

**CITY OF MANNINGTON**  
**ZONING ORDINANCE# 310**

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**SEPTEMBER 1996**

**Prepared for**  
**CITY OF MANNINGTON**

**By**  
**MANNINGTON PLANNING COMMISSION**

# **CITY OF MANNINGTON ZONING ORDINANCE**

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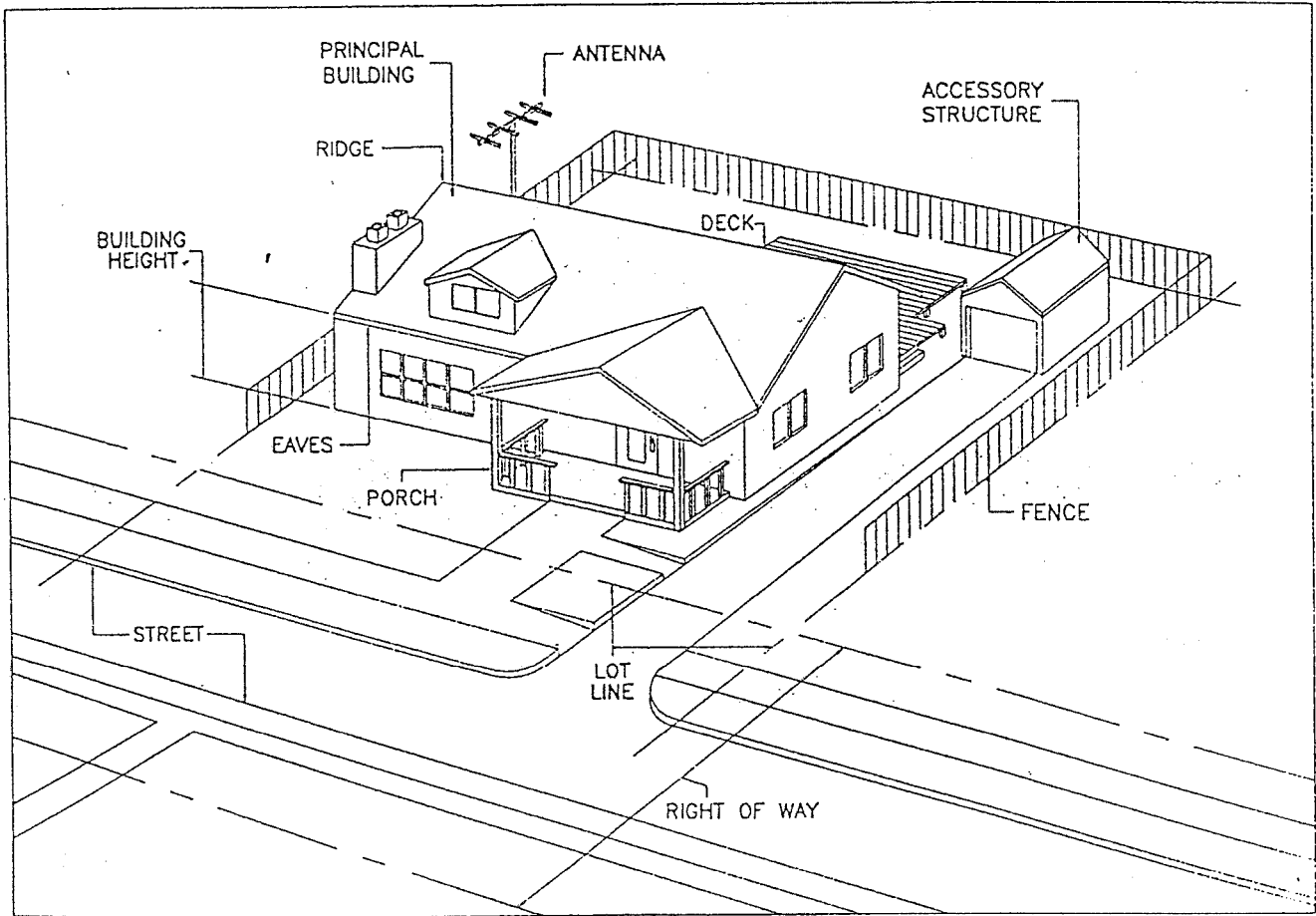
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## **CHAPTER ONE – ZONING ADMINISTRATION**

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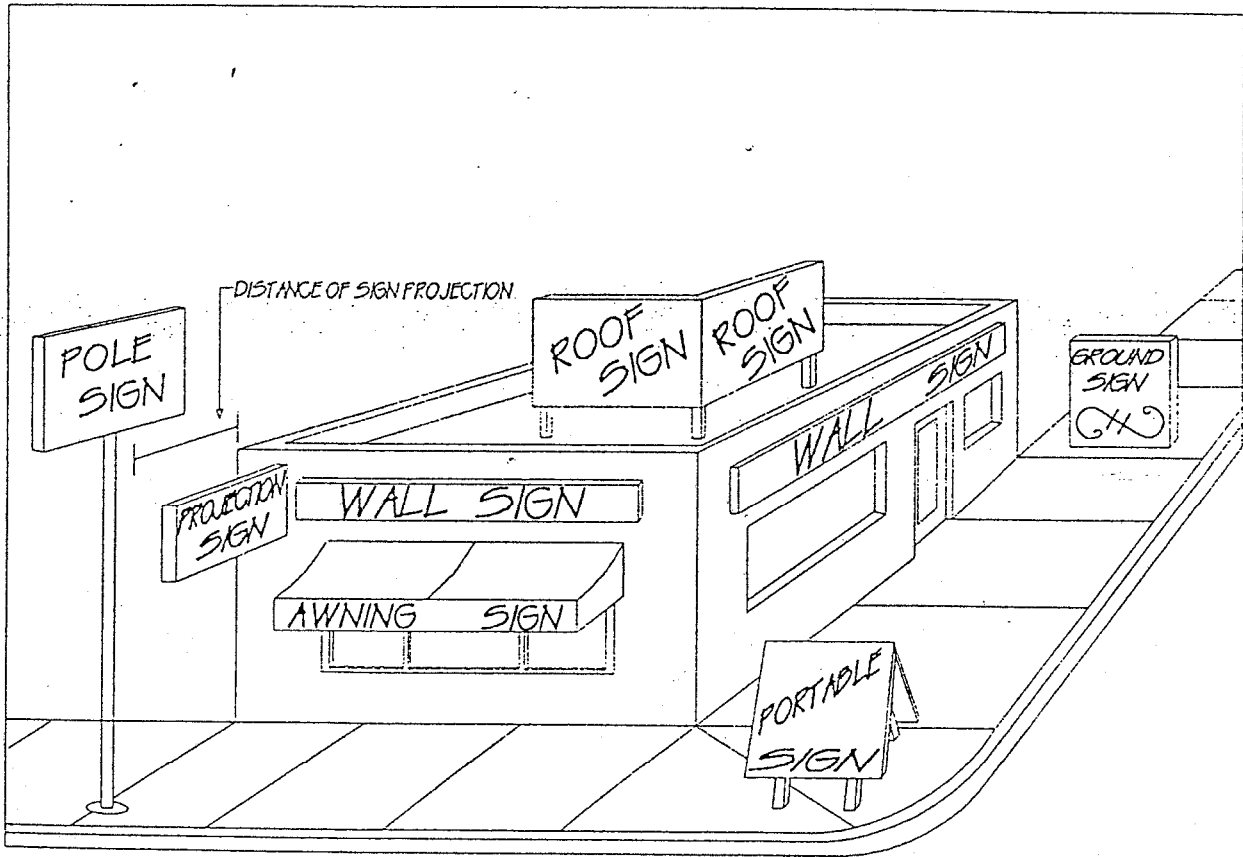
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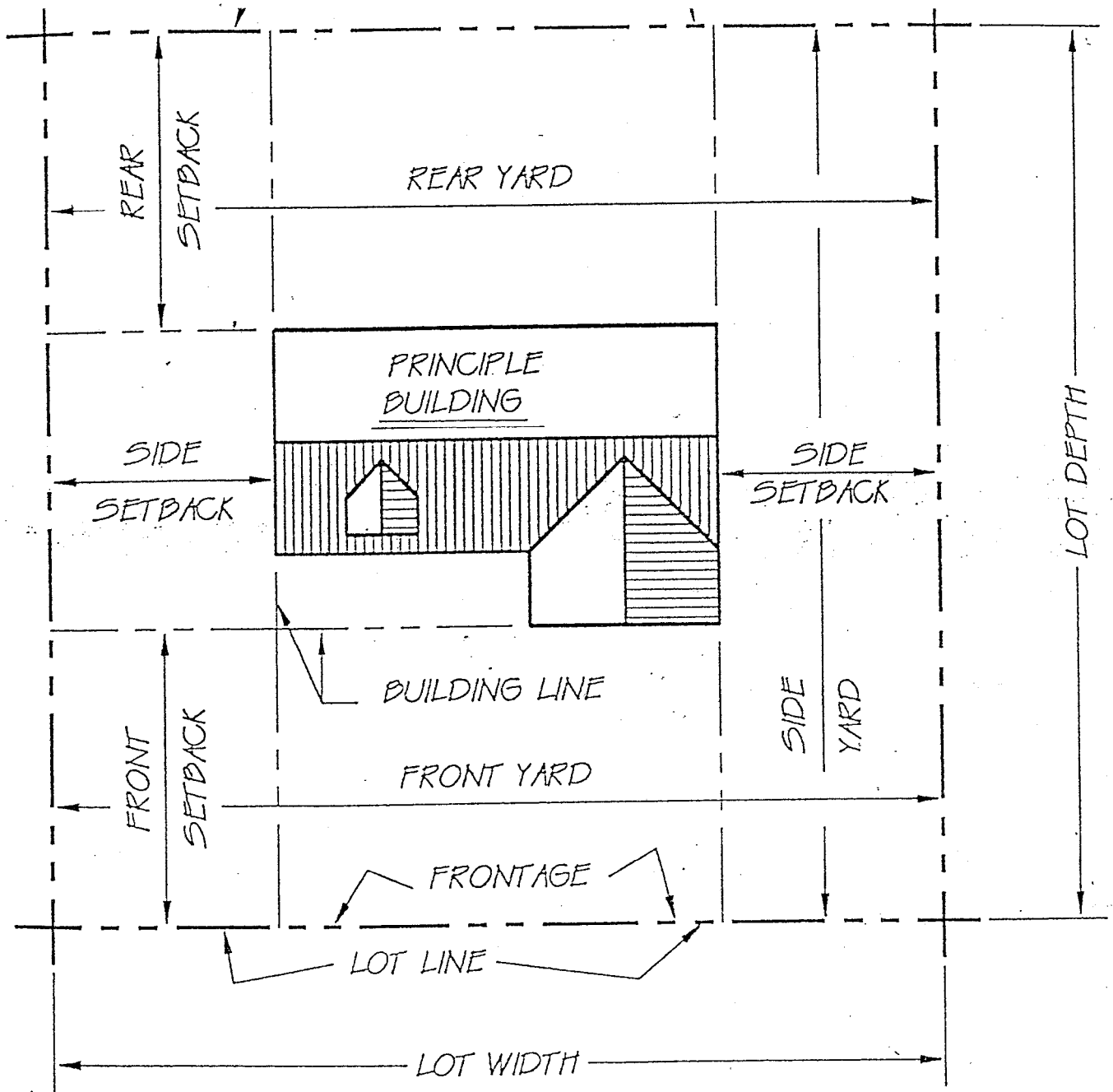
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**ARTICLE 1305**  
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**1305.01 ENFORCEMENT OFFICER.**

