

Zoning Ordinance  
for the  
City of Charleston,  
West Virginia

**Approved by City Council  
November 21, 2005**

**Amended thru December 7, 2020  
(Text Amendment No. 41)**

**CHARLESTON, WEST VIRGINIA  
ZONING ORDINANCE**

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# Part 1

## General Provisions



**ARTICLE 1**  
**ENACTMENT AND SCOPE OF ZONING ORDINANCE**  
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Sec. 1-070	Notices
Sec. 1-080	Transition Rules

**Sec. 1-010 Title**

These regulations and all ordinances and regulations supplemental and amendatory thereto, shall be known and may be cited as the “City of Charleston Zoning Ordinance” and are generally referred to herein as “the Zoning Ordinance,” “this ordinance,” “this amended ordinance”, or “these regulations.”

**Sec. 1-020 Preamble**

It is the intent of this ordinance to protect and promote the public health, safety, convenience, morals, and general welfare. More specifically, this ordinance is intended to achieve the following:

- A. Guide future growth and development in general accordance with the Charleston Comprehensive Plan and individual City neighborhood plans with these regulations generally being in accordance with setting forth the purposes of those plans;
- B. Provide adequate light, air, and privacy; secure safety from fire and other danger; and prevent overcrowding of land and undue congestion of population;
- C. Protect the character and the social and economic stability of all parts of the City; encourage orderly and beneficial development; and protect and preserve the value of land and buildings appropriate to the various districts established by this ordinance;
- D. Bring about the gradual conformity of the uses of land and buildings with the zoning regulations set forth, and minimize conflicts among the uses of land and buildings;
- E. Promote the most beneficial relationship between the uses of land and buildings and the street system which serves those uses, having particular regard for the potential amount and intensity of such land and building uses in relation to the traffic capacity of the street system, so as to avoid congestion in the streets and to promote safe and convenient vehicular and pedestrian traffic movements appropriate to the various uses of land and buildings; and;
- F. Provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in building development, investment, and other economic activity relating to uses of land and buildings.

**Sec. 1-030 Prohibited Uses**

Except as provided in these regulations, no building, structure or premises may be used for any purpose other than those permitted in the zoning district in which the building, structure or premises is located. No land or lot area may be reduced, diminished, used or developed except in accordance with all applicable provisions of these regulations. No building or structure may be altered, erected, constructed, installed, moved, replaced or maintained except in accordance with all applicable provisions of these regulations.

**Sec. 1-040 Authority and Jurisdiction**

These regulations, enacted pursuant to the Code of West Virginia, Chapter 8A, Articles 1 through 12, as amended, and pursuant to the Charleston City Code and all other applicable authorities and provisions of West Virginia statutory and common law, shall apply to all land use within the City corporate limits, except where specifically exempted by State Law.

### **Sec. 1-050 Inclusion and Relationship to Other Ordinances**

- A. The Zoning Ordinance shall be interpreted to include any and all other provisions of the Charleston City Code which are necessary for an understanding of this ordinance and the attainment of its purposes. The City Council of the City of Charleston, West Virginia intends that all Charleston City Code provisions relating to land use, and all orders, rules, and regulations established pursuant to these provisions, be read as part of a uniform system of Charleston land use regulation.
- B. All departments, officials and employees of Charleston, West Virginia, that are vested with the duty or authority to issue permits, certificates or approvals, shall conform to the provisions of this ordinance and shall issue no permit, certificate or approval for any use, structure or activity if the same would be in conflict with the provisions of this ordinance, unless otherwise provided for by law. Any permit, certificate or approval issued in conflict with the provisions of this ordinance shall be null and void and, in no event, shall act as a waiver of the standards and requirements of these regulations.

### **Sec. 1-060 Interpretation, Conflict and Severability**

- A. In their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- B. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. Where the conditions imposed by, or pursuant to, these regulations are different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, statute or other provision of law, the provisions which are more restrictive and which impose the higher/greater standards shall control.
- C. The provisions of this ordinance are separable. If any part or provision of these regulations or their application to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or their application to other persons or circumstances. The City hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

### **Sec. 1-070 Notices**

For purposes of this ordinance, if written notice is required to be given to any person, such requirement shall be considered satisfied as of the date of deposit of the written notice in the United States mail, postage pre-paid, addressed to the person or agent thereof, at his last known address or principal place of delivery, as is currently on file with the Office of the Kanawha County Tax Assessor.

### **Sec. 1-080 Transition Rules**

In determining the applicability of this amended Zoning Ordinance with respect to the previous version of zoning regulations, the following rules shall apply:

- A. When a use lawfully existing on the effective date of this amended Zoning Ordinance was classified as a permitted use prior to the effective date of this ordinance, and such use is classified as a "Conditional Use" by this ordinance, such use shall be deemed a lawful nonconforming use. Such use may be granted a conditional use permit in the manner prescribed by Article 30 of these regulations or, alternatively, may continue subject to the nonconforming use provisions of Article 27 of these regulations.
- B. When a use lawfully existing as a permitted use on the effective date of this amended Zoning

- Ordinance, or any amendment thereto, or any building, structure or lot lawfully existing that does not meet all development standards set forth in this ordinance, or any amendment thereto, or is no longer classified as permitted, such use building, structure, or lot shall be deemed lawfully nonconforming and shall be subject to the nonconforming use provisions of Article 27 of these regulations.
- C. When, before the effective date of this amended Zoning Ordinance, a complete application has been filed for a Building Permit for a building or structure which conforms to all applicable regulations in effect prior to the effective date of this ordinance, the building or structure may be completed in accordance with the plans on the basis of which the application was submitted. Upon completion, said building or structure may be occupied for the use which was specified on the Building Permit application, provided the use at the time of application was classified as permitted, or if classified as a conditional use, had been approved by the Planning Commission and/or Board of Zoning Appeals. Provided, also, if the use originally intended no longer complies with all requirements of this Zoning Ordinance such use shall be a lawful nonconforming use subject to the nonconforming use provisions of Article 27 of these regulations or, alternatively, as a conditional use subject to the conditional use provisions of Article 30 of these regulations. However, in the event that said application or permit expires or is suspended or revoked in accordance with Article 36 of these regulations, any new permit application that is submitted after the effective date of this ordinance shall be subject to the regulations in this ordinance.
- D. All variances granted prior to the effective date of this amended Zoning Ordinance shall remain in full force and effect subject to the conditions of variance approval. However, such variance shall apply only to the specific development standard granted.
- E. All conditional use permits granted prior to the effective date of this amended Zoning Ordinance shall remain in full force and effect subject to the conditions of conditional use approval. Expansion or change in use shall require compliance with this Zoning Ordinance.

# Part 2

## Reference Definitions

## ARTICLE 2

### DEFINITIONS

#### Contents

- Sec. 2-010 Rules of Construction, Content and Usage  
Sec. 2-020 Definitions of Terms

#### **Sec. 2-010 Rules of Construction, Content and Usage**

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

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

- O. The word "Commission" shall mean the Municipal Planning Commission of the City of Charleston, West Virginia.
- P. The word "Council" shall mean the City Council of the City of Charleston, West Virginia.
- Q. The terms "Board of Zoning Appeals", "Building Commissioner", "City Clerk", "City Engineer", "City Manager", "City Attorney", "City Treasurer", "City- County Health Department", "Director of Public Works", "Historic District Review Board", "Historic Landmark Commission", "Municipal Beautification Commission", "Mayor", "Planning Director", "Sanitary Board", "Street Commissioner", and "Traffic Engineer" shall mean the respective boards, councils, and officers of the City and County of their authorized agents.
- R. The term "Building Code" shall mean those regulations administered by the Building Commissioner, as adopted by the City Council of Charleston.
- S. The term "Code of the City of Charleston" or "City Code" shall mean the Code of the City of Charleston, April 7, 2003, as amended.
- T. The term "Code of West Virginia" shall mean the Code of the State of West Virginia, 1931, as amended.
- U. The term "Comprehensive Plan" shall mean the plan for the City of Charleston, West Virginia, entitled "Imagine Charleston, Comprehensive Plan", as passed by ordinance of City Council, October 7, 2013.
- V. The term "Fire Code" shall mean the Fire Prevention Code, 1968, as amended.
- W. The term "Subdivision Regulations" shall mean the Subdivision Ordinance for the City of Charleston, West Virginia, as passed by ordinance of City Council, May 5, 2008 and as subsequently amended.
- X. The phrase "this ordinance" shall mean all portions of this amended Zoning Ordinance of the City of Charleston, West Virginia, including the Zoning Map, as passed by ordinance of City Council, November 21, 2005 and as subsequently amended.

## Sec. 2-020 Definitions of Terms

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them within this section. If not defined in this section, 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, including diagonally, by a right-of-way, alley, or easement.

**Access.** The way or means by which pedestrians or vehicles approach, enter or exit property.

**Accessory Structure.** See Structure, Accessory. The use of an accessory structure must be accessory to the use of the principal structure.

**Accessory Use.** See Use, Accessory.

**Adaptive reuse of Nonresidential Structures.** The process of reusing an existing building for a purpose other than that for which it was built or designed.

**Addition.** Any increase in the gross floor area of a structure or use, including those in which the building footprint is not enlarged

**Adult Bookstore.** An establishment having more than ten 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, or an establishment with a segment or section devoted to the sale or display of such material. See also Sexually Oriented Business.

**Adult Business.** Adult business shall mean an adult book store, adult videotape store, adult motion picture theater, or adult entertainment establishment. 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 Video Store.** An establishment having more than ten 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.

**Affected Persons.** Those owners of record of real property located in whole or in part within a specified distance as indicated in this ordinance, including public streets and other rights-of-way.

**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.

**Agricultural Activity.** Farming, including plowing, tillage, cropping, seeding, animal and poultry husbandry, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting).

**Agriculture, Urban (Urban Agriculture).** An umbrella term that describes a range of food growing practices that may include the keeping of chickens but does not include other livestock.

**Airport.** Any area of land or water designated, set aside, used or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.

**Alcoholic Beverage.** Shall include alcohol, beer, nonintoxicating beer, wine, and spirits and any liquid or solid capable of being used as a beverage.

**Alcoholic Beverage Sales for Off-premise Consumption.** An establishment engaged in the retail sale of packaged alcoholic beverages solely for off-premises consumption in addition to other retail sales. Uses include but are not limited to: drugstores, gas stations, convenience stores, and grocery stores.

**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, Incidental.** A change or replacement in the parts of a building or other structure, such as:

- (a) Alteration of interior partitions to improve a nonconforming residential building, provided no additional dwelling units are created thereby.
- (b) Alteration of interior partitions in all other types of buildings or structures.
- (c) A minor addition on the exterior of a residential building to provide an uncovered porch or patio.

- (d) Making windows or doors in exterior walls.
- (e) Strengthening the load bearing capacity in not more than ten percent of the total floor area to permit the accommodation of a specialized unit of machinery or equipment.
- (f) Replacement of, or minor changes in the capacity of, utility pipes, ducts, or conduits.

**Alteration, Structural.** A change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or exterior walls.

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

**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.

**Amphitheater.** An open air structure devoted primarily to the showing of theatrical or musical productions, with the provision of seating areas for patrons. These uses frequently include refreshment stands, as accessory uses.

**Animal Grooming Service (Small Animals).** Any place or establishment whose primary service offered is to be a place where house pets are bathed, clipped or combed for the purpose of enhancing their aesthetic value and/or health, and for which a fee is charged.

**Animal Grooming Service (Unlimited).** Any place or establishment whose primary service offered is to be a place where house pets, livestock, horses, or other 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 Hospital / Clinic.** A use or structure intended or used primarily for the testing and treatment of animals on an emergency or outpatient basis. This use shall not include the boarding or training of animals, except for medical purposes and shall not provide outdoor runs or kennels. Synonymous with veterinary hospital.

**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. See Dwelling, Multi-family.

**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 the zoning ordinance have been met.

**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.

**Art Gallery.** An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.



**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; and which does not include any commercial speech or advertising copy that would classify the work as a sign.

**Apiary (Bee Keeping).** The keeping or propagation of honeybee colonies for collection of honey or other bee products.

**Aquaponics.** The cultivation of fish and plants together in a constructed, re-circulating ecosystem utilizing natural bacterial cycles to convert fish waste to plant nutrients.

**Arterial, Major.** A street that provides for through traffic movement between areas of the City and which is used, or is intended to be used, as part of the principal network for through traffic within the City.

**Assembly Hall.** A facility or part of a building used for the assembly of people for receptions, weddings, parties and similar uses.

**Assisted Living Facility.** A facility that provides primarily non-medical resident services to seven 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.

**Association (Charitable, Fraternal, or Social).** 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.

**Athletic Field.** See Recreational / Sports Facility.

**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.

**Auction.** The act of or location at which goods or property are sold to the highest bidder.

**Automated Teller Machine.** 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 in commercial or office zones.

**Automobile Renting or Leasing Establishment.** Establishments involved in renting or leasing passenger cars, noncommercial trucks, motor homes or recreational vehicles, including incidental parking and minor servicing of vehicles available for rent.

**Automobile Retail Sales Establishment.** Establishments involved in the retail sale of new and used automobiles, noncommercial trucks, motor homes or recreational vehicles, including incidental storage, maintenance and servicing.

**Automobile Washing or Polishing Establishment.** An establishment primarily engaged in the washing, cleaning or polishing of passenger vehicles, recreational vehicles or other light duty equipment.

**Automotive Body and Paint Shop.** An establishment primarily engaged in automotive painting and refinishing.

**Automotive Parts, Supplies or Accessories Establishment.** An establishment primarily engaged in the retail sale of automotive parts, supplies and accessories.

**Automotive Repair Establishment.** 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 Wrecker Service.** A service for towing wrecked, illegally parked, or disabled automobiles or freeing automobiles stalled in snow or mud.

**Awning.** Any 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.

**Bakery, Retail.** An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site.

**Bakery, Wholesale.** An establishment primarily engaged in manufacturing bakery products for sale primarily for home service delivery, or through one or more non-baking retail outlets.

**Bar, Nightclub, or Private Club.** A premises used primarily (gross revenue from the sale of alcoholic beverages sale are greater than fifty percent of total revenue) for sale or dispensing of alcoholic beverages by the drink for on-site consumption or of beer by growler for off-site consumption, and where food may be available for consumption on the premises as accessory to the principal use.

**Barber Shop.** See Beauty Salon / Barber Shop.

**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.

**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.

**Beauty Salon / Barber Shop.** An establishment wherein cosmetology or barbering is practiced on a regular basis for compensation.

**Bed and Breakfast Inn (B&B).** A dwelling in which, for compensation, lodging containing not more than six (6) guest rooms and for no extra charge, breakfast is provided to the guests. This use does not include rooming or boarding houses.

**Beekeeping.** The establishment and maintenance of one or more colonies of the common domestic honeybee. Colony shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood. A hive shall mean a structure intended for the housing of a honeybee colony.

**Berm.** A natural or man-made earthen mound in excess of two feet in vertical height designed to shield or buffer properties from adjoining uses, highways, noise, or to control the direction of surface water flow.

**Bikeway.** A pathway used for bicycling, walking and other recreation.

**Block.** Property having frontage on both sides of a 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).

**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.

**Book or Stationery Establishment.** A retail establishment that engages primarily in the sale of books, magazines, newspapers, stationery, greeting cards and other printed material, excluding any adult bookstore.

**Bowling Alley.** An establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment and play area.

**Breezeway.** A covered passage, open on at least one side, between two buildings.

**Broadcasting Station.** A studio used primarily for the production, scheduling, recording, reception and transmission of television or radio programming.

**Buffer.** A strip of land, fence, or border of trees, etc., between one use and another, which may or may not

have trees and shrubs planted for screening purposes, designed to set apart one use area from another. An appropriate buffer may vary depending on uses, districts, size, etc.

**Buffer Strip.** Land area used to visibly separate one use from another or to shield or block noise, light or other nuisances. A strip may be required to include fencing, berms, shrubs and/or trees.

**Buildable Area.** See Area, Buildable.

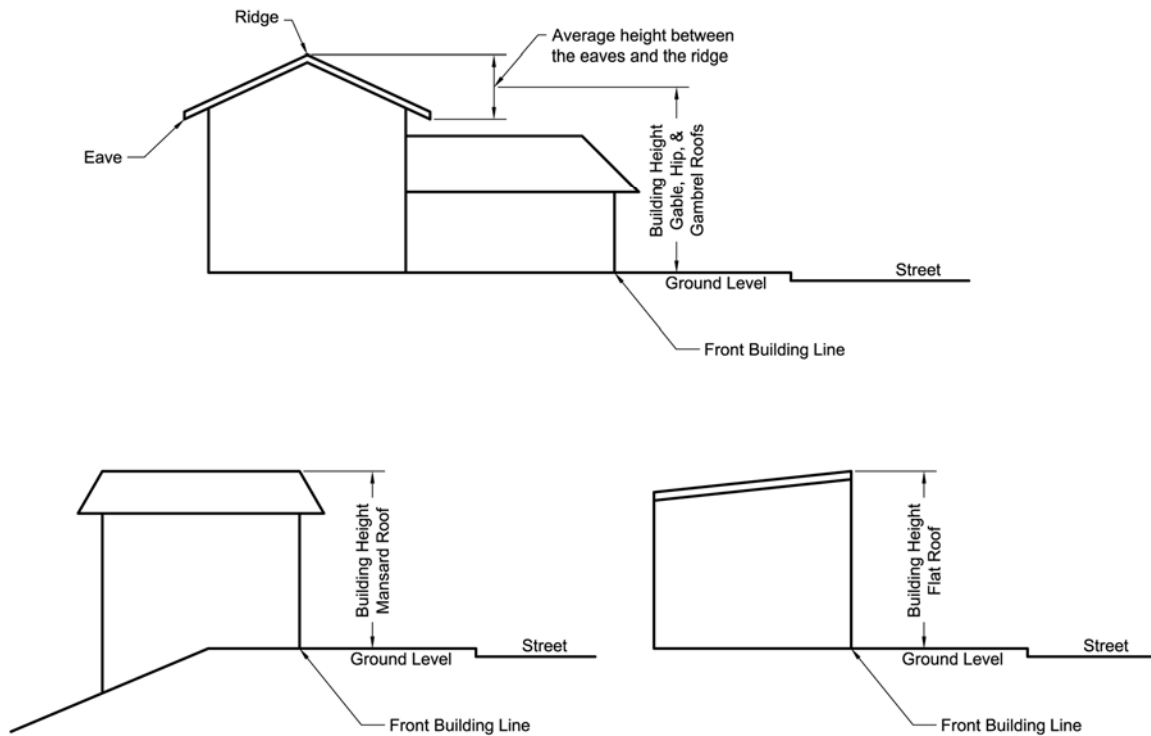
**Building.** A structure with a roof built and maintained for the support, shelter, or enclosure of persons, motor vehicles, animals, or personal or real property.

**Building 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 of a building measured from the average grade level at the front line 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.

**Building Height**



**Building Materials Establishment** 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 Structure, Accessory.

**Building, Detached.** A building having no structural connection with another building.

**Building Line, Front.** The line or lines of the face of the principal structure nearest the front lot line(s).

**Building, Nonconforming.** See Structure, Nonconforming.

**Building, Principal.** A building in which is conducted the main or principal use of the lot on which the building is situated.

**Bulk Requirements.** Standards that control the height, density and location of structures.

**Bus Garage.** A building or structure used for the storage, maintenance and parking of buses.

**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.** Engagement 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.

**By-Right.** A use permitted or allowed in the district involved, and upon review has been determined to comply with the provisions of these zoning regulations 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 inches in diameter up to and including 12 inches, the caliper measurement must be taken 12 inches above the ground level. For trees greater than 12 inches in diameter, the trunk is measured at breast height, which is 4.5 feet above the ground.

**Campground.** Any area of land and/or water on which is located cabins, tents, travel trailers, motor homes, or other types of shelter suitable and intended for use in a temporary seasonal manner.

**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 feet from the face of a building shall be considered a canopy.

**Carnival, Circus, Fairground, Amusement Enterprise (Permanent).** Any aggregation or combination of shows or riding devices, games of skill or chance, or any combination of several enterprises, such as revolving wheels, merry-go-rounds, giant swings, musical and theatrical entertainment, and riding devices, whether carried on or engaged in or conducted in any field, park or in a building or enclosure, and whether carried on, engaged in or conducted as one enterprise or by several concessionaires, and whether one admission fee is charged for admission to all shows or entertainment, or separate fees for admission is charged for each amusement.

**Carnival, Circus, Fairground, Amusement Enterprise (Temporary).** A traveling or transportable group or aggregation of shows or riding devices, games of skill or chance, or any combination of several enterprises, such as revolving wheels, merry-go-rounds, giant swings, musical and theatrical entertainment, and riding devices, whether carried on or engaged in or conducted in any field, park or in a building or enclosure, and whether carried on, engaged in or conducted as one enterprise or by several concessionaires, and whether one admission fee is charged for admission to all shows or entertainment, or separate fees for admission is charged for each amusement.

**Carport.** A roofed structure not more than 75 percent enclosed by walls and attached to the main building for the purpose of providing shelter for one or more motor vehicles.

**Catering Service Establishment.** An establishment that prepares and supplies food to be consumed off-

premises.

**Cemetery.** A site used for the permanent interment of human remains. It may be a burial park for earth interments, a mausoleum for vault or crypt interments, or a columbarium for cinerary interments.

**Certificate of Compliance.** A permit, signed by the Director of Planning or his designee, setting forth that a building, structure or use complies with this ordinance and may be used for the purposes stated on the permit.

**Change of Occupancy/Use.** A discontinuance of permitted use and the substitution of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

**Child Care Center.** See Family Day Care Facility and Family Day Care Home.

**Chemical Storage.** See Tank Farm.

**Christmas Tree Sales Establishment.** The sale of Christmas trees at a temporary outdoor location lasting generally from mid-November through Christmas Day.

**Church.** See Religious Institution.

**Clear-cutting.** Removal of an entire stand of trees, shrubs and other vegetative ground covering.

**Clinic, Medical or Dental.** An establishment providing dental, medical, psychiatric or surgical services exclusively on an outpatient basis, including emergency treatment and diagnostic services.

**Coin Operated Laundry.** An establishment providing washing and drying in machines operated on the premises by the patron.

**Columbarium.** An **Accessory structure** to a religious institution that is normally a wall, containing one, or more, recesses, or cavities, for the depository of the cremated remains of humans.

**Common Area.** Any portion of a development that is not part of a lot or tract and is designed for the common use 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.

**Community Center.** A public building used for activities that, through proximity to residents, benefit the surrounding neighborhood. Activities permitted include any combination of the following: meeting space for civic groups, clubs, or organizations; spaces for the provision of daycare services; 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 Garden.** A neighborhood-based development with the primary purpose of providing space for members of the community to grow plants for beautification, education, recreation, community distribution, or personal use. Sites managed by public or civic entities, nonprofit organizations or other community-based organizations are responsible for maintenance and operations. Processing and storage of plants or plant products are prohibited on site. Gardening tools and supplies may be stored within an accessory building that is in compliance with Article 3-080(A) of this ordinance. Community Garden shall not include or be construed to be a Medical Cannabis Growing Facility.

**Composting Operation.** A solid waste processing facility specifically designed and operated for the express purpose of composting.

**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.

**Conservation District., Neighborhood.** A district that has retained an adequate amount of its historic character for interpretation, although some alterations may have occurred.

**Contractors' Establishment.** An enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area.

**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. No fuel sales are permitted on site and this use is to be distinguished from Gasoline Station and Minimart.

**Cooperative.** A multiple-family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

**Correctional Institution.** Facility for the confinement or safe custody of persons so confined as the result of a legal process and includes attendance centers established for persons sentenced to serve periods of community service.

**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.

**Crematorium.** A stand-alone location containing properly installed, certified apparatus intended for use in the act of cremation. See also Funeral Home.

**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.

**Dancing Instruction or Studio.** See Instructional Studio.

**Day Care Facility** See Family Day Care Facility, Family Day Care Adult Facility, Family Day Care Home and Family Day Care Adult Home.

**Deck.** A structure, without a roof, directly adjacent to a principal building, which is elevated at least 6 inches above grade.

**Demolition.** The destruction or removal of a structure, including but not limited to: the entire structure; the roof; 25% of the structure; one side of the structure; or any portion of the structure's interior that impacts the street-facing elevation's exterior features.

**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 of Significant Impact and Major Development of Significant Impact.** Any proposed development whose characteristics warrant a more in-depth review in order to mitigate the negative impact

these characteristics may have on surrounding land uses in particular and on the surrounding neighborhood in general. Developments of Significant Impact may include but are not limited to those that have a city-wide impact. Such impacts would involve the transportation network, environmental features such as parks or corridor streams, and local schools. Major Developments of Significant Impact may include but are not limited to those that are of such scope and scale that they have an impact on the region in terms of the transportation network, the environment, the schools, etc. Such projects could include, among other things, regional shopping centers, airports and large scale residential developments. Any proposed residential or non-residential development which meets or exceeds any of the following criteria shall be determined to be a Development of Significant or Major Impact and will require a complete development plan to be submitted and reviewed by planning staff, and the Planning Commission or the appropriate agency with site plan review in overlay districts.

Land Use Category	D.S.I	Major D.S.I
Residential	20 to 49 dwelling units	50 or more dwelling units
Commercial	40,000 square feet of gross floor area	100,000 or more square feet of gross floor area
Office/Institutional	40,000 square feet of gross floor area	100,000 or more square feet of gross floor area
Industrial	40,000 to 99,999 square feet of gross floor area	100,000 or more square feet of gross floor area
Mixed Use	40,000 square feet of gross floor area	100,000 or more square feet of gross floor area

**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, Mixed Use.** A single development of more than one 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.

**Development, Planned Unit.** A tract of land developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses and is processed under the Planned Unit Development provisions of this ordinance.

**Distribution Center.** An establishment where goods are received and/or stored for delivery to the ultimate consumer at remote locations.

**Dock, Commercial.** A fixed or floating structure, including moorings used for the purpose of berthing buoyant vessels on a commercial basis. A commercial dock does not include a marina. A commercial dock may exist independently or as an incidental part of a marina.

**Dock, Private.** A fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels and which does not produce income, and does not serve as an inducement for renting, purchasing, or using accompanying facilities. A dock may include a pier.

**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.

**Dormitory, Fraternity or Sorority House.** A building specifically designed for a long-term stay by students of a college or university for the purpose of providing sleeping accommodations. One common kitchen and some common gathering spaces for social purposes may also be provided.

**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.

**Drive-Thru 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.

**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. Drug Store shall not include or be construed to be a Medical Cannabis Dispensary.

**Dry Cleaning and Laundry Service.** An establishment providing dry cleaning and laundering services where dry cleaning and laundering are done on the premises.

**Dwelling, Accessory.** An ancillary or secondary living unit that is clearly subordinate and secondary to the principal owner occupied single family use that has a separate housekeeping unit, existing either within the principal structure, or on the same lot of record within an accessory structure, as the single family dwelling structure.

**Dwelling, Duplex.** A freestanding building containing two dwelling units.

**Dwelling, Live-Work Quarters.** Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work and the resident works in the same location.

**Dwelling, Manufactured Home.** A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length or when erected on sight, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used for residential, commercial, business or institutional purposes with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein which meets the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 885401 et seq.), effective on the fifteenth day of June, one thousand nine hundred seventy-six, and the federal manufactured home construction and safety standards and regulations promulgated by the Secretary of the United States Department of Housing and Urban Development. The term "manufactured home or structure" does not include job site trailers.

**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.

**Dwelling, Modular Home.** Any structure that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installed on a building site and designed for long-term residential use and is certified as meeting the standards contained in the West Virginia State Fire Code.

**Dwelling, Multi-Family (Limited).** A freestanding building containing three or more dwelling units, whether they have direct **Access** to the outside, or **Access** to a common building entrance. Multifamily dwellings can consist of rental apartment buildings, rental or owner occupied townhouse buildings, and

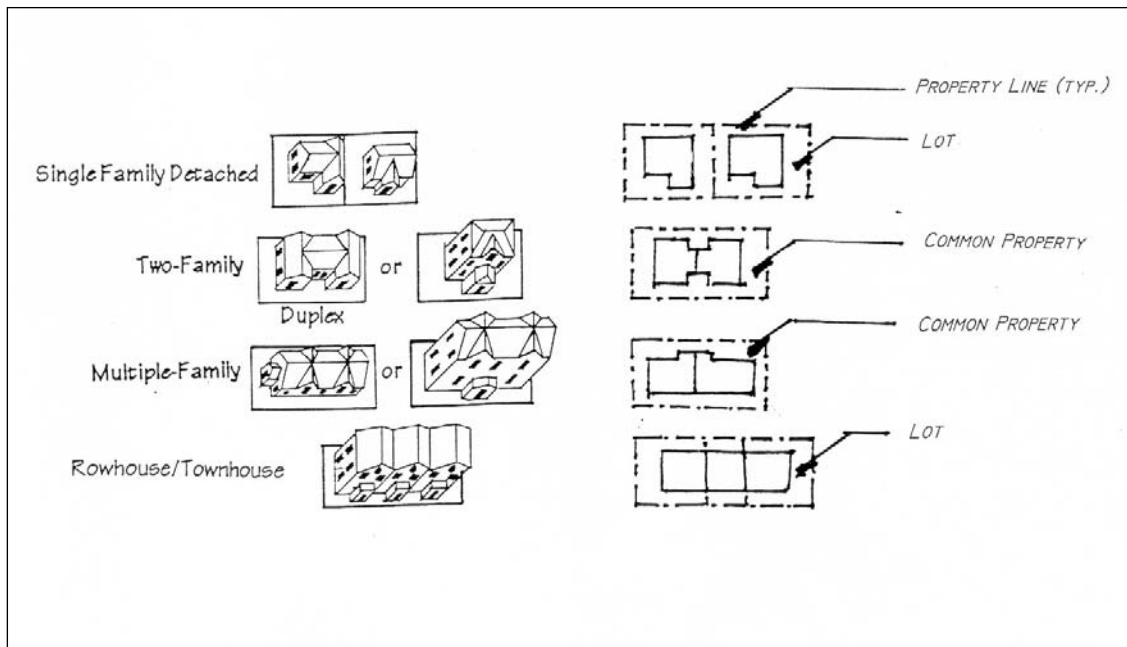


rental or owner occupied condominium buildings, provided that all such freestanding buildings contain three or more dwelling units.

**Dwelling, Multi-Family (Unlimited).** A freestanding building containing three or more dwelling units, whether they have direct **Access** to the outside, or **Access** to a common building entrance. Multifamily 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 or more dwelling units. The number of dwelling units permitted in this type of development shall be limited only by the intensity of use standards for the zoning district in which the development is located.

**Dwelling, Over Store.** 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 Types*

**Dwelling, Townhouse.** Also known as a Rowhouse. 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, Triplex.** A freestanding building containing no more than three dwelling units.

**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), attached and detached accessory dwelling units, duplex dwellings, mixed-use dwellings, and multifamily dwellings.

**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-possessor’s 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.

**Educational Facility, College or University or Technical.** 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.

**Education Facility, Elementary School.** A public, private or parochial school offering educational instruction in grades kindergarten through fifth, licensed by the West Virginia Department of Education.

**Education Facility, High School.** A public, private or parochial school offering educational instruction in grades nine through twelve, licensed by the West Virginia Department of Education.

**Education Facility, Middle School.** A public, private or parochial school offering educational instruction in grades six through eighth, licensed by the West Virginia Department of Education.

**Education Facility, Nursery School or Preschool.** A public, private or parochial school primarily for children between the ages of three and five, providing preparation for elementary school; includes nursery school and kindergarten.

**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.

**Employment Agency.** A professional service establishment primarily engaged in providing assistance to individuals who are seeking temporary or permanent employment.

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

**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 equipment is recognized in three categories: (1) local serving; (2) non-local or transmission through the City; and (3) water and sewer systems, the activities of which are regulated, in whole or in part, by one or more of the following agencies: (a) West Virginia Public Service Commission; (b) West Virginia Department of Environmental Protection; or (c) West Virginia 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.

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

**Exterior Architectural Features.** The architectural character and general composition of the exterior of a structure, including, but not limited to, the kind, color and texture of the building material, and the type, design and character of all windows, doors, massing and rhythm, light fixtures, signs, other appurtenant elements and natural features when they are integral to the significance of the site, all of which are subject to public view from a public street, way or place.

**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.

**Exterminating or Fumigating Service.** An establishment primarily engaged in the extermination of insects, pests or rodents.

**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, 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 Housing.** See Dwelling, Manufactured Home and Dwelling, Modular Home.

**Family.** One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or legal adoption, no such family contain more than five non-transient unrelated persons, except where disability requires that more than five unrelated persons reside together; in such cases there shall be no requirement for persons with disabilities to petition, apply or experience a process to obtain approval to live in any zoning district in the City.

**Family Day Care Adult Facility.** Any facility, except a Family Day Care Adult Home, which is used to provide non-residential personal care for compensation for seven or more adults.

**Family Day Care Facility.** Any facility, except a Family Day Care Adult Home, which is used to provide non-residential child care for compensation for seven to twelve children, including children who are living in the household who are less than six years of age. No more than four of the total number of children may be less than twenty-four months of age.

**Family Day Care Adult Home.** A private home which is used to provide non-residential personal care for compensation, for up to six (6) adults.

**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 to six children, including children who are living in the household, who are less than six years of age. No more than two of the total number of children may be less than twenty-four months of age.

**Farm Equipment or Supply Sales Establishment.** An establishment primarily engaged in the sale of farm equipment and/or supplies, and incidentals such as animal feed, crop seeds, etc.

**Farm Products/Raw Materials Sales Establishment.** An establishment primarily engaged in the sale of fresh farm produce and farm-related raw materials.

**Farmers' Market.** An establishment offering for sale fresh agricultural and/or value-added products directly to the consumer. May also include additional compatible and accessory uses such as a restaurant, small retail spaces, etc.

**Fence.** An artificially constructed barrier of wood, masonry, stone, brick, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas. Also called a wall.

**Fence Height.** The vertical distance measured from the top of the fence to the lowest point of grade on the exterior side of the fence.

**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 Service Institution.** 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.

**Firearms Sales Establishment.** An establishment primarily engaged in the sale of fire arms, ammunition and ammunition components, and hunting or shooting equipment.

**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, Commercial.** 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.

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

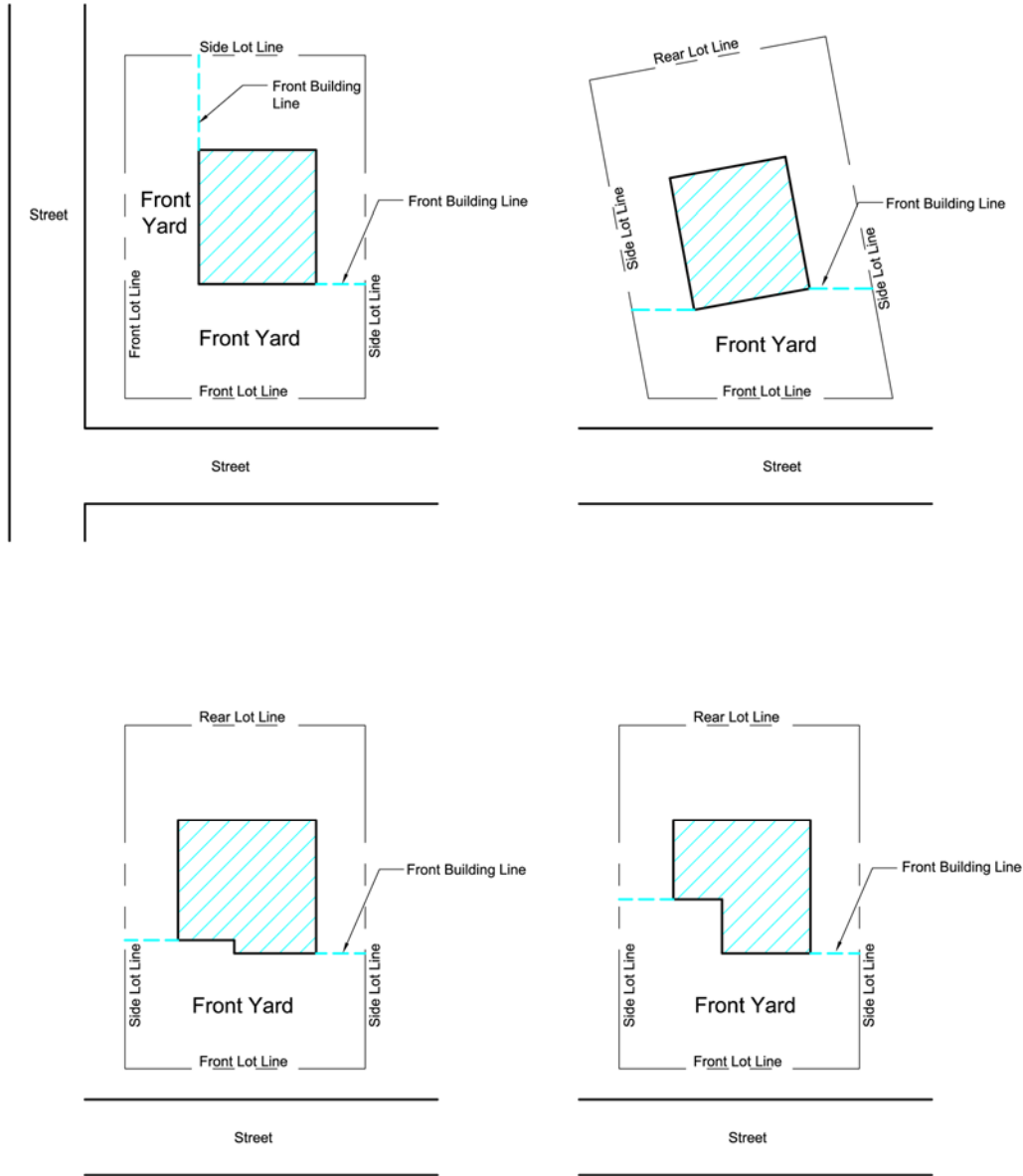
**Floor Area, Net.** The gross area of a floor or several floors of a building or structure, excluding those areas not directly devoted to the principal or accessory use of the building or structure, such as storage areas or stairwells, measured from the exterior faces of exterior walls or interior walls. 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.

**Floral Establishment.** A retail establishment whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.

**Fraternal Organization.** See Association (Charitable, Fraternal or Social).

**Fraternity House.** See Dormitory, Fraternity or Sorority House.

**Front Yard.** The area from the face of the principal structure to all the front lot lines or street right-of-way lines extending to the adjacent side lot lines.



Front Yard and Front Building Line

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

**Frontage, Store.** (1) The length of a front store façade; (2) the length of a front building façade.

**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, Fixtures or Equipment Sales/Rental Establishment.** Establishments where furniture, fixtures and related equipment are the main items offered for sale or rental; however, these places of business may also sell or rent major appliances and floor coverings.

**Furniture Upholstery, Repair or Refinishing Service Establishment.** Establishments whose primary

services provided include the upholstery, re-upholstery, repair and/or refinishing of furniture that is not constructed on-site.

**Gambling Establishment.** An establishment that offers any form of gambling or games of chance that is regulated under the provisions of the Limited Video Lottery Act codified in the Code of West Virginia, Chapter 29, Article 22B, Section 101.

**Garage, Private.** A detached accessory or portion of a main building housing the automobiles of the occupants of the premises.

**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.

**Garage Sale.** The sale of over five items of personal property on any portion of a lot in a residential zoning district, inside or outside of any building.

**Gardens.** A planned space, set aside for the display, cultivation, and enjoyment of plants including vegetables, flowers, and fruits, which may include the keeping of chickens and/or bees, for private/personal use.

**Garden Center Establishment.** 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 Well Operation.** The extraction of natural gas from underground accompanied by the appurtenant equipment and facilities.

**Gasoline Station and 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.

**Glass Cutting, Coating or Tinting Service Establishment.** A service establishment primarily engaged in cutting, coating, tinting, and installation of glass in automobiles, trucks, motorcycles, etc.

**Glass Sales Establishment.** A retail establishment primarily engaged in the sale of completed glass products.

**Go-Cart Track Facility.** A facility that includes a track to race go-carts that are defined as small, low motor vehicles of 10 horsepower or less, with four wheels and open framework used exclusively for recreation or amusement.

**Golf Course.** A tract of land laid out with at 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.

**Golf Course, Miniature.** A theme-oriented recreational facility, typically comprised of 9 or 18 putting greens, each with a "cup" or "hole," where patrons in groups of one to four pay a fee to move in consecutive order from the first hole to the last.

**Golf Driving Range.** A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

**Government Facility.** A building or structure owned, operated or occupied by a governmental agency to provide a governmental service to the public. Such facilities are generally exempt from municipal zoning; except when they are sold or leased to a private firm or person for purposes of conducting a non-governmental use therein.

**Grade.** The average level of the finished surface of the ground adjacent to the exterior walls of a building.

**Grade, Percentage of.** The rise or fall of a slope in feet and tenths of a foot for each 100 feet of horizontal distance.

**Greenhouse, Commercial.** A building used for the growing of plants, all or part of which are sold at retail or wholesale. Commercial Greenhouse shall not include or be construed to be a Medical Cannabis Growing Facility.

**Grocery Store.** A building used for the sale of primarily food products in a space larger than 3,000 square feet.

**Gross Floor Area.** See Area, Gross Floor.

**Gross Leasable Area.** See Area, Gross Leasable.

**Ground Cover.** Any evergreen or broadleaf evergreen plant that does not attain a mature height of more than one foot. Sod and seed shall also be considered as qualifying groundcover.

**Ground Floor.** The first floor of a building other than a basement.

**Group Home.** Any home serving non-related persons and may include persons acting as house parents.

**Group Home, Developmentally Disabled.** Any facility which is owned or leased by a behavioral health service provider and which: provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled (as defined by the Code of West Virginia); 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.

**Group Housing Development.** More than one principal residential building per lot of record, with or without accessory uses or structures.

**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.

**Gymnasium or Athletic Club.** A building or a portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreation activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.

**Halfway 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.

**Hardship, Unnecessary.** A hardship by reason of exceptional lot shape, 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.

**Hardware Store.** A facility of 30,000 or fewer square feet gross floor area, engaged in the retail or wholesale sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliance, garden supplies and cutlery.

**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 Spa/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.

**Height, Antenna Tower.** The distant from the anchored base of the tower, whether on the top of another

building or at grade, to the highest point of the structure, even if the highest point is on the top of an antenna.

**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.** An area designed to be used for the landing or takeoff of one helicopter, the temporary parking of one 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, 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.

**Historic Structure.** Any structure that is: (a) listed individually on the National Register of Historic Places or preliminarily determined by the United States Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the United States Secretary of Interior as contributing to the historical significance of a registered historic district; (c) individually listed on the West Virginia inventory of historic places; (d) individually listed on a County, City or other local inventory of historic places that has been certified by an approved State program as determined by the United States Secretary of Interior.

**Holiday Decorations.** Displays erected on a seasonal basis in observance of religious, national or state holidays, which are not intended to be permanent and contain no advertising material.

**Home-Based Business.** Any business, occupation, or activity undertaken for gain where the principal office or place of business is located within a residential structure or a permitted accessory structure that is incidental and secondary to the use of that structure as a dwelling unit. A home-based business shall include Level 1 permitted accessory and Level 2 conditional use permit home-based businesses.

**Home-Based Business—Level 1.** Any home-based business in which the work conducted on the premises includes, but is not limited to, receiving or initiating correspondence, such as phone calls, mail, faxes, or e-mail; preparing or maintaining business records; word and data processing; and telephone, mail order, and off-premise sales.

**Home-Based Business—Level II.** Any home-based business that may require clients or customers to visit the premises providing the business does not create an adverse impact on the surrounding neighborhood as determined by the Board of Zoning Appeals.

**Homeowners' Association.** An incorporated nonprofit organization operating under recorded land agreements through which: (1) each lot owner is automatically a member, and (2) each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property and making capital improvements. Also known as a Maintenance Association.

**Hospital or Sanitarium.** A state-licensed institution providing health services, primarily for in-patients, and rendering medical, surgical, or obstetrical care, including an integral part of the institution such related facilities as laboratories, out-patient department, research or training facilities, central service facilities, and staff offices. This definition shall include general hospitals as well as institutions in which service is limited to special fields such as cardiac, eye, ear, nose, and throat, pediatrics, orthopedics, skin and cancer, tuberculosis, chronic disease, and obstetrics. Hospital patients generally require intensive care for periods generally not exceeding several months. See also "Clinic".

**Hospital, Veterinary.** A use or structure intended or used primarily for the testing and treatment of animals on an emergency or outpatient basis. Veterinary Hospital shall not include the boarding or training



of animals, except for medical purposes and shall not provide outdoor runs or kennels. Also includes veterinary clinic.

**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.

**Hydroponics.** The cultivation of plants in nutrient solution rather than soil.

**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, shoe repair shops, eye care centers, hair salons, etc. Hypermarket shall not include or be construed to be a Medical Cannabis Dispensary.

**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.

**Incentive Zoning.** The process whereby a developer may be granted additional development capacity in exchange for the developer's provision of a public benefit or amenity as may be specified in this ordinance.

**Indoor Self-Storage Facility.** See Storage Facility, Indoor Self.

**Industrial Equipment Repair Establishment.** 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 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 Supply Establishment.** Establishments primarily engaged in marketing industrial supplies, such as bearings, boxes, gaskets, bottles, rubber goods, welding supplies, metal containers, and so forth.

**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.

**Interior Decorating Service.** An establishment primarily engaged in the provision of professional decorating services to customers for a fee.

**Janitorial Service Establishment.** A service establishment engaged primarily in the cleaning of buildings.

**Junkyard.** A parcel of land, or portion thereof, where any waste, discarded, used, salvaged, or secondhand materials are bought, sold, exchanged, stored, processed, or handled as a business. Materials shall include scrap iron and other metals, rubber tires, glass, used lumber or brick, or other similar property. A junkyard shall also include a lot, or portion thereof, used for the collecting, dismantling, storage, salvaging, or sale of parts of machinery or appliances not in running condition or inoperative motor vehicles as a business. Junkyard is synonymous with Salvage Yard.

**Kennel, Commercial.** A facility for the keeping, boarding or maintaining of four or more dogs four months of age or older that are not owned by the kennel owner for commercial purposes, except for dogs in pet shops or animal hospitals.

**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 and for any purpose, but does not include easements, rights-of-way or construction of private roads for extraction, harvesting or transporting of natural resources.

**Landfill, Earth.** The burial of excavated dirt, stone, brick, concrete, fly ash or other solid materials but does not include garbage, rubbish or trash of any other kind.

**Landfill, Sanitary.** The site at which the depositing and burial of garbage, rubbish and trash occurs permitted in compliance with state and municipal regulations.

**Landscaped Area.** A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas include, but are not limited to, natural areas, buffers, streetscapes, lawns and plantings.

**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.** Open area devoted primarily to trees, grass, shrubs, or plants to soften building lines, provide shade and generally produce a pleasing visual effect of the premises. As complementary features, fountains, pools, screens, decorative lighting, sculpture, or outdoor furnishings may be placed within the area.

**Landscaping Plan.** Those site plan requirements listed in the landscaping section of this ordinance.

**Library.** A building containing printed and pictorial material for public use for purposes of study, reference and recreation.

**Limousine Service Establishment.** A service establishment that offers the public motor vehicles for carrying or transportation of passengers between points within the City and beyond for a fixed fee, or offering a vehicle with driver for a fixed fee, or offering a vehicle with driver for transportation of passengers at an hourly rate.

**Liquor Store.** An establishment primarily engaged in the retail sale of packaged alcoholic beverages, such as alcohol, beer, nonintoxicating beer, wine and spirits, solely for off-premises consumption.

**Livestock or Poultry, Keeping of (Non-Commercial).** Generally-accepted outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats, dogs and other house pets.

**Live-Work Quarters.** See Dwelling, Live-Work Quarters.

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

**Locksmith Establishment.** A service establishment primarily engaged in the making of keys, and the making or repairing of locks.

**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.

**Lot.** See Lot of Record.

**Lot Area.** The total area within the lot lines of a lot, excluding any street 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 the City’s subdivision ordinance shall not be eligible for the issuance of permits to build any structure upon.

**Lot, Corner.** A lot located at the junction of two or more intersecting streets.

**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.

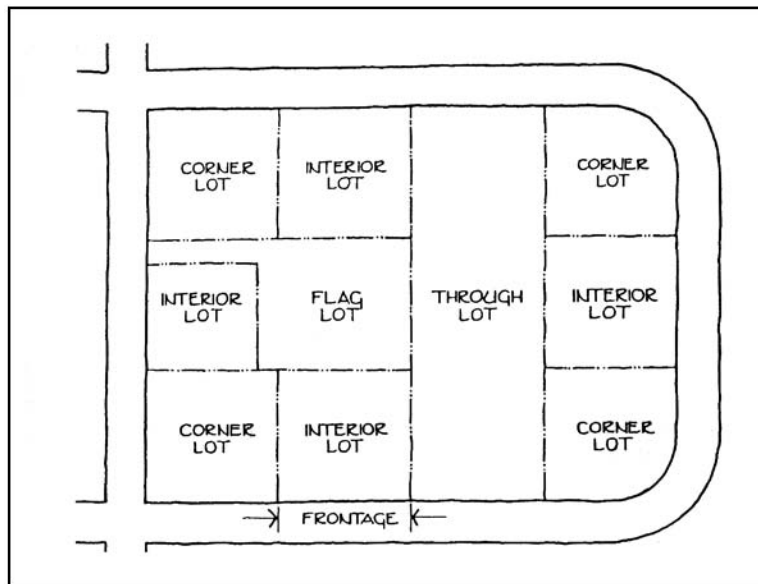
**Lot Depth.** The distance measured from the front lot line to the rear lot line. Where the front and rear lot lines are not parallel, the lot depth shall be measured by drawing lines from the front to rear lot lines at right angles to the front lot line, every ten feet and averaging the length of these lines.

