft	5 ft from ROW (except real estate signs which are exempt from this distancing requirement)
3. Instructional Signs	Exempt from regulations			

ARTICLE 19
LEGAL PROVISIONS

SECTION 19.1 SEPARABILITY

It is the legislative intent of City Council in adopting this Ordinance that all provisions thereof shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the City. It is the further intent of the Council that this Ordinance shall stand, notwithstanding the invalidity of any part thereof, and that should any provisions of this Ordinance be held to be unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions.

SECTION 19.2 REPEAL OF EXISTING SUBDIVISION REGULATIONS AND ZONING REGULATIONS

The existing subdivision regulations entitled "Subdivision Regulations for the City of Weirton, West Virginia" are hereby repealed. The existing zoning regulations entitled "Zoning Ordinance for the City of Weirton, West Virginia" are hereby repealed. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate an existing violation of said regulations.

SECTION 19.3 CONFLICT WITH OTHER LAWS

When provisions of this Ordinance impose higher standards than are required in any other statute or local ordinance or regulation, provisions of this Ordinance shall govern. When the provisions of any other statute or local ordinance or regulation impose higher standards than are required by the provisions of this Ordinance, the provisions of that statute or local ordinance or regulation shall govern.