The person designated as the Code Enforcement Officer, with the aid of the Police Department shall enforce this Zoning Ordinance in accordance with the administrative provisions of the Building Code, If any, and this Ordinance. Appeal from the decision of the Code Enforcement Officer may be made to the Board of Zoning Appeals in accordance with Article 1307 of this Ordinance. It shall be the duty of the Code Enforcement Officer to:

- (a) Upon the finding that any of the provisions of this ordinance are being violated, notify in writing the person or party responsible for such violations, order action necessary to correct such violation, and if such order of correction is not completed within the time specified in the notice of violation, bring legal actions as necessary to compel correction of the violation.
- (b) Order discontinuance of illegal uses of land, buildings or structures.
- (c) Order removal of illegal buildings, structures and signs or illegal additions or alterations.
- (d) Order discontinuance of any illegal work being done.
- (e) Review application for permits as provided in this ordinance and issue permits when all requirements of this ordinance have been met.

**1305.02 PLANS; BUILDING PERMIT.**

- (a) No excavation for a foundation, nor the erection, construction or structural Alteration of any building or part of a building or occupancy of streets or alleys with building materials or temporary building for construction purposes shall be undertaken until a permit thereof shall have been issued by the Code Enforcement Officer.

- (b) Every application for a building permit or certificate of occupancy for a new Dwelling or a new structure intended for the operation of a business shall be Accompanied by a plot plan, which plot plan need not be signed or prepared By a registered land surveyor or engineer, but shall be based on a survey made within one year of the date of application of the exterior boundaries of the property made by a registered land surveyor or registered engineer and visibly staked and drawn to scale showing the actual shape and dimensions of the lot to be built upon, or altered, the existing and intended use of each building or part, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Zoning Ordinance. One copy of such plan shall be returned to the applicant when approved by the Code Enforcement Officer along with a copy of building permit, application and a building permit card to be posted at the job site.**
- (c) Every application for a building permit or a certificate of occupance for an alteration or an addition to an existing dwelling or structure must meet the same requirements as an application for a permit for a new structure, except the survey of the exterior boundary of the property need not be made within one year of the date of application so long as the exterior property corners are visibly staked and drawn to scale, showing the actual shape and dimensions of the lot to be built upon or altered, the existing and intended use of each building or part, the proposed number of families or housekeeping units, such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Ordinance.**
- (d) One copy of such plans shall be returned to the applicant along with a copy of the building permit application and a building permit card to be posted at the job site.**
- (e) The Enforcement Officer may prescribe reasonable rules and require other information as deemed necessary on the building and occupancy permit forms.**

### **1305.03 DEVELOPMENT PLAN.**

- (a) The owner or owners of any tract of land who desire to develop such tract of land by constructing three or more contiguous residential units or developing such land for commercial or industrial purposes shall submit a plan for the use and development of the land. All requirements shall be met as governed by this section as well as Section 1341.02. All development plans shall provide for access which is adequate for the determined use and designed to City standards.**

- (b) Upon receipt of the plan, the Commission shall set a date, time and place for a hearing, notify the applicant in writing, and at least fifteen days prior to the date set for hearing, publish, as a Class 1 legal advertisement, a notice giving the date, time and place of the hearing on the plan.
- (c) After the hearing, the Commission shall approve or disapprove the plan, shall state the reasons for approval or disapproval of the plan, and state the specific evidence and facts showing that the proposed plan has made provisions for, and is consistent with, the following essential and required elements.
  - (1) The appropriate use of property adjacent to the area included in the plan will be fully safeguarded;
  - (2) The plan is consistent with the intent of this Zoning Ordinance to promote public health, safety and general welfare;
  - (3) Adequate sanitary sewer, water, storm sewer and other utility facilities are provided;
  - (4) All street rights of way are coordinated with existing and planned streets and will be no less than forty feet in width and the cartway will be no less than twenty feet in width. No street shall be deadened except in a cul-de-sac with no less than a forty-foot turning radius exclusive of any on-street parking area;
  - (5) If the plan is for a residential development tract, the buildings shall be used primarily for single-family or multi-family dwellings, apartments or group housing, and the usual accessory uses such as garages, storage space and community activities, and the minimum undeveloped acre of that tract shall be fifty percent (50%) of the total tract area, at least part of which must be deemed by the Commission suitable for recreational use. Streets dedicated to public use are not to be included in the total area or the undeveloped area. Building, driveways, walkways, off-street parking areas, access roads and non-dedicated streets shall be included in total area but not in undeveloped area.
  - (6) All plans shall show proposed location of sidewalks and street lighting as deemed necessary by Planning Commission.

#### **1305.04 CERTIFICATE OF USE AND OCCUPANCY.**

No person shall use or permit the use of any building or premises or part thereof hereafter erected, created or changed or converted wholly or partly in its use or structure until the Building Inspector has issued a certificate of use and occupancy stating that the building and premises comply with the provisions of the Zoning Ordinance. Nothing in this section shall prevent the continuance of the legal nonconforming use of any premises or of any existing building.

A record of all certificates of use and occupancy shall be kept on file in the Office of the Building Inspector and copies shall be furnished on written request.