**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, 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 elongations, angles, and curvilinear lines.

**Lot Line.** The property line bounding a lot.

**Lot Line, Front.** The lot line(s) separating a lot from the street(s).



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

**Lot Line, Rear.** (1) The lot line that is opposite and most distant from the front lot line; (2) The rear lot line of an irregular or triangular lot shall be a line entirely within the lot at least 10 feet long and parallel to and most distant from the front lot line; (3) Corner lots shall have no rear lot line.

**Lot, Nonconforming.** A lot or parcel of land that was of record and lawfully established and maintained but which, because of the enactment of this ordinance, no longer conforms to the land-use standards or use regulations of the zone in which it is located.

**Lot, Pre-existing 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 or use regulations of the zone in which it is located. To qualify as a pre-existing, nonconforming lot of record, the lot had to have been created on or before March 7, 1983.

**Lot line, Side.** Any lot line which is not a front lot line or a rear lot line.

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

**Lot, 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 Width.** The distance between the side lot lines of a lot at the building line.

**Machinery Repair Establishment (Small Business Office/Lawn/Garden Machines).** A service establishment engaged primarily in the repair of small machinery and equipment including but not limited to machines and equipment used in small business offices, and for lawn and garden care.

**Machinery Repair Establishment (Heavy Equipment/Storage/Repair/Rental).** A service establishment engaged primarily in the repair of large machinery and equipment as well as the storage and rental of such machinery.

**Machinery Shop.** A service establishment where the repair and cleaning of machinery is performed.

**Manufactured Home or Structure.** See Dwelling, Manufactured Home.

**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.** (1) Laboratory manufacturing: 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: 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.

**Marina.** An establishment providing docking, moorage space, and related activities limited to the provisioning or minor repair of pleasure boats and yachts, and accessory facilities including, but not limited to showers, toilets, and self-service laundries.

**Marine/Craft Sales/Rental Establishment.** An establishment primarily engaged in the retail sale or rental of motorboats and other watercraft, marine supplies, and outboard motors, including incidental storage.

**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 feet high, generally constructed for purposes of containing a sign.

**Medical Cannabis.** Cannabis for certified medical use, as provided for in the Code of the State of West Virginia, Chapter 16A, as amended.

**Medical Cannabis Dispensary.** A place where processed medical cannabis products are permitted to be dispensed to qualifying consumers, as provided for in the Code of the State of West Virginia, Chapter 16A, as amended.

**Medical Cannabis Growing Facility.** A place where medical cannabis is permitted to be grown, as provided for in the Code of the State of West Virginia, Chapter 16A, as amended.

**Medical Cannabis Processing Facility.** A place where medical cannabis is permitted to be processed, refined, or otherwise converted into a legally permitted state, as provided for in the Code of the State of West Virginia, Chapter 16A, as amended.

**Mini-Storage.** See Storage Facility, Indoor Self or Storage Facility, Mini.

**Mini-Warehouses.** See Storage Facility, Indoor Self or Storage Facility, Mini.

**Miniature Golf Course.** See Golf Course, Miniature.

**Mixed-Use Development.** See Development, Mixed Use.

**Modular Home.** See Dwelling, Modular Home.

**Motel.** An establishment providing transient lodging in which the guest rooms are usually accessible from an outdoor parking lot.

**Motorcycle Sales Establishment.** 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 Theatre, Drive-In.** An open lot, or part thereof, with its appurtenant facilities, devoted primarily to the showing of movie pictures on a paid admission basis to patrons seated in automobiles. Does not include Adult Motion Picture Theatres.

**Movie Theater, Indoor.** A building for showing motion pictures or for live dramatic, dance, musical, or other productions, which is usually commercially operated. Does not include Adult Motion Picture Theatres.

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

**Mural.** Any pictorial or graphic representation applied on an outside wall, façade, or other surface of a building or structure, generally for the purposes of decoration or artistic expression. Any such graphic representation conveying a commercial message shall be considered a sign and shall be included in the calculations of allowable sign area.

**Museum.** A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary collections, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public.

**Music Instruction or Studio.** See Instructional Studio.

**Nonprofit Organization.** Any person(s), partnership, association, corporation or other group legally established under federal and state law 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.

**Nursing home.** Rest home, convalescent home, or home for the aged devoted primarily to the maintenance and operation of facilities for the treatment and care of any persons suffering from illness, disease, deformity, or injury not requiring the intensive care that is normally provided by hospitals, but who do require care in excess of room and board and who need medical, nursing, convalescent, or chronic care. Institutions primarily for the treatment and care of mental patients, alcoholics, or drug addicts shall not be considered nursing homes.

**Oil Well Operation.** The extraction of oil from underground accompanied by the appurtenant equipment and facilities.

**Office, Apartment Rental.** An accessory building, or part thereof, used primarily for the purpose of performing the administrative and clerical duties associated with renting or leasing the apartment units in a development containing at least 20 units.

**Office, Associated with Permitted Industrial Land Use.** An accessory building, or part thereof, used primarily for the purpose of performing the administrative and clerical duties associated with the principal permitted industrial land use.

**Office Building.** A building used primarily for offices that may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper, or snack stand.

**Office, Business or Professional (Unlimited).** 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 20 percent of the gross revenue from the office, then the premises shall be considered a store rather than an office.

**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, Professional.** A building, or part thereof, used for conducting the affairs of a business, profession, service industry, or government. Does not include the sale or display of materials or goods.

**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.

**Operational Vehicle.** A vehicle immediately capable of being driven.

**Overlay District.** A zoning district that extends on top of a base zoning district and is intended to protect certain critical features and resources. Unlike a planned unit development, overlay districts govern only development standards. The uses permitted in the underlying zoning district remain the same.

**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. Parcels that consist of a grouping of old City lots acquired by a single deed may be subdivided for purposes of creating more buildable parcels, provided all regulations contained within this ordinance and the City's subdivision ordinance are adhered to.

**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, Off-Street.** Space occupied by automobiles on premises rather than streets.

**Parking, On-Street.** The storage space for an automobile that is located within the street right-of-way.

**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, Restricted Accessory.** A parking lot, whether free or for compensation, and available for private use or as an accommodation for clients or customers, that is the sole use of a parcel and provides parking accessory to a use on a separate parcel.

**Parking, Public Lot.** A publicly owned or operated 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 public use or as an accommodation for clients or customers.

**Parking, Shared.** A public or private parking area used jointly by two or more uses.

**Parking Space.** A space in a garage or parking area, not less than 8.5 feet wide clear dimension and 18 feet long clear dimension, reserved for the parking of only one automobile.

**Parking Space, Compact.** A space in a garage or parking area, not less than 7 ½ feet wide clear dimension and 15 feet long clear dimension, reserved for the parking of only one compact automobile.

**Parking Space, Handicap.** A space in a garage or parking area not less than 13 feet wide and 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 garages, deck parking and underground or under building parking areas.

**Parsonage.** The permanent place of residence of the pastor or minister of a church. May be considered accessory to a church.

**Patio.** A level surfaced area directly adjacent to a principal building, without walls or a roof. A patio may be constructed of any material or combination of materials, and is typically constructed at grade level or slightly higher.

**Paved Surface Area.** Ground surface covered with cobblestones, clay fired bricks, concrete precast 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.

**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.

**Permanent Cosmetics.** A cosmetic technique involving the injection of pigment into the skin as a means of producing designs that resemble makeup, such as eyebrows, eyelining and other permanent enhancing colors to the skin of the face, lips, and eyelids.

**Performance Guarantee.** Any security that may be accepted by the City as a guarantee that improvements required as part of an application for development are satisfactorily completed.

**Performing Arts Complex.** A building where music, dance, theatre or other performing art is staged for attendance by the general public, with or without admission.

**Person.** Any association, company, corporation, firm, organization or partnership, singular or plural, of any kind.

**Personal Services Establishment.** A business which is associated with the grooming or health of 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. The definition shall apply whether or not the individual engaged in the offering of said service is required to be licensed by the State of West Virginia.

**Personal Storage Facility.** See Storage Facility, Indoor Self or Storage Facility, Mini.

**Pet Shop.** A retail establishment engaged primarily in the sale of domestic animals such as dogs, cats, fish and birds, and reptiles, including exotic animals, and farm animals such as horses, goats, sheep and poultry.

**Photograph Finishing Establishment (with On-Premise Processing).** A retail establishment engaged in the processing of photographs and the sale of such photographs, and related supplies and equipment.

**Photography Studio.** A retail establishment engaged primarily in professional photography for a fee.

**Plan, Land Development.** A written description for the development of land.

**Planned Unit Development.** See Development, Planned Unit.

**Plat, Land Development.** 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 or Publishing Establishment.** An establishment for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include but are not limited to photocopying, blueprint and facsimile sending and receiving, and including offset printing.

**Professional Services Establishment.** An establishment engaged in providing professional services such as consulting, legal, engineering, accounting, architectural and the like, but not including personal services.

**Public Assembly Area, Major.** Any stadium, gymnasium, auditorium or performance hall with fixed seating for 1800 or more people and designed and generally used for the purposes of attending, participating or observing programs or events open to the public.

**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 Services (Police or Fire).** Police and fire service establishments owned, operated and managed by the City of Charleston.

**Public Space.** Any lots, tracts or parcels of land, structures, buildings or parts thereof owned or leased by a governing body or unit of government.

**Public Utility.** An establishment engaged in the generation, transmission, and/or distribution of electricity, gas, steam, water and stormwater management systems.

**Quarry.** An open pit from which stone, sand, gravel, mineral or fill is taken to be processed for commercial purposes.

**Rail Terminal.** A type of passenger terminal that receives and discharges passengers by rail, and at which facilities and equipment required for their operation are provided.

**Recreational Vehicle (RV).** A vehicle built on a single chassis, 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, 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.

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

**Recyclable Collection Center.** A facility for the collection, separation, compaction, processing and storage of recyclable materials until said materials can be transported or transferred to a facility approved and licensed for the recycling of materials.

**Refuse Incinerator.** A site with one or more incinerators that uses thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil or municipal solid waste (excluding animal or human remains).

**Religious Institution, (under 80,000 SF).** A building where 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 the primary purpose. Includes



church, synagogue, temple, mosque, or other such place for worship and religious activities.

**Religious Institution, (over 80,000 SF).** A large, greater than 80,000 SF, specialized type of religious institution that includes such non-traditional **Accessory uses** as retail sales, residential uses, educational facilities, dormitories, amusement parks, sports facilities and entertainment facilities, as an integral part of the development.

**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.

**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 more than 60 percent of the gross sales receipts.

**Restaurant, Fast Food with Drive-Thru.** An establishment whose primary business is serving food to the public for consumption on the premises by order from and service to vehicular passengers outside the structure.

**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 80 percent of the gross sales of the business. Retail Sales Establishment shall not include or be construed to be a Medical Cannabis Dispensary.

**Retaining Wall.** A wall or terraced combination of walls used to retain more than 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 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.

**Reuse of Structure.** The reuse, re-design, renovation, and/or redevelopment of a building which formerly housed a previous land use.

**Rezoning.** An amendment to the zoning map to effect a change of the designated land use district on a parcel of land.

**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.

**Roundabout/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 waterbody such as a river, stream, pond, or reservoir.

**Sales Establishments (Retail or Wholesale).** A business having as its primary function the supply of merchandise or goods for retail or wholesale sale.

**Salvage Yard.** See Junkyard.

**Satellite Dish.** See Telecommunications, Satellite Dish.

**School.** See Educational Facilities.

**Screen.** See Berm Buffer, or Fence.

**Service Establishment.** See Personal Services Establishment or Professional Services Establishment.

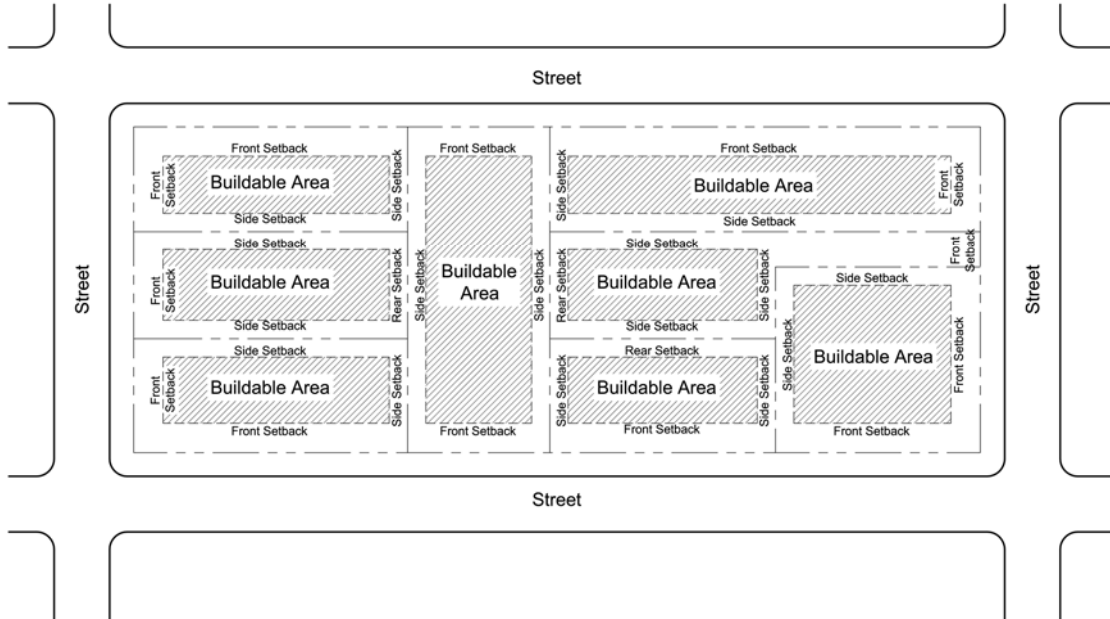
**Setback.** The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

**Setback, Front.** The distance between the street right-of-way line and the closest point of the foundation of a building or projection thereof.

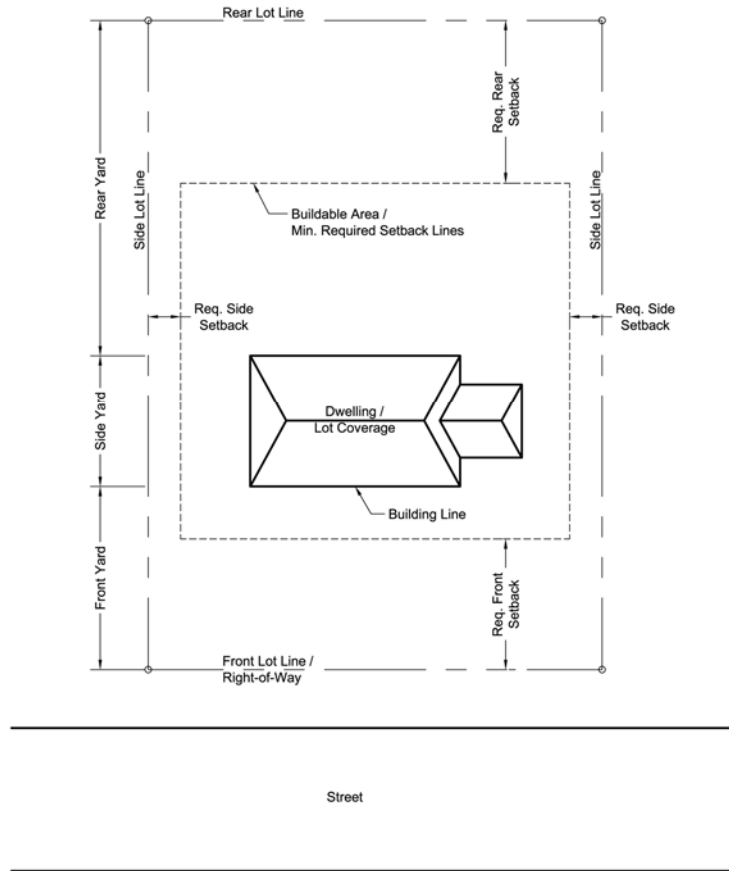
**Setback, Garage Entrance.** A setback measured from a street lot line to the entrance to a garage or carport. It is essentially a minimum driveway length.

**Setback, Rear.** The shortest distance between the building line and the rear lot line.

### Setback Lines and Buildable Area



**Building Area and Setback Requirements**



**Setback, Side.** The shortest distance between the building line and the side lot line.

**Sewage Disposal Facility.** See Solid Waste Disposal Facility.

**Sewage Treatment Plant.** A facility designed for the collection, removal, treatment, and disposal of water-borne sewage generated within a given service area.

**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. See also Adult Book Store, Adult Motion Picture Theatre, Adult Videotape Store, and Adult Entertainment.

**Shooting Range.** The use of a structure or land for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

**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.

**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 including but not limited to letters, words, numerals, figures, emblems, pictures or any part or combination of these used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties.

**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 consecutive calendar days.

**Sign, Animated.** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**Sign Awning.** A sign located on an awning. See Canopy Sign.

**Sign, Back-to-Back.** Two or more integrally connected signs facing in opposite directions and separated by not more than five feet.

**Sign, Banner.** A 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. All banners are temporary signs.

**Sign, Blade.** A projecting sign mounted on a building façade oriented primarily for pedestrians.

**Sign, Building.** Any sign attached to any part of a building.

**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, and is not regulated under this ordinance.

**Sign, Canopy.** Any sign that are a part of or attached to a structural protective cover over a door, entrance, window or outdoor service area. A marquee sign 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, Commercial Message.** Any sign, wording, logo or other representation, except for the actual name of the business, that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

**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 from the City.

**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 Message Board.** A sign with a fixed or changing display/message that 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. Sources of illumination for such signs may be in the form of gooseneck lamps, spotlights, or luminous tubing.

**Sign Fabrication or Painting Establishment.** A service establishment engaged primarily in the production, painting, repairing and finishing of signs.

**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 Face.** The area of a sign on which the copy is placed.

**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. See Freestanding sign.

**Sign, Identification.** A sign that identifies a business, owner, resident, or street address and which sets forth no commercial logo or other advertisement.

**Sign, Internally Illuminated.** A sign whose light source is either located in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

**Sign, Marquee.** A sign attached to or mounted on 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 12 inches above the adjacent grade. The width of the top of the sign structure can be no less than 90 and no more than 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.** A sign lawfully erected and maintained prior to the effective date of this ordinance that does not conform with 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 feet or more above the grade. Also called a pylon sign.

**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 posts and which is permanently placed in the ground.

**Sign, Projecting.** Any sign attached to a building wall and extending laterally more than 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 advertising real property for sale or for lease.

**Sign, Roof.** A sign erected, constructed, and maintained above the eaves of a building.

**Sign, Sandwich Board.** A sign not permanently attached to the ground or some type of permanent structure; a sign connected to or located on A or T frames; a two-sided sign attached to boards;

**Sign, Shingle.** A sign suspended from and located entirely under a covered porch, covered walkway or

awning.

**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 charitable organization, or a nonprofit corporation. A special community wide event or activity is one that occurs not more than twice in any 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 that is used only temporarily and is not permanently mounted.

**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 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 inches from an exterior wall in a parallel manner.

**Sign, Window.** Any sign that is visible to the public right of way through the glassed areas of a building including numbering, lettering, or writing, pictorial representation, emblem, flag, or any other figure of similar character. The window area covered by signage shall not exceed 25 percent of the total window square footage, but may be increased to 50 percent of the total window square footage if there are no wall signs on the premises.

**Significant Building.** Any building listed on the Charleston Historic Landmarks Commission's Local Register of Historic Places under Section 2-395(b) and (c) of the Charleston City Code. The register may consist of the National Register of Historic Places, including districts and individual listings as well as locally designated historic districts, historic landmarks and historic sites. Significant buildings shall be shown on the official zoning map of the city.

**Signplate, Building.** A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

**Site.** A lot, tract or parcel of land considered as one land-unit for purposes of this ordinance. For a single-family residence, the site shall be the subdivided lot on which it is located. For multi-family projects, the site shall be all land occupied by the buildings in the project and adjoining such property and under common ownership with it. For vacant land, the site shall be all of the adjoining vacant land under single ownership. For single-occupancy, non-residential properties, the site shall be the subdivided lot that is occupied. For multiple-occupancy properties, the site shall be all land included under the original "site plan" or "subdivision plan" approval under this ordinance.

**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.

**Skating Rink.** An establishment that provides facilities for participant skating.

**Slaughterhouse.** A facility for the slaughtering and processing of animals and the refining of their byproducts.

**Solid Waste Disposal Facility.** An establishment for the disposition of unwanted or discarded material, including garbage with insufficient liquid content to be free flowing. Synonymous with Sewage Disposal Facility.

**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 12.

**Sorority House.** See Dormitory, Fraternity or Sorority House.

**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.

**Speech, Commercial.** Speech or graphics advertising a business, profession, commodity, service or entertainment.

**Speech, Non-Commercial.** Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

**Sporting Goods.** Establishments primarily engaged in selling sporting goods, sporting equipment and accessories.

**Sports Club.** Building and facilities, owned or operated by a corporation, association, person or persons, for an athletic or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.

**Sprawl.** Poorly planned or uncontrolled growth, usually of a low density nature, within previously rural areas, that is land consumptive, auto-dependent, designed without respect to its surroundings, and some distance from existing development and infrastructure.

**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.

**Stick-Built House.** Standard residential construction using traditional wood frame building materials.

**Storage Building, Detached.** An accessory structure used for the storage of materials or equipment outside of a principal structure on a lot.

**Storage, Enclosed.** Storage that is completely screened from view by walls and a roof.

**Storage Facility, Indoor Self.** A structure containing separate, individual and private storage spaces of varying sizes that are leased or rented by individual lease for varying periods of time, with the use contained within one building and the storage bays accessed primarily from the interior of the building.

**Storage, Facility, Mini.** One or more structures containing separate, individual and private storage spaces of varying sizes leased or rented by individual leases for varying periods of time, with the use contained in one or more buildings with the storage bays accessed primarily from the exterior of the building or buildings.

**Stormwater Detention.** Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination thereof.

**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.

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

**Street.** A way designated or intended for general public use, open to vehicular and pedestrian travel.

**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 exists 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 for which a lot line adjoins a public or private street from one lot line intersecting said street to the furthest lot line intersecting the same 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, high design 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 road or 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.

**Structure.** Anything constructed or erected the use of which requires permanent location of the ground or attachment to something having a permanent location on the ground. The word "structure" shall include the word "building".

**Structure, Accessory.** A subordinate structure detached from but located on the same lot as a principal structure. The use of an accessory structure must be accessory to the use of the principal structure.

**Structure, Detached.** A structure with no vertical common or party wall with another structure.

**Structure, Nonconforming.** A structure that legally existed prior to the adoption date of this ordinance, but which is not in compliance with the requirements of this ordinance for the district in which the structure is located.

**Structure, Principal.** A building in which is conducted the principal use of the lot on which it is located.

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

**Subdivision Regulations.** The Subdivision Regulations of the City of Charleston, West Virginia, as adopted by ordinance by Charleston City Council and as subsequently amended.

**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 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 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, Community.** A swimming pool and/or wading pool, including buildings necessary or incidental thereto, operated by a public or nonprofit entity for the benefit of the general public or private



membership.

**Swimming Pool, Private.** A swimming pool and/or wading pool, including buildings necessary or incidental thereto, for the exclusive use by members of a household or residents of an apartment complex and not open to the general public.

**Tank Farm.** An open air facility containing a number of above-ground, large containers for the bulk storage in liquid form of petroleum, chemical or other similar substances.

**Tattoo/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. Facilities offering ear piercing and permanent cosmetics as accessory to a permitted use shall not be considered Tattoo/Body-Piercing Studios.

**Taxi.** Any motor vehicle other than a limousine offered to the public by a public taxicab business for the purpose of carrying or transporting passengers for a charge or a fee.

**Taxi Service.** A service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for compensation. The business may include facilities for servicing, repairing and fueling the vehicles.

**Telecommunications Antenna.** Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes and omni-directional antennas, such as whips, at frequencies on the electromagnetic spectrum as the Federal Communications Commission from time to time may designate, used for cellular telecommunications service and/or personal communications service, but not including such structures or devices when used for the broadcast of television or AM/FM radio stations or for citizen's band or amateur radio use. Examples of cellular telecommunications or personal communications service include, but are not limited to, cellular telephone, paging, public safety, data transmission, Specialized Mobile Radio, Enhanced Specialized Mobile Radio, and other commercial private radio services.

**Telecommunications Facility, 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 facility may be utilized for cell phone reception.

**Telecommunications Facility, 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 Telecommunication Act of 1996, that is not intended to be supported by or attached to a new telecommunications tower, as defined.

**Telecommunications Facility, 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.

**Telecommunications Facility.** A lot, tract, or parcel of land that contains a telecommunications antenna, its support structure, any accessory buildings, and parking, and may include other uses associated with and ancillary to telecommunications transmission.

**Telecommunications, Satellite Dish Antenna.** Any privately-owned, round, parabolic antenna measuring less than 30 inches in diameter intended to receive signals from orbiting satellites and other sources.

**Telecommunications Tower.** Any structure that is designated and constructed primarily for the purpose of supporting one or more telecommunication antennas. This includes guyed towers, lattice towers, monopoles, alternative cellular antenna tower structures, and towers taller than 15 feet constructed on the top of another building, along with any separate building on the lot used to house any supporting electronic equipment.

**Telecommunications Tower, Alternative Structure.** 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.

**Telecommunications Towers, Co-location of.** Locating one or more telecommunication antennas for more than one provider on a single telecommunication tower or alternative tower structure on a single lot.

**Television or Radio Studio.** A facility for the staging and recording of video or audio productions such as television or radio programming.

**Theater.** An establishment offering to the public movies or live performances.

**Towing Service.** See Automobile Wrecker Service.

**Traditional Neighborhood.** A community that exhibits some or all of the following characteristics: streets laid out in a grid system, alleys, buildings oriented to the street, pedestrian-orientation, compatible and mixed land uses. (Areas include but are not limited to: The predominantly flat areas of Kanawha City, East End, West Side, North Charleston, and the West Side hill between Cliffview Drive and Dayton Drive)

**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.

**Travel Agency.** A service establishment engaged primarily in the provision of travel arrangements including but not limited to airline, cruise, hotel and rental car reservations, trip planning and other associated services.

**Travel Trailer Park.** A privately-owned area that is occupied or intended for occupancy by persons using recreational vehicles, motor homes, or mobile trailers for lodging and is held out to the public as such. Does not include manufactured housing units or mobile homes.

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

**Tree, Public.** Any tree located on city owned or controlled property including parks, street right-of-ways, parkways, etc.

**Unnecessary Hardship.** See Hardship, Unnecessary.

**Upholstery/Interior Decorating Service.** An establishment offering re-upholstery and repair services and specific upholstery materials for sale.

**Urban Farm.** Growing, washing, packaging and storage of fruits, vegetables and other plant products for wholesale or retail sales. Urban Farm shall not include or be construed to be a Medical Cannabis Growing Facility.

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

**Use, Accessory.** A land-use that is (1) customary and incidental to the principal use located on the same lot; (2) subordinate in area, extent and purpose to the principal use; (3) contributes to the comfort, convenience, or necessity of the principal use; and (4) is located on the same lot and in the same zoning district as the principal use.

**Use, Conditional.** A land use which because of special requirements or characteristics may be permitted in a particular zoning district only upon showing that such use in a specified location will comply with and conform to all the conditions and standards for the location or operation of such use as specified in this zoning ordinance and authorized by the Board of Zoning Appeals.

**Use, Existing.** The use of a lot or structure at the time this ordinance was enacted.

**Use, Nonconforming.** A use that was valid when brought into existence, but by subsequent regulation becomes no longer conforming. This may be a structure, use, or parcel of land.

**Use, Permitted.** A use permitted in a district "by-right", upon satisfaction of the standards and requirements of this ordinance.

**Use, Principal.** The primary use of any lot.

**Use, Public.** A use by an 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.

**Variance.** A deviation from the terms of this ordinance.

**Viewshed.** The area within view from a defined observation point.

**Vision Triangle, Clear.** An area of unobstructed vision at street intersections between two and one-half and eight feet above the street pavement-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 20 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 40 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.

**Wall, Exterior.** A vertical, structural component of a building which encloses habitable or usable space; a parapet extending not more than twelve 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.

**Waste Disposal, Industrial.** The disposal of material resulting from a production or manufacturing operation.

**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.

**Wildlife Preserve.** An area maintained in a natural state for the preservation of both animal and plant life.

**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.

**Wine / Beer Sales Establishment.** An establishment primarily engaged in the legal sale of beer and/or wine where no on-site consumption is permitted.

**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.

**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 zoning map or maps of the City together with all amendments subsequently adopted which is part of this ordinance and which delineate the boundaries of the zoning districts.

**Zoo.** An area, building or structures which contain wild animals on exhibit for viewing by the public.

**MODULAR AND FACTORY BUILT HOUSING ILLUSTRATIONS**



Modular Homes



Manufactured Homes



Mobile Homes

# Part 3

# Land Use

**ARTICLE 3**  
**ESTABLISHMENT OF ZONING DISTRICTS AND MAP**  
**Contents**

Sec. 3-010      Establishment of Zoning Districts  
 Sec. 3-020      Zoning Map  
 Sec. 3-030      Interpretation of Zoning District Boundaries  
 Sec. 3-040      Zoning of Annexed Areas  
 Sec. 3-050      Permitted Land Uses  
 Sec. 3-060      Supplemental Regulations Pertaining to Land Use Table  
 Sec. 3-070      Temporary Uses  
 Sec. 3-080      Accessory Structures and Uses in Residential Districts

**Sec. 3-010 Establishment of Zoning Districts**

A.      The City of Charleston is hereby divided into the following zoning districts:

<u>Abbreviation</u>	<u>District Name</u>
R-2	Single Family Residential District
R-4	Single Family Residential District
R-6	Medium Density Residential District
R-8	High Density Residential District
R-10	Mixed Use Neighborhood District
R-O	Residential-Office District
C-4	Neighborhood Commercial District
C-8	Village Commercial District
C-10	General Commercial District
C-12	Shopping Center District
CBD	Central Business District
UCD	Urban Corridor District
CVD	Corridor Village District
PMC	Professional and Medical Campus
I-2	Light Industrial District
I-4	Heavy Industrial District
PUD	Planned Unit Development

B.      In addition to the zones listed above, portions of the City may be classified according to one or more of the following overlay zones (also referred to as overlay districts):

<u>Abbreviation</u>	<u>Description</u>
UR	Urban Renewal Overlay District
EE	East End Historic Overlay District
NC	Neighborhood Conservation Overlay District

C.      The district and overlay district boundaries are shown on the Official Zoning Map.

**Sec. 3-020 Zoning Map**

The Official Zoning Map adopted with this amended ordinance is hereby established as the Official Zoning Map and Zoning Districts (hereinafter “Official Zoning Map” or “Zoning Map”) of Charleston, West Virginia. The Official Zoning Map designates the respective zoning districts in accordance with this ordinance.

**Sec. 3-030 Interpretation of Zoning District Boundaries**

- A. In determining the boundaries of districts, and establishing the provisions applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the City.
- B. Wherever any uncertainty exists as to the boundary of a district as delineated on the zoning map, the following rules shall govern:
  - 1. Where a zoning district boundary line is shown as following a street, alley, or utility right-of-way, or watercourse, it shall be construed as following the center line of the right-of-way or watercourse.
  - 2. Where a zoning district boundary line appears to follow or approximately coincide with a lot or property ownership line, it shall be construed as following such line.
  - 3. Where a public street or alley is officially vacated, the zoning designation applicable to abutting property on each side of the center line shall apply up to the center line of such street or alley.
  - 4. All property lines and dimensions shown on the Official Zoning Map shall be construed to be those property lines and dimensions described in the proper deeds of record for the subject property.
  - 5. Where district boundary lines divide a lot, the more restrictive district regulations shall apply.
  - 6. In the case of further uncertainty, the Board of Zoning Appeals shall interpret the intent of the Zoning Map as to the location of the district line in question.

**Sec. 3-040 Zoning of Annexed Areas**

Zoning for any area annexed to the City shall be established by ordinance simultaneously with the adoption of the annexation resolution required by the Code of West Virginia, Chapter 8, Article 6, as amended. City Council shall hear zoning recommendations for the subject area during the required hearing for annexation. The Municipal Planning Commission shall submit its written recommendation to City Council at least fifteen (15) days prior to the hearing.

**Sec. 3-050 Permitted Land Uses**

- A. The list of land uses and supplemental regulations contained in the Land Use Table are incorporated in this section and are adopted as the basic land use regulations for the City. The table, which may be generally referred to as the “Land Use Table,” identifies the types of land uses that are permitted within the City.
- B. To determine the zoning district(s) in which a particular land use is allowed, find the use in the list of uses along the left-hand side of the Land Use Table and read across the row to find the district column designations.
- C. Legend:
  - P ..... Use is permitted by right in a particular district.
  - A ..... Use is permitted as an Accessory use in a particular district.
  - C..... Use is allowed as a conditional use in a particular district.

- D. The land uses listed in the Land Use Table are defined in Article 2, Definitions of this ordinance.
- E. The supplemental regulations indicated in the far right column of the Land Use Table are detailed in Sec. 3-060.



LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	CVD	PMC	I-2	I-4	PUD	SUPP.	
<i>Accessory Structure</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1
<i>Accessory Use</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	2
<i>Adaptive Reuse of a Nonresidential Structure</i>	C	C	C	C															50
<i>Airport</i>															C	C			
<i>Alcoholic Beverage Sales for Off-premise Consumption</i>							P	P	P	P	C	P	P						52, 53
<i>Alcohol Beverage Sales, Bar Nightclub, or Private Club</i>							C	C	P	P	C	C	C						52, 53
<i>Alcohol Beverage Sales, Liquor Store</i>							C	C	C	C	C	C	C						52, 53
<i>Alcohol Beverage Sales, Restaurant</i>							C	P	P	P	P	P	C						52
<i>Amphitheater</i>									C		C	C			C				
<i>Amusement Park</i>										P									
<i>Animal Grooming Service (Small Animals)</i>									P	P	P		P	P		P	P		
<i>Animal Grooming Service (Unlimited)</i>										P					P	P			
<i>Animal Hospital/Clinic</i>									P	P	P	P	P	C	P	P			8
<i>Animal Shelter</i>															C	P			8
<i>Art Gallery</i>					C	C	P	P	P	P	P	P	P		P	P	P		
<i>Assisted Living Facility</i>			C	C	C	C	P	P	P	P	P	P	P	P			P		45
<i>Association (Charitable/Fraternal/Social)</i>									P	P	P	P	P	P					
<i>Auction</i>									C	P	P	C	C		P				19
<i>Automobile Rental or Leasing Establishment</i>									P	P	P	P		C					14
<i>Automobile Retail Sales Establishment</i>									P	P	P								14
<i>Automobile Washing or Polishing Establishment</i>									P	P	P	P		C		P			14
<i>Automotive Body and Paint Shop</i>									P	P	P				P	P			14, 55
<i>Automotive Parts, Supplies, or Accessories</i>									P	P	P	P	P	P					14
<i>Automotive Repair Establishment</i>									P	P	P	P	C	C		P			14
<i>Automotive Wrecker Service</i>										C	C				C	P			34
<i>Bakery (retail)</i>							P	P	P	P	P	P	P						
<i>Bakery (wholesale)</i>									P	P		P	P		P				
<i>Beauty Salon/Barber Shop</i>					C	C	P	P	P	P	P	P	P						49
<i>Bed and Breakfast Inn</i>			C	C	C	C	C	C	P	P	P	P	P						20
<i>Beekeeping</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	13
<i>Boarding House (Limited by Intensity of Use)</i>					C	C			C										20
<i>Bowling Alley</i>									P	P	P								
<i>Broadcasting Station</i>											P								
<i>Building Materials Sales Establishment-Retail</i>										P	P				P	P			

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	CVD	PMC	I-2	I-4	PUD	SUPP.
<i>Building Materials Sales Establishment-Whlse</i>									P	P					P	P		
<i>Bus Garage</i>									P						P	P		
<i>Bus Terminal</i>									P	P	P				P	P		
<i>Campground</i>	C	C																
<i>Carnival, Circus, Fairground, Amusement - Permanent</i>									P	P								
<i>Carnival, Circus, Fairground, Amusement - Transient</i>									P		P				P			
<i>Catering Service Establishment</i>							P	P	P	P	P	P	P	A				
<i>Cemetery</i>		C	C															21
<i>Chemicals - Storage (Tank Farm)</i>															C	C		
<i>Christmas Trees Sales Establishment (Retail)</i>							P	P	P	P	P	P	P	A	P	P		14
<i>Clinic - Medical or Dental</i>					P	P	P	P	P	P	P	P	P	P				
<i>Coin Operated Laundry</i>							P	P	P	P	P	P	P	A	P			
<i>Columbarium - (acc. To Religious Inst.)</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	2
<i>Community Center</i>	C	C	C	C	C	C	P	P	P	P	P	P	P	A			A	
<i>Community Garden</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	50
<i>Composting Operation</i>																P		7
<i>Conference Center</i>											P	P	P	P				45
<i>Contractor's Establishment</i>							P	P	P	P	P	P	P		P	P		
<i>Convenience Store, Neighborhood</i>							P	P	P	P	P	P	P					
<i>Correctional Institution</i>															C			
<i>Country Club</i>	C	C															C	
<i>Crematorium (Not part of Funeral Home)</i>								P	P	P	P				P	P		
<i>Dance or Social Club</i>								P	P	P	P	P	P					
<i>Dancing Instruction or Studio</i>							P	P	P	P	P	P	P		P			
<i>Department Store</i>								P	P	P	P	P	P					
<i>Dock, Commercial</i>								C	C	C	C	C	C		C	C		33
<i>Dock, Private</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	33
<i>Dormitory, Fraternity or Sorority House</i>				C	C	C					P	P	P	P				
<i>Distribution Center</i>															P	P		
<i>Drive-Thru Facility</i>							P	P	P	P	P	C	P	P	P	P		
<i>Drugstore</i>							P	P	P	P	P	P	P	A				
<i>Dry Cleaning and Laundry Services</i>								P	P	P	P	P	P	A	P			
<i>Dwelling, Accessory</i>	P	P	P	P	P	P												
<i>Dwelling, Single Family</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
<i>Dwelling, Duplex</i>			P	P	P	P	P	P	P	P	P	P	P	P			P	10
<i>Dwelling, Live-Work Quarters</i>								P	P	P	P	P	P	P	P		P	

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	CVD	PMC	I-2	I-4	PUD	SUPP.
Dwelling, Manufactured Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	
Dwelling, Mixed Use								P	P	P	P	P	P	P			P	
Dwelling, Modular Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	
Dwelling, Multi-family Limited			P				P						P	P			P	
Dwelling, Multi-family - Unlimited except by intensity of use				P	P	P		P	P	P	P	P	P	P			P	
Dwelling - Over store							P	P	P	P	P	P	P	P			P	16
Dwelling - Townhouse			P	P	P	P	P	P	P	P	P	P	P	P			P	
Dwelling - Triplex			P	P	P	P	P	P	P	P	P	P	P	P			P	
Educational Institution- College/Univ./Technical					C	C	P	P	P	P	P	P	P	P				45
Educational Institution - Elementary School	C	C	C	C	C	C	P	P	P	P	P	P	P	P				45
Educational Institution - High School	C	C	C	C	C	C	P	P	P	P	P	P	P	P				45
Educational Institution - Middle School	C	C	C	C	C	C	P	P	P	P	P	P	P	P				45
Educational Institution - Nursery or Preschool	C	C	C	C	C	C	P	P	P	P	P	P	P	P				45
Employment Agency								P	P	P	P	P	P					
Exterminating or Fumigating Service Establishment									P	P					P	P		
Factory Built Housing, Sales/Storage Establishment															P			
Family Day Care Facility	A	A	A	A	A	P	P	P	P	P	P	P	P	P			C	22
Family Day Care Adult Facility	A	A	A	A	A	P	P	P	P	P	P	P	P	P			C	22
Family Day Care Home	C	C	C	C	C	C											C	22
Family Day Care Adult Home	C	C	C	C	C	C											C	22
Farm Equipment or Supplies Sales Establishment									P	P					P			14
Farm Products – Raw Materials Sales															P	P		
Financial Service Institutions					P	P	P	P	P	P	P	P	P	A				
Firearms Sales Establishments									P	P	P							
Florist							P	P	P	P	P	P	P	A				
Funeral Establishment with /wo Crematorium								P	P	P	P	P	P		P			
Furniture, Fixtures or Equipment Sales Establishments								P	P	P	P	P	P		P			
Furniture Sales Establishments-Retail							P	P	P	P	P	P	P		P			
Furniture Upholstering, Repairing or Refinishing								P	P	P	P	P	P		P			
Gambling establishment								C	C	P	P	C	C					24
Garage or Carport (Detached)	A	A	A	A	A	A	A	A	A	A			A					1
Garage Sale	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	47
Garden Center Establishment							P	P	P	P	P		P		P			14
Gasoline Service Station							C	P	P	P			C		P	P		

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	CVD	PMC	I-2	I-4	PUD	SUPP.
Gasoline Station and Mini-Mart								P	P	P			C		P	P		
Glass - Cutting, Coating or Tinting Establishment									P	P			P		P			
Go-cart Track Facility									C	C					C			44
Golf Course	C	C															C	
Golf Driving Range	A	A							C	C							A	
Government Facility					P	P	P	P	P	P	P	P	P	P	P			45
Greenhouse or Nursery						C			P	P			P		P			14, 23
Grocery Store							P	P	P	P	P	P	P					
Group Home			P	P	P	P	P	P	P	P	P	P	P				P	11
Group Home, Developmentally Disabled	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	11
Group Housing Development				C	C	C												25
Gymnasium or Athletic Club								P	P	P	P	P	P	A				
Halfway House					C	C					P							6,10
Hardware Sales Establishment							P	P	P	P	P	P	P		P			
Health Spa/Club							P	P	P	P	P	P	P	A				
Helistop/Heliport -									C	C	C			C	C	C		26
Historic or Monument Site	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home Based Business-Level I	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	4
Home Based Business-Level II	C	C	C	C	C	P	P	P	P	P	C	C	P				C	4
Home Parties or Showings	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	47
Hospital or Sanitarium			C	C	P	P	P	P	P	P	P	P	P	P			C	45
Hotel								P	P	P	P	P	P					
Hypermarket										P								14
Indoor Self-Storage Facility								C	C	C					C	C		27
Industrial Equipment Repair Establishment															P	P		
Industrial Park										P					P			
Industrial Service Establishments										P				P	P			
Industrial Supplies Sales Establishment									P	P					P	P		
Instructional Studios							P	P	P	P	P	P	P	P	P			
Interior Decorating Service Establishment							P	P	P	P	P	P	P					
Janitorial Service Establishment									P	P					P	P		
Junkyard																C		28
Kennel-Commercial									P	P								8,29
Laboratories					P	P			P	P	P	P	P	P	P			15
Landfill-Earth	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		30
Landfill - Sanitary		C													C	C		30,48

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	CVD	PMC	I-2	I-4	PUD	SUPP.
<i>Library</i>							P	P	P	P	P	P	P	A				
<i>Limousine Service Establishment</i>									P	P	P				P			
<i>Livestock or Poultry, Keeping of (Non-Commercial)</i>	C	C	C															31
<i>Locksmith</i>							P		P	P	P	P	P					
<i>Machinery - Repair (small business office /lawn /garden)</i>								P	P	P		P	P		P			
<i>Machinery - Heavy Equipment Sales, Storage, Repair, Rental</i>															P	P		
<i>Machinery - Shop</i>															P	P		
<i>Manufacturing, Heavy</i>																P		
<i>Manufacturing, Light</i>															P	P		
<i>Marina</i>									C	C	C	C	C	C	C			33
<i>Marine Craft Sales/Repair Establishment</i>								P	P	P					P	P		
<i>Medical Cannabis Dispensary</i>							P	P	P	P	P	P	P	P				
<i>Medical Cannabis Growing Facility</i>									P	P	P	P	P	P	P	P		
<i>Medical Cannabis Processing Facility</i>									P	P	P	P	P	P	P	P		
<i>Mini-Storage Facility</i>															C	C		32
<i>Miniature Golf</i>								P	P	P								
<i>Motel</i>								P	P	P	P	P	P					
<i>Motorcycle - Retail Sales Establishment</i>								P	P	P					P			
<i>Movie Theater -Drive-in (Exc. Adult)</i>									C	P								35
<i>Movie Theater - Indoor (Exc. Adult)</i>								P	P	P	P	P	P					
<i>Museum</i>			C	C	C	C	C	P	P	P	P	P	P					
<i>Music - Instruction or Studio</i>							P	P	P	P	P	P	P					
<i>Nursing Home</i>			C	C	P	P		P	P	P	P	P	P	A				36
<i>Office - Apartment Rental Office ( 20 +units)</i>				A	A	A	A	A	A	A	A	A	A	A			A	
<i>Office - Associated with permitted Ind. use</i>															A	A		
<i>Office - Professional (No display or sale of goods)</i>					P	P	P	P	P	P	P	P	P	P			P	
<i>Office - Business or Professional (Unlimited)</i>					P	P	P	P	P	P	P	P	P	P	P			
<i>Office Park</i>									P	P	P	P		P	P			45
<i>Oil or Gas Well Operation</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	37
<i>Park</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9
<i>Parsonage (Accessory to Religious Inst.)</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A				
<i>Parking - Restricted Accessory</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	38
<i>Parking - Commercial</i>								C	P	P	P	P	P	P				9
<i>Parking - Public Lot</i>							P	P	P	P	P	P	P	P				9
<i>Parking - Structure</i>								P	P	P	P	P	P	P				

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	CVD	PMC	I-2	I-4	PUD	SUPP.
<i>Pawn Shop</i>									P	P	P							
<i>Performing Arts Complex</i>									P	P	P	P	P					
<i>Personal Services Establishment</i>							P	P	P	P	P	P	P					
<i>Pet Shop</i>								P	P	P	P	P	P					
<i>Petroleum - Manufacturing (Refining or related industries)</i>																C		
<i>Petroleum - Storage (Tank farm)</i>															C	C		
<i>Petroleum - Wholesale (Bulk)</i>															P	P		
<i>Photo Finishing Establishment - With on-premise processing</i>								P	P	P	P	P	P		P			
<i>Photography Studio - Commercial or Portrait</i>								P	P	P	P	P	P					
<i>Printing or Publishing Establishment</i>								P	P	P	P	P	P		P	P		
<i>Professional Services Establishment</i>					P	P	P	P	P	P	P	P	P	P			P	
<i>Public Services (Police/Fire)</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<i>Quarry</i>															C	C		
<i>Rail Terminal</i>									P						P	P		
<i>Recreational/Sports Facility (Group)</i>								C	P	P	P	P	P	P	P	P		39
<i>Recycling Collection Center</i>															P	P		7
<i>Refuse Incineration</i>											A			A		C		7
<i>Religious Institution (Acc.Day Care Facility)</i>	C	C	C	C	C	C	P	P	P	P	P	P	P	P			P	46
<i>Religious Institution (under 80,000 SF)</i>	C	C	C	C	C	C	P	P	P	P	P	P	P	P			P	45,46
<i>Religious Institution (over 80,000 SF)</i>										P								46
<i>Rental Services - Exc.Heavy Machinery Est.</i>								P	P	P	P	P	P	A				
<i>Research and Development Center</i>								P	P	P	P	P	P	P	P			45
<i>Residential - See Dwellings</i>																		
<i>Restaurant - Without Drive-Thru</i>							P	P	P	P	P	P	P	A				
<i>Restaurant - Fast Food with Drive-Thru</i>								P	P	P	P		P					
<i>Restaurant - Serving Alcoholic Beverages</i>							C	P	P	P	P	P	C					52
<i>Retail Sales Establishment</i>							P	P	P	P	P	P	P					
<i>Reuse of Structure</i>	C	C	C	C														40
<i>Satellite Dish /Antenna (Under 30" dia.-private)</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
<i>Sewage or Solid Waste Disposal</i>																C		41
<i>Sewage Treatment Plant</i>																C		41
<i>Sexually Oriented Business</i>																C		18
<i>Shopping Center</i>								C	P	P	P							
<i>Shooting Range (Indoor - Outdoor)</i>									C	C								44

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	CVD	PMC	I-2	I-4	PUD	SUPP.
Sign Fabricating or Painting Establishment								P	P	P					P	P		
Sign Fabrication/Painting (2,500 SF-no op.stor.)									P	P								
Signs (Off-Premise)									C							C		
Skating Rink - Indoor/Outdoor									P	P	P	P	P					
Slaughtering																C		8,32
Sports Club										P		P						
Storage Building (Detached)	A	A	A	A	A	A	A	A	A	A	A	A	A	A				
Storage Facility - Indoor Self-Storage								C	C	C					C	C		27
Storage Facility - Mini-Storage															C	C		32
Swimming Pool - Community	C	C	C	C	C	C												42
Swimming Pool - Private	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	
Taxi Service									P	C					P			
Tattoo Studio/ Body-Piercing								C	P		C		C					5
Telecommunications Facility, Class I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17,23
Telecommunication Facility, Class II	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17,23
Telecommunications Facility, Class III	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	17,23
Television or Radio Studio									P	P	P	P	P	P	P			
Travel Agency or Bureau							P	P	P	P	P	P	P					
Travel Trailer Park									C									45
Utilities and Equipment, Essential	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Urban Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	51
Urban Farm							C	C	P	P	C		P		P	P	C	51
Utility - Essential Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Warehousing or Storage Yard (Exc. Junkyard)									P	P					P	P		
Waste Disposal-Industrial																C		
Wildlife Preserve	C	C	C															9
Yard Sale	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	47
Zoo									C									

## Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table

1. Permitted accessory structures shall include only those that are customary and incidental to the principal permitted use in each district, and shall comply fully with the provisions of Article 3-080(A) of this ordinance.
2. Permitted accessory uses shall include only those that are customary and incidental to the principal permitted use in each district, and shall comply fully with the provisions of Article 3-080(A) of this ordinance.
3. Reserved.
4. **Home-Based Businesses** shall be regulated as follows:
  - a. Permitting and Enforcement
    - (1) All Level I and II proposed home-based businesses shall apply to the City Collector for a Municipal License and to the City Planning Department for zoning review. The Planning Director shall determine whether the proposed home-based business meets the level 1 permitted accessory or level 2 conditional use permit home-based business definition and requirements.
      - (a) Level 1 permitted accessory home-based businesses that meet the requirements set forth shall be approved by the Planning Director. The Planning Director shall endorse the Municipal License Application upon approval.
      - (b) Level 2 conditional use permit Home-based businesses may be approved after a public hearing for a conditional use permit if the Board of Zoning Appeals determines that the proposed home-based business will not constitute a nuisance or otherwise be detrimental to the neighborhood. The Planning Director shall endorse the Municipal License Application upon approval by the BZA.
    - (2) Home-based businesses may have their permits revoked for the following reasons:
      - (a) Any change in use or any modification to the granted home-based business that is not first approved by the Planning Director or the BZA.
      - (b) Any nuisance, including noise, vibration, smoke, electrical interference, dust, heat, glare, or obnoxious odor, detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily structure.
      - (c) Failure to pay any annual municipal license fee within thirty days after the due date or to renew the municipal license.
  - b. Level I home-based business uses shall be a permitted accessory use in all residential districts where business activities include, but are not limited to, receiving or initiating correspondence, such as phone calls, mail, faxes, or e-mail; preparing or maintaining business records; word and data processing; and telephone, mail order, and off-premise sales.
    - (1) Level I permitted accessory home-based businesses shall be distinguished from Level II home-based businesses requiring a conditional use permit in that they shall not be permitted to:
      - (i) Sell articles or products on the premises.
      - (ii) Generate any additional pedestrian or vehicular traffic not normally associated with the residential use of the dwelling.
      - (iii) Receive deliveries to or from the dwelling, except by the occupant,



U.S. Mail or by courier, and by no customers or clients.

- (iv) Display signs for the business use.
  - (v) Have employees who are not members of the resident dwelling unit.
- c. Level II home-based businesses shall be conditional uses and regulated and monitored to assure that the use does not create any adverse impact on the surrounding area. Applicants must present the following information to the BZA:
- (1) The type of business and business activities.
  - (2) The total number of resident employees.
  - (3) The location and floor area of the home-based business.
  - (4) The vehicles used in the home-based business.
  - (5) The number of expected customer visits per day and at any one time.
- d. Level II home-based businesses shall meet the following performance standards:
- (1) Hours of operation shall be limited to hours between 8:00 a.m. and 7 p.m.
  - (2) Employees working at the subject property must be permanent residents of that dwelling.
  - (3) Delivery vehicles used to deliver goods to the home-based business are limited to passenger vehicles, mail carriers, and express carriers. Deliveries shall be permitted between 8:00 a.m. and 6:00 p.m.
  - (4) The home-based business shall be limited to the parking/storage of one commercial vehicle on the premises, not exceeding a one-ton capacity.
  - (5) The home-based business shall not generate traffic in greater volume than would normally be expected in a residential neighborhood.
  - (6) The home-based business must provide one off-street parking space in addition to the parking requirement for the dwelling.
  - (7) The home-based business may not create a nuisance due to noise, vibration, smoke, electrical interference, dust, heat, glare, or obnoxious odor. Any noise, vibration, smoke, electrical interference, dust, heat, glare, or obnoxious odor detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily structure, shall constitute a violation of the terms of this provision.
  - (8) The home-based business shall not increase demand on water, sewer, or garbage collection services to the extent that the combined demand for the dwelling and the home-based business is significantly more than is normal to the use of the property for residential purposes.
  - (9) The BZA may establish a limit on the number of clients permitted per day or at any one time.
  - (10) Structural alterations that are not customarily found in a residential structure are prohibited.
  - (11) Equipment and materials related to the home-based business must be stored in a manner that is out of view to the public.
  - (12) Signs advertising the home-based business are not permitted.
- e. Level II home-based businesses shall include, but not be limited to:
- (1) Professional offices such as architects, brokers, counselors, clergy, engineers, insurance agents, real estate agents, lawyers, accountants, editors, publishers,

journalists, cleaning services, salespersons, travel agents, and psychologists where some clientele may be required.

- (2) Personal services, such as barbershops, beauty parlors, manicure and pedicure shops, catering, chauffeuring services, and physical therapists (no more than 2 people being tended to at any one time).
  - (3) Instructional services such as music, dance, art and craft classes, and tutoring (no more than 2 people being instructed at any one time).
  - (4) Repair services for small appliances, computers, watches and clocks, electronic devices.
  - (5) Workrooms for tailors, dressmakers, milliners, and craft persons, including jewelry making, cabinetry and woodworking.
  - (6) The BZA shall make the determination whether an unlisted business is similar to a listed permitted use and issue or deny the Level II home-based business conditional use permit.
- f. Home-based businesses shall not include dance studios, commercial repair or storage of automobiles, medical or dental clinics or offices where patients are treated, restaurants, bars/nightclubs, mortuary or funeral establishments, boarding/rooming/tourist homes, kennels, stables, veterinarian clinics/hospitals, nor adult uses. Uses not specifically mentioned shall not be permitted when the Planning Director determines that such use is of the same general character as at least one of those stated above.
5. **Tattoo/Body-Piercing Studios** shall comply with the following:
- a. Shall not be located within 1500 feet of another tattoo/body-piercing studio.
  - b. Shall be licensed by the State of West Virginia and inspected by the Kanawha County Health Department prior to receiving a Municipal Business License and/or Certificate of Occupancy.
  - c. Shall not perform the acts of tattooing and piercing in areas visible from a public right-of-way.
  - d. Shall limit hours of operation to 10 a.m. to 10 p.m. daily.
  - e. Any storefront door and window glazing shall remain transparent.
6. **Halfway houses** shall comply with the following:
- a. The structure should be virtually indistinguishable from the surrounding houses;
  - b. Cooking facilities in the rooms shall be prohibited;
  - c. Fire Department approval of the structure and its proposed use must be received by the Planning Department prior to the issuance of a Certificate of Occupancy.
7. **Central garbage and rubbish collection facilities, including recycling facilities, composting operations and refuse incinerators**, shall be permitted subject to the following conditions:
- a. Unloading areas for materials shall not be less than 50 feet from any adjoining property, unless unloading is conducted entirely within a building.
  - b. Portions of a site used for truck maneuvering or the storage, bailing, processing, or other handling of materials must be enclosed by an opaque fence or wall within a non-glare finish not less than 6 feet in height.
  - c. Loading and unloading areas must be paved.
  - d. The site must be kept clear of litter, scrap paper, or other refuse matter.
  - e. Chemical or heating processes shall not be conducted on materials.

8. **Outdoor kennel and storage areas** shall not be visible from streets and/or adjacent properties. Structures housing animals shall be located a minimum of 100 feet from any dwelling unit.
9. Uses not involving permanent development shall be permitted in the Floodway and Floodway Fringe districts after site plan approval by the Planning Commission, subject to conditions necessary to protect the public interest.
10. The conversion of single-family residential dwellings to **two-family residential dwellings** or duplex dwellings shall comply with the following:
  - a. The maximum number of dwelling units after conversion is limited to two (2).
  - b. Each dwelling unit shall contain within the unit a complete kitchen, toilet and bathing facility; shared facilities shall not be permitted.
  - c. The appearance of a single-family dwelling unit shall be maintained. For the converted structure, necessary changes in the number or placement of windows to provide adequate light and air will be allowed, but shall be minimized; any changes which occur shall be consistent with the architectural character of the dwelling. No staircases shall be allowed in the front of buildings to access upper floors.
  - d. Except for parking in driveways, no parking spaces shall be located in the front yard. Parking areas shall be designed so that each vehicle has access to the street without the necessity of moving another vehicle. All newly constructed driveways and parking spaces shall be set back a minimum of five (5) feet from all property lines.
  - e. Off-street parking improvements shall be provided at a ratio of up to two (2) spaces per unit.
  - f. Garbage and refuse pickup and other utility areas shall be provided and located so as not to detract from the aesthetic character of the neighborhood and shall be enclosed and shielded from view by fencing, walls, or shrubbery.
  - g. Certification of adequate sewer and water services for each dwelling unit shall be provided by the applicant.
  - h. Basement or cellar dwelling units shall be permitted only if all exterior walls of the dwelling unit are at least four (4) feet above the average finished grade level of the adjoining ground.
  - i. The conversion shall comply with the intensity of use regulations for the zoning district.
11. **Group homes** must be in full compliance with all applicable state regulations, including licensure. In R-6 districts, Group Homes shall house no more than six (6) unrelated individuals and shall meet all parking requirements for the use.
12. A **bar or nightclub** in the C-4 or C-8 zoning districts shall comply with the following:
  - a. The applicant must be licensed and in good standing with the Alcoholic Beverage Control Administration of the State of West Virginia. Violations and enforcement actions on record at the ABCA will be considered by the Board of Zoning Appeals.
  - b. Any approval granted by the Board of Zoning Appeals shall be contingent upon the safe and orderly operation of a bar that does not cause a nuisance or hazard to the area.
  - c. The Board may consider evidence of public nuisance as determined by the Charleston Police Department or City Manager at a duly advertised public hearing to review the Conditional Use Permit, which may be revoked if the Board finds the above conditions are not being met.
13. **Beekeeping** shall be regulated as follows:
  - a. On lots measuring up to 10,000 square feet in area, a maximum of 2 colonies are permitted.  
On lots measuring 10,001-20,000 square feet in area, a maximum of 4 colonies are permitted.  
On lots measuring 20,001-40,000 square feet in area, a maximum of 6 colonies are permitted.  
On lots larger than 40,000 square feet, a maximum of 12 colonies are permitted.

- b. Beekeeping shall occur only in rear yards of single-family residential properties. On commercial properties, beekeeping may occur in rear yards and on rooftops. Beekeeping is prohibited on multi-family properties.
  - c. Hives must be located at least 5 feet from any property line.
  - d. Where a hive is closer than 25 ft to a shared property line, the owner shall establish and maintain a flyway barrier parallel to the property line at least 6 ft in height and extending 10 ft beyond the colony in each direction. The flyway barrier may consist of a solid wall, fence, dense vegetation, or a combination thereof. If the yard is bordered by a 6 ft privacy fence, no additional flyway barrier is required. This flyway barrier requirement shall not apply if hives are located 25 ft or more from the closest property line or on the roof of a commercial property.
  - e. No commercial use or retail sales of bees, honey, honey comb, or other bee products or beekeeping products shall be permitted from any residential property.
  - f. The use shall not constitute a nuisance due to aggressive behavior, excessive noise or odor.
14. Open storage permitted, excluding the R-O zoning district.
15. Limited to medical, dental or optical laboratory services in RO and R-10 districts. No retail sales permitted in R-10 and RO districts.
16. **Overstore dwelling units** shall comply with the following:
- a. The total gross floor area of such units cannot equal or exceed the total gross floor area of the office or commercial portion of the building. If the total gross floor area of the residential portion exceeds that of the non-residential portion, then the residential use shall be considered the principal use of the land and shall be considered a mixed-use dwelling.
  - b. Parking shall be in accordance with the commercial or office use of the building. Tenants of the residential portion of the building shall be allowed to freely use the parking lot associated with the non-residential portion of the building.
  - c. No such units may be on the ground floor of any building.
17. **Class I, Class II and Class III telecommunications facilities** shall comply with the following design and engineering criteria:
- a. Excluding Class II facilities, no facility shall be located closer than 200 feet from the nearest residential zoning district. This distancing requirement may be waived by the Planning Director if a professional engineer licensed by the State of West Virginia certifies that the facility would not fall onto a residential property.
  - b. If applicable, a copy of the applicant's Federal Communications Commission (FCC) license, or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment from an FCC license holder to locate at least one antenna on the applicant's tower shall be submitted with the permit application.
  - c. Unless co-locating, certification, supported by evidence, that co-locations of the proposed telecommunications facility with an existing approved tower or facility cannot be accommodated. Reasons for not co-locating on a site would include, but not be limited to, the following:
    - (i) No existing towers or facilities are located within a 2,000-foot radius;
    - (ii) Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements;
    - (iii) Existing towers or facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment;

- (iv) Applicant's planned equipment would cause radio frequency interference with other existing or planned equipment of the tower or facility would cause interference with the applicant's planned equipment which cannot be reasonably prevented;
  - (v) Unwillingness of the owner of the existing tower or facility to entertain a co-location proposal;
  - (vi) Existing towers or facilities do not provide an acceptable location for requisite coverage for the applicant's communications network.
  - (vii) Class I satellite dish antenna in excess of 24 inches in diameter shall meet the setback requirement for accessory structures in the district.
- d. A pictorial representation, such as a silhouette drawing, photograph, etc, of the proposed telecommunications facility.
  - e. The facility shall be unattended on a daily basis and shall be visited only for periodic and necessary maintenance and repair, during construction and emergencies.
  - f. Lighting and signage are prohibited, unless required by the Federal Aviation Administration (FAA) or the FCC. No artificial lighting shall be permitted on any communication tower, antenna, equipment or structure.
  - g. Any owner of property used as the location for a facility shall maintain such site and all structures in good condition and free from trash, outdoor storage, weeds and other debris.
  - h. All providers owning a telecommunications tower shall present a report to the Planning Director when the use of the tower located will be discontinued and the date its use will cease. The Planning Director may also declare the tower "discontinued" if the tower has not been properly maintained, has become obsolete, has been unused or has ceased its daily activities or operations. The tower's owner will receive written notice from the Planning Director of such discontinuance and have 180 days to have the tower dismantled, reactivated or the maintenance improved to the Planning Director's satisfaction. If this does not occur, the City may remove the tower and assess all costs to the owner of the tower.
  - i. If sheltering facilities are necessary, they shall be constructed as cabinets and not sheds.
  - j. The maximum height for a wireless telecommunication tower shall be 200 feet including the antennae.
  - k. **Class II Wireless Telecommunications Facilities and/or Class II Wireless Telecommunications Facilities using a new shed/accessory structure for the sheltering of equipment require a conditional use permit.** The application requirements for conditional use permit are as follows:
    1. The applicant shall meet with the Planning Director no less than thirty (30) days prior to filing for a conditional use permit. At this meeting, the Director shall explain the regulations and the process for applying for a conditional use permit. The applicant and the Director shall also start discussions as to the search radius, attempts at co-location, alternate structures to consider for co-location, preliminary height of the proposed tower, identification of important view sheds, and mitigation plans.
    2. A site development plan or survey, signed and sealed by a professional engineer licensed in West Virginia, which shows the proposed location of the tower and associated equipment and all easements and existing structures within 200 feet of the proposed tower;
    3. A landscaping plan showing the proposed placement of the facility on the site, the location of existing and proposed trees, and all significant site features;

4. A vertical profile sketch of the tower, drawn to scale, indicating the height of the tower and the placement of all antennae;
  5. Excluding Class II facilities, a map of the City of Charleston limits including a one-half mile area outside the city showing the location of all existing cellular antenna towers and the general position of any proposed construction sites for new cellular antenna towers; and
  6. Excluding Class II facilities, a map showing the search radius that was used in identifying suitable tower locations;
  7. Excluding Class II facilities, photographic simulations of the proposed facility from different perspectives, as determined by the Planning Director during the pre-application conference; and
  8. Excluding Class II facilities, evidence showing the need for the request through before and after propagation maps of how the proposed facility fits in the applicant's telecommunications network; and
  9. Excluding Class II facilities, any other evidence demonstrating the applicant's need to construct the new tower.
1. To mitigate the visual impact of **Class II Wireless Telecommunications and/or Class III Wireless Telecommunications Facilities** using a new shed/accessory structure for the sheltering of equipment on the surrounding area, the Board of Zoning Appeals may require these or other methods:
1. Stealth tower designs, such as flag poles, trees, light poles or other similar structures;
  2. Engineering the tower to provide for future co-locations;
  3. Restricting the height of the tower to the lowest possible height that will meet the applicant's needs;
  4. Designing shelter facilities as cabinets rather than sheds;
- Further, consideration shall be given to the Charleston Historic Landmarks Commission's comments under the Section 106 review process.
- m. Class I satellite dish antenna in excess of 36 inches in diameter shall meet the setback requirement for accessory structures in the zoning district.
18. **Adult book stores, adult videotape stores, adult motion picture theaters, and adult entertainment establishments** shall comply with the following:
- a. Such uses shall not be located within 1000 feet of each other.
  - b. Such uses shall not be located within 500 feet of a residential district.
  - c. Such uses shall not be located within 500 feet of a school, park, library, or religious institution.
  - d. Advertisements, displays, or other promotional materials depicting, describing or relating to "Specified sexual activities" (as defined in this ordinance) or "Specified anatomical areas" (as defined in this ordinance) shall not be visible from a public sidewalk.
  - e. All doors, windows and other apertures shall be located, covered or screened in such a manner as to prevent viewing the interior of the establishment from a public street or sidewalk.
19. **Auctions** shall comply with the following:
- a. No outdoor storage shall be permitted for any auction
  - b. The use shall not constitute a nuisance because of traffic or noise.

- c. An auction may be held in any zoning district as an accessory use up to two times per calendar year.
20. **Bed and breakfast inns** shall comply with the following:
- a. The structure should be virtually indistinguishable from the surrounding houses;
  - b. Breakfast (or brunch) shall be the only meal served;
  - c. The meal shall be served to overnight guests only;
  - d. Cooking facilities in the rooms shall be prohibited;
  - e. Fire Department approval of the structure and its proposed use must be received by the Planning Department prior to the issuance of a Certificate of Occupancy;
  - f. This use shall be no closer than 500 feet from the nearest residential structure;
  - g. Bed and breakfast inns shall be owner-occupied;
  - h. Parking must be paved and drained as approved by the City Engineer, and at a ratio of 1 space per guest room plus 2 spaces for the resident family or innkeeper;
  - i. Not more than two identification signs with a total area of 2 square feet may be used. Wall signs shall not be internally illuminated.
21. **Cemeteries** shall comply with the following:
- a. A minimum site of two acres shall be required.
  - b. Mausoleums shall be set back at least 50 feet from every street line and adjoining lot lines.
  - c. Any structure built or erected as part of a cemetery shall be constructed in compliance with this ordinance.
22. **Family day care facilities** and **Family day care homes** shall comply with the following:
- a. The City-County Health Department shall approve the proposed plans
  - b. The Building Commissioner and Fire Inspection Bureau shall approve the proposed plans.
  - c. The use shall not constitute a nuisance because of traffic, the number of persons being cared for, noise, or types of physical activity.
  - d. One off-street, drop-off/pick-up area shall be provided for up to 15 individuals cared for, and two such areas shall be provided for 16-50 individuals cared for. Such area(s) must be so located as to not require the individuals to cross a parking lot, street, or other vehicular traffic area, and the site plan for such areas(s) must be approved by the Traffic Engineer.
  - e. Shall be considered an accessory use when associated with a religious institution.
23. **Greenhouses** in the R-O zoning districts shall comply with the following:
- a. The greenhouse shall be made of stick frame construction utilizing glass or similar materials. Hoop houses and plastic sheathing are prohibited.
  - b. Selling, displaying, or storage of garden and lawn care items are not permitted
24. **Gambling establishments** shall comply with the following:
- a. Such uses shall not be located within 2000 feet of each other, except within the CBD.
  - b. No gambling establishment shall be permitted within 1,000 feet of any religious institution, library, school, community center, or the State Capital complex bounded by Greenbrier Street, Kanawha Boulevard, Michigan Avenue, and Piedmont Road, except within the CBD.
25. **Group housing developments** shall comply with the following:
- a. An application for approval of a group housing development must be accompanied by an

overall development plan which shall include, at a minimum, the following:

- (1) A site map or maps drawn to scale showing:
    - (a) Existing and proposed contours at intervals of five feet; and
    - (b) Proposed street system including driveways, curb cuts, and parking areas; and
    - (c) Proposed location of buildings, fences, plantings, pedestrian walkways, and open areas; and
    - (d) Proposed locations of any external lighting and signs; and
    - (e) Location of essential services; and
    - (f) A grading plan prepared in accordance with the provisions of Section 13(3), Article II, Chapter 29 of the Subdivisions Law of the Code of the City of Charleston, if in the opinion of the City Engineer there are indications of a potential runoff problem, such as steep topography, hillside areas to be graded, or neighboring built-up areas below the proposed project site.
  - (2) A tabulation of the:
    - (a) Total area of the premises; and
    - (b) Area of land per dwelling unit; and
    - (c) Area of land devoted to open space; and
    - (d) Number of proposed parking spaces; and
    - (e) Number of dwelling units by bedroom type.
  - (3) A map showing the location of the site in relation to the surrounding neighborhood.
  - (4) Architectural sketches at an appropriate scale showing building elevations (front and side) and proposed use.
  - (5) A statement of intent to dedicate interior streets.
- b. The Planning Commission shall review any filed plans for a group housing development according to the following standards:
- (1) General conformance with the Zoning Ordinance, with the exception of requested waivers or variances pertaining to spacing between buildings, setbacks from interior streets, or street grade: The plan must demonstrate that proposed uses conform to those permitted in the district, that open spaces to be provided meet the minimum requirements of the district, that off-street parking and loading facilities meet the requirements of this ordinance, and that the plan complies with all other general or special requirements of this ordinance.
  - (2) Sanitary facilities: The sanitary services and facilities plan shall be reviewed by, and a report received from, the Sanitary Board prior to action by the Commission.
  - (3) Utilities: The plan must demonstrate the availability of necessary utility services.
  - (4) Off-site impact: The plan must demonstrate that light, heat, glare, or any other use or activity on the subject property shall not deleteriously affect nor discourage orderly development of adjacent properties.
  - (5) General conformance with the Subdivision Regulations and drainage



considerations: The plan must demonstrate that the streets conform with the provisions of the Subdivision Regulations. The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site, from probability of flooding, erosion, subsidence or slipping of the soil, or other dangers, annoyances, or inconveniences. The condition of the soil, ground water level, topography, and drainage plans shall be appropriate to both kind and pattern of intended use. These matters shall be reviewed by, and a report received from, the City Engineer prior to action by the BZA

- (6) Site planning: The site shall be planned to provide for good functional relationships between buildings, parking areas, and recreation areas. In addition, the site shall be planned to take advantage of open space and views in such a way as to enhance the livability of the development.
  - (7) Fire protection: The plan must make adequate provision for, or demonstrate the availability of, necessary fire protection. The plan shall be reviewed by, and a report received from, the Fire Chief prior to action by the Commission.
  - (8) Drainage: The drainage provisions for the group housing development must meet the approval of the City Engineer.
- c. The BZA is hereby authorized to grant variances where necessary to fulfill the intent of this subsection on group housing developments, limited to the spacing between buildings, setbacks from interior streets, or street grade.
  - d. Setbacks shall be as required in the district where the project is located. Within the required site, the minimum setback from streets shall be 15 feet.
  - e. Through driveways and uncovered parking areas shall be separated from buildings by at least five feet.
  - f. The applicant and his successors in interest shall be bound by the plans and conditions prescribed for approval. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location, and design of all uses. Minor changes in an approved plan, including minor scheduling changes, may be approved by the Planning Director if such changes are consistent with the purposes and general character of the group housing development plan and if such changes do not:
    - (1) Increase the ratio of dwelling units to the total area of the premises; or
    - (2) Reduce substantially open spaces between buildings or setbacks from lot lines; or
    - (3) Increase external effects on adjacent properties; or
    - (4) Reduce off-street parking or loading spaces; or
    - (5) Change substantially any provisions for essential services; or
    - (6) Violate any applicable minimum requirements of this ordinance.
  - g. Major changes, modifications, or amendments to an approved plan shall require a new application.
  - h. The approval of a group housing development may be revoked by a majority vote of the BZA, following a special public hearing and a finding that any of the provisions of this ordinance have been or are being violated. The BZA may reinstate approval of the project when it is satisfied that the provisions of this ordinance will be complied with. If approval of the project is permanently revoked, a request to resume the project shall be treated as a new application.
26. **Helipads or heliports** shall comply with the following:

- a. A helipad or heliport shall not create a nuisance due to traffic, noise, or proximity to a residential zoning district.
  - b. Proposals shall be approved by the Federal Aviation Administration and a report submitted to the planning Commission prior to action.
  - c. A helipad or heliport shall be located so as to minimize the potential risk to the public and shall have flight paths that also minimize such risk, especially for the last 300 feet horizontal of the actual direction of approach.
27. **Indoor self-storage facilities** shall comply with the following:
- a. Outdoor storage at the proposed site requires a buffering plan to be submitted to the Planning Commission.
  - b. In cases where there is a proposed re-use of an existing building, the Planning Commission may require architectural features such as window treatments, etc. to be preserved to protect the character of the building.
28. Within permitted **junkyards**, all junk shall be totally obscured from the ordinary view of persons driving on a public street, road, or highway. The view may be obscured by topography; or an opaque fence at least six (6) feet in height shall be so constructed and maintained as to screen the junk from view. If provided, the fence must be kept in good order and repair.
29. **Kennel.** The City-County Health Department shall approve the plans for all kennels prior to the issuance of a Zoning Permit.
30. **Earth landfills** shall comply with the following:
- a. A conditional use permit shall be required for a landfill covering an area of one acre or more and for landfills covering smaller areas if determined to be necessary by the City Engineer due to fill depth or possible impact on drainage in neighboring areas. Approval shall be obtained from the City Engineer, Building Code Enforcement Officer, Street Commissioner, and the Director of Public Works, after finding that the requirements and restrictions set forth below have been or will be complied with, and prior to action by the BZA. In this subsection, a landfill shall not include that which takes place as a normal part of landscaping on an individual lot in conjunction with an improvement for which a building permit has been obtained. Furthermore, this subsection on landfills does not authorize the establishment or operation of a sanitary landfill.
  - b. The owner or operator of the proposed landfill site shall submit to the BZA for its consideration an adequately detailed map showing the area to be filled, together with a site plan showing the proposed work to be done and topography upon completion, including location of existing and proposed drains and sewers, the type of materials to be used, re-vegetation plans, and any other information requested by the BZA.
  - c. A description of hauling routes to the landfill shall be provided by the applicant for review by City officials for load capacities and their relation to residential streets, areas, etc.
  - d. All landfills shall consist of excavated earth, stone, brick, concrete, fly ash or other solid materials approved by the City Engineer. No garbage or rubbish shall be in landfills, and no trees, stumps, or wood of any kind shall be used in such fills without the expressed permission of the City Engineer. Existing trees, brush and shrubs shall be removed to ground level from the fill area.
  - e. Where deemed necessary, the BZA may require that a fence or other barrier or signs be erected to stop or discourage unauthorized filling on the site. Also, the BZA may require, in the case of long-term or large operations, a vegetative or privacy fence to eliminate eyesore potential.
  - f. The owner and operator shall be responsible for abating any nuisances that occur as a result of the operation of the site.

31. **Livestock or poultry**, keeping of (non-commercial) shall comply with the following:
  - a. A minimum site of one acre shall be required.
  - b. Use shall not constitute a nuisance due to noise or odor.
32. **Mini-storage facilities** shall comply with the following:
  - a. The site coverage shall not exceed 75 percent;
  - b. When deemed necessary to protect the character of the neighborhood, the BZA may require an appropriate height opaque fence or wall;
  - c. Parking shall be provided at a ratio of one space per employee.
33. **Marinas** shall comply with the following:
  - a. Accessory uses shall be in conformance with the regulations of the zoning district in which the marina is located.
  - b. The proposed plan shall be reviewed and a report received from the Municipal Beautification Commission prior to final action.
  - c. The proposed plan shall be reviewed by and a report received from the U.S. Army Corps of Engineers prior to final action.
34. **Automobile wrecker services** shall comply with the following:
  - a. Storage areas shall be screened from view by a minimum 6 foot high opaque fence or wall.
  - b. Vehicles may be stored on premises for a maximum of 60 days.
  - c. Storage areas must be paved.
35. **Drive-in movie theaters** shall comply with the following:
  - a. The location of projection screens shall not interfere with surrounding areas or traffic flow.
  - b. an area capable of storing at least one-third as many cars as can be accommodated within the parking area shall be provided for waiting vehicles away from the flow of incoming or outgoing traffic.
36. **Nursing homes** shall comply with the following:
  - a. The proposed plan shall be approved by the City-County Health Department, prior to action on the application.
  - b. Such use shall not constitute a nuisance because of traffic generated.
37. **Oil or gas well** operations shall comply with the following:
  - a. These regulations shall apply to the drilling of new wells as well as re-drilling, fracturing, or other procedures for the extraction of or obtaining sources of oil or gas.
  - b. The City Engineer shall submit to the BZA a written report on the adequacy of drainage provisions for natural or created water at and near the site, prior to action on the application by the BZA.
  - c. The applicant shall provide proof of State permit approval.
  - d. No well operation shall be permitted within 500 feet of any dwelling unit, church, school, nursing home, hospital, or sanitarium.
38. **Restricted accessory parking areas** shall comply with the following:
  - a. Restricted accessory parking areas may be established under the following circumstances except as provided in Sec. 23-060-05 B:
    - (1) As off-premise parking for permitted uses within a zoning district.

- (2) In residential districts, no more than one side of an accessory parking area shall abut a residential use.
    - (3) Lighting abutting a residential use shall be low-level and shall not directly illuminate adjacent property.
    - (4) A restricted accessory parking lot shall be consistent with the provisions of the Comprehensive Plan.
  - b. Where the provisions of landscaping and screening are not deemed adequate by the BZA for protection of abutting land uses, the BZA may require that such parking area be screened from adjoining properties by a 6-foot high, predominantly opaque fence or wall, or by plantings.
39. **Recreational sports facility, group** shall comply with the following:
  - a. Arena, auditorium, or stadium:
    - (1) Primary means of access to the use shall not be by local streets in residential areas.
    - (2) Lighting of the facility shall not interfere with surrounding areas or traffic flow.
    - (3) Where deemed necessary by the BZA, in order to protect adjoining property or the safety of users of the facility, fencing of the facility shall be required.
40. The **re-use of a structure** previously used for non-residential purposes and listed on the National Register of Historic Places shall comply with the following:
  - a. Uses shall be limited to the following:
    - (1) Professional offices such as architects, brokers, counselors, clergy, engineers, insurance agents, real estate agents, lawyers, accountants, editors, publishers, journalists, salespersons, travel agents, and psychologists including such accessory uses that would permit the general public access to the historic structure for community events.
    - (2) The BZA shall make the determination whether an unlisted use is similar to a listed permitted use.
  - b. The following performance standards shall be met:
    - (1) The use shall be maintained in an existing structure.
    - (2) Any exterior renovations shall be compatible and comply with the Secretary of the Interior's Standards for Rehabilitation.
    - (3) No goods, wares, or merchandise shall be commercially stored, displayed, created, exchanged, or sold on the premises.
    - (4) The use may not create a nuisance due to noise, vibration, smoke, electrical interference, dust, heat, glare, or obnoxious odor.
    - (5) No outside storage of equipment or materials shall be permitted.
    - (6) Garbage collection areas shall be completely screened from view.
    - (7) One monument sign not to exceed 12 square feet shall be permitted. The sign shall be reasonably landscaped and properly maintained.
    - (8) The BZA may limit the hours of operation.
    - (9) The BZA may limit the hours that delivery vehicles used to deliver goods are permitted.
    - (10) Requirements for parking shall conform to parking and loading regulations.

41. **Sewage or solid waste disposal**, including **refuse incineration, sewage treatment plant, or industrial waste disposal** shall comply with the following:
- a. The proposed plan shall be reviewed by and a report received from the Sanitary Board Manager or Director of Public Works, whichever is appropriate, prior to action on the application.
42. **Community swimming pools** shall comply with the following:
- a. No pool or accessory facilities shall be located less than 100 feet from any lot line of a residential district.
  - b. The City-County Health Department shall certify the adequacy of the locations and the capacities of toilet, shower and dressing facilities for bathers and the adequacy of the proposed pool purification system.
  - c. The use in a residential district of any radio, recording device, public address system or other speaker shall be restricted solely to that necessary for safety purposes of organized sport activities, and shall not be used for the playing out-of-doors of music or other entertainment.
  - d. The pool or zoning lot shall be surrounded by a wall or fence no less than 6 feet high, nor more than 10 feet high, which can be locked when the pool is not guarded.
43. **Travel trailer parks** shall comply with the following:
- a. The maximum period of time that any trailer may be located in a travel trailer park shall be 14 days.
  - b. Within a travel trailer park, trailers shall be spaced a minimum of 15 feet apart.
  - c. The park shall provide water, sewage, and electric hook-ups for each trailer. Each park shall have toilet and shower facilities available for use by trailer occupants, and such facilities shall be reviewed and approved by the City-County Health Department prior to final action. All utilities shall meet the requirements of the Sanitary Board or City-County Health Department, whichever is applicable.
  - d. The park shall contain drainage facilities in accordance with requirements of the City Engineer.
  - e. Where deemed appropriate by the BZA, a travel trailer park shall be screened from adjoining properties by a 6 foot high opaque fence.
44. **Go-cart tracks and shooting ranges (outdoor)** shall comply with the following:
- a. Outdoor facilities must not constitute a noise nuisance.
  - b. Outdoor facilities may not be located adjacent to a residential district.
45. In a **Professional or Medical Campus District**, permitted accessory uses shall include, but not be limited to: bookstores, gift shops, laboratories, restaurants, drugstores, florists and other accessory uses customarily accessory to the principal use.
46. Where the Land Use Table does not provide equal treatment of a religious institution and a similar but secular use, the secular use shall override.
47. **Garage/yard sales** shall be limited to 4 times per year for a maximum of two days per sale and Home Parties or Showings held for the purpose of displaying or demonstrating goods or services for the purpose of taking orders shall be limited to four per year of one week duration and by appointment or invitation only.
48. The location and operation of a **sanitary landfill** must be approved by all federal, state and local regulating authorities prior to approval as a conditional use.
49. **Personal Services Establishments:**

- a. Operators shall be in compliance with all licensing requirements of the State of WV.
  - b. Beauty and Barber Shops in the R-10 and R-O districts shall offer nail and other services only as accessory to the primary services offered by the establishment.
  - c. Retail sales of products shall be accessory to the primary services of the establishment and shall not constitute more than 25% of the total sales volume of the establishment.
50. An Adaptive reuse of a nonresidential structure in a residential district shall be regulated as follows:
- a. The Board of Zoning Appeals must determine the use is compatible with area.
  - b. The Board of Zoning Appeals may limit the hours of operation and/or impose other conditions to fit the particular site under review.
  - c. The use shall be maintained in an existing structure. Additions must comply with the setback requirements of the district in which the building is located.
  - d. No outside storage of equipment or materials is permitted.
  - e. The use shall not create a nuisance due to noise, vibrations, smoke, electrical interference, dust, heat, glare, or obnoxious odor.
  - f. The structure proposed for the adaptive reuse must have historic, architectural, or economic value to the City justifying renovation and preservation, as determined by the Board of Zoning Appeals.
  - g. The Board of Zoning Appeals must determine that the long-term benefits of the proposed adaptive reuse outweigh any negative impact on the surrounding neighborhood and on the City, as compared with the alternative of having the structure demolished or remaining vacant and underutilized.
  - h. The use shall not create unacceptable congestion or traffic hazards on the neighboring streets.
  - i. Eligible reuses include: Art Gallery, Assisted Living Facility, Bed and Breakfast, Medical Clinic or Dental, Multi Family Dwelling, Laboratory, Museum, Nursing Home, Professional Service Establishment, Professional Office. For any other uses not listed, the Board of Zoning Appeals shall determine whether the proposed use is similar as those listed and similar in terms of impact on the neighborhood. A change in use from one eligible use to another requires a new conditional use permit.
  - j. Renovations shall not be so extensive as to strip the building of its historic integrity. Character defining features of historic buildings shall remain intact.
51. **Urban Agriculture** in any district shall be regulated as follows:
- a. The Board of Zoning Appeals must determine the Urban Farm use is compatible with area.
  - b. The Board of Zoning Appeals may limit the Urban Farm hours of operation.
  - c. The use shall not create a nuisance due to noise, smoke, electrical interference, dust, or obnoxious odor.
  - d. The use shall not create unacceptable congestion or traffic hazards on the neighboring streets.
  - e. Land devoted to agricultural use shall be well-maintained, regularly cleared of debris and free of excessively tall weeds and grass (inspection code). Urban Agricultural uses may include greenhouses as accessory structures, subject to applicable setbacks, and shall also be well maintained.
  - f. Hens may be kept on residential properties only. Ownership, care, and control of the hens shall be the responsibility of a resident of the dwelling on the lot. A maximum of six (6) hens may be kept on a lots (although health regulations may further limit the number and/or manner of keeping of hens on lots). Keeping roosters or seven (7) or more hens on a lot is strictly prohibited, except as provided in the land use table under poultry. Henhouses are

subject to accessory structure setback requirements. Hens and henhouses are not permitted in front yards. Hens must be confined to the lot. Keeping six or fewer hens closer than 25 feet of any inhabited structure, so long as consistent with the requirements and limitations set forth herein, is an exception to, and is not prohibited by, City Code §10-11.

- g. Roof farms must receive a building permit. All applicable West Virginia building and fire codes must be met.
  - h. Commercial farming/greenhouse, including but not limited to aquaponic and hydroponic farming, is permitted on municipal land, in municipal buildings, on roofs of municipal buildings and/or in greenhouses on municipal land with permission from City and subject to all applicable permits and licenses.
  - i. Farms and greenhouses shall be subject to building code requirements and any applicable rules and regulations.
  - j. Hoop houses, cold frames, or other similar structures shall be allowed as accessory structures subject to the building code and subject to the zoning ordinance, and the cover shall be removed and stored when plants are not being cultivated.
52. **Alcoholic Beverage Sales** the following apply when a conditional use permit is required:
- a. As part of a request for Conditional Use Permit, the applicant shall provide information necessary for the Planning Department to conduct research regarding relevant licensing and enforcement activity at the Alcoholic Beverage Control Administration of the State of West Virginia.
  - b. In reaching a decision, the Board of Zoning Appeals may consider past violations and enforcement actions on record at the ABCA.
  - c. As part of a request for conditional use permit, the applicant shall provide a written Security & Operations Plan in a form and manner as prescribed by the Planning Department. The contents of the plan shall include, but are not limited to, the following:
    - 1. Hours of operation.
    - 2. Type and frequency of entertainment to be provided.
    - 3. Food service plans, including menu and means of preparation.
    - 4. The number and locations of security personnel.
    - 5. The number and locations of video surveillance, both interior and exterior.
    - 6. Commitment to staff training.
  - d. The Board of Zoning Appeals may give special consideration to the potential impacts on parks and public spaces.
53. City sponsored special events with accessory alcohol sales are a permitted use.
54. **Dwelling, Accessory** the following apply:
- a. Accessory dwelling units are only permitted as an accessory use to an owner occupied single family dwelling use within residential zoning districts.
  - b. Attached accessory dwelling units shall be clearly subordinate and secondary to the principal dwelling unit. Attached accessory dwelling units shall conform to all development standards for principal structures including any applicable zoning, historic preservation, or architectural standards.
  - c. Detached accessory dwelling units shall conform with all provisions for accessory structures contained within Article 3-080.
  - d. On site parking shall be provided for the accessory dwelling unit at a rate of one (1) parking space per bedroom.
  - e. No more than one (1) accessory dwelling unit shall be approved per owner occupied single family dwelling and lot of record.

- f. Accessory dwelling units shall only be permitted for owner occupied single family dwellings. Prior to issuance of a Zoning Permit, the applicant shall record an instrument with the Kanawha County Clerk notifying and informing all subsequent owners of the property that the approval of the accessory dwelling unit is contingent upon:
- (1) Continued compliance with all applicable standards of the Zoning Ordinance of the City of Charleston, West Virginia.
  - (2) The either the accessory dwelling unit or the primary single family unit on the property shall be occupied by the owner of record. If either unit is not owner occupied, the zoning approval of use of the accessory dwelling unit as a separate household unit shall be null.
  - (3) That the accessory dwelling unit shall not be sold separately or apart from the primary single family dwelling unit.
  - (4) That the accessory dwelling unit may never be enlarged to a size greater than that allowed within the Zoning Ordinance of the City of Charleston, West Virginia.
  - (5) A reference to deed book and page number of the property.
55. Vehicles with body damage shall sit no more than 72 hours before being moved into an area with a privacy fence or into the shop.

### **Sec. 3-070 Temporary Uses**

#### **A. Intent**

Temporary Uses shall be permitted by the granting of a Temporary Zoning Permit issued by the Planning Director in accordance with the requirements of this section.

#### **B. General Provisions**

1. The duration of the temporary period is stated hereinafter, provided, however, renewal of the permit may be requested. The Planning Director is not obligated to renew such permits if doing so leads to a defacto permanent use.
2. Temporary Uses shall be subject to all the regulations of the applicable district in which they are located.

#### **C. Permitted Temporary Uses**

1. Temporary office, model home or model apartment, and related signs, both incidental and necessary for the sale, rental, or lease of real property in the district. Maximum duration: 18 months.
2. Non-commercial concrete batching plant, both incidental and necessary to construction in the district. Maximum duration: 18 months.
3. Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the district. Maximum duration: 18 months.
4. Parking lot designated for a special event in a district. Maximum duration: 3 days.
5. Parking of recreational vehicles in the front yard for visitation. Maximum duration: 7 consecutive days, with a maximum total of 14 days per year. A permit shall not be required for this temporary use.
6. Mobile home as a temporary office during the period of construction and development. Maximum duration: 18 months.
7. Moving and storage containers parked in the front yard. Maximum duration: 30 days. A permit shall not be required for this temporary use.
8. Other similar uses deemed temporary by the Board of Zoning Appeals and attached with



such time period, conditions and safeguards as the Board may deem necessary.

D. Standards

1. Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.
2. No public address systems or other noise producing devices shall be permitted in a residential district.
3. Any flood lights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
4. Signs shall not flash or blink or resemble traffic and emergency warning signals, and shall be limited in size to twenty (20) square feet each in number to three signs.
5. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

**Sec. 3-080 Accessory Structures and Uses in Residential Districts**

A. Customary and incidental accessory buildings and uses are allowed in all residential districts, as specifically regulated in that district, provided that:

1. Accessory Structures shall not be placed in the front yard. If placed in a side yard, accessory structures shall not be located closer to the street than the front building line of the principal structure.
2. Accessory structures shall not be located closer than three feet to the rear and side property lines nor closer than 3 feet to the principal structure, unless otherwise indicated in this ordinance.
3. On corner lots, accessory structures shall not be located between any portion of the principal structure and either street.
4. When an accessory structure is attached to a principal structure, it shall comply in all respects with the requirements of this zoning ordinance applicable to the principal structure(s).
5. Any structure connected to another structure by an open breezeway (i.e., without enclosed walls) shall be deemed to be a separate structure.
6. The total square footage of all accessory buildings shall not exceed 672 square feet or 50% of the first or ground floor area of the principal building whichever is greater, except for accessory dwelling units which may exceed this measure but must be clearly subordinate and secondary to the principal structure. Large lots measuring twice the size of the minimum lot requirement or greater are not subject to this restriction, so long as the accessory structure remains subordinate in floor area to the dwelling..
7. The square footage of the first (ground) floor of the accessory structure(s) shall be included in the computation of lot coverage.
8. Accessory structures shall not exceed 18 feet in height, except for accessory dwelling units, which may not exceed two stories or 25 feet in height.
9. No part of any such structure, with the exception of accessory dwelling units as defined herein, shall be designed or used for sleeping purposes, and no cooking fixtures shall be placed or permitted therein.
10. A private garage may be constructed as part of a principal structure, provided that when constructed the garage walls shall be regarded as the walls of the principal structure in applying the applicable front, side and rear setback requirements.
11. Pools are subject to the accessory use provisions herein and subject to a building permit.

12. Outdoor play equipment, when anchored to the ground, is prohibited in the front yard.
- B. Fences may be erected, with a building permit, on residentially zoned parcels, provided they meet the following restrictions:
1. They may not exceed six and one half (6.5) feet in height at any point.
  2. No portion of an opaque fence (less than 70 percent open in any one square foot portion of the fence panel) erected within a clear vision triangle may exceed two and one-half (2.5) feet in height.
  3. Fences may be constructed of stone, brick, wood, vinyl, chain link or wire, wrought iron, aluminum, and ornamental concrete block, provided all other requirements herein are met. They shall not be constructed with razor wire or electrified wire.
  4. Fences erected in the front yard shall not exceed four (4) feet in height.
  5. Fences specifically intended to screen mechanical equipment may exceed the maximum fence height in the immediate area of the equipment to be screened to the additional height necessary to screen the particular height of the equipment.
  6. Fences, walls, terraces, steps, mailboxes, or other similar features may encroach into a required setback, except as provided in Article 23-030, Safety and Vision. Such appurtenances shall not be located within access, drainage, or utility easements.
- C. Open Storage in Residential Districts
1. The storage, collecting, dismantling, salvaging or repairing of inoperative or unlicensed motor vehicle, motor vehicles with expired inspection stickers, machinery, or appliances is prohibited when not within an area screened from view by walls and a roof. However, one (1) inoperative or unlicensed motor vehicle, or one (1) motor vehicle with an expired inspection sticker may be temporarily stored in an area not screened from view by walls and a roof for a period not to exceed 7 consecutive days.
  2. Recreational vehicles and trailers designed to be towed by another vehicle must be stored on a paved surface and parked behind the front building line.
  3. The display or storage of items not customarily associated with residential uses is prohibited when not within an area screened from view by walls and a roof.

### **Sec. 3-090 Accessory Structures and Uses in Commercial Districts**

- A. Customary and incidental accessory buildings and uses are allowed in all commercial districts, as specifically regulated in that district, provided:
1. The storage, collecting, dismantling, salvaging or repairing of inoperative or unlicensed motor vehicles, motor vehicles with expired inspection stickers, machinery, or appliances is prohibited when not within an area screened from view by walls and a roof, unless customary and incidental to the primary business conducted on the site.
  2. No more than two accessory buildings per establishment shall be erected on a lot.
  3. An accessory building shall be at least 3 feet from all lot lines and from any other building on the same lot, unless otherwise specified in this ordinance.
  4. Accessory Structures shall not be placed in the front yard. If placed in a side yard, accessory structure shall not be located closer to the street than the front building line of the principal structure.
- B. Fences may be erected, with a building permit, on non-residentially zoned parcels, provided they meet the following restrictions:
1. They may not exceed ten (10) feet in height (except for those surrounding industrial uses, in which case they may be up to fifteen (15) feet in height at any point.

2. No portion of an opaque fence (less than 70 percent open in any one square foot portion of the fence panel) erected within a sight triangle may exceed two and one-half (2.5) feet in height.
3. Fences specifically intended to screen mechanical equipment may exceed the maximum fence height in the immediate area of the equipment to be screened to the additional height necessary to screen the particular height of the equipment.
4. Fences, walls, terraces, steps, mailboxes, or other similar features may encroach into a required setback, except as provided in Article 23-030, Safety and Vision. Such appurtenances shall not be located within access, drainage, or utility easements.

**ARTICLE 4**  
**R-2 SINGLE FAMILY RESIDENTIAL DISTRICT**  
**Contents**

Sec. 4-010	Purpose
Sec. 4-020	Lot Provisions
Sec. 4-030	Setbacks
Sec. 4-040	Building Height
Sec. 4-050	Performance Standards
Sec. 4-060	References

**Sec. 4-010 Purpose**

The purpose of the R-2 Single Family Residential District is to:

- A. Provide for attractive single family neighborhoods for residents who prefer larger lot sizes and do not generally desire to live in close proximity to other types of uses, and
- B. Preserve the desirable character of existing single family neighborhoods, and
- C. Protect single family residential areas from change and intrusion that may cause deterioration, and provide for adequate light, ventilation, quiet, and privacy for neighborhood residents.