**No permit for the erection of any building shall be issued before application has been made for a certificate of use and occupancy. Such certificates shall be issued within ten days after the completed erection or alteration has been approved. No building or premises may be occupied until the certificate has been issued.**

**All nonconforming uses under the provisions of the Ordinance, for which no variance has been granted by the Board of Zoning Appeals, or for which application for a certificate of use and occupancy was not submitted prior to April 1, 1981, shall be presumed to have arisen subsequent to that date. For purposes of determining the number of boarders of roomers maintained in dwellings within any District the Building Inspector may require such proof as he deems necessary.**

### **1305.05 CITY ATTORNEY TO INSTITUTE ACTION.**

**In case any building or structure is, or is intended to be erected, constructed, reconstructed, altered or converted, or any building, structure or premises is, or is intended to be used in violation of, or contrary to the provisions of the Zoning Ordinance, the City Attorney is hereby authorized, in addition to other remedies set forth in the West Virginia Code and in the Ordinance, to institute any appropriate action or proceedings to prevent such erection, construction, reconstruction, alteration or conversion or use.**

### **1305.99 PENALTY.**

**Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any provisions of this Zoning Ordinance for which no other penalty is provided shall be fined not less than Ten Dollars (\$10.00) nor more than three hundred (\$300.00) for each offense. Fines shall begin on the day the Building Inspector issues a violation and each day's continuance of a violation shall be considered a separate offense.**

## **CROSS REFERENCES**

**Enforcement – see W.V., Code 8-24-66**

**Injunction – see W.V., Code 8-24-67**

**Penalty – see W.V., Code 8-24-68**

**ARTICLE 1307**  
**Board of Zoning Appeals**

- 1307.01 Creation; membership; term.**
- 1307.02 Officers; quorum; compensation of secretary and employees.**
- 1307.03 Offices; expenses.**
- 1307.04 Rules and regulations; records.**
- 1307.05 Powers; duties.**
- 1307.06 Appeals.**

**1307.01 CREATION; MEMBERSHIP; TERM.**

A Board of Zoning Appeals shall be appointed in accordance with the provisions of West Virginia Code Article 8-24. Such Board shall consist of five members to be appointed by Council upon recommendation of the mayor.

- (a) The members of the Board shall be freeholders who are residents of the city and at least three-fifths (3/5) of such members must have been residents of the City for at least ten years preceding the time of their appointment. No member of the Board shall be a member of the Planning Commission nor shall any member hold other elective or appointive office in the Municipal or County government. Members of the Board shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.
- (b) After the effective date of this ordinance the members of the Board shall be appointed for the following terms: One for a term of one year; two for a term of two years; and two for a term of three years. The terms shall expire on January 1 of the first, second and third year respectively, following their appointment. Thereafter, as their terms expire, each new appointment shall be for a term of three years.

If a vacancy occurs, by resignation or otherwise, among the members of the Board, Council shall appoint a member for the unexpired term.

**1307.02 OFFICERS; QUORUM.**

- (a) At its first meeting of each year, the Board of Zoning Appeals shall elect a chairman and a vice chairman from its membership. The vice chairman shall have the power and authority to act as chairman during the absence or disability of the chairman.

- (b) A majority of the members of the Board shall constitute a quorum. No action of the Board shall be official, however, unless authorized by a majority of all of the members of the Board.
- (c) The Board may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duties, all in conformity to and in compliance with the salaries and compensation theretofore fixed by the municipality.

### **1037.03 RULES AND PROCEDURES.**

The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, and shall record the vote of all actions taken. All minutes and records shall be filed in the office of the City Clerk within thirty days of the meeting and shall be a public record. The Board shall make a written report to the City Council each July covering the period of July 1 of the previous year through June 30 of the current year.

### **1307.04 POWERS; DUTIES.**

The Board of zoning Appeals shall:

- (a) Hear and determine appeals from and review any order, requirement, decision or determination made by an administrative official or board charged with the enforcement of the zoning Ordinance of the City or any rule or regulation adopted pursuant thereto;
- (b) Permit and authorize exceptions to the district rules and regulations only in the classes of cases or in particular situations, as specified in this Ordinance;
- (c) Hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to act under this Ordinance; and
- (d) Authorize upon appeal in specified cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done as follows:

(1) Where by reason of exceptional narrowness, shallowness or shape of a specified piece of property at the time of enactment or the provision of this Ordinance affecting such property by reason of exceptional situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the provisions of the Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, unnecessary to carry out the spirit and purposes of

**the Ordinance, the Board shall have the power to authorize, upon appeal, a variance from such strict application, so as to relieve such difficulties or hardships, and so that the spirit and purposes of this Ordinance shall be observed and substantial justice done. In authorizing a variance the Board may attach thereto such conditions regarding the location, character or use as it may deem advisable in the interest of the furtherance of the purposes of this Ordinance.**

- (2) No such variance in the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds, beyond reasonable doubt, that all of the following conditions exist:**
  - A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district.**
  - B. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity affected by such variance.**
  - C. That the authorizing of such variance will not:**
    - 1. Alter the land use characteristics of the district;**
    - 2. Impair the adequate supply of light and air to adjacent property;**
    - 3. Increase the hazard from fire, flood and other dangers of such property;**
    - 4. Diminish the marketable value of adjacent land and buildings;**
    - 5. Increase the congestion in the public streets;**
    - 6. Otherwise impair the public health, safety and general welfare.**
- (3). No grant or variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment of this Ordinance, for such conditions or situations.**
- (e) In exercising its powers and authority, the Board may reserve or affirm, in whole or in part, or may modify the order, requirement, decision or determination appealed from, as in its opinion ought to be done in the premises, and to this end shall have all the powers and authority of the official or board from whom or which the appeals is taken.**

## **1307.05 APPEAL.**

### **(a) From Decision of Official.**

- (1) An appeal taken from any order, requirement, decision of determination made by an administrative official charged with the enforcement of this Zoning Ordinance or rule and regulation adopted pursuant thereto shall be filed with the Board of Zoning Appeals.**
- (2) The appeal shall specify the grounds thereof and shall be filed within such time and in such form as may be prescribed by the Board by general rule and regulation.**
- (3) The administrative official from whom the appeal is taken shall, upon request of the Board, transmit to it all documents, plans and papers constituting the record of the action from which an appeal was taken.**

### **(b) Hearings.**

- (1) The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal. Public notice of the hearing shall be given by publishing a notice of the date, time and place of the hearing as a Class 1 legal advertisement in compliance with West Virginia Code Article 59-3, in a newspaper of general circulation in the City at least thirty (30) days prior to such hearing and due notice shall be given additionally to the interested parties.**
- (2) The Board may require the party taking the appeal to assume the cost of public notice and due notice to interested parties.**
- (3) At the hearing, any party may appear in person, by agent or by an attorney at law admitted to practice in the State.**

### **(c) Staying of Work on Premised When Appeal Taken.**

**When an appeal has been taken and filed with the Board, all proceedings and work on the premises in question shall be stayed (by written notice of the Board secretary sent to the property owner by certified mail) unless the official or Planning Commission from whom or which the appeal was taken shall certify to the Board of Zoning Appeals that by reason of facts stated in the certification a stay would cause imminent peril to life or property. If such certificate be filed, proceedings or work on the premises shall not be stayed except by a restraining order granted by the Marion County Circuit Court.**

## **1307.07 NOTIFICATION BY LETTER.**

**At least ten (10) days prior to the hearing the owners of all real property located within 100 feet in all directions of the property which is the subject of the hearing shall be notified in writing by certified mail. The notice of the public hearing shall**

include the date, time and place of the hearing, the nature of the appeals to be considered, the identification of the subject property by street address, if any, or by reference to lot numbers as shown on the current county tax maps. The notice shall also contain the location and times at which the application including maps, plans, and supporting documents for which appeal is sought is available for review. Costs of notification by letter shall be borne by the applicant.

Notice by certified mail requested shall be deemed to be complete upon mailing. The failure to give personal notice to any property owner not shown on the latest current tax records shall not invalidate any hearing or proceeding conducted pursuant to this Ordinance.

## **1307.08 PUBLIC HEARING OF THE BOARD OF ZONING APPEALS.**

- (a) Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the Board may determine.
- (b) The Board shall meet and either approve or disapprove the request for appeal of variance.
- (c) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other actions which will be filed in the office of the City Clerk.