**Sec. 4-020 Lot Provisions**

- A. The minimum lot size shall be 10,000 square feet.
- B. The minimum lot frontage shall be 80 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
- C. Maximum lot coverage shall be 50 percent.
- D. Nonconforming lots shall comply with the provisions of Sec. 27-030.

**Sec. 4-030 Setbacks**

- A. The following setbacks shall be required for all principal structures, except as otherwise provided in Article 22-020:
  - 1. Minimum Front Setback: 25 feet
  - 2. Minimum Side Setback: 8 feet
  - 3. Minimum Rear Setback: 30 feet
  - 4. Accessory structures shall be set back at least 3 feet from all rear and side property lines.
- B. The alignment provisions in Sec. 22-020(C) shall apply.
- C. Architectural features may project into a required setback as provided below:
  - (1) Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters or other similar features may extend into a setback a distance not exceeding 3 feet, except that such features shall not extend closer than 3 feet from the property line.
  - (2) Uncovered stairs, landings and porches shall not extend closer than 3 feet from the property line.
- D. No permitted encroachment noted above shall extend to within 3 feet of an accessory structure.
- E. Fences, walls, terraces, steps or other similar features may encroach into a required setback, except as provided in Article 22-030, Safety and Vision. Such appurtenances shall not be located within

access, drainage, or utility easements.

- F. HVAC mechanical units may be located no closer than three feet to a side lot line.
- G. Parking shall be permitted in the front setback only on approved driveways.

**Sec. 4-040 Building Height**

- A. The maximum height of a principal structure shall not exceed 2.5 stories or 35 feet, except as provided in Article 22-020.
- B. The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article 22-020.

**Sec. 4-050 Performance Standards**

- A. All residential construction shall substantially conform in street orientation and massing to adjacent interior lot homes.
- B. Homes are encouraged to have substantial front porches oriented toward primary street frontage. Covered front porches shall not count toward the permitted maximum lot coverage.

**Sec. 4-060 References**

**4-061 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

**4-062 Development Standards**

See Development Standards Table.

**4-063 Parking**

See Article 23.

**4-064 Signage**

See Article 24.

**4-065 Landscaping - See Article 25.**

**ARTICLE 5**  
**R-4 SINGLE FAMILY RESIDENTIAL DISTRICT**  
**Contents**

Sec. 5-010	Purpose
Sec. 5-020	Lot Provisions
Sec. 5-030	Setbacks
Sec. 5-040	Building Height
Sec. 5-050	Performance Standards
Sec. 5-060	References

**Sec. 5-010 Purpose**

The purpose of the R-4 Single Family Residential District is to:

- A. Provide for single family neighborhoods on smaller lots, located within convenient walking distance of other uses, and
- B. Preserve the desirable character of existing single family neighborhoods, and
- C. Protect the single family residential areas from change and intrusion that may cause deterioration, and
- D. Provide for adequate light, ventilation, quiet and privacy for neighborhood residents.

**Sec. 5-020 Lot Provisions**

- A. The minimum lot size shall be 6,000 square feet.
- B. The minimum lot frontage shall be 50 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
- C. Maximum lot coverage shall be 50 percent.
- D. Nonconforming lots shall comply with Sec. 27-030.

**Sec. 5-030 Setbacks**

- A. The following setbacks shall be required for all principal structures, except as otherwise provided in Article 22-020:
  1. Minimum Front Setback: 20 feet
  2. Minimum Side Setback: 5 feet
  3. Minimum Rear Setback: 25 feet
  4. Accessory structures shall be located no closer than 3 feet from all rear and side property lines.
- B. The alignment provisions of Sec. 22-020(C) apply.
- C. Architectural features may project into a required setback as provided below:
  1. Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters or other similar features may extend into a setback a distance not exceeding three (3) feet, except that such features shall not extend closer than three (3) feet from the property line.
  2. Uncovered stairs, landings and porches shall not extend closer than three (3) feet from the property line.
- D. No permitted encroachment noted above shall extend to within three (3) feet of an accessory structure.

- E. Fences, walls, terraces, steps or other similar features may encroach into a required setback, except as provided in Article 22-030, Safety and Vision. Such appurtenances shall not be located within access, drainage, or utility easements.
- F. HVAC mechanical units may be located no closer than three feet to a side lot line.
- G. Parking shall be permitted in the front setback only on approved driveways.

### **Sec. 5-040 Building Height**

- A. The maximum height of a principal structure shall not exceed 2.5 stories or 35 feet, except as provided in Article 22-020.
- B. The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article 22-020.

### **Sec. 5-050 Performance Standards**

- A. All residential construction shall substantially conform in street orientation and massing to adjacent interior lot homes.
- B. Homes are encouraged to have substantial front porches oriented toward primary street frontage. Covered front porches shall not count toward the permitted maximum lot coverage.

### **Sec. 5-060 References**

**5-061 Permitted, Accessory and Conditional Uses See Permitted Land Use Table.**

**5-062 Development Standards** - See Development Standards Table.

**5-063 Parking** - See Article 23.

**5-064 Signage** - See Article 24.

**5-065 Landscaping** - See Article 25.

**ARTICLE 6**  
**R-6 MEDIUM DENSITY RESIDENTIAL DISTRICT**  
**Contents**

Sec. 6-010	Purpose
Sec. 6-020	Lot Provisions
Sec. 6-030	Setbacks
Sec. 6-040	Building Height
Sec. 6-050	Performance Standards
Sec. 6-060	References

**Sec. 6-010 Purpose**

The purpose of the R-6 Medium Density Residential District is to:

- A. Stabilize and protect medium density areas by reducing hazards to the living environment, and
- B. Provide for a varied, slightly denser urban residential pattern suitable to the needs of the population by encouraging a range of dwelling types, and
- C. Preserve the desirable character of existing medium density family neighborhoods, and
- D. Protect the medium density residential areas from change and intrusion that may cause deterioration, and
- E. Provide for adequate light, ventilation, quiet, and privacy for neighborhood residents.

**Sec. 6-020 Lot Provisions**

- A. Single Family Dwelling
  - 1. The minimum lot size shall be 5,000 square feet.
  - 2. The minimum lot frontage shall be 50 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 60 percent.
- B. Duplex Dwelling
  - 1. The minimum lot size shall be 5,000 square feet with a minimum of 3,000 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 50 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 60 percent.
- C. Triplex Structure
  - 1. The minimum lot size shall be 5,000 with a minimum of 2,500 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 50 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 60 percent.
- D. Multi-Family Structure
  - 1. The minimum lot size shall be 5,000 with a minimum of 2,500 square feet per dwelling unit.



2. The minimum lot frontage shall be 50 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  3. Maximum lot coverage shall be 60 percent.
  4. Maximum number of units shall not exceed four.
- E. Nonconforming lots shall comply with Sec. 27-030.

### **Sec. 6-030 Setbacks**

- A. The following setbacks shall be required for all principal structures, except as otherwise provided in Article 22-020:
1. Minimum Front Setback: 15 feet
  2. Minimum Side Setback: 5 feet; 0 feet for interior walls of a rowhouse/townhouse unit when subdivided.
  3. Minimum Rear Setback: 20 feet
  4. Accessory structures shall be located no closer than 3 feet to any rear or side property line.
- B. The alignment provisions of Sec. 22-020 (C) apply.
- C. Architectural features may project into a required setback as provided below:
1. Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters or other similar features may extend into a setback a distance not exceeding 3 feet, except that such features shall not extend closer than 3 feet from the property line.
  2. Uncovered stairs, landings and porches shall not extend closer than 3 feet from the property line.
- D. No permitted encroachment noted above shall extend to within three (3) feet of an accessory structure.
- E. Fences, walls, terraces, steps or other similar features may encroach into a required setback, except as provided in Article 22-030, Safety and Vision. Such appurtenances shall not be located within access, drainage, or utility easements.
- F. HVAC mechanical units may be located no closer than three feet to a side lot line.
- G. Parking shall be permitted in the front setback only on approved driveways.

### **Sec. 6-040 Building Height**

- A. The maximum height of a principal structure shall not exceed 2.5 stories or 35 feet, except as provided in Article 22-020.
- B. The maximum height of an accessory structure shall not exceed 18 feet, except as provided in Article 22-020.

### **Sec. 6-050 Performance Standards**

- A. All residential construction shall substantially conform in street orientation and massing to adjacent interior lot homes.
- B. Homes are encouraged to have substantial front porches oriented toward primary street frontage. Covered front porches shall not count toward the permitted maximum lot coverage.

### **Sec. 6-060 References**

#### **6-061 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

**6-062 Development Standards**

See Development Standards Table.

**6-063 Parking**

See Article 23.

**6-064 Signage**

See Article 24.

**6-065 Landscaping**

See Article 25.

**ARTICLE 7**  
**R-8 HIGH DENSITY RESIDENTIAL DISTRICT**  
**Contents**

Sec. 7-010	Purpose
Sec. 7-020	Lot Provisions
Sec. 7-030	Setbacks
Sec. 7-040	Building Height
Sec. 7-050	Performance Standards
Sec. 7-060	References

**Sec. 7-010 Purpose**

The purpose of the R-8 High Density Residential District is to:

- A. Provide for a variety of housing density and types, and customary accessory uses at a density higher than in other City neighborhoods, and
- B. Preserve the desirable character of existing high density residential neighborhoods, and
- C. Provide for adequate light, ventilation, quiet, and privacy for neighborhood residents.

**Sec. 7-020 Lot Provisions**

- A. Single Family Dwelling
  - 1. The minimum lot size shall be 4,000 square feet.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 60 percent.
- B. Duplex Dwelling
  - 1. The minimum lot size shall be 4,000 square feet with a minimum of 2,500 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 60 percent.
- C. Triplex Structure
- D. The minimum lot size shall be 4,000 square feet with a minimum of 2,000 square feet per dwelling unit.
- E. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
- F. Maximum lot coverage shall be 60 percent.
- G. Multi-Family Structure
  - 1. The minimum lot size shall be 4,000 square feet with a minimum of 1,500 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 60 percent.

- H. Nonconforming lots shall comply with the provisions of Sec. 27-030.

### **Sec. 7-030 Setbacks**

- A. The following setbacks shall be required for all principal structures, except as otherwise provided in Article 22-020:
1. Minimum Front Setback: 15 feet
  2. Minimum Side Setback: 5 feet for structures up to 35 feet in height; for structures greater than 35 feet in height, each additional 5 feet in height above 35 feet shall require one additional foot in the side setback; 0 feet for interior walls of a rowhouse/townhouse unit when subdivided.
  3. Minimum Rear Setback: 20 feet
  4. Accessory structures shall be located no closer than 3 feet to any rear or side property line.
- B. The alignment provisions of Sec. 22-020(C) shall apply.
- C. Architectural features may project into a required setback as provided below:
1. Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters or other similar features may extend into a setback a distance not exceeding three (3) feet, except that such features shall not extend closer than three (3) feet from the property line.
  2. Uncovered stairs, landings and porches shall not extend closer than three (3) feet from the property line.
- D. No permitted encroachment noted above shall extend to within three (3) feet of an accessory structure.
- E. Fences, walls, terraces, steps or other similar features may encroach into a required setback, except as provided in Article 22-030, Safety and Vision. Such appurtenances shall not be located within access, drainage, or utility easements.
- F. HVAC mechanical units may be located no closer than three feet to a side lot line.
- G. Parking shall be permitted in the front setback only on approved driveways.

### **Sec. 7-040 Building Height**

- A. For single family, duplex and triplex structures, the maximum height of a principal structure shall not exceed 2.5 stories or 35 feet, except as provided in Article 22-020.
- B. For multi-family structures, the maximum height of a principal structure shall not exceed 70 feet, except as provided in Article 22-020.
- C. The maximum height of an accessory structure shall not exceed 18 feet.

### **Sec. 7-050 Performance Standards**

- A. All residential construction shall substantially conform in street orientation and massing to adjacent interior lot homes.
- B. Single family, duplex and triplex homes are encouraged to have substantial front porches oriented toward primary street frontage. Covered front porches shall not count toward the permitted maximum lot coverage.
- C. All conversions of residential structures to non-residential uses shall maintain those architectural features which distinguish the structure as residential for the purpose of preserving the stability and value of the surrounding residential structures and uses that remain.

### **Sec. 7-060 References**

**7-061 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

**7-062 Development Standards**

See Development Standards Table.

**7-063 Parking**

See Article 23.

**7-064 Signage**

See Article 24.

**7-065 Landscaping**

See Article 25.

**ARTICLE 8**  
**R-10 MIXED USE NEIGHBORHOOD DISTRICT**  
**Contents**

Sec. 8-010	Purpose
Sec. 8-020	Lot Provisions
Sec. 8-030	Setbacks
Sec. 8-040	Building Height
Sec. 8-050	Performance Standards
Sec. 8-060	References

**Sec. 8-010 Purpose**

The purpose of the R-10 Mixed Use Neighborhood District is to:

- A. Promote the preservation of prominent residential historic structures by permitting their conversion to professional office uses while retaining the residential character of the neighborhood;
- B. Encourage the integration of appropriate non-residential uses with existing residential uses in ways that retain the residential character of the neighborhood; and,
- C. Encourage neighborhood revitalization, where appropriate, through the re-use and redevelopment of medium density residential housing with compatible commercial uses.

**Sec. 8-020 Lot Provisions**

- A. Single Family Dwelling
  - 1. The minimum lot size shall be 4,000 square feet.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 60 percent.
- B. Duplex Dwelling
  - 1. The minimum lot size shall be 4,000 square feet with a minimum of 2,500 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 60 percent.
- C. Triplex Structure
  - 1. The minimum lot size shall be 4,000 square feet with a minimum of 2,000 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 60 percent.
- D. Multi-Family Structure
  - 1. The minimum lot size shall be 4,000 square feet with a minimum of 1,000 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for

- a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
3. Maximum lot coverage shall be 60 percent.
- E. Non-residential Structure
1. The minimum lot size shall be 4,000 square feet with a minimum of 800 square feet per office unit. An office unit shall consist of 300 square feet of space.
  2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  3. Maximum lot coverage shall be 60 percent.
- F. Nonconforming lots shall comply with the provisions of Sec. 27-030.

### **Sec. 8-030 Setbacks**

- A. The following setbacks shall be required for all principal structures, except as otherwise provided in Article 22-020:
1. Minimum Front Setback: 15 feet
  2. Minimum Side Setback: 5 feet for structures up to 35 feet in height; for structures greater than 35 feet in height, each additional 5 feet in height above 35 feet shall require one additional foot in the side setback; 0 feet for interior walls of a rowhouse/townhouse unit when subdivided.
  3. Minimum Rear Setback: 20 feet
  4. Accessory structures shall be located no closer than 3 feet to any rear or side property line.
- B. The alignment provisions of Sec. 22-020(C) shall apply.
- C. Architectural features may project into a required setback as provided below:
1. Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters or other similar features may extend into a setback a distance not exceeding three (3) feet, except that such features shall not extend closer than three (3) feet from the property line.
  2. Uncovered stairs, landings and porches shall not extend closer than three (3) feet from the property line.
- D. No permitted encroachment noted above shall extend to within three (3) feet of an accessory structure.
- E. Fences, walls, terraces, steps or other similar features may encroach into a required setback, except as provided in Article 22-030, Safety and Vision. Such appurtenances shall not be located within access, drainage, or utility easements.
- F. HVAC mechanical units may be located no closer than three feet to a side lot line.
- G. Parking shall be permitted in the front setback only on approved driveways.

### **Sec. 8-040 Building Height**

- A. For single family, duplex and triplex structures, the maximum height of a principal structure shall not exceed 2.5 stories or 35 feet, except as provided in Article 22-020.
- B. For multi-family structures, the maximum height of a principal structure shall not exceed 70 feet, except as provided in Article 22-020.
- C. The maximum height of an accessory structure shall not exceed 18 feet.

### **Sec. 8-050 Performance Standards**

- A. All residential construction shall substantially conform in street orientation and massing to

adjacent interior lot homes.

- B. Single family, duplex and triplex homes are encouraged to have substantial front porches oriented toward primary street frontage. Covered front porches shall not count toward the permitted maximum lot coverage.
- C. All conversions of residential structures to non-residential uses shall maintain those architectural features which distinguish the structure as residential for the purpose of preserving the stability and value of the surrounding residential structures and uses that remain.
- D. All new non-residential construction shall be compatible with the alignment, scale, massing, and building materials of the surrounding residential neighborhood.

**Sec. 8-060 References**

**8-061 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

**8-062 Development Standards** - See Development Standards Table.

**8-063 Parking** - See Article 23.

**8-064 Signage** - See Article 24.

**8-065 Landscaping** - See Article 25.



**ARTICLE 9**  
**R-O RESIDENTIAL-OFFICE DISTRICT**  
**Contents**

Sec. 9-010	Purpose
Sec. 9-020	Lot Provisions
Sec. 9-030	Setbacks
Sec. 9-040	Building Height
Sec. 9-050	Performance Standards
Sec. 9-060	References

**Sec. 9-010 Purpose**

The purpose of the R-O Residential-Office District is to:

- A. Establish areas of high density residential development combined with compatible office uses, and
- B. Provide opportunities for non-retail commercial offices in areas that are in transition from stable residential neighborhoods to more intensive commercial districts, and
- C. Preserve and reuse the existing stock of older, large residential structures, many of which exemplify periods of early development of Charleston, and
- D. Locate certain office uses in areas served by arterial and collector streets to minimize the impact of traffic on residential areas, and
- E. Regulate new construction in this area which is in scale with the surrounding environment.

**Sec. 9-020 Lot Provisions**

- A. Single Family Dwelling
  - 1. The minimum lot size shall be 4,000 square feet.
  - 2. The minimum lot frontage shall be 50 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 60 percent.
- B. Duplex Dwelling
  - 1. The minimum lot size shall be 4,000 square feet with a minimum of 2,000 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 50 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 60 percent.
- C. Triplex Dwelling
  - 1. The minimum lot size shall be 4,000 square feet with a minimum of 1,800 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 50 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 60 percent.
- D. Multi-Family Structure
  - 1. The minimum lot size shall be 4,000 square feet with a minimum of 800 square feet per dwelling unit.

2. The minimum lot frontage shall be 50 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  3. Maximum lot coverage shall be 60 percent.
- E. Non-residential Structure
1. The minimum lot size shall be 4,000 square feet with a minimum of 700 square feet per office unit. An office unit shall consist of 300 square feet of space.
  2. The minimum lot frontage shall be 50 feet.
  3. Maximum lot coverage shall be 60 percent.

### **Sec. 9-030 Setbacks**

- A. The following setbacks shall be required for all principal structures, except as otherwise provided in Article 22-020:
1. Minimum Front Setback: 15 feet
  2. Minimum Side Setback: 5 feet for structures up to 35 feet in height; for structures greater than 35 feet in height, each additional 5 feet in height above 35 feet shall require one additional foot in the side setback; 0 feet for interior walls of a rowhouse/townhouse unit when subdivided.
  3. Minimum Rear Setback: 20 feet.
- B. The minimum setback for accessory structures on a lot shall be 3 feet from the rear property line and 3 feet from each side property line. No accessory structures are permitted within the front setback.
- C. HVAC mechanical units may be located no closer than 3 feet to a side lot line.

### **Sec. 9-040 Building Height**

- A. For single family, duplex and triplex structures, the maximum height of a principal structure shall not exceed 35 feet, except as provided in Article 22-020.
- B. For multi-family structures and non-residential structures, the maximum height of a principal structure shall not exceed 70 feet, except as provided in Article 22-020.
- C. The maximum height of an accessory structure shall not exceed 18 feet.

### **Sec. 9-050 Performance Standards**

- A. All residential construction shall substantially conform in street orientation and massing to adjacent interior lot homes.
- B. Single family, duplex and triplex homes are encouraged to have substantial front porches oriented toward primary street frontage. Covered front porches shall not count toward the permitted maximum lot coverage.

### **Sec. 9-060 References**

#### **9-061 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

#### **9-062 Development Standards**

See Development Standards Table.

#### **9-063 Parking**

See Article 23.

#### **9-064 Signage**

See Article 24.

**9-065 Landscaping**

See Article 25.

**ARTICLE 10**  
**C-4 NEIGHBORHOOD COMMERCIAL DISTRICT**  
**Contents**

Sec. 10-010	Purpose
Sec. 10-020	Lot Provisions
Sec. 10-030	Setbacks
Sec. 10-040	Building Height
Sec. 10-050	Performance Standards
Sec. 10-060	References

**Sec. 10-010 Purpose**

The purpose of the C-4 Neighborhood Commercial District is to:

- A. Create and maintain neighborhood shopping areas primarily accommodating offices, personal services and retail establishments of moderate size, serving the immediate neighborhood, and
- B. Provide neighborhood residential areas generally within one-quarter to one-half mile radius with limited, convenient services, and
- C. Regulate neighborhood commercial land uses so as to minimize their impact on surrounding residential properties.

**Sec. 10-020 Lot Provisions**

- A. Single Family Dwelling
  1. The minimum lot size shall be 5,000 square feet.
  2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  3. Maximum lot coverage shall be 60 percent.
- B. Duplex Dwelling
  1. The minimum lot size shall be 5, 000 square feet with a minimum of 3,000 square feet per dwelling unit.
  2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  3. Maximum lot coverage shall be 60 percent.
- C. Triplex Dwelling
  1. The minimum lot size shall be 5,000 square feet with a minimum of 2,500 square feet per dwelling unit.
  2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  3. Maximum lot coverage shall be 60 percent.
- D. Multi-Family Structure
  1. The minimum lot size shall be 5,000 square feet with a minimum of 2,000 square feet per dwelling unit.
  2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.

3. Maximum lot coverage shall be 60 percent.
  4. The maximum number of units shall be four.
- E. Non-residential Structure
1. The minimum lot size shall be 5,000 square feet.
  2. The minimum lot frontage shall be 40 feet.
  3. Maximum lot coverage shall be 60 percent.

### **Sec. 10-030 Setbacks**

- A. The following setbacks shall be required:
1. Minimum Front Setback: 15 feet
  2. Minimum Side Setback for a Non-residential Structure: 0 feet if abutting a commercial land use; otherwise, 10 feet if abutting a residential land use.
  3. Minimum Side Setback for All Residential Structures: 5 feet if abutting a residential land use; 10 feet if abutting a commercial land use; 0 feet for interior walls of a rowhouse/townhouse unit when subdivided.
  4. Minimum Rear Setback: 20 feet.
  5. Accessory structures shall be located no closer than 3 feet to any rear or side property line.
- B. The minimum setback for accessory structures on a lot shall be 3 feet from the rear property line and 3 feet from each side property line. No accessory structures are permitted within the front setback.
- C. HVAC mechanical units may be located no closer than 3 feet to a side lot line.
- D. Parking shall be permitted in the front setback only on approved driveways.

### **Sec. 10-040 Building Height**

- A. The maximum height of a principal structure shall not exceed 35 feet, except as provided in Article 22-020.
- B. The maximum height of an accessory structure shall not exceed 18 feet.

### **Sec. 10-050 Performance Standards**

- A. All construction shall substantially conform in street orientation and massing to adjacent structures, except where this shall cause conflict with other provisions.
- B. Single family, duplex and triplex homes are encouraged to have substantial front porches oriented toward primary street frontage. Covered front porches shall not count toward the permitted maximum lot coverage.
- C. No open storage shall be permitted.
- D. Maximum gross square footage of commercial structures shall be limited to 4,000.

### **Sec. 10-060 References**

#### **10-061 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

#### **10-062 Development Standards**

See Development Standards Table.

#### **10-063 Parking**

See Article 23.

**10-064 Signage**

See Article 24.

**10-065 Landscaping**

See Article 25.

**ARTICLE 11**  
**C-8 VILLAGE COMMERCIAL DISTRICT**  
**Contents**

Sec. 11-010	Purpose
Sec. 11-020	Lot Provisions
Sec. 11-030	Setbacks
Sec. 11-040	Building Height
Sec. 11-050	Performance Standards
Sec. 11-060	References

**Sec. 11-010 Purpose**

The purpose of the C-8 Village Commercial District is to:

- A. Provide for a pedestrian-oriented commercial district compatible with a village concept, and
- B. Encourage a mix of residential uses adjacent to and/or above commercial uses to increase the intensity of activity in the area, and
- C. Integrate pedestrian access to provide linkages to nearby parks, plazas, residential areas and other amenities, and
- D. Provide for adequate light, ventilation, quiet and privacy for neighborhood residents.

**Sec. 11-020 Lot Provisions**

- A. Single Family Dwelling
  - 1. The minimum lot size shall be 4,000 square feet.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 75 percent.
- B. Duplex Dwelling
  - 1. The minimum lot size shall be 4,000 square feet with a minimum of 2,500 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 75 percent.
- C. Triplex Structure
  - 1. The minimum lot size shall be 4,000 square feet with a minimum of 2,000 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 75 percent.
- D. Multi-Family Structure
  - 1. The minimum lot size shall be 4,000 square feet with a minimum of 1,500 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.

3. Maximum lot coverage shall be 75 percent.
- E. Non-residential Structure
1. The minimum lot size shall be 4,000 square feet.
  2. There shall be no minimum lot frontage.
  3. Maximum lot coverage shall be 75 percent.

### **Sec. 11-030 Setbacks**

- A. The following setbacks shall be required for all principal structures, except as otherwise provided in Article 22-020:
- (1) Minimum Front Setback: 0 feet
  - (2) Minimum Side Setback for a Non-residential Structure: 0 feet if abutting a commercial land use; otherwise, 10 feet if abutting a residential land use.
  - (3) Minimum Side Setback for All Residential Structures: 5 feet if abutting a residential land use; 10 feet if abutting a commercial land use; 0 feet for interior walls of a rowhouse/townhouse unit when subdivided.
  - (4) Minimum Rear Setback: 25 feet.
- B. Accessory structures shall be located no closer than 3 feet to any rear or side property line. No accessory structures are permitted within the front setback.

### **Sec. 11-040 Building Height**

- A. For single family, duplex and triplex structures, the maximum height of a principal structure shall not exceed 2.5 stories or 35 feet, except as provided in Article 22-020.
- B. For multi-family structures and non-residential structures, the maximum height of a principal structure shall not exceed 45 feet, except as provided in Article 22-020.
- C. The maximum height of an accessory structure shall not exceed 18 feet.

### **Sec. 11-050 Performance Standards**

- A. All construction shall substantially conform in street orientation and massing to adjacent structures, except where this shall cause conflict with other provisions.
- B. Duplex and triplex homes are encouraged to have substantial front porches oriented toward primary street frontage. Covered front porches shall not count toward the permitted maximum lot coverage.
- C. Open storage is restricted to automobile sales establishments and garden centers.
- D. Maximum gross square footage of commercial structures is limited to 30,000.

### **Sec. 11-060 References**

#### **11-061 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

#### **11-062 Development Standards**

See Development Standards Table.

#### **11-063 Parking**

See Article 23.

#### **11-064 Signage**

See Article 24.



**11-065 Landscaping**

See Article 25.

**ARTICLE 12**  
**C-10 GENERAL COMMERCIAL DISTRICT**  
**Contents**

Sec. 12-010	Purpose
Sec. 12-020	Lot Provisions
Sec. 12-030	Setbacks
Sec. 12-040	Building Height
Sec. 12-050	Performance Standards
Sec. 12-060	References

**Sec. 12-010 Purpose**

The purpose of the C-10 General Commercial District is to:

- A. Create and maintain major commercial areas accommodating a broad range of office, retail and other commercial activities of community-wide significance, and
- B. Provide for commercial uses that generate high automobile traffic volumes in areas where existing roads can accommodate such traffic, and
- C. Regulate such commercial uses so as to minimize their impact on surrounding residential neighborhoods.

**Sec. 12-020 Lot Provisions**

- A. Single Family Dwelling
  - 1. The minimum lot size shall be 4,000 square feet.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 100 percent.
- C. Duplex Dwelling
  - 1. The minimum lot size shall be 4,000 square feet with a minimum of 2,000 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 100 percent.
- D. Triplex Dwelling
  - 1. The minimum lot size shall be 4,000 square feet with a minimum of 1,200 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 100 percent.
- E. Multi-Family Structure
  - 1. The minimum lot size shall be 4,000 square feet with a minimum of 1,000 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.

3. Maximum lot coverage shall be 100 percent.
- F. Non-residential Structure
1. The minimum lot size shall be 4,000 square feet.
  2. There shall be no minimum lot frontage.
  3. Maximum lot coverage shall be 100 percent.

### **Sec. 12-030 Setbacks**

- A. The following setbacks shall be required for all principal structures, except as otherwise provided in Article 22-020:
1. Minimum Front Setback: 0 feet
  2. Minimum Side Setback for a Non-residential Structure: 0 feet if abutting a commercial land use; otherwise, 10 feet if abutting a residential land use.
  3. Minimum Side Setback for All Residential Structures: 5 feet if abutting a residential land use; otherwise, 10 feet if abutting a commercial land use.
  4. Minimum Rear Setback: 0 feet if abutting a non-residential land use; otherwise, 15 feet if abutting a residential land use.
- B. The minimum setback for accessory structures on a lot shall be 3 feet from the rear property line and 3 feet from each side property line. No accessory structures are permitted within the front setback.
- C. The alignment provisions of Sec. 22-020(E) shall apply.

### **Sec. 12-040 Building Height**

- A. For single family, duplex and triplex structures, the maximum height of a principal structure shall not exceed 2.5 stories or 35 feet, except as provided in Article 22-020.
- B. For multi-family structures and non-residential structures, the maximum height of a principal structure shall not exceed 120 feet, except as provided in Article 22-020.
- C. The maximum height of an accessory structure shall not exceed 18 feet

### **Sec. 12-050 Performance Standards**

- A. All construction shall substantially conform in street orientation and massing to adjacent structures, except where this shall cause conflict with other provisions.
- B. Triplex homes are encouraged to have substantial front porches oriented toward primary street frontage. Covered front porches shall not count toward the permitted maximum lot coverage.

### **Sec. 12-060 References**

#### **12-061 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

#### **12-062 Development Standards**

See Development Standards Table.

#### **12-063 Parking**

See Article 23.

#### **12-064 Signage**

See Article 24.

**12-065 Landscaping**

See Article 25.

**ARTICLE 13**  
**C-12 SHOPPING CENTER DISTRICT**  
**Contents**

Sec. 13-010	Purpose
Sec. 13-020	Lot Provisions
Sec. 13-030	Setbacks
Sec. 13-040	Building Height
Sec. 13-050	Performance Standards
Sec. 13-060	References

**Sec. 13-010 Purpose**

This highway and arterial commercial district is established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of motor vehicle oriented trade. Typical uses offer accommodations and services to motorists, contain certain specialized retail outlets, or provide commercial amusement enterprises. It is the intent to provide a location for the limited amount of merchandise, equipment and material being offered for retail sale that because of the type of material or transportation requirements are suitable for display and storage outside the confines of an enclosed building. The intent of this district is to provide appropriate space and sufficient depth from the street to satisfy the needs of modern commercial development where access is entirely dependent on motor vehicle trade; to provide for the orderly development and concentration of highway and arterial commercial uses at appropriate locations; and, to encourage the development of these locations with such uses and in such a manner as to minimize traffic hazards and interference with other uses in the vicinity.

**Sec. 13-020 Lot Provisions**

- A. The minimum lot size shall be 4000 SF.
- B. No minimum lot frontage..
- C. Maximum lot coverage shall be 100 percent.

**Sec. 13-030 Setbacks**

- A. The following setbacks shall be required for all principal structures, except as otherwise provided in Article 22-020:
  - 1. Minimum Front setback: 0 feet
  - 2. Minimum Side setback: 0 feet
  - 3. Minimum Rear setback: 0 feet
- B. No accessory structures are permitted within the front setback.

**Sec. 13-040 Building Height**

- A. The maximum height of an accessory structure shall not exceed 25 feet.

**Sec. 13-050 Performance Standards**

- A. All principal structures within a development shall maintain a consistent architectural style.
- B. Architectural metal paneling may be used for wall surfaces but shall not exceed 20 percent of any one wall face.
- C. Materials:
  - 1. Walls shall be clad in stone, brick, marble, approved metal paneling, and/or cast concrete.

2. Pitched roofs shall be clad in slate, tile, sheet metal, corrugated metal, and/or diamond tab asphalt shingles.
- D. Techniques:
1. Windows shall be set to the inside of the building face wall.
  2. All primary entrance exterior doors shall have rectangular recessed panels or glass.
  3. All rooftop equipment that is enclosed shall be enclosed in building material that matches the structure or is visually compatible with the structure.
- E. Open storage is restricted to 25% of total floor space.

**Sec. 13-060 References**

**13-061 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

**13-062 Development Standards**

See Development Standards Table.

**13-063 Parking**

See Article 23.

**13-064 Signage**

See Article 24.

**13-065 Landscaping**

See Article 25.

## ARTICLE 14

### CBD CENTRAL BUSINESS DISTRICT

#### Contents

Sec. 14-010	Purpose
Sec. 14-020	Lot Provisions
Sec. 14-030	Setbacks
Sec. 14-040	Building Height
Sec. 14-050	Performance Standards
Sec. 14-060	References

#### **Sec. 14-010 Purpose**

The Central Business District (CBD) is established to provide for the economic vitality and orderly growth of the City. This district is intended to be a compact, densely developed and well-defined area having a strong pedestrian orientation and urban character that is compatible without surrounding neighborhoods. The standards of this district are established to provide for a vital downtown economy that maintains Charleston's focus as a political, commercial, cultural and entertainment hub of the region while increasing livability and compatibility with the Urban Renewal Overlay district found in portions of downtown Charleston. The Central Business District (CBD) is of special public interest for the following reasons:

- A. Recognition of the function of this district and its orientation to the interstate highway system, and in view of the limited amount of available developable flat land within the City, this area has potential for high intensity development in a compatible arrangement of government, commercial, office, residential, and service uses in a unique setting.
- B. The permitted uses and regulations of the district are intended to promote an attractive pedestrian environment with retail, personal service, and office establishments at street level and with minimal disruption from vehicle-oriented land uses and features that would detract from a pedestrian environment.
- C. This district is an integral part of the center of economic, social, and civic life in the community. Therefore, it requires sensitive regulations to maintain and enhance the relationships between height, bulk, light, air, and amenities and habitation of the area.
- D. This district is intended to promote the preservation of historic and architectural character and the predominant scale of the CBD by encouraging retention and appropriate use of existing structures and to ensure that new infill development be compatible with surrounding structures and the area in general.
- E. This district should be regulated in a manner, which aids in ensuring its ties with retail development in the adjacent Urban Renewal area, as well as solidifying its position as an important and contributing sector of the downtown area.

#### **Sec. 14-020 Lot Provisions**

- A. Non-residential uses
  1. No minimum lot size shall be required
  2. No minimum lot frontage shall be required.
  3. Maximum lot coverage shall be 100 percent.
- B. Multi-family residential uses
  1. The minimum lot size shall be 4,000 square feet.
  2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for

a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.

3. Maximum lot coverage shall be 100 percent.

### **Sec. 14-030 Setbacks**

#### **A. Non-residential uses:**

1. In all cases, the front setback for all new construction shall be the same as existing buildings on the same block.

#### **B. Multi-family residential uses:**

1. Front setback: 0 feet
2. Side setback: 0 feet
3. Rear setback: 0 feet
4. In all cases, the front setback for all new construction shall be the same as existing buildings on the same block.

- #### **C.**
- For all uses, 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 50 percent of the required front yard for that district.

### **Sec. 14-040 Building Height**

- #### **A.**
- The maximum height permitted for all principal structures shall be 400 feet. The provisions of Article 22-020, Height Exceptions, shall not apply. Height shall reflect character and the development concept for an area or street corridor.

- #### **B.**
- The maximum height for an accessory structure shall not exceed 18 feet.

### **Sec. 14-050 Performance Standards**

All construction shall substantially conform in street orientation to adjacent structures, except where this shall cause conflict with other provisions of this Ordinance

### **Sec. 14-060 References**

#### **14-061 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

#### **14-062 Development Standards**

See Development Standards Table.

#### **14-063 Parking**

See Article 23. There shall be no on-site parking requirement in the CBD.

#### **14-064 Signage**

See Article 24.

#### **14-065 Landscaping**

See Article 25.



## ARTICLE 15

### URBAN CORRIDOR DISTRICT

#### Contents

Sec. 15-010	Purpose
Sec. 15-020	Lot Provisions
Sec. 15-030	Setbacks
Sec. 15-040	Building Height and Width
Sec. 15-050	Design Criteria and Performance Standards
Sec. 15-060	References
Sec. 15-061	Development Standards
Sec. 15-062	Parking
Sec. 15-063	Signage
Sec. 15-064	Landscaping

#### Sec. 15-010 Purpose

The Urban Corridor District (UCD) is established to provide for the economic vitality and orderly growth of the City. A desirable quality of life for residents results from the physical form, design and pattern of development in the traditional “Main Street” format. This district is characterized by an inviting and attractive street environment that encourages pedestrian activity and informal interaction among residents, merchants and visitors. This interaction is enlivened by the closely interwoven combination of residential, retail, service, office and other non-residential uses built at a human scale and are intended to be compact, densely developed and well-defined areas of urban character that are compatible with surrounding neighborhoods. The standards of this district are established to provide for additional regulations to protect the distinctive character, landscape, and historic nature of structures and design within the UCD in accordance with the goals set forth by the Charleston Historic Landmarks Commission and with the City of Charleston Comprehensive Plan. The Urban Corridor District (UCD) is of special public interest for the following reasons:

- A. The district is established to protect and enhance the overall quality of the built environment and some of the design standards apply to activities that occur in public areas such as streets and sidewalks, public parking areas and public parks and are intended to guide City Officials as well as private citizens in making land use and land management decisions.
- B. The permitted uses and regulations of the district are intended to promote an attractive pedestrian environment with retail, personal service, and office establishments at street level as well as residential uses in upper floors and to promote the uses that will attract well-planned mixed use developments with minimal disruption from vehicle-oriented land uses and features that would detract from a pedestrian environment.
- C. This district is an integral part of the center of economic, social, and civic life in the community. Therefore, it requires sensitive regulations to maintain and enhance the relationships between height, bulk, light, air, and amenities and habitation of the area. The economic and social viability of the City of Charleston depends on maintaining and enhancing the attractiveness of the street environment, the economic viability of the businesses in the district, and a welcoming atmosphere for residential occupants and visitors.
- D. This district is intended to promote the preservation of historic and architectural character and the predominant scale of the UCD by encouraging retention and appropriate use of existing structures and to ensure that new infill development is compatible with surrounding structures and the area in general.
- E. This district should be regulated in a manner, which aids in ensuring its ties with retail development in adjacent Urban Renewal areas. Gateway and transition areas contribute to the character of the district and are appropriately subject to specific design standards that will protect

and enhance their unique character as well as solidifying its position as an important and contributing sector of the city.

### **Sec. 15-020 Lot Provisions**

- A. Non-residential uses
  - 1. No minimum lot size shall be required
  - 2. No minimum lot frontage shall be required.
  - 3. Maximum lot coverage shall be 100 percent.
- B. Multi-family residential uses
  - 1. The minimum lot size shall be 4,000 square feet.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 100 percent.

### **Sec. 15-030 Setbacks**

- A. Non-residential and Residential uses:
  - 1. Front setback: Maximum of 5' in order to maintain a clearly defined street edge and allow slight variations in design such as substantial landscaping and street furniture.
  - 2. Side setback: 0 feet
  - 3. Rear setback: 0 feet

### **Sec. 15-040 Height and Width**

- A. The maximum building height in the CVD district shall not exceed (4) stories or forty-eight (48) feet.

### **Sec. 15-050 Design Criteria and Performance Standards**

- A. New or substantial modification projects shall demonstrate the following:
  - 1. Primary building entrances shall face and open directly onto the public sidewalk adjacent to the primary street, or onto an outdoor dining area or plaza adjacent to the public sidewalk. Primary building entrances shall be recessed.
  - 2. For non-residential uses fronting on the primary street, ground story facades shall have between 60 and 90 percent fenestration measured as a percentage of the façade that is between 2 and 10 feet above the fronting sidewalk. Ground floor windows shall not be tinted, mirrored or treated in such a way as to block views into the windows. Upper story facades shall have at least 25 percent fenestration measured for each story as a percentage of the façade that is between 3 and 9 feet above the finished floor.
  - 3. Material selection in new construction and rehabilitation shall relate to the historic neighborhoods commercial context of the district. High-quality materials such as brick, stone, wood clapboard, or split-faced aggregate block are required. The use of EIFS, poured "cast in place" concrete panels, non-decorative cinder block, tilt-up concrete panels with a ribbed or corduroy appearance, and sheet metal panels is limited to 25% of all facades facing any street front..
  - 4. Stay of Demolition: Proposed demolition of a building designated as historically significant in an established Historic District, and structures designated by the Charleston Historic Landmarks Commission as significant to Charleston's history, citizen's or culture when located outside of an Historic District, shall be required to submit a notice of imminent demolition to the City Planning Department a minimum of 90 days prior to the date of the planned demolition. During the stay period, the Landmarks Commission

may take any action that it deems necessary to preserve the structure, including consulting with civic groups, public agencies, and interested citizens; recommending acquisition of the property by private or public bodies or agencies; exploring the possibility of moving the building; and salvaging building materials. The applicant may be required to provide information about the building, including the date of construction, architectural features, and a description of the building through photographs, plans and maps. The Historic Landmarks Commission may waive the 90 day requirement when in a public hearing it is determined by the Commission that the building cannot be preserved or salvaged.

- 5. Mechanical equipment, satellite dishes, and other utility hardware, whether located on the roof or exterior of the building or on the ground adjacent to it and dumpster areas shall be screened from the public view and with materials identical to or strongly similar to building materials or by heavy landscaping that will be effective in winter or they shall be located so as not to be visible from any public way. In no case shall wooden fencing be used as a rooftop equipment screen. Sliding security gates across the front entrances of structures are prohibited.

**Sec. 15-060 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

**Sec. 15 -061 Development Standards**

See Development Standards Table.

**Sec. 15-062 Parking**

See Article 23.

**Special Provision in the UCD:**

- A. Reduction or elimination of the parking requirements may be allowed if one or more of the following conditions is present:
  - 1. Off-street public parking areas, public parking buildings, or approved accessory parking lots are located within 300 feet of the use.
  - 2. Shared and accessory parking is provided consistent with the criteria in Section 22-060-04 of the Ordinance.
- B. In the case of adaptive reuse of an existing building that has no parking provided the parking requirements shall be waived in order to encourage compatible reuse and mixed use development.

**Sec. 15-063 Signage**

See Article 24.

**Sec. 15-064 Landscaping**

See Article 25.

## ARTICLE 16 CORRIDOR VILLAGE DISTRICT Contents

Sec. 16-010	Purpose
Sec. 16-020	Lot Provisions
Sec. 16-030	Setbacks
Sec. 16-040	Building Height and Width
Sec. 16-050	Design Criteria and Performance Standards
Sec. 16-060	References
Sec. 16-061	Development Standards
Sec. 16-062	Parking
Sec. 16-063	Signage
Sec. 16-064	Landscaping

### **Sec. 16-010 Purpose**

The Corridor Village District (CVD) is established to provide a flexible zoning district that works to preserve historic development patterns while still allowing for modern redevelopment to serve adjacent residential neighborhoods with convenient access to goods, services, and employment. This zoning district was originally developed under Urban Renewal efforts aimed at revitalization through reutilization and redevelopment of pedestrian-oriented, long-established, “Main Street” corridors that have experienced disinvestment or dilapidation. The standards of this district are established to provide for additional incentives to encourage the reuse of existing structures thereby preserving their distinctive character, landscape, and historic nature and design within the Corridor Village District (CVD) in accordance with the goals set forth by the Charleston Historic Landmarks Commission and with the City of Charleston Comprehensive Plan while still allowing for redevelopment of vacant parcels in a manner that is more typical of current development patterns. Corridor Village District strives to provide flexibility while maintaining high quality.

### **Sec. 16-020 Lot Provisions**

- A. Single Family Dwelling
  - 1. The minimum lot size shall be 4,000 square feet for detached single-family structures.
  - 2. The minimum lot frontage shall be 40 feet for detached single-family structures. The minimum lot frontage for attached rowhouse/townhouse unit when subdivided shall be 20 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 60 percent.
- B. Multi-family residential uses
  - 1. The minimum lot size shall be 4,000 square feet.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 100 percent.
- C. Non-residential uses
  - 1. No minimum lot size shall be required.
  - 2. No minimum lot frontage shall be required.
  - 3. Maximum lot coverage shall be 100 percent.

**Sec. 16-030 Setbacks**

- A. Single-Family Residential:
1. The alignment provisions of Sec. 22-020 (C) apply.
  2. Side setback: 5 feet; 0 feet for interior walls of a rowhouse/townhouse unit when subdivided.
  3. Rear setback: 20 feet
  4. Accessory structures shall be located no closer than 3 feet to any rear or side property line.
- B. Non-residential and Multi-Family Residential uses:
1. Where the Planning Director finds a clearly prevailing development pattern, the alignment provisions of Sec. 22-020 (C) apply.  
Where the Planning Director does not find a clearly prevailing development pattern the front setback shall be: Maximum of 15' in order to maintain a clearly defined street edge and allow slight variations in design such as substantial landscaping and street furniture.
  2. Side setback: 0 feet
  3. Rear setback: 0 feet
  4. Accessory structures shall be located no closer than 3 feet to any rear or side property line.

**Sec. 16-040 Height and Width**

- A. The maximum building height in the CVD district shall not exceed (4) stories or forty-eight (48) feet.

**Sec. 15-050 Design Criteria and Performance Standards**

- A. All construction shall substantially conform in street orientation and massing to the character of neighborhood.
- B. Single family, duplex, and triplex homes shall have substantial front porches oriented toward primary street frontage.
- C. All conversions of residential structures to non-single-family-residential uses shall maintain those architectural features which distinguish the structure as residential for the purpose of preserving the stability and value of the surrounding residential structures and uses that remain including but not limited to front porches, primary façade window and door fenestration/transparency, and existing front yard landscaped areas.
- D. New or substantial modification projects shall demonstrate the following:
1. Primary building entrances shall face and open directly to the primary street frontage or onto the public sidewalk adjacent to the primary street, or onto an outdoor dining area or plaza adjacent to the public sidewalk. Primary building entrances shall be recessed.
  2. Mechanical equipment, satellite dishes, and other utility hardware, whether located on the roof or exterior of the building or on the ground adjacent to it and dumpster areas shall be screened from the public view and with materials identical to or strongly similar to building materials or by heavy landscaping that will be effective in winter or they shall be located so as not to be visible from any public way. In no case shall wooden fencing be used as a rooftop equipment screen. Sliding security gates across the front entrances of structures are prohibited.

**Sec. 16-060 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

**Sec. 16 -061 Development Standards**

See Development Standards Table.

**Sec. 16-062 Parking**

See Article 23.

**Special Provision in the CVD:**

- A. Reduction or elimination of the parking requirements may be allowed if one or more of the following conditions is present:
  - 1. Off-street public parking areas, public parking buildings, or approved accessory parking lots are located within 300 feet of the use.
  - 2. Shared and accessory parking is provided consistent with the criteria in Section 23-060-04 of the Ordinance.
- B. In the case of adaptive reuse of an existing building that has no, or limited parking provided the parking requirements shall be waived in order to encourage compatible reuse and mixed use development.

**Sec. 16-063 Signage**

See Article 24.

**Sec. 16-064 Landscaping**

See Article 25.

## ARTICLE 17

### PMC - Professional or Medical Campus

#### Contents

Sec. 17-010	Purpose
Sec. 17-020	Lot Provisions
Sec. 17-030	Setbacks
Sec. 17-040	Building Height
Sec. 17-050	Performance Standards
Sec. 17-060	References

#### **Sec. 17-010 Purpose**

The intent of the Professional or Medical Campus district is to encourage and accommodate for a variety of professional office, university, college, and medical facility uses which are planned, developed and managed in a unified and coordinated manner. This district provides for increased perimeter buffering from surrounding properties and allows for flexible interior development. This district is intended to encourage high quality development with greater levels of amenities and more efficient traffic flow, service and parking facilities than typically found in business, educational and medical complex facilities that are developed on a lot-by-lot basis. Permitted uses in the district are intended to promote business, education and medical land use activities with high levels of employment, but to also allow for other uses on freestanding sites or integrated within office buildings in order to provide necessary and convenient retail, personal, and business services for local employees of the district.

#### **Sec. 17-020 Lot Provisions**

For the purpose of regulating lot provisions and setbacks, all contiguous lots owned by a single entity shall constitute the district and provide its boundary.

- A. Non-residential uses (up to 2 structures)
  - 1. No minimum lot size shall be required however the minimum density requirement shall be 2,000 square feet per unit.
  - 2. No minimum lot frontage shall be required.
  - 3. Maximum lot coverage shall be 70 percent.
- B. Multi-family residential uses (up to 2 structures)
  - 1. The minimum lot size shall be 4,000 square feet with a minimum of 1,000 square feet per dwelling unit.
  - 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
  - 3. Maximum lot coverage shall be 70 percent.
- C. Campus (3 or more structures in a unified development)
  - 1. No minimum lot size or minimum density shall be required.
  - 2. No minimum lot frontage shall be required.
  - 3. Maximum lot coverage shall be 70 percent.

#### **Sec. 17-030 Setbacks**

An overall perimeter setback of 20 feet shall be required and may be reduced to 10 feet when abutting a major arterial road or to 0 feet when abutting another PMC district. For each additional 1 foot of building

height above 120 feet an additional ½ foot of overall perimeter setback shall be required, except when abutting a major arterial road or another PMC District.

### **Sec. 17-040 Building Height**

- A. The maximum height permitted for any principal structure shall be 200 feet, except as provided in Article 22-020, Height Exceptions.
- B. The maximum height for an accessory structure shall not exceed 18 feet.

### **Sec. 17-050 Performance Standards**

- A. All construction shall substantially conform in street orientation to adjacent structures, except where this shall cause conflict with other provisions of this Ordinance.
- B. Important structures shall be built so that they terminate street vistas whenever possible, and shall be of sufficient design to create visual anchors for the community. All principal structures within a development shall maintain a consistent architectural style.
- C. Metal paneling may be used for wall surfaces however the area of metal paneling shall not exceed 20 percent of any one wall face.

### **Sec. 17-060 References**

#### **17-061 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

#### **17-062 Development Standards**

See Development Standards Table.

#### **17-063 Parking**

See Article 23. In addition, all streets constructed within a PMC district shall meet the minimum standards as required in this Ordinance with the exception of interior streets that terminate in parking lots rather than turn-arounds.

#### **17-064 Signage**

See Article 24.

#### **17-065 Landscaping –See Article 25**



## ARTICLE 18

### I-2 LIGHT INDUSTRIAL DISTRICT

#### Contents

Sec. 18-010	Purpose
Sec. 18-020	Lot Provisions
Sec. 18-030	Setbacks
Sec. 18-040	Building Height
Sec. 18-050	References

#### **Sec. 18-010 Purpose**

The I-2 Light Industrial Districts established in this section are designed to provide adequate and appropriate sites to situate light industrial facilities within the City to promote the City's economy and to protect public health and general welfare. Specifically, the purposes of creating the Light Industrial District include:

- A. To provide adequate space in appropriate locations to meet the needs of the expected future economy for a variety of light industrial and related activities, with due allowance for the need for a choice of sites.
- B. To provide that such space will be available for use for light industrial and related activities, and to protect residences by separating them from permitted activities and by prohibiting the use of such space for new residential development.
- C. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of manufacturing and related activities by restricting to light industrial districts those manufacturing activities which are free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences.

#### **Sec. 18-020 Lot Provisions**

- A. The minimum lot size shall be 5,000 square feet.
- B. There shall be no minimum lot frontage.
- C. The maximum lot coverage shall be 80 percent.

#### **Sec. 18-030 Setbacks**

- A. The following setbacks shall be required for all principal structures, except as otherwise provided in Article 22-020:
  1. Minimum front setback: 0 feet
  2. Minimum side setback: 0 feet; if abutting a residential structure, the minimum side setback shall be 10 feet.
  3. Minimum rear setback: 0 feet; if abutting a residential structure, the minimum rear setback shall be 15 feet.
- B. The minimum setback for accessory structures on a lot shall be 0 feet from the rear property line and 0 feet from any side property line. However, if the accessory structure abuts a residential property, the minimum setback from any property line shall be 5 feet. No accessory structures are permitted in the front setback.

#### **Sec. 18-040 Building Height**

There shall be no maximum height for principal or accessory structures.

**Sec. 18-050 References**

**18-051 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

**18-052 Development Standards**

See Development Standards Table.

**18-053 Parking**

See Article 23.

**18-054 Signage**

See Article 24.

**18-055 Landscaping**

See Article 25.

**ARTICLE 19**  
**I-4 HEAVY INDUSTRIAL DISTRICT**  
**Contents**

Sec. 19-010	Purpose
Sec. 19-020	Lot Provisions
Sec. 19-030	Setbacks
Sec. 19-040	Building Height
Sec. 19-050	References

**Sec. 19-010 Purpose**

The I-4 Heavy Industrial District is intended to provide for and encourage the orderly development of heavy industrial areas within the City. Such areas are vital to the City's economic vitality and must be protected from intrusion by residential units and incompatible commercial uses. The provisions of this section are intended to provide an industrial environment which will be compatible with the inherent characteristics of heavy industry, and also to provide safeguards and appropriate transition for surrounding land uses.

**Sec. 19-020 Lot Provisions**

- A. The minimum lot size shall be 10,000 square feet.
- B. No minimum lot frontage shall be required.
- C. The maximum lot coverage shall be 80 percent.

**Sec. 19-030 Setbacks**

- A. The following setbacks shall be required for all principal structures, except as otherwise provided in Article 22-020:
  - 1. Minimum front setback: 0 feet
  - 2. Minimum side setback: 10 feet if abutting a residential land use; otherwise, 0 feet.
  - 3. Minimum rear setback: 15 feet if abutting a residential land use; otherwise, 0 feet.
- B. The minimum setback for accessory structures on a lot shall be 0 feet from the rear property line and 0 feet from each side property line. However, if the accessory structure abuts a residential property, the minimum setback from any property line shall be 5 feet. No accessory structures are permitted in the front setback.

**Sec. 19-040 Building Height**

No maximum height shall be required for any principal or accessory structure.

**Sec. 19-050 References**

**19-051 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

**19-052 Development Standards**

See Development Standards Table.

**19-053 Parking**

See Article 23.

**19-054 Signage**

See Article 24.

**19-055 Landscaping**

See Article 25.

**ARTICLE 20**  
**PUD PLANNED UNIT DEVELOPMENT DISTRICT**  
**Contents**

Sec. 20-010	Purpose
Sec. 20-020	General Requirements
Sec. 20-030	Procedure for Planned Unit Development Approval
Sec. 20-040	Planned Unit Development Application Requirements
Sec. 20-050	Permitted Uses
Sec. 20-060	Design Standards
Sec. 20-070	Criteria for Review
Sec. 20-080	Changes in the Approved Planned Unit Development
Sec. 20-090	Revocation and Extension

**Sec. 20-010 Purpose**

The purpose of the Planned Unit Development district is to encourage and allow more creative and imaginative design of land developments than is possible under conventional zoning regulations. Planned Unit Developments are intended to allow substantial flexibility in planning to promote more economical and efficient use of land. Ideally, this flexibility results in a development that is better planned, contains more amenities, and is a more desirable to live in than one produced in accordance with typical zoning ordinance and subdivision controls. An intrinsic premise upon which the approval of a Planned Unit Development must be conditioned is that while greater density or more lenient siting requirements may be granted, the Planned Unit Development should contain features not normally required of traditional developments.

Through proper planning and design, each Planned Unit Development shall include features which further, and are in compliance with, the following objectives:

- A. To allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning and subdivision controls.
- B. To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affective flooding, soil, drainage, and other natural ecologic conditions.
- C. To combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.
- D. To provide for abundant, accessible, and properly located open and recreation space.
- E. To promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.
- F. To enable land developments to be completely compatible and congruous with adjacent and nearby land developments.
- G. To ensure that development occurs at proper locations, away from environmentally sensitive areas and on land physically suited to construction.
- H. To allow unique and unusual land uses to be planned for and located in a manner that ensures harmony with the surrounding community.
- I. To create a method for the permanent preservation of historic buildings and/or landmarks, where appropriate.

**Sec. 20-020 General Requirements**

- A. Each phase or section of a multi-phase PUD shall meet open space and density requirements on an independent basis. At no point during the development of a multi-phase project shall the density of residential development in any phase of the PUD exceed the maximum density for the total land area included in that phase.
- B. All engineering requirements shall be certified by a professional engineer licensed by the State of West Virginia.
- C. All architectural requirements shall be certified by a professional architect licensed by the State of West Virginia.
- D. The subdivision of all parcels of land shall be in conformance with the Charleston Subdivision Ordinance.
- E. A rezoning of the property proposed for the PUD is required.

**Sec. 20-030 Procedure for Planned Unit Development Approval**

- A. The unique character of a Planned Unit Developments (PUD) requires a thorough application and review process. PUDs are more complex and of a significantly different character than other projects requiring site plan review, and therefore, require the establishment of specific procedures different than those used to process most site plans. The procedures, standards, objectives and purpose set forth in this Article, when in conflict with other provisions of this Ordinance, as they may pertain to PUDs, shall be superseding.
  - 1. Pre-application Conference

The intent of the Pre-Application Conference is to discuss with the applicant the compatibility of the proposed PUD with existing and anticipated land uses in the vicinity and the City's PUD procedures. At the Pre-Application Conference, the Planning Director and the City Engineer shall meet with the applicant to review a sketch plan of the proposed PUD which schematically shall illustrate proposed land uses, major structures, type and density of development, major site amenities, general street layout and configuration of all open space. The size and complexity of the PUD shall be discussed at the conference. The Pre-Application Conference is mandatory and must be completed prior to the submission of a Preliminary PUD Plan.
  - 2. Preliminary PUD Plan Submission
    - a. It is the intent of the Preliminary PUD Plan Submission to obtain approval from the Planning Commission for the plans and design that the applicant contemplates. If the Preliminary PUD Plan is approved, the applicant is permitted to proceed to Final PUD Plan Procedure with reasonable assurance that the Final PUD Plan will be approved if substantially in compliance with the Preliminary PUD Plan.
    - b. A request for approval of a Preliminary PUD Plan shall be submitted to the Planning Office for public hearing, review and recommendation. The Planning Commission shall hold a public hearing on the PUD application. The Planning Commission may impose additional reasonable conditions on the Preliminary PUD Plan.
    - c. The application to rezone a parcel to the PUD designation shall be made concurrently with the submission of the preliminary PUD plan. The required public hearing on the rezoning application shall be held in accordance with Article 29-020 of this Ordinance. Once approved, the PUD zoning designation shall expire two years following the original date of approval if final approval is not achieved for the PUD plan.
    - d. Following the public hearing and review of the Preliminary PUD Plan

submission, the Planning Commission shall recommend approval, modification, or denial of the Preliminary PUD Plan, and the reasons therefore. The Commission shall set forth written findings of fact describing how the Preliminary PUD Plan meets or does not meet the standards and objectives stated in this Article.

3. Final PUD Plan Submission
  - a. The applicant shall submit a Final PUD Plan to the Planning Office for review and approval, in accordance with the conditions set forth by the Planning Commission in their written decision.
  - b. No building or construction may be initiated on the proposed PUD site, and no permits may be issued, until the Final PUD Plan has been submitted, approved, and recorded. Approval of a Preliminary PUD Plan shall not constitute approval of the Final PUD Plan; rather, it shall be deemed an expression of approval to the layout submitted on the Preliminary PUD Plan and as a guide to the preparation of the Final PUD Plan, which will be submitted for approval by the Planning Commission and subsequent recording, upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any.

## **Sec. 20-040 Planned Unit Development Application Requirements**

- A. A Preliminary PUD Plan submission shall be provided in the form of a drawing of the proposed PUD site prepared at a scale of not less than 1 inch = 50 feet, or as considered appropriate by the Planning Director, and shall show location, proposed uses and dimensions of buildings, structures, and parking areas; open space areas, recreation facilities, and other details to indicate the character of the proposed development. Specifically, the submission shall include:
  1. The location of the site in relation to the surrounding neighborhood and identification of adjacent zoning districts.
  2. Map data such as north point, scale and date of preparation.
  3. The name of the proposed development, with the words "Preliminary Plan" in the title block. Property lines of the overall tract with all bearings and distances.
  4. Calculation of the total area of the site.
  5. Proposed circulation system, including general access, roadways, driveways, curb cuts, parking areas, bikeways and walkways.
  6. Proposed division of property by general land use category with approximate dimensions of each land use type.
  7. Total number of residential units proposed.
  8. Calculation of the area of land per dwelling unit.
  9. Type and total square footage of all non-residential land uses.
  10. General area, location, setbacks and height of all existing and proposed structures.
  11. Location of all watercourses, wetlands and the 100-year floodplain.
  12. Facilities plan for water, sanitary sewer, public utilities.
  13. Open space and recreation plan showing approximate area, location and configuration.
  14. Any additional documentation which the Planning Director determines to be necessary in order to perform a complete and thorough review of the plan in accordance with this section of this ordinance.
  15. Scheduling plan indicating the stages in which the project will be built, including the

area, density, use, and open space to be developed with each stage. Each stage shall be described and mapped and projected dates provided for beginning and completion of each stage of land development.

16. Agreements and covenants which govern the use, maintenance, and continued protection of the PUD and its common spaces, shared facilities, and private roads.
17. Guarantee of Performance for Completion of Improvements. A bond or other guarantee acceptable to the City shall be provided for all proposed public improvements and shall be executed at time of permit application or platting, whichever comes first. Improvements that must be guaranteed include facilities that shall become public, and may include other facilities or improvements as may be specified in the Preliminary or Final PUD Plan approval. If the project is to be built in phases, the guarantee shall be posted prior to the commencement of work on each phase. The guarantee shall specify the time for completion of improvements, and shall be in an amount of one hundred twenty-five percent (125%) of a verifiable estimated cost of the improvements, as determined by the project contractor or engineer, and as approved by the City Engineer.

B. Planning Commission Public Hearing

After a complete review by planning staff, the Planned Unit Development proposal shall be presented to the Planning Commission for a public hearing. The Planning Commission may impose additional reasonable conditions with the approval of the PUD. Should the Planning Commission approve the Preliminary PUD Plan, preliminary subdivision approval shall be granted concurrently. Approval of the Planned Unit Development shall be final.

### Sec. 20-050 Permitted Uses

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

### Sec. 20-060 Design Standards

- A. Area Regulations
  1. There shall be no minimum lot size for a parcel within the boundaries of a Planned Unit Development.
  2. There shall be no minimum lot width for a parcel within the boundaries of a Planned Unit Development.
  3. There shall be no minimum lot depth for a parcel within the boundaries of a Planned Unit Development.
- B. The minimum site for a Planned Unit Development shall be three acres.
- C. The minimum lot frontage for the Planned Unit Development shall be 60 feet. The frontage requirement may be waived if the PUD site is served by a proper right-of-way.
- D. The maximum lot coverage shall be determined by the storm water management plan for the entire site.
- E. Maximum building height shall not exceed 70 feet for principal structures and 18 feet for accessory structures.
- F. A peripheral setback of 25 feet shall be maintained around the entire site. Within the PUD site, there shall be no minimum setback requirement for individual parcels.
- G. The regulations set forth in Article 23, Parking, Loading and Internal Circulation shall apply.
- H. The regulations set forth in Article 24, Signs shall apply.
- I. The regulations set forth in Article 26, Floodplain and Storm water Management shall apply.
- J. Landscaping and screening



1. Within a PUD, screening, buffering, landscaping and preservation of natural wooded areas shall be integral components of the overall plan. Existing vegetation and new plantings shall be utilized to perform the combined functions of:
  - (a) Buffering between different land uses,
  - (b) Facilitating storm water management and prevention of soil erosion, and
  - (c) Providing recreational opportunities and aesthetic benefits. Topography, natural site features, earth berms, walls and fences may also be utilized in the plan for vegetation and screening.
2. Within the 25-foot perimeter setback of the entire PUD site, screening shall be provided as set forth below:
  - (a) A minimum 10-foot wide landscaped buffer shall be required (i) where any non-residential PUD land use abuts a resident property adjacent to the PUD and (ii) where any multi-family structure consisting of more than four units per structure abuts single-family structures adjacent to the PUD.

#### K. Open Space Requirements

1. Common and open space in a PUD shall be equivalent to or greater than ten percent of the total tract area. All common open space shall be set aside and improvements made no later than the date on which the first 20 percent of either (1) the total number of dwelling units are constructed or (2) the total gross floor area of a nonresidential buildings is constructed, whichever is applicable.
2. Acreage within the 100-year floodplain, as defined by the Flood Insurance Rate Map (FIRM), may be included as part of the common open space but shall not amount to more than 25 percent of the total common open space requirement.
3. Conveyance of Open Space  
Permanent open space shall be conveyed in or owned by one of the following forms:
  - (a) To a municipal or public corporation; or
  - (b) To a nonprofit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Unit Development or, where appropriate and where approved by the Municipal Planning Commission and the City Council, adjoining property owners, or both. All conveyances hereunder shall be structures to insure that the grantee has the obligation and the right to affect maintenance and improvement of the common open space; and that such duty of maintenance and improvement is enforced by the owners and tenants of the Planned Unit Development and, where applicable, by adjoining property owners; or
  - (c) To owners other than those specified in Subsections (a) and (b) above, and subject to restrictive covenants describing and guaranteeing the open space and its maintenance and improvement, running with the land for the benefit of residents of the Planned Unit Development or adjoining property owners, or both; or
  - (d) Included in single-family residential lots under the individual control of lot owners.
4. Improvements within Common Open Space  
Improvements shall be made within any common open space provided that such improvement shall comply with the following:
  - (a) Any structures located within any common open space shall be accessory to recreational use of the space and shall cover no more than five (5) percent of all

- common open space.
- (b) Common open space and recreational facilities shall not be operated as a profit-making venture.
  - (c) To the extent possible, the required common open space shall be situated generally in or through the center of the PUD site or along the streets bounding the project area and shall be designed and improved so that it is accessible to and usable by all persons living in the PUD.
  - (d) No more than fifty (50) percent of all common open space shall be covered by water.
  - (e) Level or below ground improvements such as swimming pools, tennis courts, walking trails, etc., shall not occupy more than twenty (20) percent of the common open space.

### **Sec. 20-070 Criteria for Review**

In consideration of a Preliminary PUD Plan, the following criteria shall be used:

- A. General conformance with the zoning ordinance: The extent to which the Planned Unit Development meets the requirements of the Zoning Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the City.
- B. The proposal will not be injurious to the public health, safety, and general welfare.
- C. The physical design of the Planned Unit Development and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic and promotes alternative forms of transportation, provides for and protects designated permanent open space, and furthers the amenities of urban ambience, light and air, recreation and visual enjoyment.
- D. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood, and whether the proposed plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.
- E. The desirability of the proposed plan to the City's physical development, tax base and economic well-being. At the discretion of the Planning Commission and City Council, special consideration in the form of increased development flexibility may be given to projects that are intended to rehabilitate or replace dilapidated areas, brownfields, or other areas of general visual or economic blight. Such special consideration shall not be granted to projects intended for construction on lands that consist of sixty (60) percent or more previously undeveloped lands.
- F. The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.
- G. The proposal preserves significant ecological, natural, historical, and architectural resources to the extent possible.
- H. The proposal will enhance the appearance, image, function, and economic sustainability of the community at large.
- I. Projects which are designed to a more human scale, support multi-modal transportation options, preserve useful open space, provide significant amenities to residents, and incorporate architectural detailing, massing and scale that is consistent with historical community norms shall have a significant advantage in the review process over those that merely seek to maximize inappropriate forms of density, circumvent customary development standards, or promote a pattern of development that can be generally recognized as "urban sprawl," as defined in this ordinance.
- J. The proposal makes reasonable accommodations in housing, recreational amenities, and pedestrian facilities for individuals with disabilities.
- K. The proposal dedicates and provides a percentage of the total number of dwelling units to be

offered at sale or rental prices deemed affordable to individuals of low and moderate income, as defined by the U.S. Department of Housing and Urban Development. Generally, between three (3) to five (5) percent of all units should meet this goal.

## **Sec. 20-080 Changes in the Approved Planned Unit Development**

- A. Changes in the Preliminary PUD Plan which alter the concept or intent of the Planned Unit Development and would require new approval include but are not limited to:
1. Significant increases in density;
  2. Significant changes in the proportion or allocation of land uses;
  3. Change in the list of approved uses;
  4. Changes in the locations of uses;
  5. Changes in functional uses of open space, where such change constitutes an intensification of use of the open space; and/or
  6. Changes in the final governing agreements where such changes conflict with the approved Preliminary PUD Plan.
- B. Changes in the Final PUD Plan which alter the concept or intent of the Planned Unit Development and would require new approval include but are not limited to:
1. Changes in lot arrangement, or addition of buildable lots that change the approved density of the development;
  2. Changes in site design requirements, such as location of required landscaping, signage, building height, architectural character, cube and/or footprint, or other such requirements of the Zoning Ordinance;
  3. Changes to the internal street system or off-street parking areas;
  4. Changes in drainage management structures;
  5. Changes in Access to the development site, where such change amounts to an intensification in the traffic patterns of roadways of classification higher than local; and/or
  6. All other changes not expressly addressed in this section shall require new Final Plan approval.

## **Section 20-090 Revocation and Extension**

A Planned Unit Development conditional use shall become null and void and the subject property shall thereupon be rezoned to its most appropriate district classification, as deemed suitable by City Council acting upon the recommendation of the Planning Commission, in any case where the PUD has:

- A. Received Preliminary PUD Plan approval and where the Preliminary Plat of said PUD, or the first phase of the Preliminary Plat if construction is to take place in phases, has not been submitted for approval within two (2) years after the date of approval of the Preliminary PUD Plan.
- B. Received Preliminary PUD Plan approval and where the Final PUD Plan, or the first phase of the Final PUD Plan if construction is to take place in phases, has not been submitted for approval within one (1) year after the date of approval of the Preliminary PUD Plan.
- C. Received Final PUD Plan approval and where the construction of the PUD, as authorized by the issuance of a building permit, has not begun within (1) year after the date of approval of the Final PUD Plan dealing with such construction.
- D. Further, if construction of a PUD falls more than two (2) years behind the building schedule filed with the Final PUD Plan, City Council, acting upon the recommendation of the Planning Commission shall either extend the project schedule or initiate action to revoke the PUD

conditional use. In doing so, one (1) year extensions in the building schedule filed with the Final PUD Plan may be granted by City Council, acting upon the recommendation of the Planning Commission. If Council so stipulates when acting favorably on a PUD, the Planning Commission may be delegated the authority of granting such one (1) year extensions in the building schedule of the PUD.

## ARTICLE 21

### OVERLAY DISTRICTS

#### Contents

Sec. 21-010	Purpose
Sec. 21-020	Establishment and Designation
Sec. 21-030	Urban Renewal (UR) Overlay District
Sec. 21-040	Historic (HD) Overlay District
Sec. 21-050	Neighborhood Conservation (NC) Overlay District

#### **Sec. 21-010 Purpose**

The purpose of overlay zoning districts is to allow the City to establish special land use regulations, standards, or procedures in areas with unique land use, site planning, building design, or environmental resource issues. Overlay zoning districts are also an appropriate mechanism to implement long-term goals and land use requirements of the City for a specific property, location, or to coordinate land use and design requirements unique to a large tract of land. Overlay zoning districts are intended to be applied only where special circumstances justify the modification of base zoning district regulations to achieve specific land use and design objectives.

In addition to the conventional zoning districts established by this ordinance, the following overlay districts are established:

- A. Urban Renewal Overlay (UR)
- B. Historic District Overlay (HD)
- C. Neighborhood Conservation Overlay (NC)
- D. Neighborhood Reinvestment Overlay District (NRO)

#### **Sec. 21-020 Establishment and Designation**

Overlay zoning districts are established through rezoning, and only in conjunction with base zoning districts. Letters, numbers, or a combination thereof, shall be combined with other applicable district designations to the property or properties on which an overlay district is established. Except as modified by the overlay zoning district, the provisions of the applicable base zoning district shall apply to all development within the boundary of the designated area. If regulations conflict, the applicable overlay zoning district regulations shall prevail.

Whenever an overlay district is established, any subsequent application to change the base zoning district shall not be construed to be an application to eliminate the overlay district for the property covered by the application. An intent to eliminate the overlay district on a given property shall be expressly stated to be part of the application.

#### **Sec. 21-030 Urban Renewal Overlay District (UR)**

##### **Sec. 21-030-01 Purpose**

The intent of the Urban Renewal Overlay District is to facilitate the redevelopment and reinvestment within approved Urban Renewal Districts in the City. This overlay district specifies exceptions and Additions to the land use regulations of the base zoning district. Developments within the overlay district must conform to the requirements of both the base zoning district and the overlay district or the more restrictive of the two. The boundaries of all approved Urban Renewal districts have been defined by City Council ordinance.

##### **Sec. 21-030-02 Power to Designate Districts**

- A. The Urban Renewal Authority has the authority to designate Urban Renewal Districts pursuant to the Code of West Virginia, Chapter 16, Article 18, as amended. City Council shall approve all proposed Urban Renewal Districts.
- B. Redevelopment plans prepared by the Urban Renewal Authority, reviewed by the Planning Commission and adopted by City Council identify the boundaries of geographically delineated areas within the City, which have been identified as areas of slum and blight. To mitigate these conditions, the Urban Renewal Authority redevelopment plans contain specific provisions for land use, development standards, façade restoration, demolition and other redevelopment-related activities to foster new public and private capital investment.

### **Sec. 21-030-03 Permitted Uses**

- A. Property and buildings in the Urban Renewal District may be used for the purpose permitted by the base zoning district legislatively approved for the district by City Council. Furthermore, additional uses may be permitted by the Urban Renewal redevelopment plan for each Urban Renewal District approved by City Council pursuant to the Code of West Virginia, Chapter 16, Article 18, as amended.
- B. When an Urban Renewal District expires, the properties included within the expired district's boundaries shall continue to be permitted and limited in accordance with the expired redevelopment plan until such time as City Council rezones the properties in accordance with Article 29 of this ordinance.
- C. The list of uses permitted in each Urban Renewal Overlay District can be found in the respective Urban Renewal District Redevelopment Plan available from the Planning Office and the Charleston Urban Renewal Authority.

### **Sec. 21-030-04 Lot Provisions**

The lot development standards required for each Urban Renewal Overlay District can be found in the respective Urban Renewal District Redevelopment Plan available from the Planning Office and the Charleston Urban Renewal Authority.

## **Sec. 21-040 Historic District Overlay (HD)**

### **Sec. 21-040-01 Purpose**

It is the purpose of the Historic District Overlay to achieve the preservation of selected historic buildings, structures and sites throughout the City of Charleston by providing additional safeguards and land use regulations in addition to the requirements of the base zoning district and the design review powers of the Charleston Historic Landmarks Commission in order to: 1) protect the heritage of the historic site(s) by preserving the cultural, social, economic, political, architectural or archaeological history; 2) foster urban and civic beauty; 3) promote the preservation, and where permitted and appropriate, the use of historic districts for the education, welfare, and pleasure of the residents of the City and the region; and 4) strengthen the local economy.

### **Sec. 21-040-02 Power to Designate Districts**

For the purposes of this section, City Council may establish, change, layout, and define historic districts which are of local, state or national historic or architectural significance following the procedures set forth in this ordinance for the reclassification of zoning. Such Historic Districts may include structures, archaeological sites, lots, tracts of land, as well as portions thereof.

### **Sec. 21-040-03 Conflict**

The historic district and property regulations provided in this section are intended to identify, study, preserve and protect historic buildings, structures, sites and districts within the boundaries of a zoning district. Such properties are subject to the regulations for the base zoning district and the historic district

overlay. If there is a conflict between the requirements of the zoning district and the requirements of the historic district overlay, the historic district overlay requirements apply.

### **Sec. 21-040-04 Local Register Historic Districts**

As established in Chapter Two, Article VII, Division 10 of the Code of the City of Charleston, the Charleston Historic Landmarks Commission is granted the power to designate and maintain a register of locally significant historic districts. The local register may list buildings, districts or sites in three ways. Properties may be listed to honor their significance, to be subject to a temporary stay of demolition, or to be subject to design review. All such districts are recorded on the official Zoning Map of the City of Charleston and applications for new construction, alteration, reconstruction, relocation or demolition may be subject to design review by the Charleston Historic Landmarks Commission.

### **Sec. 21-040-05 Temporary Stay of Demolition**

- A. A Demolition Review Permit is required prior to the demolition of any significant building approved under section 2-695(b) and (c) of the Code of the City of Charleston. The intent of the Demolition Review Permit is to establish a waiting period during which the City, members of the public, and the Applicant can propose and consider alternatives to the demolition of a building that may have significant historical, architectural, cultural or urban design value.

Demolition Review Permits are subject to review by the CHLC and shall be regulated as follows:

1. The demolition of a significant building may be temporarily delayed for 90 days if the CHLC determines, after a public hearing, that the stay would be in the public's interest due to the building's significant historical, architectural, cultural or urban design value. If the CHLC chooses to impose the temporary stay of demolition, the stay begins the day the decision is made.
  2. In considering a Demolition Review Permit, the CHLC may require, the applicant to divulge the proposed use of the property and submit photographic evidence of the existing conditions of the building, structural reports by a certified engineer or architect, and any other information the Commission deems necessary.
  3. A Demolition Review Permit shall be reviewed by the CHLC at a public hearing, except as provided in section 4 below. The CHLC shall consider a Demolition Review Permit within 45 days after the filing thereof by the owner or occupant. Notice of the time and place of the hearing shall be given by publication in a newspaper having general circulation in the city at least seven days before such hearing.
  4. The CHLC may approve a Demolition Review Permit without a hearing, by way of an administrative review, if it is determined the building is not capable of rehabilitation or that the public's interest in demolition clearly outweighs its preservation or rehabilitation.
- B. At the time of the passage of this ordinance, existing significant buildings shall be subject to a Demolition Review Permit.

### **Sec. 21-041 East End Historic District Overlay (EE)**

#### **Sec. 21-041-01 Purpose of the East End Historic District Overlay**

It is the purpose of this historic district overlay to achieve the preservation of structures in the East End Historic District of Charleston in order to: 1) safeguard the heritage of the historic neighborhood by preserving the areas therein which reflect elements of its cultural, social, economic, political, or architectural or archaeological history; 2) foster urban and civic beauty; 3) promote the preservation, and where permitted and appropriate, the use of historic districts for the education, welfare, and pleasure of the residents of the City and the region; and 4) strengthen the local economy.

#### **Sec. 21-041-02 Establishment of the East End Historic District Overlay**

The East End Historic District Overlay is hereby established as a district which overlays existing zoning districts, the extent and boundaries of which are as indicated on the official zoning map of the City of Charleston and are identical to those of the East End Historic District as listed on the National Register of Historic Places.

### **Sec. 21-041-03 Lot Provisions in the East End Historic District Overlay**

Lot sizes, setbacks and density provisions required in the base zoning district apply in the East End Historic District Overlay. Exceptions noted in Article 22 of this ordinance also apply in the East End Historic District Overlay. Additional lot provisions may be specified in design guidelines for the district.

Accessory garage structures may be sited on the rear and side property lines. This permits shared parking structures as was customary at the time of the district's development and helps conserve open space on the small urban lots in the neighborhood.

### **Sec. 21-041-04 Height Provisions in the East End Historic District Overlay**

Height shall not exceed 35 feet above grade at the building line.

### **Sec. 21-041-05 Application for Permission to Build, Alter, etc. in the East End Historic District Overlay**

Before the construction, alteration, reconstruction, moving or demolition of any structure within a designated historic district and before any changes take place which would affect either the exterior appearance of a structure or the character of its related environment within the designated historic district, the person proposing to make the changes shall file with the Planning Department an application for permission to build, alter, reconstruct, move or demolish. Every such application for a Certificate of Appropriateness shall be referred to and considered by the Charleston Historic Landmarks Commission or by the Planning Department as set forth in the design guidelines for the district.

### **Sec. 21-041-06 Parking, Loading and Internal Circulation in the East End Historic District Overlay**

- A. The parking regulations of the underlying zoning district shall apply.
- B. Except for driveways serving single family dwellings, all parking shall be located in the rear of the primary structure.
- C. In addition to the parking regulations for the underlying zoning district, for principal uses located on lots fronting on Kanawha Boulevard, vehicular ingress and egress to and from Virginia Street are prohibited.

### **Sec. 21-041-07 Landscaping and Screening in the East End Historic District Overlay**

In addition to the landscaping and screening regulations of the underlying zoning districts, the following landscaping and screening regulations also shall apply to all properties affected by the overlay designation:

- A. Parking areas for all multi-family residential and non-residential uses containing more than two (2) parking spaces and all loading facilities shall be screened from view from adjacent single-family residential properties by a six (6) foot high predominantly opaque fence or decorative wall, or by an earth berm or plantings.
- B. All parking areas, containing more than two parking spaces, and loading facilities shall be screened from view from all public streets by a three and one-half (3.5) foot predominantly opaque fence, wall, berm or plantings. Such fence, wall, plantings or berm shall be compatible in appearance with existing fences, walls, plantings and berms in the district. Such wall plantings or berms shall not be more than two and one-half (2.5) feet in height in triangles at the intersection of a driveway with the street right-of-way. The triangles shall be determined by measuring twenty (20) feet along the street frontage on each side of the driveway, and by measuring back on each side of the driveway the depth of the required front setback.

### **Sec. 21-041-08 Signs in the East End Historic District Overlay**

- A. All signage shall be compatible with the exterior of existing buildings in the district.
- B. One sign shall be permitted for the sole purpose of identifying the occupant of the principal



- structure on the lot. Such identification shall be limited to the name of the company or occupant, and the street number (not to exceed six digits).
- C. The permitted sign shall not exceed 10 square feet including the supporting structure. The dimensions shall not exceed 2.5 feet in height or 4 feet in width.
  - D. The permitted sign shall be set back at least 10 feet from the property line.
  - E. The overall height of the entire permitted sign shall not exceed 3 feet above grade.
  - F. The permitted sign shall be designed and produced by a professional sign manufacturer or professional sign painter, using one of the following font styles:
    - 1. Souvenir Medium
    - 2. Times Roman
    - 3. Standard Medium
    - 4. Tiffany Medium
  - G. Any illumination of the permitted sign shall be from an indirect source.

## **Sec. 21-050 Neighborhood Conservation Overlay District (NC)**

### **Sec. 21-050-01 Purpose**

The Neighborhood Conservation Overlay District recognizes that older Charleston neighborhoods need to be conserved for their cultural, historic and housing values. The District is intended to foster new construction that is compatible with the scale and physical character of the original buildings of the neighborhood and to promote the rehabilitation and maintenance of existing structures. The Neighborhood Conservation Overlay District encourages in-fill development that respects the existing built environment. Development in these districts should maintain or improve the general quality and appearance of neighborhoods, recognize the built environment as a major part of the City's identity and positive image, and promote local architectural and cultural characteristics.

The purposes of the district are:

- A. To permit new development which conforms to the size, orientation and setting of the buildings of the neighborhood;
- B. To promote the maintenance and rehabilitation of significant structures older than twenty-five years;
- C. To encourage appropriate land use planning and development that will enhance the economic viability and unique character of the district;
- D. To avoid the need for zoning variances for building setbacks, lot dimensions and related physical characteristics;
- E. To regulate the conversion of large, architecturally-significant single-family residential structures to multi-family structures as a means of preserving the structure and stabilizing the neighborhood;
- F. To prevent the encroachment of new structures, and new Additions or attachments to existing structures, that are architecturally incongruous with the visual and historic character of the district; and,
- G. To regulate demolition.

### **Sec. 21-050-02 District Boundaries**

The boundaries of a Neighborhood Conservation Overlay District shall be based on an analysis that determines and describes the characteristics of the area that is to be preserved and enhanced and shall be drawn to include properties that form a district and can be characterized as follows:

- A. Properties that are heritage resources or contain noted heritage resources;

- B. Properties that have special cultural or associated value to the public;
- C. Properties within or about which historic events have occurred;
- D. Properties that are architecturally or historically related to the district or properties that reflect the historic patterns of development in the district;
- E. Properties that form a district that may or may not possess significant architectural or historic merit individually, or collectively, but which are characterized as follows:
  - 1. Properties that relate to the social or economic character of the district;
  - 2. Properties that relate to the architectural or urban design interest of the district; and
  - 3. Properties closely related to and bearing upon the visual character of an adjacent designated historic district and contribute to the historic context of the adjacent designated historic district.

### **Sec. 21-050-03 Establishment of Districts**

To establish a Neighborhood Conservation Overlay District, City Council shall determine that such district possesses historic, architectural, urban design, social, economic, or cultural significance. Such significance may be present in districts, sites, structures, or objects that possess integrity of location, design, setting, materials, workmanship, and association. To be determined as having such significance, the property or properties comprising a Neighborhood Conservation District must meet the following criteria:

- A. The neighborhood must be twenty-five years old or older.
- B. The neighborhood must be 80 percent developed.
- C. The neighborhood must be two acres or larger, and the boundaries of the land within the district shall be contiguous.
- D. The neighborhood must have unique identifying characteristics. These characteristics can include any one of the following:
  - 1. The neighborhood must have significant character, interest, or value as part of the development, heritage, or cultural characteristics of the City of Charleston or the State of West Virginia, the neighborhood must be identified with a person or group of persons who influenced the City or State, or the neighborhood must exemplify the cultural, economic, social, political, or historic heritage of the City or its communities.
  - 2. The neighborhood must embody the distinctive characteristic of a type, period, or method of design or construction, or the neighborhood must represent the work of a master craftsman, architect, designer or builder, the neighborhood must possess high artistic values, or the neighborhood must represent a significant and distinguishable entity whose components may lack individual distinction.
  - 3. The neighborhood must represent an established and familiar visual feature of the neighborhood, community, or City due to its distinctive man-made or natural characteristics or features, or the neighborhood must represent a collection of properties that possess urban design, setting, architecture, materials, workmanship, and association.

### **Sec. 21-050-04 Procedures for the Establishment of a Neighborhood Conservation Overlay District**

- A. A request to establish or revise a Neighborhood Conservation District shall be submitted to the Planning Department according to the following procedures:
  - 1. Interested property owners or a Neighborhood Association shall apply to the Planning Department for designation as a Neighborhood Conservation District.
  - 2. Planning Department staff shall conduct a preliminary review of the request to determine if the area meets the criteria as established in this ordinance.

3. The Planning Department, with the assistance of the property owners or Neighborhood Association shall notify affected property owners and conduct a neighborhood workshop to discuss the districts proposed boundaries and determine what design guidelines are desired by and appropriate for the neighborhood.
  4. Following the neighborhood meeting the Planning Department Staff, using the recommendations established, shall produce design guidelines for the proposed overlay district.
  5. The Planning Department, with the assistance of the property owners or Neighborhood Association, shall conduct a follow-up neighborhood workshop in which property owners shall review the design guidelines and boundaries and make adjustments as necessary.
  6. A Bill establishing the district boundaries and design guidelines shall be introduced at City Council and referred to the Municipal Planning Commission for a public hearing. A legal notice and notification process shall be followed.
  7. The Bill shall then be referred to the Planning Committee of Council for review. Upon recommendation of the Planning Committee of Council the Bill shall be voted on by the full City Council. If approved the Neighborhood Conservation District shall be established.
- B. After approval by City Council, the boundaries and design guidelines of the proposed Neighborhood Conservation Overlay District shall be shown on the official Charleston City Zoning Map.
- C. Planning Department approval shall be required prior to the issuance of building permits and sign permits for the following:
1. The erection, construction, reconstruction, or exterior rehabilitation, remodeling, alteration, or restoration of any building or structure, except as qualified below;
  2. The demolition, razing, relocation, or moving of any building or structure; and
  3. The erection, alteration, re-facing, or relocation of any sign.
- D. In reviewing applications, the Planning Department shall not make any requirements except for the purpose of preventing developments architecturally incompatible with the character of the Overlay District. The Planning Department shall consider the following in determining the appropriateness of architectural features:
1. The exterior architectural features, including all signs that are visible from a public right-of-way or contributing property;
  2. The general design, size, arrangement, texture, material, color, and windows of the proposed building or structure and the relation of such factors to similar features of contributing buildings or structures within the Neighborhood Conservation Overlay District;
  3. The extent to which the building, structure, or sign would be compatible with or architecturally incompatible with historic or contributing buildings or structures within the district;
  4. The extent to which the building or structure will preserve or protect historic or cultural places and areas of historic significance in the City; and
  5. The extent to which the building or structure will promote the preservation and protection of historic and cultural places and areas of historic and cultural interest in the City.
- E. The Planning Department, on the basis of the information received from the applicant and from general background and knowledge, and upon application of the appropriate criteria shall approve, approve with modifications, or deny the application. If the Planning Department approves or approves the application with modifications, it shall authorize the issuance of the building permit or the sign permit. If the Planning Department denies the application, it shall notify the applicant

and the permit issuing departments.

- F. For all applications and plans subject to Planning Department review, the Planning Department may require the submission of any or all of the following information and any other materials as may be deemed necessary for its review:
1. A statement of the proposed use, and the name of the proposed user; and a statement of the estimated time of construction.
  2. Maps relating the proposed use to surrounding property, zoning and (NCD).
  3. A plan showing building configuration, topography, grading, and paving; site plan of existing and proposed building;
  4. Schematic drawings showing floor plans for multi-family and commercial buildings as well as a list of materials;
  5. Color photographs of the property to be changed, adjacent properties, and similar properties within or near the district that clearly shows the visual character of the surrounding area;
  6. A plan and section drawings of the site showing the relationship between new construction and existing structures indicating building heights, ground elevations, and the general location of existing and proposed and proposed landscaping materials;
  7. A landscaping plan showing the location and identification of existing and proposed plantings, landscape features such as fences, gates, retaining walls, and paving, a listing indicating the name and size of proposed plantings, and the proposed grading;
  8. A plan showing exterior signs, graphics, and lighting to establish location, size, color, and type of materials; and
  9. Samples, descriptive literature, or photographs showing the type and color of fixtures to be installed and primary building materials, including foundation, cladding, trim, and roofing.

### **Sec. 21-050-05 Time Limit of Permit Approvals**

Approval authorizing issuance of a zoning permit or a sign permit by the Planning Department shall be valid for six (6) months. However, if no building permit or sign permit has been issued within the initial approval period, the Planning Department may grant an extension of the approval for a period not to exceed one (1) year provided the applicant requests an extension prior to the original expiration date, and the Planning Department finds that the proposed project and conditions within the Neighborhood Conservation district are the same as when the approval was first granted.

### **Sec. 21-050-06 Permitted Uses**

This district is not intended to regulate the use of land, buildings or structures. Property and buildings in a Neighborhood Conservation Overlay District may be used for the purpose permitted by the base zoning district in effect at the time of neighborhood conservation zoning or subsequent zoning districts legislatively approved for the district.

### **Sec. 21-050-07 Lot Provisions**

Lot sizes, front, side and rear yard setbacks, and off-street parking shall conform to the design guidelines adopted at the time a Neighborhood Conservation Overlay District is created. Minimum lot sizes specified by the design guidelines may be smaller than those required by the base zone. If the guidelines do not specify any particular area, setback, height, or parking requirements, the requirements of the base zoning district shall be applicable. Intensity of use for multi-family residential development shall be determined by the base zoning district.

### **Sec. 21-050-08 Signs**

Signs shall be permitted in accordance with the provisions of Article 24 of this Ordinance, and in

accordance with any additional provisions that may be adopted for a specific Neighborhood Conservation District.

## **Sec.21-060 Neighborhood Reinvestment Overlay District (NRO)**

### **Sec. 21-060-01 Purpose**

The Neighborhood Reinvestment Overlay District seeks to uplift distressed communities where disinvestment has resulted in a concentration of dilapidated properties, vacant structures, and under-utilized land.

The NRO promotes vibrant and desirable urban neighborhoods by encouraging housing types ranging from small lot bungalows to duplexes and triplexes, and from townhouses to stacked apartments. This mix of housing types, referred to as the ‘Missing Middle’, bridges the gap between the available housing stock and shifting demographics. It responds to the growing demand for walkability in neighborhoods. And because ‘Missing Middle’ housing types are similar in form and scale to detached single-family homes, this approach to compatible infill can encourage socioeconomically diverse households.

‘Missing Middle’ housing does not represent a new type of building. Rather, it is a return to a range of housing types that were constructed in cities and towns across the United States in the 1920s through the 1940s. Examples of these building types still exist throughout Charleston’s urban neighborhoods on the West Side flats and the East End. As young families fled densely populated areas for single family homes with ample yards in the suburbs after World War II, construction of these building types halted. A return to smaller dwelling units near public transit and a density that will support local businesses is necessary to attract and retain millennials and to serve an aging population.

Specifically, the NRO attempts to stimulate the economy and boost the housing market by:

1. Encouraging the development of a range of housing types that meet the needs of households of varying size and income levels while resisting concentrations of either the very poor or the very wealthy.
2. Concentrating development around public transportation routes to enhance mobility and offer opportunities for lower income households.
3. Increasing density to support neighborhood-serving main streets—commercial and mixed use areas where goods and services are available within walking distance of the majority of a neighborhood’s residential units.
4. Creating opportunities for small-scale, neighborhood-based developers to invest in and revitalize their own communities.

To accomplish these goals, the NRO relaxes development standards like setback and parking requirements and permits increased density by allowing duplexes by right and concentrating higher density development on corner properties.

### **Sec. 21-060-02 Establishment of Neighborhood Reinvestment Overlay District**

The Neighborhood Reinvestment Overlay District is hereby established as a district which overlays existing zoning districts, the extent and boundaries of which are as indicated on the official zoning map of the City of Charleston.

### **Sec. 21-060-03 Permitted Uses**

1. Single family and duplex dwellings shall be permitted by right.
2. Accessory dwelling units are permitted by right as an accessory use to a single family dwelling, with the following conditions:
  - a. ADUs must be clearly subordinate to the principal dwelling unit.
  - b. ADUs must conform with all provisions for accessory structures contained in Sec. 3-080.
  - c. No more than one ADU is permitted per single family dwelling and lot of record.
3. Triplexes and quadplexes shall be permitted by right on corner properties.

### **Sec. 21-060-04 Lot Provisions**

Lot Size: There shall be no minimum lot size requirement.

Lot Frontage: The minimum lot frontage shall be 25 ft.

### **Sec. 21-060-05 Setback Requirements**

The following setbacks shall be required for all principle structures.

1. Front Setback: All infill development and additions or modifications to existing structures shall respect the predominant building setback line. Where none exists, a minimum front setback of 10 ft shall apply on interior lots. On corner lots, there shall be no required front setback.
2. Minimum Side Setback: 3 ft; 0 ft for interior walls of a rowhouse/townhouse unit when subdivided.
3. Minimum Rear Setback: 10 ft; The rear setback exception, Sec. 21-020(F)(1), shall not apply in the NRO District.

### **Sec. 21-060-06 Parking**

The following parking reductions shall apply:

1. For single family dwellings, accessory dwelling units, and duplex dwellings, no on-site parking shall be required.
2. For multi-family residential developments, one on-site parking space shall be required for each dwelling unit on the lot.
3. For the adaptive reuse of existing structures, there shall be no additional on-site parking required.
4. For new commercial developments, the on-site parking requirement shall be 50% of that required in Sec. 22-060-01 Parking Space Requirements.

### **Sec. 21-060-07 Performance Standards**

The following performance standards shall apply:

1. All new residential construction shall have a front door facing the street.
2. A single building entrance shall provide access to no more than 2 dwelling units.
3. A front porch measuring at least 96 sq ft in area is required for all single family and duplex dwellings.

### **Sec. 21-060-08 Sunset Provision**

The provisions of section 21-060 Neighborhood Reinvest Overlay District shall continue and remain in effect until May 1, 2030 (the "sunset date"), unless otherwise amended by City Council. When, before the sunset date of this section, a complete application has been filed for a Building Permit for a building or structure which conforms to all the applicable regulations in effect prior to the sunset date, the building or structure may be completed in accordance with the plans on the basis of which the application was submitted. Upon completion, said building or structure may be occupied for the use which was specified on the Building Permit application. If the use originally intended no longer complies with all requirements of this Zoning Ordinance, such use shall be a lawful nonconforming use subject to the nonconforming use provisions of Article 27 of these regulations. However, in the event that said application or permit expires or is suspended or revoked in accordance with Article 36 of these regulations, any new permit application that is submitted after the sunset date of this provision shall be subject to the regulations of this Zoning Ordinance minus section 21-060.