### **CROSS REFERENCES**

Open governmental proceedings – See WV Code Art. AA  
Establishment; composition - See WV Code 8-24-51 et seq.  
Appeals – See WV Code 8-24-56 et seq.  
Injunctions – See WV Code 8-24-67  
Special use determinations – see P. & Z. 1315

## **ARTICLE 1309**

### **Amendments**

- 1309.01 Initiation of proposals**
- 1309.02 Planning commission review**
- 1309.03 Notice of public hearings**
- 1309.04 Planning commission recommendations to council**
- 1309.05 Consideration of council**
- 1309.06 Reconsideration of proposed amendment**

#### **1309.01 INITIATION OF PROPOSALS**

**An amendment to this Zoning Ordinance may be proposed by petition by Council, the Planning Commission, or the owners of fifty percent or more of the real property area to which the petition relates. Petitions, duly signed, may be presented to the City Clerk. It shall be the duty of the City Clerk to present such proposed amendments to the Planning Commission for review and to Council for adoption by ordinance as appropriate.**

**A request shall be submitted in the form of an application or petition at least eight working days prior to the Planning Commission meeting, at which the request is to be introduced, to the City Clerk along with a filing fee, to be set periodically by the Commission to defray administrative costs of a request, as well as any other supporting documents. Each request for a change in zoning shall include a list of the names and addresses of the owners of properties located with the same block as the property to be rezoned and within a radius of two hundred feet of all boundaries of the property to be rezoned. Where a block is not easily definable, the request shall include the names and address of all property owners within a six hundred foot radius of the subject property.**

#### **1309.02 PLANNING COMMISSION REVIEW.**

**All proposed amendments shall be submitted to the Planning Commission for study and recommendation. The Commission shall study proposals to determine:**

- (a) The need and justification for the change;**
- (b) When pertaining to a change in the district classification of the property, the effect of the change, if any, on the property and surrounding properties;**
- (c) The relationship of the proposed amendments to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Zoning Ordinance and the Comprehensive Plan.**

#### **1309.03 NOTICE OF PUBLIC HEARINGS.**

No amendments, change or supplement in any of the provisions of the Zoning Ordinance or in the boundaries of any of the districts established thereunder shall be recommended to the City Council until after a public hearing in relation thereto, at which parties in interest and residents shall have an opportunity to be heard. At least thirty days, prior to the public hearing, notice of the time and place of such hearing shall be published in an official paper, or a newspaper of general circulation in the City, as a Class II publication.

Any person, firm or corporation desiring a change in zoning or property shall accompany the petition for such change in zoning, or in the ordinance introduced for the purpose of changing such zoning, with a statement giving the addresses of the owners of all properties, as prescribed in Section 1309.01 of this Article. These property owners shall be notified by return receipt certified mail by the applicant.

#### **1309.04 PLANNING COMMISSION RECOMMENDATION TO COUNCIL.**

Upon adjourning the public hearing, the Planning Commission shall make its recommendation and written report, to be submitted to Council within sixty days. The recommendation of the Commission shall be advisory only, and shall not be binding on Council. If the Commission does not submit its report within sixty days, Council shall Proceed to act on the amendment in prescribed time without further awaiting the recommendations of the Planning Commission.

#### **1309.05 CONSIDERATION OF COUNCIL.**

Upon completing the first reading of a proposed ordinance, Council shall set a public hearing to be held within thirty-one days of the first reading. After holding a public hearing, Council shall render a decision within thirty-one days of the public hearing.

#### **1309.06 RECONSIDERATION OF PROPOSED AMENDMENT.**

Council shall not reconsider a proposed amendment to the Zoning Map is such amendment requests a change to the same zoning classification for the same lot, parcel or portion thereof, within a period of one year from the date of the final determination of a period of the prior request. However, the Planning Commission may recommend to Council that such reconsideration be given after the Commission has found that either:

- (a) There has been a substantial change in the character of the area; or
- (b) Evidence or factors or conditions exist which were not considered by the Commission or Council in previous deliberations which might substantially alter the basis upon which the previous determination was reached.

## **CROSS REFERENCES**

**Procedure – W.V., Code 8-24-45 et seq.**

**Existing uses safeguarded - see W.W., Code 8-24-50**

## **CHAPTER TWO – Zoning Districts and Regulations**

**Art. 1311 – Zoning Districts and Maps.**

**Art. 1313 – Use Regulations.**

**Art. 1315 – Conditional Uses.**

**Art. 1317 – Supplemental Regulations and Modifications.**

**Art. 1319 – Planned Unit Development District.**

**Art. 1321 – Nonconforming Uses.**

**Art. 1325 – Administration and Enforcement.**

**Art. 1327 – Amendments.**

**Art. 1329 – Board of Zoning Appeals.**

**Art. 1331 – Manufactured Housing.**

**APPENDICES – Zoning Charts.**

### **ARTICLE 1311**

#### **Zoning Districts and Maps**

**1311.01 Establishment of Zoning Districts.**

**1311.02 Map and Boundaries.**

**1311.03 Interpretation of District Boundaries.**

**1311.04 Annexation.**

**1311.05 Application of District Regulations.**

**1311.01 ESTABLISHMENT OF ZONING DISTRICTS.**

The area illustrated in the “Zoning Map for Mannington” is hereby divided into the following zoning districts:

**Residential Districts:**

- R-1 Residence**
- R-2 Residence**
- HR-1 Historic Residence**

**Commercial Districts:**

- C-1 Downtown Historic/Commercial**
- C-2 Commercial Downtown**
- C-3 Commercial Highway**

**Industrial District:**

- I-1 Industrial**

**Conservation and Open Space District:**

- COS Conservation and Open Space**

**1311.02 ZONING MAP.**

- A. The City is hereby divided into districts as shown on the Official Zoning Map of Mannington, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ordinance.**
- B. The zoning map may be for convenience of use or readily identifying locations, subdivided into units.**
- C. The Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk and bearing the seal of the City.**
- D. No changes of any nature shall be made to the Official Zoning Map except in strict conformity with procedures set forth in this ordinance.**
- E. The Official Zoning Map shall be located in the office of the City Clerk and shall be the final authority on the current zoning classification of all lands within the City.**

**1311.03 INTERPRETATION OF ZONING DISTRICT BOUNDARIES.**

- (a) Where uncertainty exists with respect to the boundaries of any the aforesaid districts as shown on the Zoning Map, the following rules shall apply:**
  - (1) Where boundaries approximately follow streets, alleys or highways. Where district boundaries are indicated as approximately following the**

**center line of street line of streets, the center line or alley line of alleys, or the center line of right-of-way line of highways such lines shall be construed to be such district boundaries.**

- (2) Where boundaries parallel street lines, alley lines or highway right-of-way lines. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-ways lines of alleys, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such district therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.**
- (3) Where boundaries approximately follow lot lines. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be the boundaries.**
- (4) Where boundaries follow railroad lines. Where a boundary of a district follows railroad lines, such boundary shall be deemed to be located midway between the main tracks of such railroad lines.**
- (5) Where a boundary follows a river or stream. Where a boundary of a district follows a river or stream the boundary line shall be construed to be at the limit of the jurisdiction of the City unless otherwise indicated on the Zoning Map.**
- (6) Lots in tow districts. Where a district boundary line divides a lot which was in single ownership and of record at the time of enactment of this Ordinance, the use thereon and the other district requirements applying to the least restricted portion of such lot shall be construed as extending to the entire lot provided the least restrictive use does not extend more than twenty-five feet (beyond the dividing boundary line) or to the rear lot line, whichever is less. The use so extended shall be deemed to be conforming.**
- (7) Vacation of public ways. Whenever any street, alley or public way is vacated, the zoning boundary line shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulation of the extended districts.**
- (8) district regulations apply to schools, parks, etc. Any area shown on the Zoning Maps as park, playground, school, cemetery, waterways, street right-of-way, or any other public or semipublic uses, shall be subject to the zoning regulations of the most restricted adjoining district.**
- (9) Where territory has been added by annexation. When property is annexed into the City, appropriate districts will be determined by the Planning Commission at the time of annexation based on a land use study prepared by a designated representative of the City.**

#### **1311.04 ANNEXATION.**

During the annexation process by City Council, the Planning Commission shall study the area proposed for annexation to provide recommendations for the most appropriate zoning district(s) which will carry out the objectives of this ordinance and the community plan. Should annexation procedures be completed prior to receiving recommendations from the Planning Commission, the newly annexed territory shall be classified under the zoning district of the area within the corporate limits immediately adjacent to it. As soon as practically possible after said annexation, but no later than six (6) months from the date of said annexation, the Planning Commission shall complete its study and forward its recommendation to the City Council.

### **1311.05 APPLICATION OF DISTRICT REGULATIONS.**

The regulations set forth by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly as follows:

1. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or structure shall hereafter be erected or altered:
  - a. to exceed the height;
  - b. to accommodate or house a greater number of families;
  - c. to occupy a greater percentage of lot area;
  - d. to have narrower or smaller yards or other open spaces;

than herein required; or in any manner contrary to the provisions of this ordinance.

3. No part of a yard or other open space, required landscape area, parking or loading area for any building or structure shall hereinafter be included as part of the same requirements for any other building or structure, except as specifically provided for in this ordinance.
4. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth in this ordinance. yards and lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

### **CROSS REFERENCES**

**Zoning districts generally – see W.V., Code 8-24-40**  
**Planned use development district – see P. & Z. Art. 1319**

**ARTICLE 1313**  
**Use Regulations**

- 1313.01 R-1 Residence District.**
- 1313.02 R-2 Residence District.**
- 1313.03 HR-1 Historic Residence District.**
- 1313.04 C-1 Downtown Historic/Commercial District.**
- 1313.05 C-2 Downtown Commercial District.**
- 1313.06 C-3 Commercial Highway District**
- 1313.07 I-1 Industrial District.**
- 1313.08 COS Conservation and O-pen Space District.**

**1313.01 R-1 RESIDENCE DISTRICT.**

**STATEMENT OF LEGISLATIVE INTENT**

**The R-1 Single-family Residential District is established to provide for detached single-family dwellings in areas in the City where this type of housing has traditionally prevailed and developed as well as other areas suitable for such development.**

**(a) Principal Permitted Uses.**

- (1) One-family dwellings having a minimum of twenty-three feet in width across its narrowest point.**
- (2) Public and nonprofit schools.**
- (3) Churches and similar places of worship, parish houses and convents.**
- (4) Public parks and playgrounds, not including an amusement park operated for profit.**

**(b) Permitted Accessory Uses.**

- (1) A private garage, located not less than sixty feet from the front lot line, if a separate building; or in a suitable room within or attached to the dwelling and may include a driveway necessary to provide ingress and egress, provided**

that, on a through lot less than 120 feet long, it may be so located as to be not closer than thirty feet to either street.