# Part 4 Development Standards

## ARTICLE 22

### HEIGHT, BULK, AREA AND DENSITY PROVISIONS

#### Contents

Sec. 21-010	Height, Bulk, Area and Density Regulations
Sec. 21-020	General Exceptions to Height, Bulk, Area and Density Regulations
Sec. 21-030	Safety and Vision
Sec. 21-040	Special Requirements
Sec. 21-050	Exterior Architectural Standards for All Single Family Residential Structures

#### **Sec. 22-010 Height, Bulk, Area, and Density Regulations**

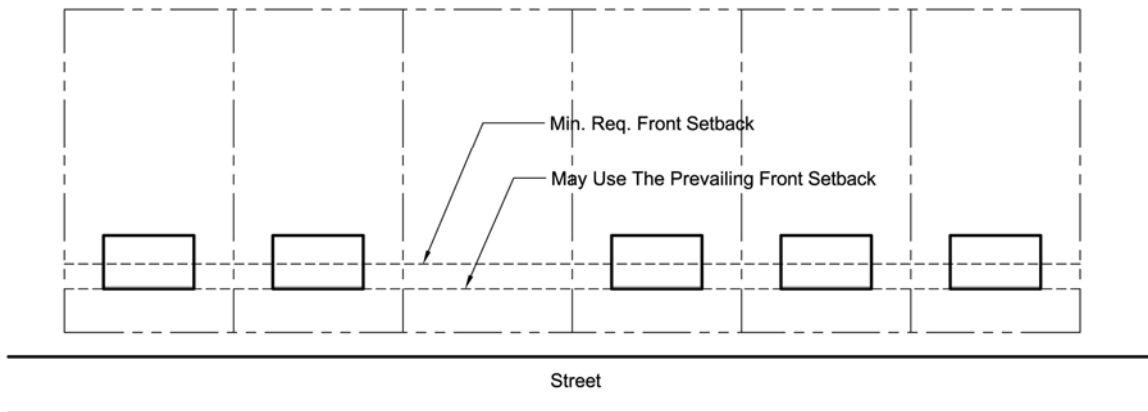
- A. Except as provided in this ordinance, no building or structure shall be erected, enlarged, altered, changed or otherwise modified, on a lot unless such building, structure or modification conforms to the height, bulk, area and density regulations of the zone in which it is located.
- B. The conditions, standards, requirements and notes set forth in each district and otherwise prescribed by this ordinance are established as the basic height, bulk, area and density regulations for the City.

#### **Sec. 22-020 General Exceptions to Height, Bulk, Area, and Density Regulations**

- A. **Height Exceptions**  
 In all districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, transmission lines or towers and distribution poles and lines, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances. Standard antenna and similar appurtenances may not exceed the maximum building height by more than twenty-five (25) feet.
- B. **Orientation**  
 All residential structures shall be required to have a front door facing the street unless the applicant proves to the satisfaction of the Planning Director that the prevailing condition of the developed lots fronting the same street would warrant a different orientation.
- C. **Front Setback Exception**  
 In traditional neighborhoods, all construction shall conform to the clearly prevailing front setback pattern of developed properties fronting the same side of the street between the street intersections, even when the prevailing front setbacks differ from the zoning district requirement. This is accomplished by averaging the front setback of those developed properties. Outliers, as determined by the Planning Director, shall be excluded from the calculation. Where there is no clearly prevailing front setback pattern, new construction shall be subject to the front setback required in the zoning district.  
  
 In non-traditional neighborhoods, all construction shall be subject to the front setback required in the zoning district, however when a property is situated between two lots with existing front setbacks that differ from those required in the zoning district, then the front setback may be adjusted to a depth equal to the average of the front setbacks of the two adjacent lots.



### Front Setback Exception: When the prevailing front setback is less than the required front setback



#### D. Projections into Required Setbacks

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 (4) feet. Unenclosed and uncovered exterior stairways and fire escapes may extend or project into a required side or rear yard not more than four (4) feet. In no case, shall any of the above architectural features or means of egress be constructed less than three (3) feet from the property line.
2. No front porch or deck shall extend into the required front yard unless development patterns within the block are such that a porch would be appropriate. In no case, shall a front porch extend more than eight (8) feet into the required front yard.
3. Fences, walls, concrete pads or patios, and brick pavers may extend or project into a required setback.
4. Uncovered ramps designed in accordance to American with Disabilities Act (ADA) standards may extend or project into a required setback. In no case, shall a ramp be constructed less than three (3) feet from the property line.
5. Uncovered decks less than five (5) feet in height may extend or project fifty (50) percent into the rear setback.
6. Uncovered stairs, landings, porches less than five (5) feet in height may project or extend three (3) feet into the side setback.
7. Awnings and canopies extending over a public right-of-way shall not be lower than 9 feet above the ground. Supporting posts or columns shall not be permitted on public property.

#### E. Yard, Building Setbacks, and Open Space Exceptions

1. No yard, open space or lot area required for a building or structure shall, during its life, be occupied by or counted as open space for any other building or structure.
2. For adjoining lots under single ownership, setback requirements may be determined from the perimeter of the adjoining lots, ignoring interior lot lines, provided that only one main structure and its accessory structures shall be allowed within the perimeter of such adjoining lots and, the following notation is first placed on the recorded deed to each such adjoining lot: "For planning and zoning purposes, the lot described herein shall be considered as part and parcel of the adjacent lot(s) owned by [insert owner's name]"

pursuant to a deed (or deeds) recorded at Deed Record [#s] page [#s], in the Office of the Clerk of the County Commission of Kanawha County. The real estate described herein shall not be considered to be a separate parcel of real estate for land use, development, conveyance or transfer of ownership, without having first obtained the expressed approval of the Charleston City Planning Commission. This restriction shall be a covenant running with the land.”

F. Side and Rear Setback Exceptions

1. One-half of an alley abutting a side or rear yard may be included in the required setback. The required side yard may be reduced where the applicant proves to the satisfaction of the Planning Director that the provision of a smaller side yard setback will conform to the prevailing side yard pattern of the developed lots fronting the same street. In no event shall the required side yard be reduced to less than three (3) feet.
2. In all residential districts, rear additions may be constructed onto the principal residence even when the existing footprint of the principal residence extends into the side setbacks. The rear addition may be constructed as a permitted use, provided that the footprint of the proposed addition will not further extend into the side setbacks.
3. Corner lots shall have no rear lot lines and therefore shall be subject only to front and side setback requirements.

G. Through Lot Exception

Where an applicant proves to the satisfaction of the Planning Director that a through lot is developed in such a way that it is consistent with the clearly prevailing yard pattern of a neighborhood, the perceived rear yard shall be treated as a rear yard under the provisions of this ordinance.

## Sec. 22-030 Safety and Vision

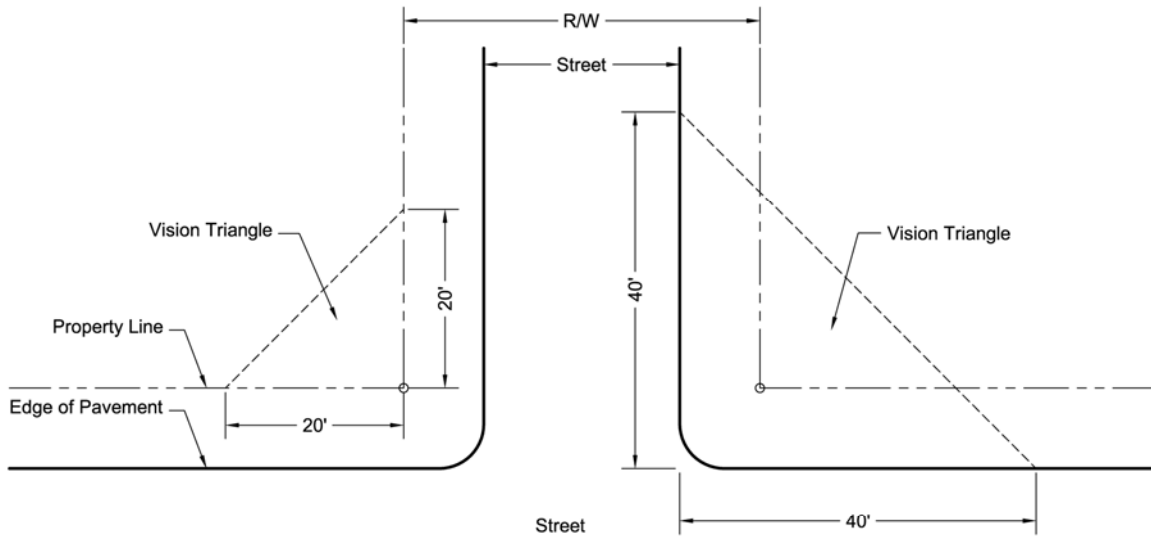
A. Streets

On any corner lot, a wall, fence, sign, structure, display of merchandise or any plant growth which obstructs sight lines at elevations between two and one-half (2 -1/2) feet and eight (8) feet above the crown of the adjacent roadway shall not be placed or maintained within a clear vision triangle of the area of the lot twenty (20) feet along the property line from the street right-of-way at intersections, or forty (40) feet from the edge of paving.

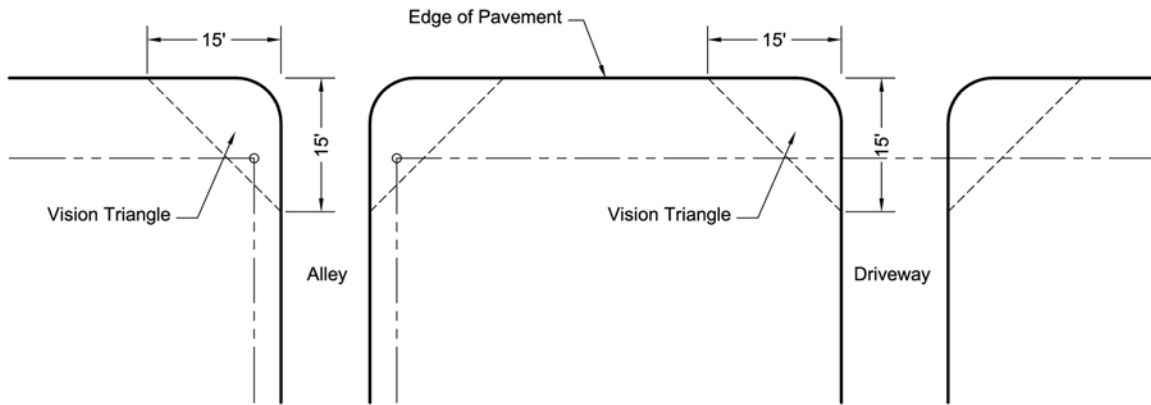
B. Curb Cuts, Alleys and Driveways

On any corner lot, a wall, fence, sign, structure, display of merchandise or any plant growth which obstructs sight lines at elevations between two and one-half (2 -1/2) feet and eight (8) feet above the crown of the adjacent roadway shall not be placed or maintained within a clear vision triangle of the area of the lot fifteen (15) feet along the property line from the street right-of-way at intersections, or from the edge of paving.

Vision Triangle - Intersection:  
Lesser of the Two Applies



Vision Triangle - Alley, Driveway, Curb Cut



**Sec. 22-040 Special Requirements**

The following special requirements are established to clarify certain conditions pertaining to the use of lots and access points:

- A. Structures on a Lot  
In a residential district, only one principal building and its accessory structures may be located on a lot unless development is approved as a planned unit development, or/as a group housing development.
- B. Lot of Record  
Any lot recorded or in single ownership at the time of adoption of these regulations shall be permitted to exist in its present dimension.
- C. Permanent Outdoor Display of Goods

For nonresidential uses in nonresidential zones, a permanent outdoor display of goods shall conform to the required building setback. No display shall be permitted in any public right-of-way, nor shall any display be permitted within a clear vision triangle.

D. Temporary Outdoor Display of Goods

Temporary outdoor display of merchandise may encroach ten (10) feet on the required building setback. No display shall be permitted in any public right-of-way, nor shall any display be permitted within a clear vision triangle, or within parking spaces necessary to meet the parking requirement.

## **Sec. 22-050 Exterior Architectural Standards for All Single Family Residential Structures**

All single family residential structures shall conform to the following standards for exterior architectural features:

- A. Roofs shall either be flat or have a roof pitch of 3:12 or greater for the principal structure, exclusive of porches, additions or similar elements that are subordinate in area to the main form of the principal structure.
- B. Dwellings, excluding porches, decks or other similar elements that are subordinate in area to the main form of the structure shall be either:
  - 1. Affixed to a permanent masonry foundation, or
  - 2. Affixed to a pier foundation with a perimeter masonry wall placed on a concrete footer.

## ARTICLE 23

### PARKING, LOADING & INTERNAL CIRCULATION

#### Contents

Sec. 23-010	Purpose
Sec. 23-020	General Provisions
Sec. 23-030	Parking Plan Submission Requirements
Sec. 23-040	General Design Principles
Sec. 23-050	Design and Construction Requirements
Sec. 23-060	Minimum Parking Space Requirements
Sec. 23-070	Loading Area Design and Improvement Standards
Sec. 23-080	Drive-Up Windows and Drive-Through Uses
Sec. 23-090	Parking for Persons with Disabilities

#### **Sec. 23-010 Purpose**

It is the intent of the parking, loading and internal circulation regulations to provide for adequate off-street parking spaces to serve residential, commercial, industrial, institutional, and other land uses, and thus help to prevent congestion of City streets. Proper design of and access to parking facilities shall be required in order to protect the public health, safety, and welfare. Furthermore, it is the intent of these regulations to promote the functional efficiency of all land uses by requiring off-street parking and loading facilities consistent with modern standards.

#### **Sec. 23-020 General Provisions**

##### **Sec. 23-020-01 New Development**

The parking, loading and internal circulation standards of this article shall apply to any new building constructed and to any new use or change in land use established in accordance with the standards of this article.

##### **Sec. 23-020-02 Expansions and Alterations**

The parking, loading and internal circulation standards of this section shall apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces shall be required to serve the entire building or use. However, when the increased intensity of a commercial or industrial building requires two (2) or less new spaces, no additional parking spaces shall be required. For a building containing both residential and commercial or industrial uses, the portion of the building in each respective type of use shall be considered as if it were a separate building for the purpose of applying this exemption.

##### **Sec. 23-020-03 Change of Occupancy or Change in Land Use**

- A. Off-street parking facilities shall be provided for any change of occupancy or change in land use or manner of operation that would, based on Table 23-060-01, Minimum Parking Space Requirements, result in a requirement for more parking or loading spaces than the existing or more recent use. However, when the increased intensity of a commercial or industrial building requires two (2) or less new spaces, no additional parking spaces shall be required. For a building containing both residential and commercial or industrial uses, the portion of the building in each respective type of use shall be considered as if it were a separate building for the purpose of applying this exemption.
- B. Off-street parking shall be paved in accordance with the provisions of Section - 22-040-04 whenever a change of land use is requested.
- C. If a variance from the parking requirements of this Ordinance, or a previous version of this Ordinance, is granted, the variance may continue only under the following conditions:

1. If the change in land use results in a less intensive use than the previous use for which the variance was granted and requires fewer parking spaces, the lesser number of parking spaces shall be permitted.
2. If the new use requires more parking of 3 or more additional spaces, a new variance request shall be submitted to the Board of Zoning Appeals.

### **Sec. 23-020-04 Obligation of Property Owner**

The provision and maintenance of required off-street parking facilities are continuing obligations of the property owner or tenant. Required parking spaces shall be improved as required and made available for use before final inspection is completed by the Building Commissioner.

### **Sec. 23-020-05 Location of Parking Spaces**

In all zoning districts, required off-street parking shall be located on the premises intended to be served, unless a conditional use permit for a restricted accessory parking area is obtained in accordance with the provisions of Article 30, Conditional Uses.

### **Sec. 23-020-06 Use of Parking Spaces**

Required parking spaces shall be available for parking of vehicles of residents, customers, patrons, and employees, and shall not be used for storage of vehicles or materials or for the exclusive parking of vehicles used in conducting the business or use, and shall not be used for selling, repairing, or servicing of any vehicles.

### **Sec. 23-020-07 Parking in Front Setback Requirements**

No parking shall be permitted in any required front setback, except for a single family dwelling or a duplex. In no case shall more than fifty (50) percent of the front setback be paved or graveled.

### **Sec. 23-020-08 Floor Area Defined.**

As used in this Article, the term "floor area" shall mean the gross square footage of the unit or structure.

### **Sec. 23-030 Parking Plan Submission Requirements**

A plan, drawn to scale, indicating how the off-street parking, loading and internal circulation requirements are to be met, shall accompany an application for a building permit for parking. The plan shall show all elements necessary to indicate that the parking requirement is being fulfilled, and shall include at least the following:

- A. Delineation of individual parking spaces;
- B. Circulation area necessary to serve spaces;
- C. Access to streets and property to be served;
- D. Curb cuts and driveways;
- E. Grading, drainage, and surfacing details;
- F. Delineation of obstacles to parking and circulation in finished parking area;
- G. Specifications as to signs and bumper guards; and
- H. Landscaping and screening details.

### **Sec. 23-040 General Design Principles**

The Planning Director shall be responsible for making certain that all parking areas and driveways are constructed in accordance with approved plans. No certificate of occupancy for a building shall be issued by the Building Commissioner unless all parking areas and driveways are constructed in accordance with approved plans. The location, design and improvement standards of this section shall apply to all off-street parking.

**Sec. 23-040-01 Layout**

There shall be safe, adequate, and convenient arrangement of pedestrian pathways, bikeways, roads, driveways, and off-street parking spaces within off-street parking areas, if these are provided. Streets, pedestrian walks, parking areas, and open space shall be designed as integral parts of an overall site design which shall be properly related to existing and proposed buildings, adjacent uses and landscaped areas. The Planning Director may waive some of the requirements if they are deemed, by the Director, to be unnecessary.

**Sec. 23-040-02 Appearance**

The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be of good appearance and easily maintained.

**Sec. 23-040-03 Maintenance**

Parking lots shall be maintained in a safe operating condition so as not to create a hazard or nuisance. Grass and weeds shall not be allowed to grow between cracks and around the perimeter of lots. The provision and maintenance of required off-street parking facilities are continuing obligations of the property owner or tenant. Required parking spaces shall be properly marked and improved as required and made available for use before final inspection is completed by the Planning Director.

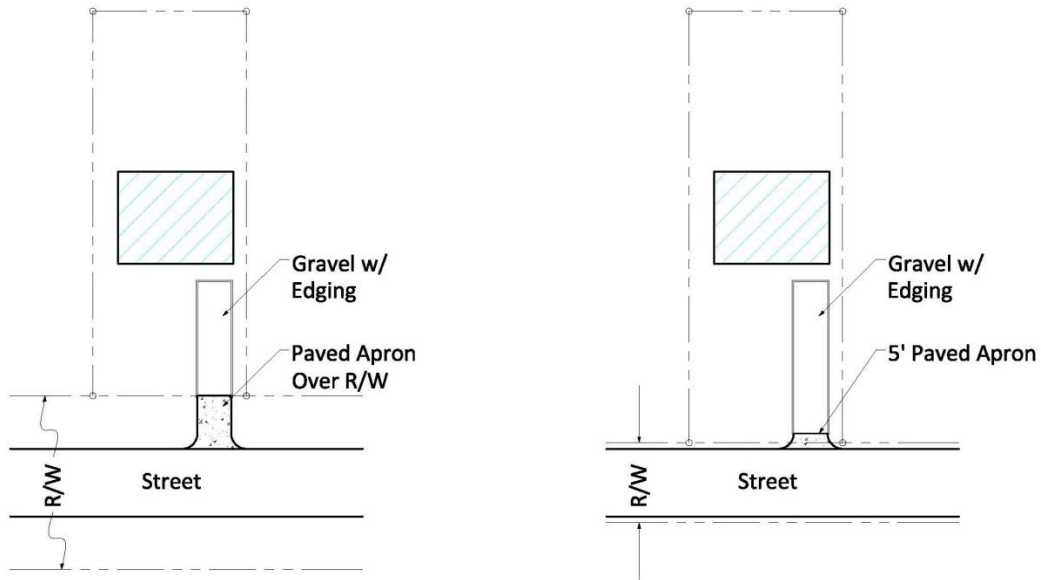
**Sec. 23-040-04 Surfacing**

Areas used for off-street parking, circulation or vehicle display shall be surfaced with asphalt, concrete, masonry, or other solid paving materials with sufficient strength to support the vehicle loads imposed. Gravel driveways are permitted only for single family and duplex dwellings provided that the following conditions are met:

- A. A paved apron over the entire width of the right of way must connect the gravel driveway to the street, a minimum 5' paved apron is required;
- B. The driveway is edged with a barrier sufficient to keep the gravel solely within the driveway;
- C. The gravel used is angular and interlocking; and
- D. The area to be graveled has a maximum grade of 5% unless otherwise approved by the City Engineer's Office.

All off-street parking and other vehicle circulation areas shall be continuously maintained and designed to preclude free flow of storm water onto adjacent lots, properties, or public streets or ways. In addition, existing non-conforming graveled parking lots or parking spaces must be continuously maintained so that dirt, mud, and gravel shall not be tracked onto adjacent lots, properties, or public streets or ways. All land areas that are not covered with buildings or paved for off-street parking and circulation of vehicles shall be appropriately landscaped with grass or other vegetative ground cover, decorative mulch planting beds, trees or shrubs.

**Graphic 23-40-04.01. Paved Apron Requirement for Gravel Driveways**



Paved apron over right of way or 5 feet, whichever is greater

**Sec. 23-040-05 Traffic Flow on Public Rights-of-Way**

Driveways and areas for parking, and maneuvering of vehicles shall meet the requirements of the City Traffic Engineer with regard to traffic flow on public streets and alleys. Parking spaces shall be designed so that no backward movement of a vehicle onto a public right-of-way, other than an alley, will be necessary, except for single family or duplex dwellings.

**Sec. 23-040-06 Drainage**

A parking area shall be designed to dispose of all surface water accumulation within the area in such a manner as to prevent drainage onto and across a sidewalk or onto adjoining property and shall meet all other drainage requirements of the City Engineer. In addition, all such areas and driveways shall be designed, graded, constructed and drained as required by the City Engineer. No such area or driveway shall be built over or interfere with the flow of an existing drainage channel unless adequate drainage facilities, as required by the City Engineer, are provided to accommodate said channel. The Building Commissioner shall be responsible for making certain that all parking and loading areas and driveways are constructed in accordance with the approved plans. No certificate of occupancy for a building shall be issued by the Building Commissioner unless all parking and loading areas and driveways are constructed in accordance with the approved plans.

**Sec. 23-040-07 Configuration of Parking Spaces**

No parking space shall be located in a manner so as to block access to any other parking space, except on a parking lot with a parking attendant having access to each vehicle's keys. Bumper guards or wheel barriers shall be secured to the ground surface and shall be so installed that no portion of a vehicle will project onto a public right-of-way, over adjoining property or over a sidewalk, or into a required setback, landscaping, or screen. Single-family dwellings shall be exempted from this provision, provided that the required parking spaces do not overhang nor impede a public right-of-way in any manner.

**Sec. 23-040-08 Lighting**

Lighting of a parking area shall not interfere with surrounding areas or traffic flow. Lighting shall be arranged and designed so that no source of light is directed toward any lots used or zoned for residential use. Lighting shall be designed to shield public streets and all other adjacent lands from distracting glare, or



hazardous interference of any kind. Vehicular use areas shall not be lighted at any time other than the hours of operation of the use that the parking is intended to serve, except for necessary security lighting.

### **Sec. 23-040-09 Maximum Grade**

The maximum grade for a driveway shall be seventeen (17) percent. The grade shall be measured along the path of the driveway from the property line toward the parking area.

### **Sec. 23-040-10 Common Driveways**

A common driveway shall be permitted for adjacent residential lots. A least one-half the minimum width of the service driveway shall be located on each lot. Legal evidence shall be presented to the Planning Director and approved by the City Solicitor, in the form of deeds, leases, or contracts to establish the joint use prior to zoning approval.

### **Sec. 23-040-11 Abandoned Curbs and Sidewalks**

When the use of property is changed, the curb and sidewalk area of abandoned driveways shall be constructed to the sidewalk and curb standards of the City Engineer, except that such construction shall not be required where there is no existing sidewalk adjoining the abandoned driveway.

### **Sec. 23-050 Design and Construction Requirements**

In addition to general design requirements specified in other sections of this Article, the following design and construction requirements shall be satisfied in all off-street parking areas.

#### **Sec. 23-050-01 New or Expanded Parking Lots**

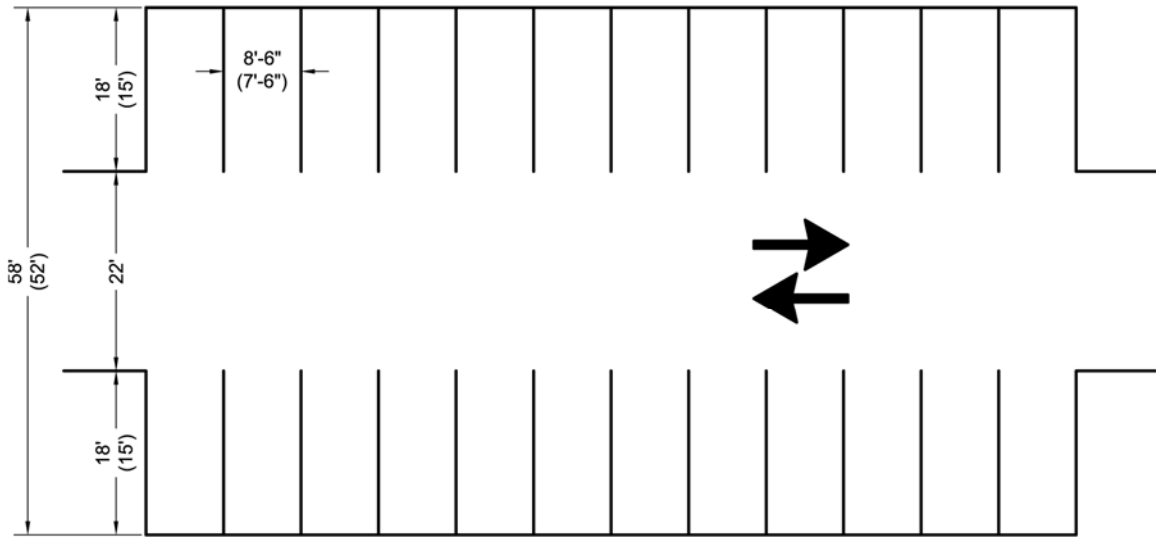
No parking lot shall be constructed, expanded, or hard-surfaced unless and until a permit is issued by the Planning Department.

#### **Sec. 23-050-02 Parking Design Standards**

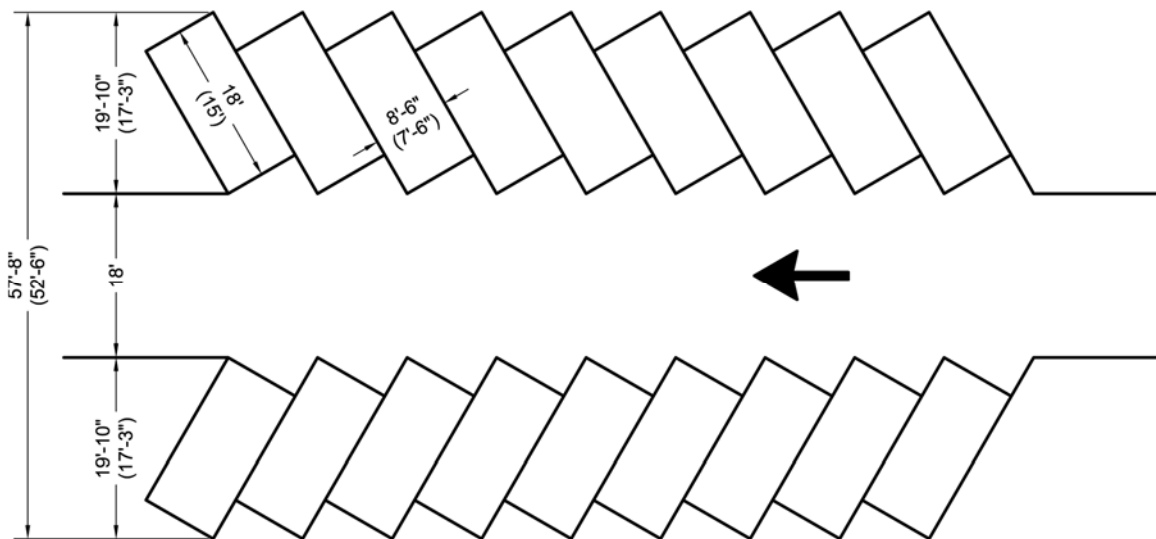
Plans for the layout of off-street parking facilities shall be in accordance with the minimum requirements contained in Graphic 23-050-02.01, Parking Design Standards. Parking stalls shall be delineated by striping, in accordance with general design guidelines and rules established and made available to the public by the City Traffic Engineer.

Graphic 23-050-02.01. Parking Design Standards

Perpendicular Parking

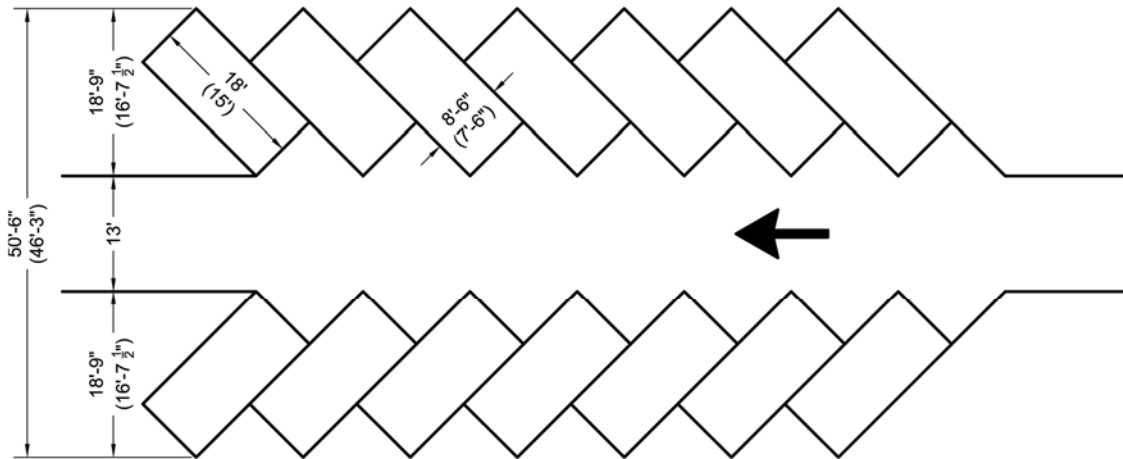


60° Parking

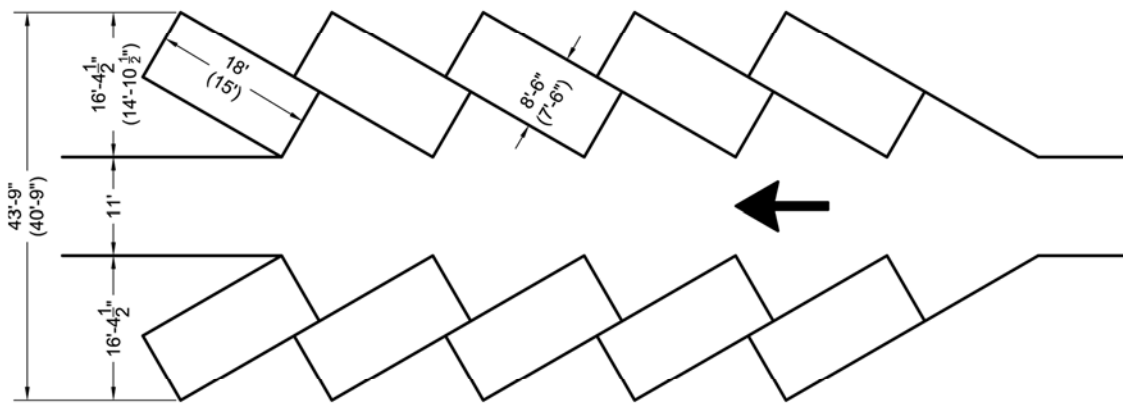


Note: Parenthesis denotes compact spaces where permitted

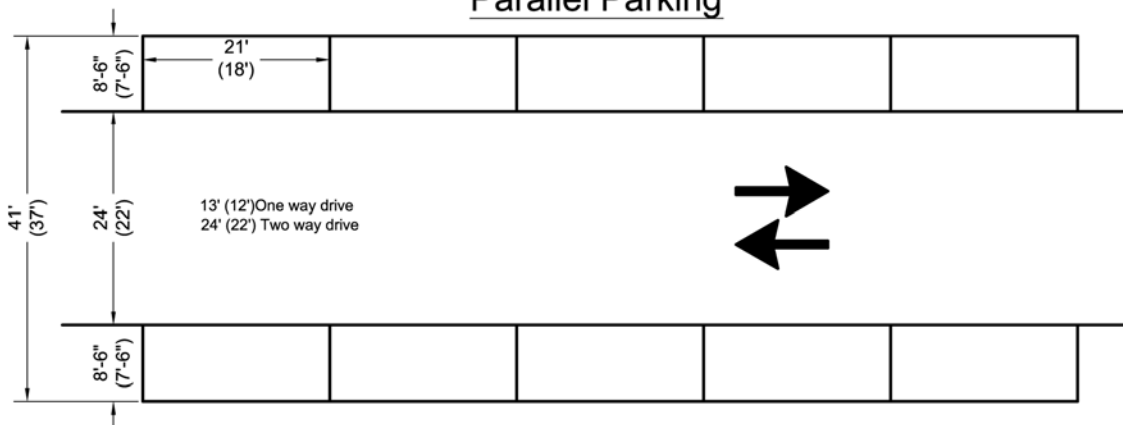
### 45° Parking



### 30° Parking



### Parallel Parking



Note: Parenthesis denotes compact spaces where permitted

**Sec. 23-050-03 Driveway Standards**

The minimum width standards for a driveway shall be as follows:

- A. For residential uses, nine (9) feet for a one-lane driveway and eighteen (18) feet for a two-lane driveway.
- B. For commercial and semi-public uses, thirteen (13) feet for a one-lane driveway and twenty-six (26) feet for a two-lane driveway.
- C. For industrial uses, fifteen (15) feet for a one-lane driveway and thirty (30) feet for a two-lane driveway.

**Sec. 23-060 Minimum Parking Space Requirements**

**Sec. 23-060-01 Parking Space Requirements**

Off-street parking spaces shall be provided in accordance with the minimum standards included in Table 23-060-01.01, Minimum Parking Space Requirements. Requirements for a building or use not specifically listed shall be determined by the Planning Director based upon the requirements of similar uses.

**Table 23-060-01.01. Minimum Parking Space Requirements (per gross floor area)**

Land Use	Minimum On-site Parking Spaces Required
<b>RESIDENTIAL</b>	
Single Family Dwelling	2 per unit
Studio or Efficiency Dwelling	1.5 per unit
Dwelling, Live-Work Quarters	No additional parking required above the applicable commercial parking requirement listed below
Multi-family Dwelling	2 per unit
Multi-family Dwelling for Elderly (non-assisted living)	1 per unit plus 1 per employee on largest shift
Nursing Home / Assisted Living Facility	1 per 4 beds plus 1 per employee on largest shift
Group Home	1 per 4 beds plus 1 per employee on largest shift
Rooming or Boarding House	2 per dwelling plus 1 per rental room
Dormitory	1.5 per sleeping room
Bed & Breakfast	1 per guest room plus 2 for resident family
<b>COMMERCIAL</b>	
Assembly Hall with Fixed Seats	1 per 4 seats
Assembly Hall without Fixed Seats	1 per 250 square feet
Financial Institution	1 per 250 square feet
Bar / Night Club / Restaurant	1 per 100 square feet exclusive of kitchen
Bowling Alley	3 per lane plus 1 per employee on largest shift
Family Day Care Facility	1 per 10 children plus 1 per employee on largest shift

Church	1 per 4 seats in main auditorium
Club / Lodge / Meeting Room	1 per 250 square feet
Funeral Home	1 per 200 square feet of reposing rooms
Home-based Business, Level 2	Required parking for the dwelling plus 1
Hospital	1 per 2 beds plus 1 per doctor plus 1 per nurse on the largest shift plus 1 per 4 additional employees
Hotel / Motel	1 per lodging room plus 1 per 100 square feet of restaurant / bar / night club space
Office exclusive of Medical / Dental Offices	1 per 300 square feet
Medical / Dental Office	1 per 200 square feet
Retail / Service / Repair Store	1 per 400 square feet
Retail / Service / Repair Store handling bulky merchandise (furniture, appliances) or vehicles	1 per 800 square feet
School – business, secretarial, trade, technical	6 per classroom plus 1 per employee on largest shift
School – college, university	6 per classroom plus 1 per 300 square feet of administrative office space
School – preschool, nursery, kindergarten, elementary, junior high	1 per classroom plus 1 per employee on largest shift
School – senior high	1 per 4 students enrolled plus 1 per employee on largest shift
Skating Rink	1 per 250 square feet
Tennis / Racquetball / Handball Court	2 per court
Unified Shopping Facility / Shopping Center	4 per 1,000 square feet GFA
<b>INDUSTRIAL</b>	
Manufacturing / Industrial Establishment	1 per 1,000 square feet GFA OR 1 per 4 employees on the largest shift, whichever is greater
Wholesale / Warehouse / Rail / Truck Freight Terminal / Indoor Storage	1 per 5,000 square feet GFA OR 1 per 4 employees on the largest shift, whichever is greater

### Sec. 23-060-02 Parking Demand Analysis

Uses requiring parking demand analysis have widely varying parking demands, making it difficult to specify a single requirement. The off-street parking requirement for such uses shall be established by the Planning Director based on estimates of parking demand, which may include recommendations of the Institute of Traffic Engineers (ITE), data collected from uses that are the same or comparable to the proposed use, or other relevant information. The Planning Director may require that an applicant submit a parking study that provides analysis and justification for the proposed number of spaces to be provided.

Parking studies shall document the source of data used to develop the recommendations. The Planning Director will review the submitted study along with any other traffic engineering and planning data that are appropriate and establish the minimum off-street parking requirement for the use proposed.

### Sec. 23-060-03 Rules for Computing Parking Space Requirements

The following rules shall apply when computing the number of spaces required pursuant to Table 23-060-01.01, Minimum Parking Space Requirements.

A. Fractions

When calculation of the number of required off-street parking spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest whole number.

B. Multiple Uses or Activities

When two or more uses, activities, or separate establishments are located within the same development, off-street parking shall be provided for each use or separate establishment according to Table 23-060-01.01, Minimum Parking Space Requirements, unless a shared parking plan is approved pursuant to Sec. 23-060-04, Joint and Shared Use Parking, or unless a parking demand analysis is performed per Sec. 23-060-02. In the event that one or more uses within a multi-use development are of a size that would otherwise exempt them from compliance with off-street parking requirements, only one such exemption shall be permitted to be taken for the entire development.

C. Bench Seating

When seating consists of benches, pews or other similar seating facilities, each 20 linear inches of seating space shall be counted as one seat.

D. Employees and Occupants

For the purpose of computing parking requirements based on the number of employees, residents or occupants, calculations shall be based on the largest number of persons working on any single shift or the maximum fire-rated capacity, whichever is applicable.

### **Sec. 23-060-04 Joint and Shared Use Parking**

A. The joint use of a parking lot for two or more buildings or uses which are abutting or directly across the public way from each other, may be permitted, except for single-family residential and duplexes, provided that:

1. The total number of spaces is not less than the sum required for various building or uses if computed separately unless the hours of operation are computed separately, except in the CBD district.
2. Each use of the shared spaces shall function as if having been provided separately.
3. A written agreement shall be prepared by and between property owners specifying the conditions for sharing and maintaining said spaces(s), and such agreement shall be filed with the City Planning Department.

B. The Planning Director may allow a reduction of total parking requirement up to twenty-five (25) percent:

1. If the applicant can satisfactorily demonstrate the parking spaces will be shared with another adjacent land use and the lack of overlap of hours of operation of the land uses justify such a reduction, and
2. The applicant provides the Planning Director with a written agreement as described in (A)(3) above, which includes the justification for the reduction.

C. Shared parking facilities shall provide signs on the premises indicating the availability of the facility for the patrons of the participating uses.

D. Modifications to the structures in which the uses are located or changes in tenant occupancy shall require review for compliance with this Section.

### **Sec. 23-060-05 Restricted Accessory Parking Lot Standards**

A. Parking spaces in restricted accessory parking lots when approved as either a permitted or conditional use shall count toward fulfilling on-site parking requirements for the use to which the parking lot is accessory.

- B. Restricted accessory parking lots in commercial districts located directly abutting or directly across a minor street or public way shall be treated as a permitted use.

### **Sec. 23-070 Loading Area Design and Improvement Standards**

The design and improvement standards of this section shall apply to all off-street loading areas, when provided.

- A. **Surfacing**  
Areas used for off-street loading and circulation shall be surfaced with asphalt, concrete, masonry, or other solid paving materials with sufficient strength to support the vehicle loads imposed. Loading areas shall be continuously maintained and designed to preclude free flow of storm water onto adjacent lots properties, or public streets or ways.
- B. **Landscaping and Screening**  
Off-street loading areas shall be screened from view in accordance with Article 25, Landscaping and Screening.
- C. **Lighting**  
Lighting shall be arranged and designed so that no source of light is directed toward any lots used or zoned for residential use. Lighting shall be designed to shield public streets and all other adjacent lands from distracting glare, or hazardous interference of any kind. Vehicular use areas shall not be lighted at any time other than the hours of operation of the use that the loading is intended to serve, except for necessary security lighting.
- D. **Loading Area Access**  
Loading areas shall be located and designed to ensure that entering and exiting vehicles do not disrupt vehicle and pedestrian circulation patterns.
- E. **Loading Area Dimensional Standards**  
Each required off-street loading space shall be a minimum of ten (10) feet in width and twenty-five (25) feet in length or longer as required by the Traffic Engineer to accommodate a truck within the property, provided that a greater length shall be required whenever necessary to ensure that no vehicle using the space extends beyond a property line. Where covered, the berth shall have a vertical clearance of at least fourteen (14) feet.

### **Sec. 23-080 Drive-Up Windows and Drive-Through Uses**

#### **Sec. 23-080-01 Minimum Standards**

The following parking standards shall apply to all drive-up windows and drive-through uses permitted by this ordinance:

- A. The use shall not require an additional curb-cut in the pedestrian right-of-way;
- B. The vehicular entrance and approach to the use shall be clearly delineated by markings, striping and/or signage as determined necessary by the Traffic Engineer;
- C. The use will not create detrimental impact on surrounding properties, taking into consideration probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the probable hours of operations, and the impacts of noise and traffic generation on surrounding residential and commercial uses.

#### **Sec. 23-080-02 Queuing for Drive-Through Facilities**

In addition to meeting the off-street parking requirements of this section, drive-through facilities shall comply with the following standards.

- A. **Queue Space Requirements**  
The minimum number of queue spaces required shall be as listed in Table 23-080-02.01,

Minimum Queue Spaces for Drive-up Windows and Drive-Through Uses.

**Table 23-080-02.01. Minimum Queue Spaces for Drive-up Windows and Drive-Through Uses**

Use Type	Minimum Spaces	Measured From
Bank Teller Lane	3	Teller or Window
Automated Teller Machine	2	Teller Machine
Restaurant Drive- Through	4	Order Box
Car Wash Stall, Automatic	4	Entrance
Car Wash Stall Self service	2	Entrance
Gasoline Pump Island	1	End of Island
All Other Retail Uses	3	Window or Building Entrance

**B. Minimum Dimensions**

Each queue space shall be a minimum of ten (10) feet by twenty (20) feet in size.

**C. Design**

Each queue lane shall be clearly defined and designed so as not to conflict or interfere with other pedestrian or vehicular traffic using the site.

**Sec. 23-090 Parking for Persons with Disabilities**

A portion of the total number of required parking spaces shall be specifically designated, located and reserved for use by persons with disabilities.

**Sec. 23-090-01 Number of Spaces**

Parking spaces reserved for persons with disabilities shall be counted toward fulfilling overall off-street parking standards. The minimum number of spaces to be reserved for persons with disabilities shall be as indicated in Table 23-090-01.01, Minimum Parking Spaces for Persons with Disabilities:

**Table 23-090-01.01. Minimum Parking Spaces for Persons with Disabilities**

Residential Uses	
Parking Spaces Required	Minimum Reserved Spaces Required
Less than 4 Dwelling Units	0
4 to 25 Dwelling Units	1
Non-Residential Uses and Parking Spaces Provided for Dwelling Units in Excess of 25	
Parking Spaces Required	Minimum Reserved Spaces Required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7



301-400	8
401-500	9
501-1,000	2% of total spaces
Over 1,000	20, plus 1 for each 100 spaces over 1,000

### **Sec. 23-090-02 Van-Accessible Parking Space Requirements**

One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle eight (8) feet wide minimum and shall be designated “van accessible” as required by Americans with Disabilities Act of 1990. The vertical clearance at such spaces shall comply with Americans with Disabilities Act of 1990. All such spaces may be grouped on one (1) level of a parking structure.

### **Sec. 23-090-03 Minimum Dimensions**

All parking spaces reserved for persons with disabilities shall be at least nineteen (19) feet in length and at least eight (8) feet wide and shall provide minimum vertical clearance of eight (8) feet two (2) inches at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s). Parking access aisles shall be part of an accessible route to the building or facility entrance and shall be five (5) feet wide, except parking spaces reserved for vans, which shall be eight (8) feet. Two (2) accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2 percent) in all directions.

### **Sec. 23-090-04 Location of Parking Spaces**

Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

### **Sec. 23-090-05 Signs and Markings**

Required spaces for persons with disabilities shall be designated with signs and pavement markings identifying them as reserved for persons with disabilities. The required sign shall clearly indicate the maximum fine assessed on violators. The size of the sign shall not exceed four square feet. Van-accessible spaces shall have an additional sign “Van-Accessible” mounted below the symbol of accessibility. Such signs shall be located so as not to be obscured by a vehicle parked in the space.

### **Sec. 23-090-06 Passenger Loading Zones**

Passenger loading zones shall provide an access aisle at least five (5) feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with the Americans with Disabilities Act of 1990 shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2 percent) in all directions. Minimum vertical clearance of nine (9) feet six (6) inches shall be provided at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrances(s) and exit(s).

## ARTICLE 24

### SIGNS

#### Contents

Sec. 24-010	Purpose
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Sec. 24-070	On-Premise Signs Permitted in Residential Districts (R-2, R-4, R-6, R-8, R-10, R-O, PUD)
Sec. 24-080	On-Premise Signs Permitted in Commercial and Industrial Districts (C-4, C-8, C-10, C-12, CBD, PMC, I-2, I-4)
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Sec. 24-100	Off-Premise Signs
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#### **Sec. 24-010 Purpose**

The purpose of this article is to promote the public health, safety and welfare by establishing standards and criteria for the construction, installation, maintenance, and operation of signs in the City, which are subject to the provisions of this article and to provide a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. It also is the purpose of these regulations to provide for the removal of those signs that do not comply with these regulations. More specifically, this article is intended to:

- A. Enhance and protect the physical appearance of the City.
- B. Protect property values.
- C. Promote and maintain visually attractive, high value residential, retail, commercial and industrial districts.
- D. Promote the economic well-being of the City by creating a favorable physical image
- E. Ensure that signs are located and designed to:
  1. Provide an effective means of way-finding in the community.
  2. Afford the community a fair and equitable way to advertise and promote its products and services.
  3. Reduce sign clutter and the distractions and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
  4. Minimize the disruption of scenic views which when maintained protect important community landmarks.
  5. Afford businesses, individuals and institutions a reasonable opportunity to use signs as an effective means of communication.
- F. Prohibit all signs not expressly permitted by these regulations.

#### **Sec. 24-020 Procedures, Permits, and Insurance**

- A. It shall be unlawful for any person to erect, alter, relocate, or maintain any sign without first obtaining a permit from the Building Commissioner, except as provided in Sec. 24-030, Permit Exemptions.
- B. Prior to submitting a sign permit application to the Building Commissioner, the applicant shall obtain the Planning Director's approval as to its conformance with this ordinance.
- C. The application for a sign permit shall be made upon forms provided by the Planning Department. All applications for off-premise signs shall be accompanied by a registered survey certified by an engineer or surveyor showing the location of the proposed sign. All applications for on-premise signs shall be accompanied by accurate sketches and scaled drawings showing the location of the proposed sign. The Planning Director may further require that the actual location of a proposed on-premise sign be based on a survey performed by a registered land surveyor or civil engineer, and provided by the applicant.
- D. The Planning Director shall make a safety and maintenance inspection of signs at such times as may be necessary for all signs erected within the corporate limits of the City.

### **Sec. 24-030 Permit Exemptions**

A permit shall not be required for the following signs. These signs shall be allowed in addition to the maximum number and square footage of signs as permitted in the other sections of this article.

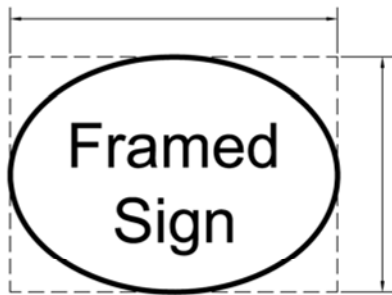
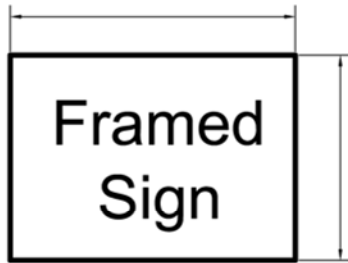
- A. Servicing, repainting, cleaning, or changing the changeable copy message of an existing sign, except where such activity requires structural alterations.
- B. House number or nameplate identifying the occupant or address of a structure and not exceeding one square foot in area.
- C. Real estate signs advertising the sale, rental or lease of a structure or parcel of property.
- D. Memorial or historical sign or tablet, or name of building and date of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible material.
- E. Sign painted on or attached to a motor vehicle when said sign does not project higher or longer than the vehicle to which it is attached and when such vehicle is properly licensed and operational.
- F. Flag bearing the official design of the United States, State of West Virginia, or City of Charleston; however, such flag shall not have any part lower than nine feet above a sidewalk.
- G. Traffic or other municipal sign, such as legal notice, railroad crossing, or danger or other emergency sign as may be approved by City Council, the Building Commissioner, or the Municipal Planning Commission.
- H. Miscellaneous advisory signs less than two square feet, such as "Beware of Dog" or "No Trespassing".
- I. Construction site signs advertising the owner, contractor, developer, materials supplier, etc. displayed on a site on a temporary basis during construction.

### **Sec. 24-040 Computations and Rules of Measurements**

#### **Sec. 24-040-01 Determining Sign Area**

- A. The permitted maximum size of a sign shall apply to the entire area enclosing the extreme limits of writing, representation, emblem or figure, together with any frame or other material or color forming an integral part of the display or used to differentiate a sign from the background against which it is placed. Necessary supports or uprights on which a sign is placed are excluded from the measurement of sign area except in the East End Historic District.
- B. The permitted maximum size of a sign shall apply to each facing of a sign structure; however, where signs are double-faced, placed back-to-back, or in V-type construction, only one side of the sign shall be counted when the V is at a 45 degree angle or less.

- C. If a sign is painted over a wall that had to be painted to eliminate a previous sign or similar problem, even though the color unintentionally seems to make the entire wall a part of the new sign, the entire wall shall not constitute the new sign area.
- D. The sign area calculation for properties with multiple street fronts shall be calculated separately for each street frontage and shall not be combined for the purpose of creating a larger sign rather than multiple smaller signs.



DASHED BOX REPRESENTS THE EXTREME LIMITS OF WRITING, REPRESENTING, EMBLEM OR FIGURE, TOGETHER WITH ANY FRAME OR OTHER MATERIAL OR COLOR FORMING AN INTEGRAL PART OF THE DISPLAY OR USED TO DIFFERENTIATE A SIGN FROM THE BACKGROUND AGAINST WHICH IT IS PLACED



**Sec. 24-040-02 Adjustment of Sign Area for Freestanding Signs in Commercial and Industrial Districts**

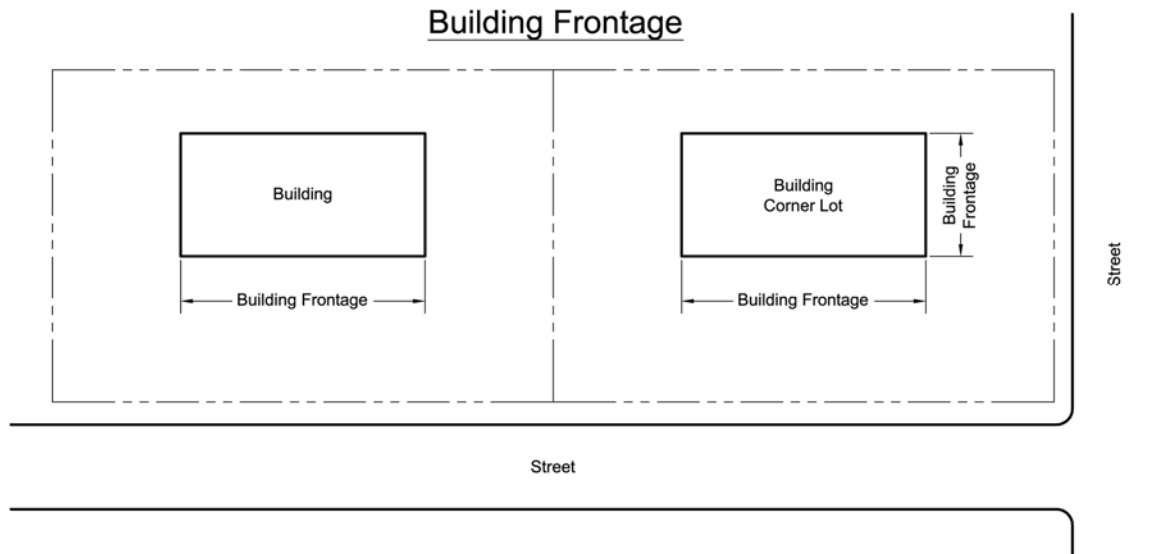
The permitted areas for freestanding signs in commercial and industrial districts may be adjusted as follows:

- A. For every five (5) feet that a freestanding sign is reduced in height below the permitted maximum height, the area of the sign may be increased by ten (10) percent up to a maximum increase of twenty (20) percent.
- B. For every one (1) square foot that the area of a freestanding sign is reduced below the maximum permitted area, the maximum area of a permitted wall sign may be increased by 1 square foot not to exceed a maximum increase of 20 percent.
- C. If both of the above provisions are applied to a property, the calculations of subsection A shall be made prior to the calculation in subsection B.
- D. For properties with a street frontage exceeding 400 linear feet, one additional freestanding sign is permitted.

**Sec. 24-040-03 Determining Building Frontage**

For the purposes of this section, the building frontage shall include the building walls that face a public street. For the purposes of these sign regulations, a public alley is not considered a public street.

- A. The building frontage shall be measured along such building wall between the exterior faces of the exterior side walls.
- B. In the case of an irregular wall surface, a single straight line approximating such wall surface shall be used to measure the wall's length.
- C. For multi-occupant buildings, the portion of a building line that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured on the ground floor from the centerline of the party walls defining the building unit.



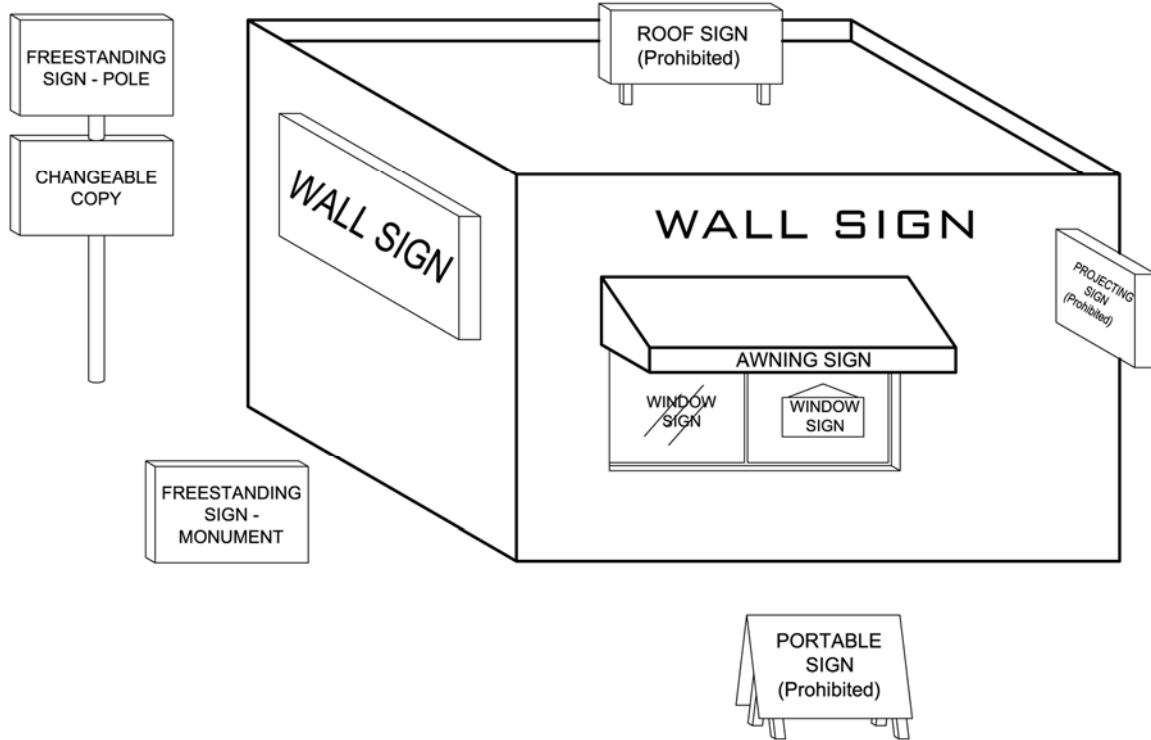
**Sec. 24-050 Prohibited Signs**

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

- A. Signs which incorporate in any manner flashing or moving lights or any other visible moving or revolving part, attention attracting device, except for time, temperature, or date signs.
- B. Banners, pennants, flags, spinners, or streamers, except as permitted in Sec. 24-070.03, Supplemental Regulations for Temporary Signs in Residential Districts, and Sec. 24-080-03 Supplemental Regulations for Temporary Signs Permitted in Commercial and Industrial Districts.
- C. Signs which obstruct or impair the vision of drivers or obstructs or detracts from the visibility of,

- or resembles, any traffic sign or traffic control device on a public street or road, by reason of size, shape, location, color, or illumination.
- D. Signs which make use of words such as "STOP", "LOOK", "DANGER", or other similar words, phrases, symbols, or characters in such a manner as to imply the need or requirement of stopping or the existence of danger.
  - E. Sign which obstructs free ingress or egress for a door, window, fire escape, or other exit way required by the Building or Fire Code.
  - F. Portable signs.
  - G. Signs containing graphics or lettering illustrating specified sexual activities and/or specified anatomical areas, as defined within this ordinance.
  - H. Any sign which no longer advertises a bona fide business, activity, campaign, service or product, including real estate signs.
  - I. Any sign not in compliance with regulations involving highway interstate standards and specifications.
  - J. Roof signs.
  - K. Merchandise, equipment, products, vehicles, or other items not themselves for sale and placed for attention-getting, identification or advertising purposes.
  - L. Any sign erected on a tree or utility pole.
  - M. Any sign structure or frame no longer containing a sign.
  - N. Any sign that is structurally or electrically unsafe.
  - O. Temporary signs located in a public right-of-way.
  - P. Digital, LED or similar signs, except for time, temperature, or date signs, except as permitted in Section 24-080-05.

Sign Types



**Sec. 24-060 General Sign Regulations**

- A. All signs shall comply with the provisions of Section 21-030, Safety and Vision.
- B. A pole sign shall not extend over a public right-of-way.
- C. A wall sign shall not extend above any roof line or further than twelve (12) inches from the building, or part of the building, to which the sign is attached.
- D. No shingle sign or marquee sign shall be lower than nine (9) feet above ground level.
- E. No sign shall be permitted to be erected unless the back of such structure is shielded from public view by a building, other structure, high planting, or another sign of the same size (where permitted), or unless such back is painted a neutral color or is enclosed in a solid metal backing that is treated or painted against corrosion.
- F. The painted portions of signs shall be periodically repainted and kept in good condition.
- G. The general area in the vicinity of a sign must be kept clear of weeds, debris, trash and other refuse by the property owner.
- H. The roofs of all marquees shall be properly guttered and connected by down spouts to a sewer so that the water there from will not drip or flow onto public property.
- I. The allowed square footage of window signs in zoning districts R-O and above shall not exceed 25% of the total square foot area of each window, or up to 50% of the total square foot area of each window if there are no wall signs on the premises. Window sign calculations shall include, but not be limited to, informational signage such as hours of operation and open/closed signs.

**Sec. 24-070 On-Premise Signs Permitted in Residential Districts (R-2, R-4,**

**R-6, R-8, R-10, R-O, PUD)****Sec. 24-070-01 General Regulations**

Signs for all residential and non-residential uses in residential districts shall comply with the standards set forth in this section. Signs for all residential and non-residential districts shall be limited in number, area, height and setback based on the type of use, as set forth in Table 24-070-01.01, Signs Permitted in Residential Districts.

**Sec. 24-070-02 Supplemental Regulations for Freestanding Signs in Residential Districts**

- A. Freestanding signs for permitted non-residential uses may have up to fifty (50) percent of the permitted sign area devoted to changeable copy.
- B. When a freestanding sign is permitted on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.

**Sec. 24-070-03 Supplemental Regulations for Temporary Signs in Residential Districts**

For the purposes of this section, the following regulations shall govern temporary signs placed within residential districts:

- A. Temporary signs are designed to be used only for a brief period of time and are not intended to be permanently attached to a building or structure, or permanently installed in or on the ground.
- B. Temporary signs include special event signs, residential garage/yard/carport sales, rummage sales and other similar types of events, and political signs.
- C. Temporary signs shall be permitted for a cumulative total of ninety (90) days per calendar year. This time limit shall not apply to political signs.

**Sec. 24-070-04 Instructional Signs in Residential Districts**

Instructional signs that are clearly intended for instructional purposes shall be permitted in addition to the maximum number and area of signs, and as needed on a lot located within a planned subdivision or when the lot is devoted to a multi-family or non-residential use, provided such signs comply with the following:

- A. The signs are no larger than two (2) square feet.
- B. The number of instructional signs on the site is the minimum necessary to serve the instructional purpose.
- C. The signs are not located or designed to be legible or serve to attract attention beyond the perimeter of the site.
- D. No advertising on instructional signs shall be permitted.



**Table 24-070-04.01 On-Premise Signs Permitted in Residential Districts**

<b>On-Premise Signs Permitted in Residential Districts (R-2, R-4, R-6, R-8, R-10, R-O, PUD)</b>				
Type	Maximum Number	Maximum Area	Max. Height	Minimum Setback
<b>Signs for Each Single-Family Dwelling, Duplex or Triplex</b>				
Subdivision Signs	1 per subdivision entrance	18 sq ft	8 ft	5 ft from property line
Building Signplates	1 per dwelling unit	2 sq ft	NA	NA
Temporary Signs	2 per building	6 sq ft	4 ft	3 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 22-070.04.			
<b>Signs for Multi-Family Buildings</b>				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Freestanding Signs	1 per development entrance	12 sq ft	8 ft	8 ft from property line
Temporary Signs	2 per building	6 sq ft	4 ft	3 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 22-070.04.			
<b>Signs for Non-residential Uses in R-2, R-4, R-6, R-8, R-10 and PUD</b>				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Freestanding or Wall Signs	1 per street frontage	12 sq ft	8 ft	8 ft from property line
Temporary Signs	2 per building	6 sq ft	4 ft	3 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 22-070.04.			
<b>Signs for Non-residential Uses in an R-O</b>				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Wall or Awning Signs	1 per building frontage	75 sq ft per linear ft of building frontage	8 ft	NA
Freestanding Signs	1 per building	24 sq ft	8 ft	5 ft from property line
Temporary Signs	2 per building	32 sq ft	4 ft	3 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 24-070.04.			

**Sec. 24-080 On-Premise Signs Permitted in Commercial and Industrial Districts (C-4, C-8, C-10, C-12, CBD, CDV, UCD, PMC, I-2, I-4)**

**Sec. 24-080-01 General Regulations**

Signs permitted in all commercial and industrial districts shall comply with the standards set forth in this section. Signs located in all commercial and industrial districts shall be limited in number, area, height and setback based on the type of use, as set forth in Table 24-080-01.02, Signs Permitted in Commercial and Industrial Districts.

**Sec. 24-080-02 Supplemental Regulations for Blade Signs in the C-4, C-8, C-10, C-12, CBD, CVD, UCD, PMC, I-2 and I-4 Districts**

Blade signs are permitted in the CBD, CVD and UCD zoning districts provided the following conditions are met:

- A. Such signs may project over a public right-of-way but never into the vehicular travel lane or parking area of a public street.
- B. Shall be at least nine (9) feet above ground level and no more than twelve (12) feet above ground level.
- C. Shall not exceed thirty (36) inches in width and twenty four (24) inches in height, excluding the structural bracket.
- D. Shall not project more than forty-eight (48) inches from the façade of the structure or beyond the curb of any sidewalk, whichever is less
- E. Shall not be internally illuminated.

**Sec. 24-080-03 Supplemental Regulations for Projecting Signs in Commercial and Industrial Districts**

- A. Projecting signs shall project no more than four (4) feet from the façade of the structure or beyond the curb of any sidewalk, whichever is less.
- B. Shall be at least nine (9) feet above ground level
- C. Such signs may project over a public right-of-way but never into the vehicular travel lane or parking area of a public street.
- D. Signs projecting into a city right of way are subject to review and approval by the City Engineer and may be subject to a right of way agreement.

### **Sec. 24-080-04 Supplemental Regulations for Freestanding Signs in Commercial and Industrial Districts**

- A. Freestanding signs permitted for non-residential uses may have up to fifty (50) percent of the permitted sign area devoted to changeable copy.
- B. When a freestanding sign is permitted on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.

### **Sec. 24-080-05 Supplemental Regulations for Temporary Signs Permitted in Commercial and Industrial Districts**

Signs for temporary uses or special events are permitted, provided that the following conditions are met:

- A. Such signs shall be located only on private property.
- B. Sign permits shall be limited to a duration of thirty (30) days or for the period of time stated on the temporary use permit. See Section 3-070 Temporary Uses.
- C. No more than three (3) temporary sign permits shall be issued within any twelve (12) month period for the same business in the same location and only one (1) sign may be included on each permit.
- D. Except as permitted by a temporary use permit, temporary signs shall be attached to and parallel with a wall of the building on which wall signs are permitted and shall not exceed 32 square feet in surface area.
- E. Such signs must be made of cloth or vinyl.
- F. Where a temporary use permit specifically authorizes the use of a temporary ground sign, such sign shall not exceed 42 inches in height and 16 square feet in area per side.
- G. Special events, such as those associated with civic, philanthropic, educational purposes, rodeos, and carnivals shall be allowed a temporary sign, provided that:
  - 1. Up to two (2) ground signs shall be allowed per property per event.
  - 2. Such sign shall be located only on private property.
  - 3. Such sign, if a monument sign, shall be limited to 20 square feet each.
  - 4. Such sign shall be erected no sooner than ten (10) days preceding the event and shall be removed no later than one (1) day following the event.
- H. Banners mounted flat on a vertical surface, not exceeding 32 square feet, and banners mounted on individual light poles, not exceeding 24 square feet, shall be permitted for automobile retail sales establishments in a C-12 District and are not subject to temporary sign time limitations.
- I. Temporary signs include, but are not limited to, special event signs, grand opening signs, and other similar types of events.

### **Sec. 24-080-06 Instructional Signs**

Instructional signs that are clearly intended for instructional purposes shall be permitted in addition to the maximum number and area of signs, and as needed, provided such signs comply with the following:

- A. The signs are no larger than two (2) square feet.
- B. The number of instructional signs on the site is the minimum necessary to serve the instructional purpose.
- C. The signs are not located or designed to be legible or serve to attract attention beyond the perimeter of the site.

**Sec. 24-080-07 Supplemental Regulations for electronic reader boards in the Central Business District**

- A. Electronic message boards may be permitted in the Central Business District in lieu of a ground sign when accessory to a major public assembly area, provided the reader board displays:
  - 1. On-site events only and does not advertise products; and
  - 2. Motion or animation is limited to 10 seconds within any 60 second period.
- B. BZA #2095 authorized the Charleston Civic Center to erect two electronic reader boards. The signs shall be permitted to be replaced, provided that the signs are not removed for a period of more than 6 months and the height and area of the signs are not increased.

**Table 24-080.01 On-Premise Signs Permitted in Commercial and Industrial Districts**

On-Premise Signs Permitted in Commercial and Industrial Districts (C-4, C-8, C-10, C-12, CBD, CVD, UCD, PMC, I-2 and I-4)				
Type	Maximum Number	Maximum Area	Max. Height	Minimum Setback
<b>Signs Permitted in the C-4 District</b>				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Blade Sign	1 per public street front entrance	6 sq.ft.	NA	NA
Wall, Awning, Canopy or Marquee Signs	No maximum	24 sq ft + .5 sq ft per linear ft of building frontage over 50 ft	NA	NA
Temporary Signs	1 per business	32 sq ft	4 ft	5 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 24-080-04.			
<b>Signs Permitted in the C-8, C-10, I-2, I-4 and PMC Districts</b>				
<b>Single Parcel Commercial Establishments</b>				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Blade Sign	1 per public street front entrance	6 sq.ft.	NA	NA
Wall, Awning, Canopy, Projecting, or Marquee Signs	No maximum	1.5 sq ft per linear ft of building frontage	NA	NA
Freestanding Signs	1	50 sq ft	15 ft	5 ft from property line
Temporary Signs	2 per building	32 sq ft	4 ft	5 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 24-080-04.			
<b>Multi-tenant Commercial Establishments</b>				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Blade Sign	1 per public street front entrance	6 sq.ft.	NA	NA
Wall, Awning, Canopy, Projecting, or Marquee Signs	1 per building frontage	1.5 sq ft per linear ft of building frontage	NA	NA
Freestanding Signs	1 per lot	50 sq ft + .25 sq ft per linear ft of building frontage	20 ft. 15 ft	5 ft from property line
Temporary Signs	1 per business	32 sq ft	4 ft	5 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 24-080-04.			
<b>Signs Permitted in the C-12 District</b>				
<b>Single Parcel Commercial Establishments</b>				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Blade Sign	1 per public street front entrance	6 sq.ft.	NA	NA
Wall, Awning, Canopy, Projecting, or Marquee Signs	No maximum	1.5 sq ft per linear ft of building frontage	NA	NA
Freestanding Signs	1	80 sq ft	35 ft	5 ft from property line
Temporary Signs	2 per building	32 sq ft	4 ft	5 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 24-080-04.			
<b>Multi-tenant Commercial Establishments</b>				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Blade Sign	1 per public street front entrance	6 sq.ft.	NA	NA
Wall, Awning, Canopy, Projecting, or Marquee Signs	1 per building frontage	1.5 sq ft per linear ft of building frontage	NA	NA
Freestanding Signs	1 per lot	80 sq ft + .25 sq ft per linear ft of building frontage	40 ft	5 ft from property line
Temporary Signs	1 per business	32 sq ft	4 ft	5 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 24-080-04.			
<b>Signs Permitted in the CBD, CVD and UCD</b>				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Blade Signs	1 per public street front entrance	6 sq ft	NA	NA
Wall, Awning, Canopy, Projecting, or Marquee Signs	1 per business per building frontage	1.5 sq ft per linear ft of building frontage*	NA	NA
Monument Signs	1 per building	32 sq ft	10 ft	3 ft from property line
Electronic Message Board (when in compliance with section 22-080-05)	1 per building	100 sq ft	18 ft	NA
Temporary Signs	2 per building	32 sq ft	4 ft	Flush against building
Instructional Signs	Exempt from regulations when in compliance with Sec. 24-080-04.			

\*Buildings over 10 stories above grade use the following calculation for determining maximum permitted sign area:  
3 sq ft per linear ft of building frontage.

## Sec. 24-090 Nonconforming On-Premise Signs

Signs lawfully erected prior to the effective date of this ordinance, and any subsequent amendments, which do not meet the standards of this article may be maintained except as hereafter provided.

- A. No nonconforming sign shall:
  - 1. Be changed to another nonconforming sign.
  - 2. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign.
  - 3. Be re-established or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer.
  - 4. Be repaired or erected after being damaged if the repair or erection of the sign would cost more than fifty (50) percent of the cost of an identical new sign.
- B. No person shall be required to remove a sign which was erected in compliance with this article if said sign becomes nonconforming due to a change occurring after the effective date of this amendment, in the location of buildings, streets or other signs which change is beyond the control of the owner of the sign and the premises on which it is located.
- C. If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign, or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this chapter.
- D. Any nonconforming sign shall be removed upon the change occupancy or use of the premises upon which the sign is located. A change of occupancy or use is a discontinuance of permitted use and the substitution of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

## Sec. 24-100 Off-Premise Signs

Off-premise signs may be erected, constructed, placed or maintained only in the locations specified herein and in accordance with an approved permit.

### Sec. 24-100-01 Permitted Locations

Off-premise signs may be placed only on a lot or parcel located in C-10 or I-4 district as a conditional use.

### Sec. 24-100-02 Prohibited Locations

Off-premise signs are prohibited in the following locations:

- A. Upon, projected over, or supported in whole or in part, by or painted onto, any portion of a building; or situated on or attached in any manner to a wall or fence.
- B. Upon or over the right-of-way of any public street.
- C. Within 2,000 feet in any direction of the boundaries of the State Capitol Complex.
- D. Within 100 feet of any park, recreation facility, school, church, nor within 250 feet from any scenic easement as defined by the City.
- E. Within fifty (50) feet of any bridge abutment.
- F. Within fifty (50) of any street intersection.
- G. Within 200 feet of any on-premise sign if the on-premise sign is 200 square feet or larger.
- H. Within fifty (50) feet from an existing residential property.

### Sec. 24-100-03 Setbacks

Off-premise signs with an area per face of more than forty (40) square feet shall conform to all street frontage setback requirements for structures in the zone in which the off-premise sign is located.

### **Sec. 24-100-04 Sign Area**

Off-premise signs may be single-faced or double-faced with a maximum area per face of 300 square feet.

### **Sec. 24-100-05 Height**

- A. All off-premise signs shall maintain a minimum clearance of nine (9) feet between the lowest part of the sign and the highest ground elevation directly there under.
- B. Off-premise signs shall have a maximum height of fifty (50) feet above the grade level of an adjacent interstate highway or thirty-five (35) feet above the grade level of all other streets.

### **Sec. 24-100-06 Spacing**

An off-premise sign shall be located no closer than 500 feet from any other off-premise sign.

### **Sec. 24-100-07 Construction**

Double-faced off-premise signs shall be so constructed that the area and perimeter of both faces coincide and are back-to-back in parallel planes not more than 3 feet apart. Supporting members of signs with an area per face greater than 128 square feet will be constructed of noncombustible materials.

### **Sec. 24-100-08 Appearance and Maintenance**

Off-premise signs shall be maintained as required to assure a well-kept appearance free from graffiti and cracking or peeling paint. The back of single faced signs visible from adjacent property or a public road shall be solid painted or stained in subdued colors or shall be screened from view.

### **Sec. 24-100-09 Lighting**

Off-premise signs may be illuminated unless otherwise specified, provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible beyond the property lines. Signs making use of lights to convey the effect of movement, or flashing, intermittent or variable intensity lighting shall not be permitted.

### **Sec. 24-100-10 Movement**

No sign shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted. Flags, banners, pennants, spinners, streamers and similar devices may not be attached to an off-premises sign.

### **Sec. 24-110 Severability**

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality of that part, section, subsection, paragraph, sentence, phrase, clause, term or word of this Article and/or any other code provisions and/or laws, shall not affect the validity of any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article and/or any other code provisions and/or laws, and shall not affect the prohibition on billboards as contained herein.

### **Sec. 24-120 Murals**

A mural may be placed on any outside wall, façade or other surface of a building or structure in any zoning district upon approval of the Municipal Beautification Commission subject to the following conditions:

1. The mural is professionally applied and designed to enhance community identity and contribute to the overall visual quality of the City of Charleston;

2. The mural does not contain any commercial message, product, company, trademark, trade name or logo or otherwise advertise a product, service or business, except for appropriately scaled sponsorship credits;
3. The mural does not contain any obscene images or wording;
4. The mural should not be located where it would damage or obscure historically significant buildings, materials, details or features. Historic unpainted brick or stone should not be painted;
5. The individual or organization requesting permission to create a mural executes a proper maintenance plan to clean and repair the mural as necessary.

### **Sec. 24-130 Message Substitution**

Subject to the land owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over more specific provisions to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

## ARTICLE 25

### LANDSCAPING AND SCREENING

#### Contents

Sec. 25-010	Purpose
Sec. 25-020	Applicability
Sec. 25-030	Enforcement
Sec. 25-040	Content of Landscape Plan
Sec. 25-050	Preservation of Existing Features
Sec. 25-060	General Landscaping Requirements
Sec. 25-070	Bufferyard Landscaping Requirements
Sec. 25-080	Parking Lot Landscaping Requirements
Sec. 25-090	Modifications
Sec. 25-100	Installation and Maintenance

#### **Sec. 25-010 Purpose**

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

- A. Protect and improve the character and stability of residential, commercial, and industrial areas by enhancing the visual environment;
- B. Conserve the value and improve the physical relationship of adjacent properties and neighborhoods by requiring appropriate screening and buffering to minimize nuisances such as noise and glare;
- C. Moderate heat, wind, and other local climatic effects produced by parking lots;
- D. Promote public safety by requiring landscaping which helps delineate traffic flow;
- E. Encourage the planting of appropriate new vegetation and the preservation of existing vegetation to enhance the built environment and to protect and sustain the natural environment;
- F. Enhance erosion and sediment control practices through the use of plant materials and groundcover; and,
- G. Reduce potential deleterious relationships between pedestrian and vehicular land use patterns.

#### **Sec. 25-020 Applicability**

These landscape regulations shall apply to multi-family, commercial, office, industrial, and institutional development. New construction and expansions of fifty (50) percent or more of existing floor area are subject to the provisions of this section.

#### **Sec. 25-030 Enforcement**

Wherever site plan review is required by this ordinance, a landscape plan shall be a required part of such site plan. No building permit or permanent certificate of occupancy shall be issued without completion of all landscaping shown on the landscape plan required herein. A temporary certificate of occupancy may be issued for the building for a period of one year when weather conditions do not permit landscape installation. Failure to implement the approved landscape plan, including preservation of existing features, or to maintain the landscaping as long as incompatibility of adjoining uses exists, shall be a violation of this ordinance subject to the penalties outlined in Article 37.

#### **Sec. 25-040 Content of Landscape Plan**

Where required, all landscape plans submitted for approval as a component of a required site plan for all multi-family residential and non-residential uses shall show the entire zoning lot to scale and shall contain



the following information:

- A. The location and dimensions of all existing and proposed structures, parking lots and drives, roadways and right-of-way, sidewalks, bicycle paths, ground signs, refuse disposal areas, freestanding electrical equipment, recreation facilities, utility lines and easements, freestanding structural features, and other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas;
- B. The location, quantity, and size of all proposed planting materials;
- C. Existing and proposed grading of the site, including proposed berming;
- D. Specification of the type and boundaries of all proposed vegetative ground cover;
- E. Design of fences and other significant accessory structures.

### **Sec. 25-050 Preservation of Existing Features**

- A. Trees and shrubs already existing on land subject to the provisions of this section should be preserved wherever feasible, using a minimum of the following criteria:
  - 1. The condition of the vegetation with respect to continued vitality;
  - 2. The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation;
  - 3. Interference with utility services or encroachment into the traffic visibility triangle.
- B. Existing trees in landscaped areas that are preserved will contribute to the required landscaping. For each tree that is preserved, which is greater than 12-inch caliper, the amount of new trees to be installed shall be reduced by two trees.

### **Sec. 25-060 General Landscaping Requirements**

All land areas that are not covered with buildings and pavement or used for agricultural purposes shall be appropriately landscaped in accordance with the requirements of this section. Landscaping shall be provided in the areas specified and of the minimum intensity, specified below.

- A. The scale and nature of landscape materials shall be appropriate to the size of the structures and the available space. Materials shall be located to avoid interference with overhead and underground utilities and utility easements or vehicular or pedestrian movement and visibility. Growth characteristics should be carefully considered.
- B. Trees shall be planted to maintain a minimum five (5) foot clearance between the tree trunk and structures, building overhangs, walls, fences, and other trees.
- C. Plantings should be arranged to promote energy conservation wherever practicable; e.g. use of tall deciduous trees on the south and west sides of buildings to provide shade from the summer sun and planting evergreens on the north of buildings to dissipate the effect of winter winds.
- D. All trash dumpsters, trash pads, loading areas consisting of two (2) or more loading spaces, loading docks, building service and outside storage areas shall be screened from land in a residential zone and must be screened if visible from a public street. Such screening may be achieved by using a minimum six (6) foot high, completely opaque fence or wall, a six (6) foot high berm, or a six (6) foot high evergreen screen. The height of screen shall be measured from the grade of the nearest street.
- E. Grass and other vegetative ground cover shall be used for all open space, including parking lot islands, except for:
  - 1. Decorative mulch planting beds containing trees and/or shrubs
  - 2. Inert stabilization in areas subject to severe runoff, erosion, or ponding.
- F. Where stone or other inert materials are to be used for ground cover, they shall be specifically

- identified on the landscape plan. Any area not so designated shall be required to have grass or vegetative ground cover.
- G. All landscaping shall conform to the regulations established for visibility triangles to maintain safe sight distances and intersections and points of **Access** as designated in Section 21-030, Safety and Vision.
  - H. All landscaped areas at the front line of off-street parking spaces shall be protected from encroachment or intrusion of vehicles.
  - I. In no case may a tree or shrub be planted within a drainage, sewer or utility easement.

### **Sec. 25-070 Bufferyard Landscaping Requirements**

- A. New non-residential buildings that abut a residential zoning district shall provide a landscape buffer ten (10) feet wide and this requirement may supersede the minimum setback requirement for the district.
- B. Developed lots or lots with unexpired permits at the time of adoption of this ordinance are exempt from this requirement.
- C. New construction and expansions of fifty (50) percent or more of existing floor area are subject to the provisions of this section.

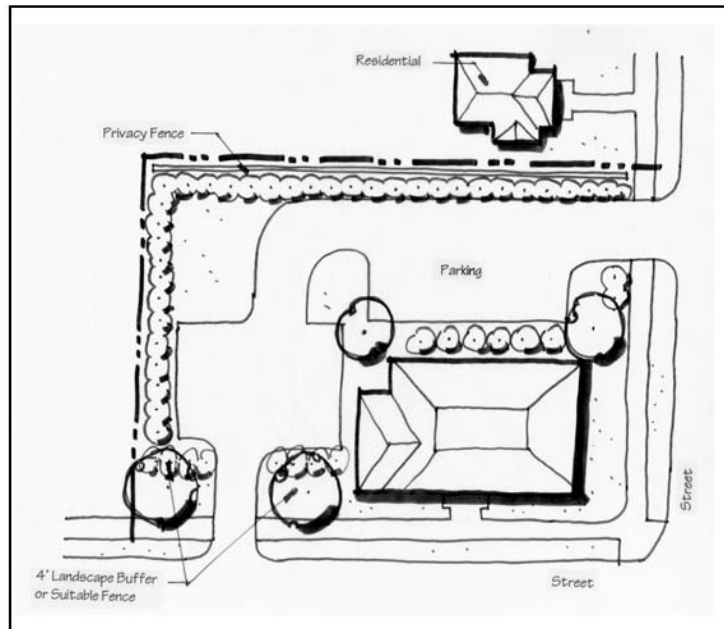
### **Sec. 25-080 Parking Lot Landscaping Requirements**

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.

- A. **General Provisions**

All areas of the parking lot not devoted to parking spaces or traffic flow shall be grassed or planted in ground cover, unless otherwise specified.
- B. **Development with Parking Behind the Building Line**

A four (4) foot perimeter buffer shall be provided, along the property lines, that contains appropriate plantings.

**Graphic 25-080.01. Development with No Parking Between Building Line and Street****C. Development with Parking Located Between Building Line and Street**

If any parking is located between the street and the building line, a ten-foot wide buffer with appropriate plantings shall be provided for the length of any parking area abutting the street.

**D. Design Standards for Interior Landscaping**

1. All interior landscaping required by this ordinance shall be in addition to any perimeter buffers required.
2. All parking areas containing more than 20 parking spaces shall provide a minimum of 5% interior landscaping.
3. All parking areas containing 40 or more parking spaces shall provide, for each row of parking spaces, a terminal island with concrete curbs and at least 130 square feet of landscaped area to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways, and provide shade. Terminal Islands shall be planted with appropriate trees. These islands may count toward fulfilling the five (5) percent internal landscaping requirement.
4. All parking areas containing 40 or more parking spaces shall provide for each row of parking spaces interior landscaped islands with concrete curbs and at least 100 square feet of landscaped area shall be provided every 20 spaces or less within a row of spaces for multi-family residential or commercial developments. Planting islands should be evenly spaced throughout the parking lot. A minimum of 50% of interior islands should be planted with appropriate trees 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. 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.

**Sec. 25-090 Modifications**

- A. Under conditions where a strict interpretation of requirements may be either physically impossible or create practical difficulties, an alternative compliance procedure may be used to maintain the spirit—rather than the letter—of the law. The proposed solution must equal or exceed standard

landscaping requirements. Requests to the Planning Director for use of alternative landscaping schemes may be justified only when one or more of the following conditions apply:

1. The sites involve space limitations or unusually shaped parcels;
  2. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
  3. Due to a change of use of an existing site, the required buffer yard is larger than can be provided;
  4. Existing utility lines or easements complicate the placement of required plant materials.
  5. The applicant must provide a justification statement that describes which of the requirements established by this ordinance will be met with modifications, which project conditions justify using alternatives, and how the proposed measures equal or exceed normal compliance
- B. Where compliance is required as a result of change in use or expansion of an existing building and compliance with this section will necessitate removal of existing pavement, the Planning Director may approve a reduction of minimum planting areas, provided that proposed plantings, screens, and other landscape features are substantially equivalent to the minimum requirements in terms of landscaping.
- C. After initial approval of the landscape plan the Planning Director may approve any substitute landscape proposal that he/she deems to be equivalent to the approved landscape.

### **Sec. 25-100 Installation and Maintenance**

- A. Plant materials shall conform to the requirements described in the latest edition of the American Standard for Nursery Stock, which is published by the American Association of Nurserymen. Plants shall be nursery grown.
- B. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials on the premises. All landscape areas shall be kept free of refuse and debris. Fences, walls, and other barriers shall be maintained in good repair. It is the responsibility of each private property owner to remove any dead, diseased, or dangerous trees or shrubs, or parts thereof, which overhang or interfere with line of sight, traffic control devices, public sidewalks, rights-of-way, or property owned by the City. The City shall have the authority to order the removal of any such trees or shrubs.

**ARTICLE 26**  
**FLOODPLAIN AND STORMWATER MANAGEMENT**  
**Contents**

Refer to Chapter 91, Article II of the City Code for the provisions relating to floodplain management.

## ARTICLE 27

### NONCONFORMING PROVISIONS

#### Contents

Sec. 27-010	Purpose
Sec. 27-020	Nonconforming Use Limitations
Sec. 27-030	Nonconforming Lots
Sec. 27-040	Nonconforming Structure Used for a Permitted Use
Sec. 27-050	Nonconforming Use of a Structure or Land

#### **Sec. 27-010 Purpose**

It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

#### **Sec. 27-020 Nonconforming Use Limitations**

- A. It is recognized that there may exist within the districts established by this ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.
- B. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- C. Nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently conducted.

#### **Sec. 27-030 Nonconforming Lots**

In any zoning district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of this ordinance or any subsequent amendment. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

Where such a nonconforming lot does not meet the minimum area or width requirements, or both, the following setback requirements shall apply:

- A. The minimum front setback shall conform to the clearly prevailing setback pattern of developed lots within the same 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.
- B. No side setback shall be less than five (5) feet in any event, unless provided for in this ordinance.

#### **Sec. 27-040 Nonconforming Structure Used for a Permitted Use**

A lawfully existing structure, which contains a permitted use but does not comply with the other

requirements of this ordinance for the zoning district in which it is located, may be continued but shall be subject to the regulations below. In such cases, however, the failure to meet landscaping or screening requirements shall not be considered nonconforming.

A. Enlargement, repair, alteration.

A nonconforming structure may be enlarged, maintained, repaired, or structurally altered, provided no such enlargement, maintenance, repair, or structural alteration shall create any additional nonconformity or increase the degree of the existing nonconformity of such structure.

B. Reconstruction.

In the event a nonconforming structure is destroyed by any means to an extent of up to (60) sixty percent of its replacement costs, exclusive of the foundation, the structure may be reconstructed on the same foundation, provided the reconstruction is begun within twelve (12) months of the date it was destroyed.

C. Relocation.

Should a nonconforming structure be moved for any distance for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

### **Sec. 27-050 Nonconforming Use of a Structure or Land**

A nonconforming use of a structure or land may be continued so long as otherwise lawful but shall be subject to the regulations below.

A. Enlargement.

No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner, unless the structure and the use shall thereafter conform to the regulations for the district in which they are located.

B. Ordinary repair and maintenance.

Ordinary maintenance and repairs, or repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, shall be permitted, provided these actions shall not be deemed to authorize any violation of the other parts of this section. Nothing in this ordinance shall be deemed to prevent the strengthening of a structure, or the restoration of a structure to a safe condition except for a damaged or destroyed structure subject to provisions of Section 27-040(B) of this section, in accordance with the order of the City Building Commissioner.

C. Structural alteration.

No structural alteration shall be made unless the entire structure and the use shall thereafter conform to the regulations for the district in which they are located. However, nothing in this ordinance shall be construed to prevent owners of nonconforming residential structures the right to perform structural alterations which do not increase the number of dwelling units within the nonconforming residential structure or enlarge its exterior dimension.

D. Damage or destruction.

In the event a structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed by any means to an extent of more than sixty (60) percent of its replacement costs of the entire structure, exclusive of foundation, it shall be reconstructed only in conformity with the regulations for the district in which they are located. Moreover, if such damage is sixty (60) percent or less of the replacement cost of the entire structure, no repairs or restoration shall be permitted unless a building permit is obtained and restoration actually begun within one (1) year of the date of such partial destruction and is diligently pursued to completion.

E. Moving.

Should a nonconforming use of land or structure be moved, in whole or in part, for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located

after being moved.

F. Change.

A nonconforming use shall not be changed to any use other than the same use or a use permitted in the district in which the land is located. When a nonconforming use has been changed to a permitted use, it shall not thereafter be changed to a nonconforming use.

G. Discontinuance.

A nonconforming use which is hereafter discontinued for any reason, and remains such for a continuous period of one (1) year, shall not thereafter be re-established. Such location shall thereafter be occupied by a use which conforms to the regulations for the district in which it is located.

H. Nonconforming accessory use.

A nonconforming accessory use shall not continue to remain after the principal use to which it is accessory has been destroyed, relocated, or abandoned.



# Part 5

# Administration

**ARTICLE 28**  
**GENERAL ADMINISTRATION AND ENFORCEMENT**  
**Contents**

Sec. 28-010	Responsibility for Administration and Enforcement
Sec. 28-020	General Provisions
Sec. 28-030	Zoning Reviews
Sec. 28-040	Fees
Sec. 28-050	Administrative Interpretations

**Sec. 28-010 Responsibility for Administration and Enforcement**

- A. It shall be the duty of the Planning Director, or their designee, to:
1. Perform zoning reviews of building permit applications as necessary to determine compliance with the provisions of this ordinance.
  2. Maintain permanent and current records of applications for all variances, conditional uses, amendments, and other zoning related records required by this ordinance and of the hearings and actions thereon.
  3. Conduct investigations as necessary to determine compliance with or violation of this ordinance.
  4. Participate in the abatement of violations of this ordinance and aid in the prosecution of such violations.
  5. Maintain in current status the official zoning map.
  6. Provide information on zoning upon request by citizens and public agencies.
- B. The Planning Director may request the Building Commissioner to conduct field investigations of buildings, structures, or uses of land as necessary to determine compliance with this ordinance.

**Sec. 28-020 General Provisions**

- A. No commission, board, agency, officer, or employee of the City shall issue, grant, or approve any permit, license, certificate, or other authorization for any construction, reconstruction, alteration, enlargement, or relocation of any building or structure, or for any use of land or building, that would not be in compliance with the provisions of this ordinance.
- B. In administering the provisions of this ordinance, the standard rule of rounding numbers to the nearest whole shall apply. When the unit of measurement results in a fraction less than one-half, the fraction shall be disregarded; fractions of one-half or more shall require the addition of one (1) unit of measure.

**Sec. 28-030 Zoning Reviews**

- A. No building permit pertaining to the construction, enlargement, moving, remodeling, or reconstruction of a structure shall be issued by the Building Commissioner unless approval of the site plan has been granted by the Planning Director. The Planning Director shall grant approvals only in conformance with the provisions of this ordinance except when he or she receives a written order from the Municipal Planning Commission, City Council, Board of Zoning Appeals, or a court of law in the form of an administrative review, special exception, variance, or judgment as provided in this ordinance. When required, a change of land use permit must be acquired prior to issuance of a certificate of compliance with the zoning ordinance.
- B. For projects that are reviewed administratively, the Planning Director shall make every reasonable effort to review the application and report to the applicant by the end of thirty (30) working days

following the day on which a completed application is received.

### **Sec. 28-040 Fees**

#### **A. Fee Requirement and Payment**

The Schedule of Fees for zoning 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 to the Planning Department. The Planning Director may waive fees in unusual or extreme circumstances.

Approvals shall not be granted nor zoning certificates of compliance issued until the appropriate fee is paid to the Planning Department.

#### **B. Exemption from Fee Requirement**

Governmental agencies shall be exempt from paying fees for zoning permits, land use certificates or any other permit prescribed by these regulations.

#### **C. No part of any filing fee paid pursuant to this section shall be returnable to the applicant or petitioner.**

### **Sec. 28-050 Administrative Interpretations**

#### **A. 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 Zoning Ordinance and of any rule or regulations issued pursuant to it. The Planning Director may forward requests for 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 or conditional use on the Land Use Table to allow staff interpretation.

#### **B. The interpretation authority established by this article 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 uses are listed as either Permitted 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.**

#### **C. 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.

#### **D. Application Procedure**

##### **1. Applications for interpretations of this ordinance shall be filed on a form provided by the Planning Department and shall contain information describing the nature of the requested information.**

##### **2. 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.

E. Standards for Use Interpretations.

The following standards shall govern the Planning Director and the Board of Zoning Appeals in issuing use interpretations:

1. Any listed use defined in Article 2, Definitions shall be interpreted as therein defined;
2. No use interpretation shall authorize any use in any district unless evidence is presented demonstrating that it will comply with the general district regulations established for that particular district.
3. No use interpretation shall authorize any use in a particular district unless such use is substantially similar to other uses specifically listed as permitted or accessory in such district and is more similar to such uses than to other uses listed as permitted or accessory in another zoning district.
4. 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 Article 30 of this Zoning Ordinance.
5. No use interpretation shall allow the establishment of any use that would be inconsistent with the statement of purpose of the district in question, unless such use meets the standards of Subsections 3 and 4 above.

F. 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 Certificate of Occupancy, Subdivision Approval, and Site Plan Approval.

G. Limitations on Favorable Use Interpretations.

1. A use interpretation finding a particular use to be permitted, or allowed as a 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.
2. Once a use interpretation is made for a particular use in a particular district, that use interpretation shall be permitted as a use for the entire district and shall be available for other property owners in that district.

H. Appeals from Planning Director Decisions.

The Board of Zoning Appeals shall, pursuant to Article 32 of this Zoning Ordinance, hear and decide appeals from any administrative interpretations by the Planning Director acting pursuant to the authority and duties under this section.

**ARTICLE 29**  
**AMENDMENTS TO THE TEXT AND ZONING MAP**  
**Contents**

Sec. 29-010	General Provisions
Sec. 29-020	Authority and Procedures
Sec. 29-030	Application Procedures
Sec. 29-040	Comprehensive Plan Amendments

**Sec. 29-010 General Provisions**

- A. 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 zoning ordinance. Prior to submission to Council of a Planning Commission petition or a report on a proposed ordinance, the Planning Commission shall hold a public hearing. After the public hearing, the Planning Commission shall make its report on the proposed ordinance to Council. Thereafter, Council shall proceed to take such action on the proposed ordinance as it deems proper.
- B. The City Council may, from time to time, amend, supplement, or change the rules and regulations and districts fixed by the zoning ordinance.

**Sec. 29-020 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 from the Planning Commission and subject to the procedures below, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classifications of property.

**Sec. 29-030 Application Procedures**

- A. Amendment to the Zoning Map Initiated by Petitioner
1. A request for rezoning of property shall be filed in a format prescribed by the Planning Department. In order to defray, in part, the expenses connected with the application a filing fee in the amount of \$125.00 shall be submitted with the application.
  2. The Planning Department will conduct a formal review of the completed application.
  3. The Planning Department will publish a 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. The Planning Director shall notify the owners of record most recently provided by the Kanawha County Tax Assessor of properties located within 250 feet of the affected property no later than ten (10) days prior to the public hearing.
  4. The Planning Director shall cause official zoning notification signs to be placed in a prominent location on the property notifying that an application for rezoning has been made.
  5. The Planning Commission will hold a duly scheduled public hearing on the rezoning request, prepare a report, and make a recommendation to Council.
  6. City Council will hear the case according to its rules and procedures.
  7. If the request for rezoning is approved by Council, the applicant shall receive approval and will be formally notified by mail by the Planning Department. The Planning Department shall amend the zoning map to reflect the approved rezoning.

8. If the request for rezoning is denied by Council, the applicant is formally notified in writing by the Planning Department of the denial.
9. Any person who feels aggrieved by an approval or denial of a rezoning may appeal the decision to Kanawha County Circuit Court within thirty (30) days of City Council's decision.
10. Following the approval of a rezoning, the City shall certify the zoning map and clearly identify any approved amendments with an effective date.
11. If the request for the rezoning 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.

**B. Amendments Initiated by the Governing Body**

When an amendment to the Zoning Ordinance involves a change in the zoning classification or dwelling unit density of any parcel of land, the governing body shall, no later than 30 days before the public hearing:

1. Give written notice by certified mail to the landowner(s) whose property is directly involved in the proposed amendment; and
2. Publish notice of the proposed amendment in a local newspaper of general circulation as a Class II-0 legal advertisement.