- (2) Any form of agriculture or horticulture except the keeping of livestock, poultry or bees.
- (3) Other customary accessory uses provided such uses are in conformance with the proper definition and in connection with the operation of a home occupation, it shall not be permitted:
  - A. To sell upon the premises articles produced elsewhere than on the premises.
  - B. To have exterior displays, a display of goods visible from the outside, an advertising sign or other business identification.
  - C. To store materials or products outside of a principal building.
  - D. To make external structural alterations which are not customary in residential buildings.
  - E. To generate traffic by such home occupation in greater volume than would normally be accepted in a particular residential neighborhood; any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
  - F. To produce offensive noise, vibration, smoke, dust or other particular matter, odorous matter, heat, humidity, glare or other objectionable effects.
- (4) Examples of home occupations.
  - A. Fine arts studios.
  - B. Professional offices for lawyers, professional engineers or land surveyors, architects or City planners, clergymen or writers.
  - C. Teaching of not more than two pupils simultaneously, or in the case of musical instruction, not more than a single pupil at a time.
  - D. Seamstresses.
  - E. Real estate agents.
  - F. Insurance agents.
  - G. Foster family care for not more than two children simultaneously.
  - H. Barber shops and beauty parlors.
- (5) However, home occupations shall not include:
  - A. Commercial stables, kennels, animal hospitals, nurseries or farms.
  - B. Mortuary establishments.
  - C. Boarding or rooming houses or tourist homes.
  - D. Commercial repair or storage of automobiles or watercraft.
  - E. Dance studios.
  - F. Cabinetmakers.
  - G. Tanning salons.

Any accessory building or use shall be located on the same parcel as the principal building.

(6) Rear yards may include parking area so long as other requirements of this Ordinance are complied with.

(c) **Permitted Special Uses.**

(1) Public utility installations.

(d) **Lot Area, Frontage and Yard Requirements.** As provided in Chart 1 & Diagram 4.

(e) **Off-Street Parking Spaces.**

(1) Dwellings (As provided in Article 1317.06)

(2) School (As provided in Article 1317.06)

(3) Church (As provided in Article 1317.06)

## **1313.02 R-2 RESIDENCE DISTRICT.**

### **STATEMENT OF LEGISLATIVE INTENT**

The R-2 Multifamily Residential district is established to provide single family residential use as well as duplex and apartment development in an attractive, affordable, pleasant living environment at a sufficient density to optimum utilization of land appropriate for residential use.

(a) **Principal Permitted Uses**

(1) Any use permitted in the R-1 district.

(2) Two-family dwellings.

(b) **Permitted accessory uses.**

(1) Any use permitted in the R-1 District.

(c) **Permitted Special Uses.**

(1) Any use permitted in the R-1 District.

(2) Residential development plans of less than five acres approved in accordance with Article 1305.03 which developments may include

multi-family dwellings provided that all of the requirements of chart 3 of the Ordinance are met.

(3) **Type 1 manufactured homes.**

(d) **Lot Area, Frontage and Yard Requirements.** As provided in Chart 2 & Diagram 4.

(e) **Off-Street parking Spaces.**

(1) **Two-family dwellings.** As provided in Chart 2 and Article 1317.06

### **1313.03 HR-1 HISTORIC RESIDENCE DISTRICT.**

#### **STATE OF LEGISLATIVE INTENT**

The HR-1 Historic Residence District is established to protect particular residential areas of the City that are listed on the National Register for Historic Places. It is recognized that there are many large single family structures that can be sympathetically converted to accommodate apartments and professional offices, thereby providing an alternative to demolition. It is the intent of this Article to promote high quality adaptive reuse of these properties, encourage the provision of professional services at the neighborhood level without disturbing the residential character of the district, and provide opportunities for the interpretation and conservation of the rich heritage of Mannington.

(a) **Permitted Principal Uses.**

Principal uses shall be limited to the following;

- (1) **Single family dwellings.**
- (2) **Multifamily dwellings containing no more than two dwelling units.**
- (3) **Professional offices, as specified in R1, may have multifamily dwellings at second floor and above.**
- (4) **Museums, tour houses, historic displays for the interpretation of Mannington's heritage.**
- (5) **Structures, monuments or sites for the interpretation of Mannington's heritage.**

**Only one principal residential structure shall be permitted per lot of record.**

(b) **Permitted Accessory Uses.**

Accessory uses shall be limited to the following:

- (1) Detached garage, carport, storage building, private greenhouse, or other accessory building or use customarily accessory to the principal use.
- (2) Private swimming pools, provided that the pool area is enclosed by a fence or wall with entrances and exits which can be locked while the pool is not in use.

(c) **Conditional Uses.**

The following uses shall be permitted as regulated by Article 1315 – Conditional Uses:

- (1) Churches and other places of worship.
- (2) Home occupations.
- (3) Bed and Breakfasts.
- (4) Child Care Homes.

(d) **HR-1 Space, Bulk and Yard Regulations**

As provided in Chart HR-1.

(e) **Parking and Loading.**

Off street parking and loading facilities shall be provided as required in Article 1317.06 – Parking and loading. Parking in this district shall be accommodated in the rear yard.

(f) **Signs.**

Signs shall be regulated as provided in Article 1317.04 – Signs.

## **1313.04 C-1 DOWNTOWN HISTORIC/COMMERCIAL DISTRICT.**

### **STATEMENT OF LEGISLATIVE INTENT**

The C-1 Downtown Historic/Commercial District is established to preserve and enhance commercial, financial, retail and similar activities and services of importance to the existing central business district and the community. Higher land values, space limitations, and public convenience justify greater intensity of use.

(a) **Principal Permitted Uses.**

- (1) **Business service:**
  - A. Bank.
  - B. Office.
  - C. Postal station.
  - D. Lending institutions.
  - E. Printing or engraving.
  - F. Accounting.
  - G. Duplicating.
  - H. Employment agency.
  - I. Blueprinting.
  
- (2) **Clothing service** provided all materials are stored and all shop work is done within a building using only materials safe from fire and health hazards:
  - A. Laundromats.
  - B. Dyeing and cleaning establishment.
  - C. Shops for the delivery or picking up of laundry or dry cleaning and pressing.
  - D. Dressmaking, tailoring, millinery, shoe repairing and other similar businesses.
  
- (3) **Equipment service** provided all materials are stored and all shop work is done within a building:
  - A. Radio or television repair and/or sales.
  - B. Household appliance, bicycle and other similar use repair and/or sales.
  - C. Upholstery shop, not involving furniture manufacturing.
  
- (4) **Food service:**
  - A. Grocery, meat market, supermarket.
  - B. Bakery.
  - C. Restaurant or coffee shop, without ABC or beer license, provided that the serving of food or beverages shall not be permitted to patrons waiting in parked automobiles.
  - D. Delicatessen.
  - E. Catering shop.
  
- (5) **Personal service:**
  - A. Barber shop, beauty shop, reducing salon, tanning salon.
  - B. Photographic studios.
  - C. Animal hospital, veterinarian, pet grooming salon, excluding kennel or pet boarding facilities.
  - D. Automotive and small internal combustion engine service such as filling stations, repairs shops, commercial garages, and/or parking lot, sales room open automobile, truck and equipment sales and/or repair. Provided all materials are stored and all work is done within the building.