**C. Amendment to the Zoning Ordinance Text**

1. A request for an amendment, or change, to the text of the zoning ordinance shall be filed in a format prescribed by the Planning Department. In order to defray, in part, the expenses connected with the application a filing fee in the amount of \$125.00 shall be submitted with the application.
2. The Planning Department will conduct a formal review of the completed application.
3. The Planning Department will publish a 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.
4. The Planning Commission shall hold a duly scheduled public hearing on the text amendment request, prepare a report, and make a recommendation to Council.
5. City Council will hear the case according to its rules and procedures.
6. If the request for the text amendment is approved by Council, the applicant receives approval and is formally notified by mail by the Planning Department. The Planning Department shall amend the zoning ordinance text to reflect the approved amendment.
7. If the request for the text amendment is denied by Council, the applicant is formally notified in writing by the Planning Department of the denial.
8. 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.

**Sec. 29-040 Comprehensive Plan Amendments**

If an amendment to the zoning ordinance or map is inconsistent with the City of Charleston Comprehensive Plan, then City Council with the advice of the Planning Commission, must find that there have been major changes of economic, physical or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted and those changes have substantially altered the basic characteristics of the area.

## ARTICLE 30

### CONDITIONAL USES

#### Contents

Sec. 30-010	General Provisions
Sec. 30-020	Application for Conditional Use Approval
Sec. 30-030	Standards for Approval
Sec. 30-040	Conditional Approval
Sec. 30-050	Expiration of Conditional Use Permit

#### **Sec. 30-010 General Provisions**

##### A. Purpose

It is the purpose of this article to recognize that there may be cases where community and Comprehensive Plan goals are met by flexible and individual regulation of land uses within a zoning district. The establishment of a conditional use permit procedure provides 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.

##### B. Standards and Requirements

Conditional uses are declared to possess characteristics of such unique and special form that each specific land 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 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 may impose additional, reasonable conditions to fit the particular use and site under review.

##### C. Limits of Authorization

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

##### D. Review

If a conditional use permit meets the thresholds for a Development of Significant Impact or a Major Development of Significant Impact as set forth in Article 33, Planning Commission approval of the application for Development of Significant Impact criteria and Board of Zoning Appeals approval of the application as a conditional use request are both required before a permit shall be issued.

#### **Sec. 30-020 Application for Conditional Use Approval**

##### A. The applicant shall file a formal and complete application for a conditional use permit with the Planning Department. The application shall include:

1. 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.
2. Any other information deemed helpful by the applicant or necessary by the Planning Director to explain the nature of the proposed use and its consistency with the standards established by this article for conditional use permits.
  3. A filing fee in the amount of \$125.00. The purpose of the fee shall be to defray, in part, the expenses connected with the application.
- B. 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 agencies and request summaries of agency reviews.
  - C. The Planning Director shall publish a 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.
  - D. The Planning Director shall notify the owners of record most recently provided by the Kanawha County Tax Assessor of properties located within 250 feet of the affected property no later than ten (10) days prior to the public hearing. The Planning Director shall also cause a sign to be posted and maintained on the subject property notifying area property owners and residents that a request for a conditional use permit for the property has been made.
  - E. The Board shall hold a duly scheduled public hearing to review the complete site plan and application for the conditional use permit request.
  - F. If the conditional use permit is granted by the Board, the applicant receives approval and is formally notified in writing by the Planning Department.
  - G. 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 Kanawha County within thirty (30) days.

### **Sec. 30-030 Standards for Approval**

The Board 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 shall be in general harmony or better, with the character and appearance of the surrounding neighborhood.
- G. 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.

**Sec. 30-040 Conditional Approval**

- A. 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 for furnishing specific information related to the proposed use. Failure to comply with the conditions of approval shall constitute a violation of the Zoning Ordinance.
- B. 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.

**Sec. 30-050 Expiration of Conditional Use Permit**

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.

## ARTICLE 31

### ZONING VARIANCES

#### Contents

Sec. 31-010	Variances from Ordinance
Sec. 31-020	Application for Variance
Sec. 31-030	Procedures for Variance Approval
Sec. 31-040	Standards for Approval of a Variance
Sec. 31-050	Conditional Approval
Sec. 31-060	Relationship to Subject Property

#### **Sec. 31-010 Variances from Ordinance**

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

#### **Sec. 31-020 Application for Variance**

A person desiring a variance from the terms of the Zoning Ordinance shall submit a written application for a variance request with the Planning Director. An application for a variance request shall be made on forms available at the Planning Department and shall describe the specific use or standard from which the variance is sought. In addition, the application request shall include a copy of a site plan, drawn to an appropriate scale, which shows:

- A. The subject property
- B. The location of all existing and proposed buildings, structures and improvements to be made to the subject property
- C. Accurate dimensions of the parcel, buildings, parking areas and ingress/egress driveways
- D. Location, right-of-way and pavement width of all streets adjacent to the subject property.
- E. Any other relevant information required by the Planning Director.

The application shall also be accompanied by:

- A. The appropriate filing fee. In order to defray, in part, the expenses connected with the application a filing fee in the amount of \$125.00 shall be submitted with the application.
- B. Any other relevant information required by the Planning Director.

#### **Sec. 31-030 Procedures 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 public hearing to be held before the Board of Zoning Appeals. 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 Appeal hearing on the application, the Planning Director shall review the application for compliance with the Zoning Ordinance.
- C. The Board, at its discretion, may visit the subject property at any reasonable time during the review process. Under no circumstances shall Board members enter into any decision-making or deliberation process during any site visit.

- D. Notice of the Board hearing on the application for variance approval shall be published in a local newspaper of general circulation at least thirty (30) days prior to the hearing. The Planning Director shall notify the owners of record most recently provided by the Kanawha County Tax Assessor of properties located within 100 feet of the affected property no later than ten (10) days prior to the public hearing. The Planning Director shall also cause a sign to be posted and maintained on the subject property notifying area property owners and residents that a request for a variance for the property has been made.
- E. The Board shall conduct a public hearing on the variance request and may approve the application, approve the application with conditions, or deny the application. The Board 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.
- F. If the Board approves the application for the variance, the Planning Director shall issue the applicant a Building/Zoning Permit and/or land use certificate subject to the conditions of variance approval and the provisions of the ordinance.
- G. If the request for a variance is denied by the Board, the applicant shall be notified in writing by the Planning Director of the reasons for the denial. 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.
- H. Variances from the land use of a parcel or building shall not be permitted under any circumstances.

### **Sec. 31-040 Standards for Approval of a Variance**

The Board of Zoning Appeals shall grant a variance request if it finds that all of the following criteria can be met:

- A. The variance, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents; and,
- B. The variance arises from special conditions or attributes which pertain to the property for which a variance is being sought and which were not created by the person or entity seeking the variance; and,
- C. The variance, if granted, would eliminate an unnecessary hardship and permit a reasonable use of the land; and,
- D. The variance, if granted, will allow the intent of the zoning ordinance to be observed and substantial justice done.

### **Sec. 31-050 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 surrounding properties). A variance request 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 the Zoning Ordinance.

### **Sec. 31-060 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 the Zoning Ordinance.

**ARTICLE 32**  
**ADMINISTRATIVE APPEALS**  
**Contents**

Sec. 32-010	Authority
Sec. 32-020	Application for Administrative Appeal
Sec. 32-030	Procedures for Administrative Appeal
Sec. 32-040	Stay of Work

**Sec. 32-010 Authority**

The Board of Zoning Appeals shall hear, review and determine appeals from an order, requirement, decision or determination made by an administrative official or board charged with the enforcement of this ordinance pursuant to the Code of West Virginia, Chapter 8A, Article 8, Section 10, as amended.

**Sec. 32-020 Application for Administrative Appeal**

- A. An appeal from any order, requirement, decision or determination made by an administrative official or board charged with the enforcement of this zoning ordinance, or rule or regulation adopted pursuant to this ordinance, shall be filed with the Board of Zoning Appeals.
- B. Any person filing an appeal shall submit a written request for an appeal with the Planning Director. An application for an administrative appeal shall be made on forms available at the Planning Department and shall describe the details of the appeal, including the name of the administrative official, if applicable, who made the original decision, the date of the original decision and the reason for appealing the original decision. In order to defray, in part, the expenses connected with the application a filing fee in the amount of \$125.00 shall be submitted with the application.
- C. The appeal shall be filed within thirty (30) days of the date of the original order, requirement, decision or determination made by an administrative official or board charged with the enforcement of this zoning ordinance, or rule or regulation adopted pursuant to this ordinance.

**Sec. 32-030 Procedures for Administrative Appeal**

Applications for administrative appeals shall be considered in accordance with the following procedures.

- A. Within ten (10) days of receipt of the appeal by the Board, the Board shall set a date and time for a public hearing. The public hearing shall be held within forty-five (45) days of receipt of the appeal to the Board.
- B. At least fifteen (15) days prior to the date of the public hearing, the Board shall publish a legal advertisement of the place, date and time of the public hearing as a Class I legal advertisement in a newspaper of general circulation in accordance with the Code of West Virginia, Chapter 59, Article 3. Written notice of the public hearing shall also be provided to interested parties. The Board may require the applicant to pay for the cost of public notice and written notice to interested parties.
- C. Prior to the Board of Zoning Appeal hearing on the application, the Planning Director shall review the application for compliance with the Zoning Ordinance.
- D. Upon request of the Board, the administrative official or board shall transmit all documents, plans and papers constituting the record of the action from which the appeal was taken.
- E. At the public hearing, any party may appear in person, by agent or by an attorney licensed to practice in the State of West Virginia.

- F. The Board shall conduct a public hearing on the appeal and may:
1. Deny the appeal and uphold the original order, requirement, decision or determination;
  2. Grant the appeal and overturn the original order, requirement, decision or determination;  
or,
  3. Issue an order which denies part of the appeal and grants part of the appeal.
- G. The Board shall make written findings of fact and conclusions of law on which the Board based its decision. The Planning Director shall promptly provide the applicant with a copy of the Board's written findings of fact and conclusions of law.
- H. If the Board grants the appeal, the Planning Director shall issue the applicant a Building/Zoning Permit and/or land use certificate, if applicable, subject to any conditions approved by the Board.
- I. If the Board denies the appeal, the applicant shall be notified in writing by the Planning Director of the reasons for the denial.

### **Sec. 32-040 Stay of Work**

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, 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.

## ARTICLE 33

### SITE PLAN REVIEW

#### Contents

Sec. 33-010	Site Plan Review Required
Sec. 33-020	Application
Sec. 33-030	Design and Improvement Requirements
Sec. 33-040	Site Plan Review
Sec. 33-050	Type I: Administrative Review of Simple Site Plans
Sec. 33-060	Type II: Administrative Review of Detailed Site Plans
Sec. 33-070	Type III: Planning Commission Review of Developments of Significant Impact (DSI)
Sec. 33-080	Type IV: Board of Zoning Appeals Review of Conditional Use Permits
Sec. 33-090	Resubmittal of Plans
Sec. 33-100	Rejection Statement
Sec. 33-110	Deviation from the Approved Site Plan and Additions to Existing Structures
Sec. 33-120	Financial Assurances
Sec. 33-130	Expiration Deadlines

#### **Sec. 33-010 Site Plan Review Required**

No land within the jurisdiction of the Municipal Planning Commission shall be developed or altered for the purpose of constructing buildings, installing amenities, or establishing uses without first having received site plan approval from the Planning Department or the Planning Commission. Site improvements such as fences, retaining walls, and driveways are subject to site plan review and require the issuance of a zoning permit.

#### **Sec. 33-020 Application**

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

#### **Sec. 33-030 Design and Improvement 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 City Engineer. In addition to the plan sheets specified below, the applicant shall submit a complete drainage report, including calculations and justifications. The City Engineer may approve other engineering designs or practices when deemed necessary.

#### **Sec. 33-040 Site Plan Review**

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

- Type I: Administrative Review by the Planning Director of Simple Site Plans
- Type II: Administrative Review by the Planning Director of Detailed Site Plans
- Type III: Planning Commission Review of Developments of Significant Impact (DSI)
- Type IV: Board of Zoning Appeals Review of Conditional Use Permits.

#### **Sec. 33-050 Type I: Administrative Review of Simple Site Plans**

All applications for permits for single-family and duplex residential development shall be accompanied by the following:

- A. site plan that includes the following for use by the Planning Director:

1. The actual dimensions, size, square footage, and shape of the lot to be built upon;
  2. The approximate sizes and locations on the lot of existing structures, if any;
  3. The location, square footage, and dimensions of the proposed structure or alteration;
  4. The location of the lot with respect to adjacent rights-of-way and easements;
  5. The existing and proposed uses of the structure and land;
  6. The location and dimensions of off-street parking and means of ingress and egress for such space;
  7. Height of structure; and,
  8. Setbacks.
- B. The Planning Director may waive some of the requirements if they are deemed to be unnecessary by the Director.

### **Sec. 33-060 Type II: Administrative Review of Detailed Site Plans**

All applications for permits for multi-family structures of three or more units and non-residential developments that do not constitute a development of significant impact shall be accompanied by the following:

- A. A site plan drawn to scale, that includes the following for use by the Planning Commission:
1. The actual dimensions, size, square footage, and shape of the lot to be built upon as shown on an actual survey by a licensed land surveyor or registered professional engineer licensed by the State of West Virginia.
  2. The exact sizes and locations of existing structures on the lot, if any.
  3. The location, square footage, and dimensions of the proposed structure or alteration.
  4. The location of the lot with respect to adjacent rights-of-way.
  5. The existing and proposed uses of the structure and land.
  6. The number of employees, families, housekeeping units, bedrooms, or rental units the structure is designed to accommodate.
  7. The location and dimensions of off-street parking and means of ingress and egress for such space.
  8. Height of structure;
  9. Setbacks;
  10. Buffer yard and screening, if applicable;
  11. Location of garbage collection area and screening;
  12. Location of existing and/or proposed signs;
  13. Street typical for internal roadways;
  14. Location and size of drainage structures;
  15. Location of stormwater detention system, if applicable;
  16. Utility lines and easements;
  17. 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;
  18. If applicable, design of stormwater detention system and drainage calculations that bear the name, address, and seal of a registered professional engineer and that meet the

requirements of Article 26 of this ordinance and the design standards of the United States Natural Resource Conservation Service;

19. Parking and landscaping plan;
  20. Sign plan;
  21. Approved WV Division of Highways Access Permit, if applicable,
  22. Approved State of West Virginia NPDES General Permit for Storm Water Associated with Industrial (Construction) Activity, if applicable,
  23. Any other such information concerning the lot or neighboring lots as may be required by the Planning Director to determine conformance with, and provide for the enforcement of, this ordinance. Where necessary, the Planning Director 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) be based on an actual survey by a registered land surveyor or professional engineer licensed by the State of West Virginia.
- B. Where the Planning Director determines that any of the items listed above is unnecessary, he or she may waive its requirement.
- C. 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.
- D. Site plans approved by the Planning Commission authorize only the use, arrangement, and construction set forth in such approved site plans and no other use, arrangement or construction. Furthermore, the approval of a site plan shall not be construed to be approval of any violation of the provisions of this ordinance. The issuance of a building permit based upon site plans given approval by the Planning Commission shall not prevent the Commission from thereafter requiring the correction of errors in said site plans or from preventing operations from being carried on when in violation with this ordinance.
- E. One copy of the site plan submitted for a permit as required for the Planning Commission shall be returned to the applicant after the Commission has marked such copy as either approved or denied as to the provisions of this ordinance and attested to same by the signature of the Planning Director. The original, similarly marked, shall be retained by the Planning Department.

### **Sec. 33-070 Type III: Planning Commission Review of Developments of Significant Impact (DSI)**

There are two categories of Developments of Significant Impact as defined by this ordinance:

1. Developments of Significant Impact
  2. Major Developments of Significant Impact.
- A. Developments of Significant Impact

Applications for permits for Developments of Significant Impact (DSI), as defined by this ordinance shall be accompanied by a site plan drawn to scale that includes the following for the use of the Planning Director:

1. The actual dimensions, size, square footage, and shape of the lot to be built upon as shown on an actual survey by a licensed land surveyor or registered professional engineer licensed by the State of West Virginia
2. The exact sizes and locations of existing structures on the lot, if any
3. The location, square footage, and dimensions of the proposed structure or alteration
4. The location of the lot with respect to adjacent rights-of-way
5. The existing and proposed uses of the structure and land



6. The number of employees, families, housekeeping units, bedrooms, or rental units the structure is designed to accommodate
7. The location and dimensions of off-street parking and means of ingress and egress for such space
8. Height of structure
9. Setbacks
10. Buffer yard and screening, if applicable
11. Location of garbage collection area and screening
12. Street typical for internal roadways
13. Location and size of drainage structures
14. Location of stormwater detention system, if applicable
15. Utility lines and easements
16. Signature of applicant
17. 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
18. If applicable, design of stormwater detention system and drainage calculations that bear the name, address, and seal of a registered professional engineer and that meet the requirements of Article 26 of this ordinance and the design standards of the United States Natural Resource Conservation Service
19. Parking plan
20. Landscaping plan
21. Sign plan
22. Approved WV Division of Highways Access Permit, if applicable
23. Approved State of West Virginia NPDES General Permit for Storm Water Associated with Industrial (Construction) Activity, if applicable
24. Any other such information concerning the lot or neighboring lots as may be required by the Planning Director to determine conformance with, and provide for the enforcement of, this ordinance; where deemed necessary, the Planning Director 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) be based on an actual survey by a registered land surveyor or professional engineer licensed by the State of West Virginia.
25. Where the Planning Director determines that any of the items listed above is unnecessary, he or she may waive its requirement.
26. 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.
27. The Planning Director may require that the lot and location of the building thereon shall be staked out on the ground before construction of a dwelling unit or primary structure is begun. The Planning Director, where deemed appropriate, may require the same for accessory structures or minor Additions. In any case, it shall be the owner's responsibility to ensure that a structure is placed on his property according to the approved site plan.
28. Site plans approved by the Planning Commission authorize only the use, arrangement, and construction set forth in such approved site plans and no other use, arrangement or

construction. Furthermore, the approval of a site plan shall not be construed to be approval of any violation of the provisions of this ordinance. The issuance of a building permit based upon site plans given approval by the Planning Commission shall not prevent the Planning Director from thereafter requiring the correction of errors in said site plans or from preventing operations from being carried on when in violation with this ordinance.

29. One copy of the site plan submitted for a permit as required above for the Planning Commission shall be returned to the applicant after the Planning Commission has marked such copy as either approved or denied as to the provisions of this ordinance and attested to same by the signature of the Planning Director. The original, similarly marked, shall be retained by the Planning Department.
- B. Major Developments of Significant Impact

Major Developments of Significant Impact (MDSI), as defined by this ordinance, are those that are of such scope and scale that they have an impact on the region in terms of the transportation network, the environment, the schools, etc. Such projects include regional shopping centers and large scale residential developments. All applications for a MDSI shall be accompanied by a site plan, submitted under the seal and signature of a professional engineer licensed to practice by the State of West Virginia, and shall observe the following format:

1. Sheet One (Title Sheet)
  - a. Full legal description with sufficient reference to section corners and boundary map of the subject project, including appropriate benchmark references
  - b. Name of the Project
  - c. Name and address of the owner, developer, and person who prepared the plans
  - d. Total acreage within the project and the number of residential dwelling units or the gross square footage of non-residential buildings
  - e. Existing zoning of the subject land and all adjacent lands
  - f. Boundary lines of adjacent tracts of land, showing owners of record
  - g. A key or vicinity map at a scale of one inch equals four hundred feet or less, showing the boundaries of the proposed project and covering the general area within which it is to be located
  - h. A statement of the proposed uses, stating the type and size of residential and non-residential buildings, and the type of business, commercial or industry, so as to reveal the effect of the project on traffic, fire hazards, or congestion of population
  - i. Proposed covenants, restrictions, by-laws, or articles of incorporation affecting property owners and/or homeowners associations; and
  - j. Statement of proposed starting and completion dates for the project, including any proposed phasing and sequencing.
2. Sheet Two (Existing Site Conditions)
  - a. Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications, railroad and utility rights-of-way or easements, parks, wooded areas, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the Commission or the Planning Director for the subject land, and within three hundred (300) feet of the proposed project;
  - b. Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts,

- bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and locations;
- c. Existing contours based in U.S.G.S. datum with intervals of not more than five (5) feet where the slope is greater than ten (10) percent and not more than two (2) feet where the slope is less than ten (10) percent. Elevations shall be based on sea level datum.
  - d. The water elevation at the date of the survey of lakes, streams, or designated wetlands within the project or affecting it, as well as the approximate high and low water elevation of such lakes, streams, or designated wetlands. The plan shall also show the contour line of the regulatory flood (100-year flood) elevation and the contour line for the floodway fringe boundary. All elevations shall be based on sea level datum.
3. Sheet Three (Proposed Site Conditions)
- a. Location, widths, and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, parks, wooded areas, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the Commission or the Planning Director for the subject land, and within three hundred (300) feet of the proposed project.
  - b. Existing and proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and locations.
  - c. Building setback lines, showing dimensions.
  - d. Full description and details, including engineering calculations, for provision of storm water drainage plans and facilities, including basin mapping. The standard for drainage detention is that the run-off rate of a 100-year post-development event cannot exceed the rate for a 10-year pre-development event.
  - e. Internal and perimeter sidewalk system/pedestrian circulation plan.
  - f. Proposed contours with intervals of not more than five (5) feet where the slope is greater than ten (10) percent and not more than two (2) feet where the slope is less than ten (10) percent. The plan shall also show the contour line for the floodway fringe boundary.
  - g. Show the location and detail plans for all trash dumpsters.
4. Sheet Four (Erosion Control Plan)
- a. Location, widths, and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, parks, wooded areas, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the Commission or the Planning Director for the subject land, and within three hundred (300) feet of the proposed project.
  - b. Proposed contours with intervals of not more than five (5) feet where the slope is greater than ten (10) percent and not more than two (2) feet where the slope is less than ten (10) percent.
  - c. Details of terrain and area drainage, including the identity and location of watercourses, intermittent and perennial streams, receiving waters, and springs, and the total acreage of land that will be disturbed.

- d. The direction of drainage flow and the approximate grade of all existing or proposed streets.
  - e. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as part of, the proposed project, together with a map showing the drainage area, the complete drainage network, including outfall lines and natural drainage ways which may be affected by the proposed development, and the estimated runoff of the area served by the drains.
  - f. A description of the methods to be employed in disposing of soil and other material that is removed from the grading site, including the location of the disposal site.
  - g. Measures for soil erosion and sediment control which must meet or exceed the methods and standards adopted by the West Virginia Department of Natural Resources and/or set forth in the West Virginia Handbook For Erosion Control in Developing Areas and which must comply with the design principles, performance standards, and requirements set forth.
  - h. A schedule of the sequence of installation of planned erosion and sediment control measures as related to the progress of the project, including the total area of soil surface that is to be disturbed during each stage, the anticipated starting and completion dates, and a schedule for the maintenance of such measures.
  - i. Copies of the letter of intent and response from the Kanawha County Soil and Water Conservation District office for compliance, when required.
  - j. Any other information reasonably required by the Commission or Planning Director to properly evaluate the plan.
5. Sheet Five (Landscape Plan)
- A landscape plan prepared to the standards specified in this zoning ordinance.
6. Sheet Six (Plat-like dedication sheet, if necessary)
- The following information shall be submitted if a plat-like dedication document for easements and rights-of-way is deemed necessary by the Planning Commission:
- a. Parcels of land proposed to be dedicated or reserved for public use, or reserved for common use of all property owners within the project, with the proposed conditions and maintenance requirements, if any, shall be designated as such and clearly labeled on the plans.
  - b. Radii, internal angles, points of curvature; tangent bearings and lengths of all arcs, chord, and chord bearings.
  - c. Accurate location of all survey monuments erected, corners and other points established in the field in their proper places.
7. All sheets shall contain the following information:
- a. The proposed name by which the project shall be legally and commonly known.
  - b. Date of survey, scale, and north point.
  - c. All lots or out lots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes.
  - d. Private parks, common areas, or excluded parcels shall be designated as such and clearly labeled on the plans.
  - e. Such other information as may be deemed necessary for proper review of the site plan by the Planning Director, City Engineer, or Planning Commission.

- f. All necessary reference points tying the subject property to the appropriate section corners.
- g. Each sheet shall be sealed and signed by the professional engineer preparing the drawings.
- h. All sheets shall be tied to state plane coordinates for horizontal and vertical controls.
- i. Names and addresses of the parties within 200 feet of the property.
- j. The applicant must provide stamped, self-addressed envelopes in sufficient quantities to provide notification to the parties identified in the item above.

### **Sec. 33-080 Type IV: Board of Zoning Appeal Review of Conditional Use Permits**

All applications for a Conditional Use Permit shall be accompanied by the following:

- A. A site plan drawn to scale that includes the following:
  - 1. The actual dimensions, size, square footage, and shape of the lot to be built upon as shown on an actual survey by a licensed land surveyor or registered professional engineer licensed by the State of West Virginia.
  - 2. The exact sizes and locations on the lot of existing structures, if any.
  - 3. The location, square footage, and dimensions of the proposed structure or alteration.
  - 4. The location of the lot with respect to adjacent rights-of-way.
  - 5. The existing and proposed uses of the structure and land.
  - 6. The number of employees, families, housekeeping units, bedrooms, or rental units the structure is designed to accommodate.
  - 7. The location and dimensions of off-street parking and means of ingress and egress for such space.
  - 8. Height of structure.
  - 9. Setbacks.
  - 10. Buffer yard and screening, if applicable.
  - 11. Location of garbage collection area and screening.
  - 12. Street typical for internal roadways.
  - 13. Location and size of drainage structures.
  - 14. Location of stormwater detention system, if applicable;
  - 15. Utility lines and easements.
  - 16. 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.
  - 17. If applicable, design of stormwater detention system and drainage calculations that bear the name, address, and seal of a registered professional engineer and that meet the requirements of Article 26 of this ordinance.
  - 18. Parking plan.
  - 19. Landscaping plan.
  - 20. Sign plan.

21. Approved WV Division of Highways Access Permit, if applicable.
  22. Approved State of West Virginia NPDES General Permit for Storm Water Associated with Industrial (Construction) Activity, if applicable.
  23. Any other such information concerning the lot or neighboring lots as may be required by the Planning Director to determine conformance with, and provide for the enforcement of, this ordinance; where deemed necessary, the Planning Director 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) be based on an actual survey by a registered land surveyor or professional engineer licensed by the State of West Virginia.
- B. Where the Planning Director determines that any of the items listed above is unnecessary, he or she may waive its requirement.
  - C. 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.
  - D. The Planning Director may require that the lot and location of the building thereon shall be staked out on the ground before construction of a dwelling unit or primary structure is begun. The Planning Director, where deemed appropriate, may require the same for accessory structures or minor additions. In any case, it shall be the owner's responsibility to ensure that a structure is placed on his property according to his approved site plan.
  - E. Site plans approved by the Board of Zoning Appeals may authorize the use, arrangement, and construction set forth in such approved site plans. Furthermore, the approval of a site plan shall not be construed to be approval of any violation of the provisions of this ordinance. The issuance of a building permit based upon site plans given approval by the Board shall not prevent the Planning Director 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.
  - F. One copy of the site plan submitted for a permit shall be returned to the applicant after the Planning Director has marked such copy as either approved or disapproved as to the provisions of this ordinance and attested to same by his signature on such copy. The original, similarly marked, shall be retained by the Planning Director.
  - G. The applicant shall be required to submit written documentation of the following, when applicable:
    1. Utility encroachment approvals.
    2. Other local, state, and federal approvals, including other City boards, commissions, or departments.
    3. Inspection and testing agreements with the Engineering Department.
    4. Outside reviews as required by the City.
    5. Easements and rights-of-ways not on a plat-like document shall be submitted in the form prescribed by the Engineering Department and include both a full legal description and a drawing exhibit.

### **Sec. 33-090 Resubmittal of Plans**

Applicant shall submit five (5) complete sets of the final, revised plans showing conditions required by the Planning Commission, Board of Zoning Appeals and/or Planning Director. Final revised plans shall be submitted at least ten (10) working days prior to issuance of a permit.

### **Sec. 33-100 Rejection Statement**

- A. The Planning Commission, Board of Zoning Appeals and/or Planning Director may reject any submittal if the application is found to be incomplete and/or the drawing set or supporting documents are not complete.

- B. After the review of an approved submittal, the Board shall render a decision in writing, which shall consist of:
1. 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; or
  2. Denial 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
  3. Approval of the site plan subject to any conditions, modifications and restrictions as required by the Board which will ensure that the project meets the general, design and performance standards set forth in this ordinance; or
  4. Denial of the site plan based upon its inconsistency with the City's Comprehensive Plan.

### **Sec. 33-110 Deviation from the Approved Site Plan and Additions to Existing Structures**

If the installation of the elements on the site plan materially deviate from the approved site plan (as determined by the Planning Director or City Engineer), the site plan shall be resubmitted to the Board 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 Board during the site plan approval stage
- C. Reduces the area devoted to open spaces or buffer landscaping;
- 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 5,000 square feet, whichever is less
- E. Minor changes that do not constitute material deviation shall be reviewed and approved by the Planning and Engineering staff.

### **Sec. 33-120 Financial Assurances**

The City reserves the right to require financial assurances to guarantee construction according to plans of all public improvements proposed in a site plan and for certain private improvements, including but not limited to site grading, drainage improvements, erosion control, sanitary sewers, private streets, landscaping and buffering, or other improvements which may directly impact adjacent properties or the health, safety, or welfare of the general public. Such assurances of performance shall be in an amount and form as prescribed by the City. Maintenance bonds shall be required for public improvements. Public improvements shall be dedicated within two (2) years of the date of Planning Commission or Board of Zoning Appeals approval unless time extensions are granted by the City. If public improvements are not dedicated with two (2) years, the City may take any action deemed necessary to insure completion to a point of dedication.

### **Sec. 33-130 Expiration Deadlines**

- A. Approval of site plans shall expire two (2) years from the date of approval if necessary land improvements have not been completed. The Planning Commission, Planning Director or Board of Zoning Appeals, as the case may be, at its discretion may grant extensions for a period up to two (2) years.
- B. Bonded improvements must be completed within two (2) years of issuance of land alteration permit. Bond requirements shall comply with the provisions of the Code of West Virginia, Chapter 8A, Article 6, Section 1.
- C. Request for extension must be submitted in writing stating the justification for the extension.

**ARTICLE 34**  
**THE PLANNING COMMISSION**  
**Contents**

Sec. 34-010	Establishment
Sec. 34-020	Powers and Duties
Sec. 34-030	Meetings
Sec. 34-040	Quorum
Sec. 34-050	Officers

**Sec. 34-010 Establishment**

The City Council may establish a Planning Commission to promote the orderly development of Charleston. The Planning Commission shall be established in accordance with the Code of West Virginia, Chapter 8A, Article 2, 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.

- A. The Charleston Planning Commission shall consist of not less than five (5) nor more than fifteen (15) members, the exact number to be specified in the ordinance creating the Planning Commission.
- B. The members of the Planning Commission shall be:
  1. Residents of the City; and
  2. Qualified by knowledge and experience in matters pertaining to the development of the City.
- C. At least three-fifths of all of the members shall have been residents of the City for at least three (3) years prior to nomination or appointment and confirmation.
- D. The members of the Commission shall fairly represent different areas of interest, knowledge and expertise, including, but not limited to, business, industry, labor, government and other relevant disciplines. One member of the Commission shall also be a member of City Council, or a designee, and one member shall also be a member of the administrative department of the City, or a designee. The term of membership of these two members shall be the same as their term in office.
- E. The remaining members of the Commission shall serve respectively for terms of one (1) year, two (2) years and three (3) years, divided equally or as nearly equally as possible between these terms. Thereafter, members shall serve three (3) year terms. Vacancies shall be filled for the unexpired term and made in the same manner as original selections were made.
- F. Members shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.
- G. Nominations for Planning Commission membership shall be made by the Mayor and confirmed by the City Council.
- H. An individual may serve as a member of the Municipal Planning Commission, the Kanawha County Planning Commission, a multi-county planning commission, a regional planning commission or a joint planning commission, at the same time.
- I. The City Council may establish procedures for the removal of Planning Commission members for inactivity, neglect of duty or malfeasance. The procedures must contain provisions requiring that the person to be removed be provided with a written statement of the reason for removal and an opportunity to be heard on the matter.



**Sec. 34-020 Powers and Duties**

The Planning Commission shall have the following powers and duties:

- A. Exercise general supervision for the administration of the affairs of the Commission;
- B. Prescribe rules and regulations pertaining to administration, investigations and hearings with approval by City Council;
- C. Supervise the fiscal affairs and responsibilities of the Commission;
- D. With consent from City Council, hire employees necessary to carry out the duties and responsibilities of the Planning Commission whose salaries are determined by Council;
- E. Keep an accurate and complete record of all Planning 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 the City;
- J. Prepare, publish and distribute reports, ordinances and other material relating to the activities authorized under the Code of West Virginia, Chapter 8A, Article 2;
- K. Adopt a seal and certify all official documents;
- L. Invoke any legal, equitable or special remedy for the enforcement of the provisions of the Code of West Virginia, Chapter 8A, Article 2, or any ordinance, rule or regulation adopted under its provisions;
- 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.

**Sec. 34-030 Meetings**

- A. The Planning Commission shall meet at least quarterly and may meet more frequently at the request of the Commission president or by two (2) or more members.
- B. Notice for a special meeting shall be in writing, including the date, time and place of the special meeting, and shall be sent to all members at least two (2) days before the special meeting.
- C. Written notice of a special meeting is not required if the date, time and place of the special meeting were set in a regular meeting.

**Sec. 34-040 Quorum**

The Planning Commission shall have a quorum to conduct a meeting. A majority of members shall constitute a quorum. No action of the Commission shall be official unless authorized by a majority of the members present at a regular or properly called meeting.

**Sec. 34-050 Officers**

At the first regular meeting following the appointment and re-appointment of members, the Commission shall elect from its members a president and vice president. The vice president shall have the power and authority to act as president of the Planning Commission during the absence or disability of the president.

**ARTICLE 35**  
**THE BOARD OF ZONING APPEALS**  
**Contents**

Sec. 35-010	Establishment
Sec. 35-020	Alternate Members
Sec. 35-030	Powers and Duties
Sec. 35-040	Meetings
Sec. 35-050	Quorum
Sec. 35-060	Officers
Sec. 35-070	Judicial Review

**Sec. 35-010 Establishment**

The City Council shall establish a Board of Zoning Appeals to hear appeals on zoning issues. The Board shall be established in accordance with the Code of West Virginia, Chapter 8A, Article 8, as amended, with all the rights and responsibilities accorded therein.

- A. The Board shall consist of five members to be appointed by Council.
- B. Members of the Board shall:
  - 1. Be residents of the City for at least three (3) years preceding the appointment;
  - 2. Not be a member of the Municipal Planning Commission; and,
  - 3. Not hold any other elective or appointive office in the City of Charleston.
- C. Upon the establishment of the Board, the members shall be appointed for the following terms: one for a term of one (1) year; two (2) for a term of two (2) years; and two (2) for a term of three (3) years. The terms shall expire on the first day of January of the first, second and third year, respectively, following their appointment. Thereafter, members shall serve three-year terms. If a vacancy occurs, the City Council shall appoint a member for the unexpired term.
- D. The members of the Board shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.

**Sec. 35-020 Alternate Members**

- A. The City Council may appoint up to three (3) additional members to serve as alternate members of the Board of Zoning Appeals.
- B. Alternate members of the Board shall meet the eligibility criteria included in Section 35-010.
- C. The term for an alternate Board member is three (3) years. The City Council may appoint alternate members on a staggered term schedule.
- D. An alternate member shall serve on the Board when one of the regular members is unable to serve. The alternate member shall serve until a final determination is made in the matter to which the alternate member was initially called on to serve.
- E. The Board of Zoning Appeals shall establish rules and procedures for designating an alternate member.
- F. An alternate member shall have the same powers and duties of a regular Board member.

**Sec. 35-030 Powers and Duties**

The Board of Zoning Appeals shall have the following powers and duties:

- 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 a zoning ordinance or rule and regulation adopted pursuant thereto;
- B. Authorize exceptions to the district rules and regulations only in the classes of cases or in particular situations, as specified in the zoning ordinance;
- C. Hear and decide conditional uses of the zoning ordinance upon which the Board is required to act under the zoning ordinance;
- D. Authorize, upon appeal in specific cases, a variance to the zoning 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 appeal;
  - 2. Applications for 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 the Code of West Virginia, Chapter 8A, Article 8.
- 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 from Council, hire employees necessary to carry out the duties and responsibilities of the Board: provided, that Council sets the salaries; and
- L. Supervise the fiscal affairs and responsibilities of the Board.

### **Sec. 35-040 Meetings**

- A. A Board shall meet quarterly and may meet more frequently at the written request of the chairperson or by two or more members.
- B. Notice for a special meeting shall be in writing and shall include the date, time and place of the special meeting, and be sent to all members at least two (2) days before the special meeting.
- C. Written notice of a special meeting is not required if the date, time and place of the special meeting were set in a regular meeting.

### **Sec. 35-050 Quorum**

The Board of Zoning Appeals shall have a quorum to conduct a meeting. A majority of the members of the Board shall constitute a quorum. No action of a Board is official unless authorized by a majority of the members present at a regular or properly called special meeting.

### **Sec. 35-060 Officers**

At its first regular meeting each year, the Board shall elect a chairperson and vice chairperson from its membership. The vice chairperson shall have the power and authority to act as chairperson during the absence or disability of the chairperson.

### **Sec. 35-070 Judicial Review**

Every decision or order of the Board of Zoning Appeals shall be subject to review by certiorari. Within thirty (30) days after a decision or order by the Board, any aggrieved person may present to the Circuit Court of Kanawha County a duly verified petition for a writ of certiorari setting forth that the decision or order by the Board is illegal in whole or in part, and specify the grounds of the alleged illegality. Any petition filed shall be done pursuant to the Code of West Virginia, Chapter 8A, Article 9, as amended.

**ARTICLE 36**  
**PERMIT, CERTIFICATE AND APPROVAL REVOCATION**  
**Contents**

Sec. 36-010	Authority to Revoke
Sec. 36-020	Effect of Revocation
Sec. 36-030	Revocation Procedure
Sec. 36-040	Appeal of Revocation

**Sec. 36-010 Authority to Revoke**

Any permit or approval issued or granted under this ordinance may be revoked by the Planning Director, in accordance with the provisions of this article, if the Director finds that the recipient of the permit or approval ("recipient") fails to use, develop or maintain the subject property in accordance with the plans submitted, the requirements and standards of this ordinance, any additional requirements or conditions imposed by the City, Board, Commission or Planning Director, or any commitments or self-imposed conditions made by the recipient.

**Sec. 36-020 Effect of Revocation**

- A. No person may continue to improve or make use of the subject property after a permit or approval issued pursuant to this ordinance has been revoked.
- B. No additional permits, certificates or approvals directly affecting or relative to the subject property until the basis for the revocation has been removed by the applicant or the matter otherwise resolved by the City and recipient.

**Sec. 36-030 Revocation Procedure**

- A. If the Planning Director finds that sufficient grounds exist for the revocation of a permit or approval issued pursuant to this ordinance, the Director shall send the recipient ten (10) days written notice of intent to revoke, inform the recipient of the specific basis found to justify revocation, and specify the actions necessary to avoid revocation.
- B. The Planning Director shall, upon request, review the basis of the intended revocation with the recipient.
- C. The recipient shall implement the actions specified by the Planning Director within ten (10) days of the date of notice or within such other reasonable time as may be determined by the Director.
- D. If the Planning Director revokes a permit or approval issued pursuant to this ordinance, the Director shall send the recipient a written notice of revocation which specifies the specific basis of the revocation and which informs the recipient of his right to appeal the Director's action.

**Sec. 36-040 Appeal of Revocation**

The revocation of any permit or approval issued pursuant to this ordinance may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by the revocation, under the processes set forth for administrative appeals in Article 32 of this ordinance. Application for such an appeal shall be filed with the Planning Director within 30 days of the permit revocation.

**ARTICLE 37**  
**VIOLATIONS AND ENFORCEMENT**  
**Contents**

Sec. 37-010	Enforcement
Sec. 37-020	Penalty
Sec. 37-030	Injunction

**Sec. 37-010 Enforcement**

The City Council may:

- A. Enforce penalties, set out in Section 37-020, for failure to comply with the provisions of the zoning ordinance; and
- B. Declare that any buildings erected, raised or converted, or maintained, or land or premises used in violation of any provision of the zoning ordinance shall be a common nuisance and the owner of the building, land or premises shall be liable for maintaining a common nuisance.

**Sec. 37-020 Penalty**

A person who violates any of the provisions of this ordinance is guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty (50) dollars or more than five hundred (500) dollars.

**Sec. 37-030 Injunction**

- A. The Planning Commission, Board of Zoning Appeals, Planning Director or any designated enforcement official may seek an injunction in the Circuit Court of Kanawha County to restrain a person or unit of government from violating the provisions of this ordinance.
- B. The Commission, Board, Director or any designated enforcement official may also seek a mandatory injunction in the Circuit Court of Kanawha County directing a person or unit of government to remove a structure erected in violation of the provisions of this ordinance.
- C. If the Commission, Board, Director or designated enforcement official is successful in any such suit, the respondent shall bear the costs of the action.

# Appendix A Development Standards Chart

### DEVELOPMENT STANDARDS

Zoning District	Land Use	Minimum Lot Area	Intensity of Use	Minimum Lot Frontage	Maximum Height	Maximum Lot Coverage	Minimum Setbacks			
							Front	Rear	Side	Accessory Structures
R-2	Single-family	10,000 sf	10,000 sf/du	80 ft	35 ft; 18 ft for accessory structures	50%	25 ft	30 ft	8 ft	3 ft rear and side
R-4	Single-family	6,000 sf	6,000 sf/du	50 ft	35 ft; 18 ft for accessory structures	50%	20 ft	25 ft	5 ft	3 ft rear and side
R-6	Single-family	5,000 sf	5,000 sf/du	50 ft	35 ft; 18 ft for accessory structures	60%	15 ft	20 ft	5 ft	3 ft rear and side
	Duplex	5,000 sf	3,000 sf/du	50 ft						
	Triplex	5,000 sf	2,500 sf/du	50 ft						
	Multi-family (Four Units Maximum)	5,000 sf	2,500 sf/du	50 ft						
R-8	Single-family	4,000 sf	4,000 sf/du	40 ft	35 ft; 18 ft for accessory structures	60%	15 ft	20 ft	5 ft	3 ft rear and side
	Duplex	4,000 sf	2,500 sf/du	40 ft					5 ft	
	Triplex	4,000 sf	2,000 sf/du	40 ft					5 ft	
	Multi-family	4,000 sf	1,500 sf/du	40 ft	70 ft; 18 ft for accessory structures				5 ft for 35 ft structure. Each additional 5 ft in height add 1 ft to the side setback	



Zoning District	Land Use	Minimum Lot Area	Intensity of Use	Minimum Lot Frontage	Maximum Height	Maximum Lot Coverage	Minimum Setbacks			
							Front	Rear	Side	Accessory Structures
R-10	Single-family	4,000 sf	4,000 sf/du	40 ft	35 ft; 18 ft for accessory structures	60%	15 ft	20 ft	5 ft	3 ft rear and side
	Duplex	4,000 sf	2,500 sf/du	40 ft					5 ft	
	Triplex	4,000 sf	2,000 sf/du	40 ft					5 ft	
	Multi-family	4,000 sf	1,000 sf/du	40 ft	70 ft; 18 ft for accessory structures				5 ft for 35 ft structure. Each additional 5 ft in height add 1 ft to the side setback	
	Non-residential	4,000 sf	800 sf/ou (300 sf = 1 office unit)	40 ft						
RO	Single-family	4,000 sf	4,000 sf/du	50 ft	35 ft; 18 ft for accessory structures	60%	15 ft	20 ft	5 ft	3 ft rear and side
	Duplex	4,000 sf	2,000 sf/du	50 ft					5 ft	
	Triplex	4,000 sf	1,800 sf/du	50 ft					5 ft	
	Multi-family	4,000 sf	800 sf/du	50 ft	70 ft; 18 ft for accessory structures				5 ft for 35 ft structure. Each additional 5 ft in height add 1 ft to the side setback	
	Non-residential	4,000 sf	700 sf/ou (300 sf = 1 office unit)	50 ft						

Zoning District	Land Use	Minimum Lot Area	Intensity of Use	Minimum Lot Frontage	Maximum Height	Maximum Lot Coverage	Minimum Setbacks			
							Front	Rear	Side	Accessory Structures
C-4	Non-residential	5,000 sf	4000sf max bdg size	40 ft	35 ft; 18 ft for accessory structures	60%	15 ft	20 ft	0 ft if abutting commercial; 10 ft if abutting residential	3 ft rear and side
	Single-family	5,000 sf	5,000 sf/du	40 ft					5 ft if abutting residential; 10 ft if abutting commercial	
	Duplex	5,000 sf	3,000 sf/du	40 ft					5 ft if abutting residential; 10 ft if abutting commercial	
	Triplex	5,000 sf	2,500 sf/du	40 ft					5 ft if abutting residential; 10 ft if abutting commercial	
	Multi-family (Four Units Maximum)	5,000 sf	2,000 sf/du	40 ft					5 ft if abutting residential; 10 ft if abutting commercial	
C-8	Non-residential	4,000 sf	30,000 sf max bdg size	None	45 ft; 18 ft for accessory structures	75%	0 ft	25 ft	0 ft if abutting commercial; 10 ft if abutting residential	3 ft rear and side
	Single-family	4,000 sf	4,000 sf/du	40 ft	35 ft; 18 ft for accessory structures				5 ft if abutting residential; 10 ft if abutting commercial	
	Duplex	4,000 sf	2,500 sf/du	40 ft	35 ft; 18 ft for accessory structures				5 ft if abutting residential; 10 ft if abutting commercial	

	Triplex	4,000 sf	2,000 sf/du	40 ft	35 ft; 18 ft for accessory structures				5 ft if abutting residential; 10 ft if abutting commercial	
	Multi-family	4,000 sf	1,500 sf/du	40 ft	45 ft; 18 ft for accessory structures				5 ft if abutting residential; 10 ft if abutting commercial	
<b>C-10</b>	Non-residential	4,000 sf	None	None	80 ft; 18 ft for accessory structures	100%	0 ft	0 ft; 15 ft if abutting residential	0 ft if abutting commercial; 10 ft if abutting residential	3 ft rear and side
	Single-family	4,000 sf	4,000 sf/du	40 ft	35 ft; 18 ft for accessory structures				5 ft if abutting residential; 10 ft if abutting commercial	
	Duplex	4,000 sf	2,000 sf/du	40 ft	35 ft; 18 ft for accessory structures				5 ft if abutting residential; 10 ft if abutting commercial	
	Triplex	4,000 sf	1,200 sf/du	40 ft	35 ft; 18 ft for accessory structures				5 ft if abutting residential; 10 ft if abutting commercial	
	Multi-family	4,000 sf	1,000 sf/du	40 ft	80 ft; 18 ft for accessory structures				5 ft if abutting residential; 10 ft if abutting commercial	
<b>C-12</b>	Non-residential	4,000 fq	None	None	25 ft for accessory structures only	100%	0 ft	0 ft	0 ft	N/A
<b>CBD</b>	Non-residential	None	None	None	400 ft	100%	0 ft	0 ft	0 ft	0 ft
	Multi-family	4,000 sf	None	40 ft			0 ft	0 ft	0 ft	0 ft

Zoning District	Land Use	Minimum Lot Area	Intensity of Use	Minimum Lot Frontage	Maximum Height	Maximum Lot Coverage	Minimum Setbacks			
							Front	Rear	Side	Accessory Structures
UCD	Non-residential	None	None	None	4stories or 48'	100%	Max 5 ft	0 ft	0 ft	0 ft
	Multi-family	4,000 sf	None	40 ft			Max 5 ft	0 ft	0 ft	0 ft
CVD	Single-family	4,000 sf	4,000 sf/du	40 ft	4stories or 48'	60%	0 ft	20ft	0ft	3 ft rear and side
	Multi-family	4,000 sf	None	40 ft		100%	0 ft	0 ft	0 ft	
	Non-residential	None	None	None		100%	0 ft	0 ft	0 ft	
PMC	Non-residential (Up to 2 Structures)	None	2,000 sf/unit	None	200 ft	70%	20 ft perimeter setback around campus; the setback may be reduced to 10 ft when abutting a major arterial road			
	Campus (Three or More Structures in a unified development)	None	None	None						
	Multi-family	4,000 sf	1,000 sf/du	40 ft						
I-2	Industrial	5,000 sf	None	None	N/A	80%	0 ft	0 ft; 15 ft if abutting residential	0 ft; 10 ft if abutting residential	0 ft if abutting residential
I-4	Industrial	10,000 sf	None	None	N/A	80%	0 ft	0 ft; 15 ft if abutting residential	0 ft; 10 ft if abutting residential	0 ft if abutting residential

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<b>PUD</b>	Residential	3 acres	None	60 ft	70 ft; 18 ft for accessory structures	Determined by Drainage Plan	25 ft perimeter setback around PUD
	Non-Residential						