E. **Painting, plumbing, carpentry or tinsmithing shops.**

(6) **Retail service:**

A. **Drug stores.**

B. **Haberdasher, stationer, newsdealer, apparel shop, flower shop or similar retail service shop, provided all materials are stored inside.**

C. **Automobile sales.**

D. **Hardware, provided all materials are stored within a building with at least three sides permanently enclosed, except for necessary fire doors. When such use is adjacent to or faces a residential area, when ever possible a permanently enclosed side of any building will face the residential area.**

(7) **Commercial recreational uses: Conducted only with building so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.**

A. **Theater.**

B. **Bowling lanes.**

C. **Dancing academy or music instruction schools.**

D. **Roller Skating Rink.**

(8) **Private club without ABC license, lodge, membership associations and corporations.**

(9) **Wholesale business with a total floor area not exceeding 20,000 square feet.**

(10) **Signs and advertising billboards as long as they conform to Article 1317.04.**

(b) **Permitted Special Uses.**

(1) **Joint occupancy uses.**

(2) **Undertaking establishment.**

(c) **Minimum Lot Area, Frontage and Yard Requirements. As provided in Chart 4. Other uses, as established elsewhere.**

(d) **Off-Street Parking Spaces. As provided in Article 1317.06; provided, however, parking spaces required by Article 1317.06 may be located within 300 feet of the lot or parcel upon which the business is conducted.**

**1313.05 C-2 DOWNTOWN COMMERCIAL DISTRICT.**

## STATEMENT OF LEGISLATIVE INTENT

The C-2 Downtown Commercial District is established to preserve a central business district convenient and attractive for a wide range of retail, recreation and business uses in a setting conducive to and safe for a high volume of pedestrian traffic.

(a) **Principal Permitted Uses.**

(1) **Business service:**

- A. Bank.
- B. Office.
- C. Postal station.
- D. Lending institutions.
- E. Printing or engraving.
- F. Accounting.
- G. Duplicating.
- H. Employment agency.
- I. Blueprinting.

(2) **Clothing service** provided all materials are stored and all shop work is done within a building using only materials safe from fire and health hazards:

- A. Laundromats.
- B. Dyeing and cleaning establishment.
- C. Shops for the delivery or picking up of laundry or dry cleaning and pressing.
- D. Dressmaking, tailoring, millinery, shoe repairing and other similar businesses.

(3) **Equipment service** provided all materials are stored and all shop work is done within a building:

- A. Radio or television repair and/or sales.
- B. Household appliance, bicycle and other similar use repair and/or sales.
- C. Upholstery shop, not involving furniture manufacturing.

(4) **Food service:**

- A. Grocery, meat market, supermarket.
- B. Bakery.
- C. Restaurant or coffee shop, without ABC or beer license, provided that the serving of food or beverages shall not be permitted to patrons waiting in parked automobiles.
- D. Delicatessen.
- E. Catering shop.

(5) **Personal service:**

- A. Barber shop, beauty shop, reducing salon, tanning salon.
- B. Photographic studios.
- C. Animal hospital, veterinarian, pet grooming salon, excluding kennel or pet boarding facilities.
- D. Automotive and small internal combustion engine service such as filling stations, repairs shops, commercial garages, and/or parking lot, sales room open automobile, truck and equipment sales and/or repair. Provided all materials are stored and all work is done within the building.
- E. Painting, plumbing, carpentry or tinsmithing shops.

(6) **Retail service:**

- A. Drug stores.
- B. Haberdasher, stationer, newsdealer, apparel shop, flower shop or similar retail service shop, provided all materials are stored inside.
- C. Automobile sales.
- D. Hardware, provided all materials are stored within a building with at least three sides permanently enclosed, except for necessary fire doors. When such use is adjacent to or faces a residential area, when ever possible a permanently enclosed side of any building will face the residential area.

(7) **Commercial recreational uses:** Conducted only with building so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.

- A. Theater.
- B. Bowling lanes.
- C. Dancing academy or music instruction schools.
- D. Roller Skating Rink.

(8) **Private club** without ABC license, lodge, membership associations and corporations.

(9) **Wholesale business** with a total floor area not exceeding 20,000 square feet.

(10) **Signs and advertising billboards** as long as they conform to Article 1317.04.

(b) **Permitted Special Uses.**

- (1) Joint occupancy uses.
- (2) Undertaking establishment.

- (c) **Minimum Lot Area, Frontage and Yard Requirements.** As provided in Chart 4. Other uses, as established elsewhere.
- (d) **Off-Street Parking Spaces.** As provided in Article 1317.06; provided, however, parking spaces required by Article 1317.06 may be located within 300 feet of the lot or parcel upon which the business is conducted.

## **1313.05 C-3 HIGHWAY COMMERCIAL DISTRICT.**

### **STATEMENT OF LEGISLATIVE INTENT**

The C-2 Highway Commercial District is primarily intended to provide for commercial uses and services which, because of their traffic impact or single purpose trade, must be located adjacent to the major roadways. Uses in this district include facilities related predominantly to the traveler or highway user, as well as commercial uses which require large land areas, do not depend on adjoining uses for their operation and do not compete with similar activities in other districts in the city.

#### **(a) Principal Permitted Uses.**

- (1) Restaurants and coffee shops, including drive-in type.
- (2) Taverns, ABC licensed private club or night club, only in conformity with requirements of laws or ordinances governing such use and provided that the serving of food or beverage to patrons waiting in parked automobiles shall not be permitted.
- (3) Any special use permitted in the C-1 District.
- (4) Kennels, pet boarding facilities, pet shop.
- (5) Hotel, motel or motor court.

#### **(b) Permitted Accessory Uses.**

- (1) Any use permitted in the C-1 District.
- (2) Other customary uses and structures which are clearly incidental to the principal use.

#### **(c) Permitted Special Uses.**

- (1) Any use permitted compatible with the use under the permitted, accessory or special uses in the C-1 District.
- (2) Planned Commercial Development Group.

#### **(d) Minimum Lot Area, Frontage and Yard Requirements.** As provided in Chart 4.

## **1313.07 I-1 INDUSTRIAL DISTRICT**

### **STATEMENT OF LEGISLATIVE INTENT**

The I-1 Industrial District is established to provide for light manufacturing, processing, large storage, wholesaling and distribution operations providing for growth of the economic base of the city. This district shall provide for operations which are relatively free of objectionable and dangerous influences or ones whose obnoxious features are capable of being readily and adequately controlled by appropriate devices, thus safeguarding surrounding areas.

#### **(a) Principal permitted Uses.**

- (1) Testing or research laboratories.**
- (2) Public utility services and structures.**
- (3) Light manufacturing, assembly or packaging.**
- (4) Wholesale business, storage and warehousing.**
- 5) Woodworking, electrical sales and contracting, plumbing sales, furniture repair and custom upholstery, metal working and contracting.**
- (6) Large-scale laundering, cleaning and dyeing establishments.**
- (7) Manufacturing of awnings, venetian blinds and shades.**
- (8) Truck terminal.**
- (9) Business service shop such as blueprinting, accounting, duplicating or employment agency.**
- (10) Commercial parking lot or garage.**
- (11) Automotive, truck, farm implement and trailer repair and/or servicing, including collision service body work and overall painting.**
- (12) Carpentry, painting, plumbing or tinsmithing shop.**
- (13) Printing or engraving.**
- (14) The manufacture, assembly, packing or treatment of articles or merchandise from previously prepared materials.**
- (15) Distribution plants, parcel delivery and service4 industries.**
- (16) Lumber and building materials sales and storage yards allowing outdoor storage of materials.**
- (17) Contractors equi0pment, sales and service.**
- (18) Tool, die and pattern making and other machine shop operations.**
- (19) Boat building.**
- (20) Railroad years or terminal facilities.**
- (21) Other uses similar to those enumerated as above.**
- (22) Retail uses pursuant to C-1 or C-2 Districts.**

#### **(b) Permitted Accessory Uses.**

- (1) Accessory uses and buildings customarily appurtenant to a principal permitted use such as incidental storage facilities.
  - (2) Residence of a watchman, custodian or caretaker employed on the premises.
- (c) **Special Uses.** The following special uses are permitted subject to review by the Board.
- (1) Automobile salvage and wrecking operations, outdoor storage and junk yards, provided that such operation is conducted not less than 200 feet from any residence district boundary and provided that all operations are conducted behind a solid wall or fence not less than eight feet high and maintained in good repair and offering both visual and sound screening.
  - (2) Any other use deemed by the Board as compatible with existing uses, including additions and such uses, under appropriate conditions and safeguards, as are deemed appropriate to the Board and not likely to adversely affect adjoining or adjacent uses.
  - (3) Any business activity which includes the sale, storage and/or use of hazardous materials as a major aspect of its operation. Hazardous materials are any materials included on the most current National Fire Protection Association table 325M entitled Fire Hazard Properties of Flammable Liquids, Gases and Volatile Solids.
- (d) **Minimum Lot Area, Frontage and Yard Requirements.** As provided in Chart 4. Other uses, as established elsewhere.
- (e) **Off-Street Parking Spaces.** As provided in Article 1317.06.

## **1313.08 COS CONSERVATION AND OPEN SPACE DISTRICT.**

### **STATEMENT OF LEGISLATIVE INTENT**

The purpose of this district is to regulate land use and development in areas that are considered environmentally sensitive which may include 100-Year-Flood Plain Districts, river fronts, public recreation areas, steep slopes, landslide-prone areas, undermined areas, and views requiring protection. The intent of this district lies in the concern for safety and the need to protect the natural beauty of Mannington's physical environment.

- (a) **Principal permitted Uses.**
- (1) Parks, playgrounds, golf courses, public and private recreational uses.
  - (2) Marinas.

- (3) Cemeteries.
- (4) Game, wildlife, and nature study preserves and reservations.
- (5) Flood control, water treatment facilities, municipal public works.
- (6) Structures, monuments or sites for the interpretation of Mannington's heritage.

## CROSS REFERENCES

Permitted use for group residential facility – see W.V., code 8-24-50(b)

Exceptions – see P. & Z. 1317.01

Accessory structures and use – see P. & Z. 1317.03

Signs – see P. & Z. 1317.04

Off-street parking and loading – see P. & Z. 1317.06

## R-1 SPACE, BULK AND YARD REGULATIONS

### Maximum Height

<b>Principal Building</b>	<b>35 Feet</b>
<b>Accessory Structure</b>	<b>15 Feet</b>

### Lot Requirements

<b>Minimum Total Lot Area</b>	<b>7,500 Square Feet</b>
<b>Minimum Lot Area Per Unit</b>	<b>7,500 Square Feet</b>
<b>Minimum Lot Width</b>	<b>60 Feet</b>
<b>Maximum Lot Coverage</b>	<b>30%</b>

### Minimum Yard Requirements – Principal Building

<b>Front Yard</b>	<b>30 Feet</b>
<b>Side Yards – each side</b>	<b>10 Feet</b>
<b>Rear Yard</b>	<b>40 Feet</b>

### Minimum Yard Requirements – Accessory Structure

<b>Side Yards – each</b>	<b>10 Feet</b>
<b>Rear Yard – Abutting Street</b>	<b>5 Feet</b>
<b>Abutting an adjacent property line</b>	<b>10 Feet</b>

## R-2 SPACE, BULK AND YARD REGULATIONS

### Maximum Height

<b>Principal Building</b>	<b>35 Feet</b>
<b>Accessory Building</b>	<b>15 Feet</b>

### Lot Requirements

<b>Minimum Total Lot Area:</b> Single – family Two – family Multifamily	<b>7,200 Square Feet</b> <b>8,000 Square Feet</b> <b>9,000 Square Feet</b>
<b>Minimum Lot Area Per Unit:</b> Single – family Two – family Multifamily	<b>7,200 Square Feet</b> <b>4,000 Square Feet</b> <b>3,000 Square Feet</b>
<b>Minimum Lot Width</b>	<b>60 Feet</b>
<b>Maximum Lot Coverage</b>	<b>40%</b>

### Minimum Yard Requirements – Principal Building

<b>Front Yard</b>	<b>20 Feet</b>
<b>Side Yards – each side</b>	<b>10 Feet</b>
<b>Rear Yard</b>	<b>30 Feet</b>

### Minimum Yard Requirements – Accessory Structure

<b>Side Yards – each</b>	<b>10 Feet</b>
<b>Rear Yard – Abutting Street</b>	<b>5 Feet</b>
<b>Abutting an adjacent property line</b>	<b>10 Feet</b>

## HR-1 SPACE, BULK AND YARD REGULATIONS

### Maximum Height

<b>Principal Building</b>	<b>35 Feet</b>
<b>Accessory Building</b>	<b>15 Feet</b>

### **Lot Requirements**

<b>Minimum Total Lot Area:</b>	<b>7,200 Square Feet</b>
<b>Minimum Lot Area Per Unit:</b>	<b>3,000 Square Feet</b>
<b>Maximum Lot Coverage</b>	<b>30%</b>

### **Minimum Yard Requirements – Principal Building**

<b>Front Yard</b>	<b>20 Feet or existing setback of adjacent structure</b>
<b>Side Yards – each side</b>	<b>10 Feet</b>
<b>Rear Yard</b>	<b>30 Feet</b>

### **Minimum Yard Requirements – Accessory Structure**

<b>Side Yards</b>	<b>10 Feet</b>
<b>Rear Yard – Abutting Street</b>	<b>5 Feet</b>
<b>Abutting an adjacent property line</b>	<b>10 Feet</b>

## **C-1 SPACE, BULK AND YARD REGULATIONS**

### **Maximum Height**

<b>Principal Building</b>	<b>35 Feet</b>
<b>Accessory Building</b>	<b>15 Feet</b>

### **Lot Requirements**

<b>Maximum Lot Coverage</b>	<b>50%</b>
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### **Minimum Yard Requirements**

<b>Front Yard</b>	<b>20 Feet</b>
<b>Side Yards</b>	<b>None</b>
<b>When abutting a R District</b>	<b>20 Feet</b>
<b>Rear Yard</b>	<b>None</b>
<b>When abutting a R District</b>	<b>30 Feet</b>

## C-2 SPACE, BULK AND YARD REGULATIONS

### Maximum Height

<b>Principal Building</b>	<b>35 Feet</b>
<b>Accessory Building</b>	<b>15 Feet</b>

### Lot Requirements

<b>Maximum Lot Coverage</b>	<b>50%</b>
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### Minimum Yard Requirements

<b>Front Yard</b>	<b>20 Feet</b>
<b>Side Yards</b>	<b>None</b>
<b>When abutting a R District</b>	<b>20 Feet</b>
<b>Rear Yard</b>	<b>None</b>
<b>When abutting a R District</b>	<b>30 Feet</b>

## C-3 SPACE, BULK AND YARD REGULATIONS

### Maximum Height

<b>Principal Building</b>	<b>50 Feet</b>
<b>Accessory Building</b>	<b>15 Feet</b>

### Lot Requirements

<b>Maximum Lot Coverage</b>	<b>100%</b>
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### Minimum Yard Requirements

<b>Front Yard In CBD</b>	<b>None</b>
<b>Front Yard Outside DBD</b>	<b>20 Feet</b>
<b>Side Yards</b>	<b>None</b>
<b>When abutting a R District</b>	<b>20 Feet</b>
<b>Rear Yard</b>	<b>None</b>
<b>When abutting a R District</b>	<b>20 Feet</b>

## I-1 SPACE, BULK AND YARD REGULATIONS

### Maximum Height

<b>Principal Building</b>	<b>50 Feet</b>
<b>Accessory Building</b>	<b>35 Feet</b>

### Lot Requirements

<b>Minimum Lot Size</b>	<b>2 Acres</b>
<b>Maximum Lot Coverage</b>	<b>50%</b>

### Minimum Yard Requirements

<b>Front Yard</b>	<b>40 Feet</b>
<b>Side Yards</b>	<b>40 Feet</b>
<b>Rear Yard</b>	<b>40 Feet</b>

## COS Conservation and Open Space District

See Article 1313.08 – Page 60

## ARTICLE 1315 Conditional Uses

- 1315.01 Conditional Uses.**
- 1315.02 General Provisions.**
- 1315.03 Specific Additional Standards.**

### **1315.01 CONDITIONAL USES.**

#### **STATEMENT OF LEGISLATIVE INTENT.**

It is the intent of Conditional Uses to provide 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 Mannington Comprehensive Plan. The conditional use permit procedure shall provide for some measure of individualized judgment and the imposing of conditions or certain uses in order to make them

compatible with uses in the surrounding area, and not harmful to the natural environment.

## **1315.02 GENERAL PROVISIONS.**

The Board of Zoning Appeals may authorize the issuance of a conditional use permit for conditional uses only in accordance with the following provisions:

- A. Conditional uses for which conditional use permits may be issued shall be deemed permitted uses, subject to meeting the conditions contained in this article.**
  
- B. Each conditional use shall be considered an individual case such use shall conform to the standards of this article. In addition to the specific requirements for each of the conditional uses, the Board shall find that:**
  - 1. The conditional use is in general conformance to the Comprehensive Plan.**
  - 2. The conditional use fully complies with all applicable regulations of this or other City ordinances.**
  - 3. The use will be of such location, size and character that, generally, it will be in harmony with the appropriate and orderly development of the zone in which the use is situated and will not be detrimental to adjacent properties.**
  - 4. The use will maintain a high quality of life, including reasonable privacy, quiet, physical attractiveness, orderliness, safety, and other factors through suitable screening of outdoor lighting and parking, truck loading, refuse disposal, and outdoor storage areas from adjacent properties.**

## **1315.03 SPECIFIC ADDITIONAL STANDARDS.**

When a conditional use permit is required, the following uses shall be subject to their respective restrictions and conditions presented below, in addition to compliance with applicable district regulations:

- A. Adult entertainment uses – adult book store, adult videotape store, adult motion picture theater, adult entertainment establishment:**
  - 1. Such uses shall not be located within one thousand (1,000) feet of each other.**
  - 2. No adult entertainment use shall be located within one thousand (1,000) feet of a residential residence, school, park library, public building or place of worship.**

- 3. Advertisements, displays or other promotional materials depicting, describing or relating to sexual activities or anatomical areas shall not be visible from a public road.**
  - 4. All doors, windows and other apertures shall be located, covered or screened in such a manner as to prevent viewing the interior of such an establishment from a public street or sidewalk.**
  - 5. In the event that the adult entertainment use is abandoned, it shall be required to obtain a new conditional use permit before it can be reestablished.**
- B. Automotive Service Stations – Free standing automotive service stations and other permitted uses that also provide for the sale of gasoline.**
- 1. Minimum lot size shall be 7,500 square feet.**
  - 2. A site plan shall be filed with the application showing the location of all buildings, tanks, service pumps and driveways, together with all measurements necessary to show compliance with the following standards:**
    - a. Service pumps shall not be located within twenty-five (25) feet of any buildings occupied as a residence or for church, school or other institutional purposes.**
    - b. Service pumps shall not be located within fifteen (15) feet of the right-of-way line of any street.**
- C. Automobile salvage, outdoor storage and junk yards may not be located nearer than 200 feet to a residential zone; must be enclosed by a solid fence at least eight (8) feet in height; no advertisement shall be permitted thereon and must be kept in good order and repair at all times.**
- D. Bed and Breakfasts – When three or more rooms are offered per sight for public accommodations, the establishment shall be owner-occupied and refuse collection and storage areas shall be screened and should be accessible by trucks, yet located where they will not disturb adjacent properties.**
- E. Child Care Center – The County Health Department shall approve the proposed plans, the use shall not constitute a nuisance of traffic, number of children being cared for, noise, or types of physical activity.**
- F. Home occupations.**
- 1. Home occupations shall occupy less than fifty percent (50%) of the total floor area of the dwelling unit and in no event occupy more than 700 square feet of floor area.**

2. Home occupations shall only be permitted to sell on the premises articles incidental to the home occupation. There shall be no exterior displays nor shall any materials or products be stored outside of a principal or accessory building.
  3. No home occupation is permitted to produce offensive noise, vibration, dust, odors, heat, glare or other objectionable effects.
- G. Manufactured home rental community – The standards shall comply with the standards of the zoning district and the Mobile Home Park Regulations of the Wet Virginia State Board of Health.

## **ARTICLE 1317**

### **Supplemental Regulations and Modifications**

- 1317.07 Exceptions.**
- 1317.02 Special lots; building location.**
- 1317.03 Accessory structures and use.**
- 1317.04 Signs.**
- 1317.05 Landscaping regulations.**
- 1317.06 Parking and Loading.**
- 1317.07 Excavations.**

#### **1317.01 EXCEPTIONS.**

The minimum lot, yard and height requirements herein set forth shall prevail in all cases, except as follows:

- (a). **Existing Nonconforming Lots.** A single-family dwelling may be constructed as a permitted use in any R District on a nonconforming lot if the following conditions are satisfied:
  - (1) At the time of this Zoning Ordinance such lot is in existence as a separate entity.
  - (2) At the time of this Zoning Ordinance the owner of such lot does not own an adjoining lot.
  - (3) The plan for the lot and for the proposed single-family dwelling shall be in at least seventy percent (70%) compliance with each of the following requirements for single-family dwellings as specified in the district in which the lot is located: lot area, lot width, rear yard, side yard and maximum building coverage.

- (b) **Height Limitations.** Height limitations need not apply to church spires, cupolas and domes, monuments, water towers, chimneys, smokestacks, silos, flag poles, radio and television towers, masts and aerials and parapet walls extending not more than four feet above the limiting height of the building.
- (c) **Front Yard Exceptions.** Where forty percent (40%) of the lots of a block is occupied by buildings, the average set back of such buildings determines the dimensions of the front yard in the block, but the maximum front yard need not exceed thirty-five (35) feet from the lot line. Provided however, that in the event an unimproved lot is situated between two improved lots, each having a principal building within twenty feet of the side lot line of a unimproved lot, the front yard maybe reduced to a depth equal to that of the greater front yard of the two adjoining lots, provided, however that it may not be reduced to below ten (10) feet.

#### **1317.02 SPECIAL LOTS; BUILDING LOCATION.**

- (a) **Through Lots.** On lots extending from one street to another a front yard is required on each street.
- (b) **Side Yard of a Corner Lot.** The side yard of a corner lot which abuts a street shall be no less than the required front yard for that street.
- (c) **Corner Lots.** No obstruction to vision such as building, fences, trees, plants or signs exceeding two (2) feet in height shall be erected or maintained on any lot within the triangle formed by the street intersection, created by the right-of-way line of each street extended to a point and a line drawn between two points each located twenty-five (25) feet from the street intersection. (See figure 1).

#### **1317.03 ACCESSORY STRUCTURES AND USE.**

- (a) **Accessory Garages.** Accessory garages in residential areas, unless a part of the principal building, shall conform with all front, side and rear yard requirements for the principal building and shall not consume more than fifty percent (50%) of the first floor area of the principal building.
- (b) **Lot Utilization for Driveway and Parking.** Except when necessary to meet off-street parking requirements, not more than twenty percent (20%) of the area of the front yard nor more than fifty percent (50%) of the area of the rear yard shall be utilized for driveways or parking in a residential district.
- (c) **Private Outdoor Swimming Pools.** A private outdoor swimming pool is permitted as an accessory use to a residential structure provided that: such

swimming pool is for the private use of the residents of the dwelling unit or for their guests; the swimming pool is protected by a six foot high fence with an entryway that locks; such swimming pool is not located closer than ten feet to any property line.

**(d) Regulations for Ground Satellite Stations.**

- (1) Within the residential districts the following provisions shall apply to satellite ground stations or other antennas designed to transmit or receive radio or television signals to or from earth satellites:**
- A. Such ground stations or antennas shall be for the personal use of residents and their guests only.**
  - B. Such ground stations or antennas shall contain no graphic message or advertising.**
  - C. Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:**
    - 1. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located to the rear of the principal building or structure and shall not exceed an above-grade height of two feet greater than the diameter of the satellite dish. No dish shall exceed twelve feet in diameter.**
    - 2. Such stations or antennas shall not be located closer than ten feet to a rear lot line, eight feet from a side lot line or one foot from any easement.**
    - 3. Such stations or antennas shall be mounted in a concrete base in line with grade and only supports of rust-resistant metal shall be utilized.**
    - 4. Wiring between such stations and any other structure shall be place underground.**
    - 5. such stations or antennas shall be designed to withstand a wind force of up to seventy (70) miles per hour without the use of supporting guy wires.**
  - D. Roof-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:**
    - 1. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys towers or spires.**
    - 2. Such stations or antennas mounted on the roof of a primary or accessory structure shall not exceed a height of greater than three**

feel above the roof on which it is mounted. The height shall be measured vertically from the pint at which such station or antenna is mounted on the roof.

3. The diameter of any dish antenna mounted upon the roof of a primary or accessory structure shall not exceed three feet.
4. Such stations or antennas shall be designed to withstand a wind force of up to seventy miles per hour without the use of supporting guy wires.

(2) Within nonresidential districts, the following provisions shall apply to satellite ground stations or other antennas designed to transmit or receive radio or television signals to or from earth satellites.

A. Such ground stations or antennas shall contain no graphic message or advertising.

B. Ground-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

1. Such stations or antennas not mounted on the roof of a primary or accessory structure shall be located to the rear of a principal building or structure and shall not an aboveground height of two feet greater than the diameter of the satellite dish. No dish shall exceed twelve feet in diameter.
2. Such stations or antennas shall not be located within fifty feet of a public right-of-way, thirty feet of a rear of side lot line and not closer than fifty feet from a lot line of a residential district.
3. Such stations or antennas shall be mounted in a concrete base in line with grade and only supports of rust-resistant metal shall be utilized.
4. Wiring between such station and any other structure shall be placed underground.
5. Such stations or antennas shall be designed to withstand a wind force of up to seventy miles per hour without the use of supporting guy wires.

C. Roof-mounted stations or antennas shall be considered accessory structures and shall comply with the following conditions and requirements:

1. Such stations or antennas shall be mounted directly on the roof of a primary or accessory structure and shall not be mounted on appurtenances such as chimneys, towers or spires.

(e) Utility buildings and storage sheds not exceeding 12 feet by 16 feet in size shall only be required to maintain a setback of 6 feet from the side and 6 feet from

the rear property lines. Any structure larger than 12 feet by 16 feet shall be deemed an accessory structure and shall be governed by subsection (a) hereof.

- (f) Fences shall be allowed by permit, however, no fence exceeding 28 inches in height shall project past the front of the structure it is surrounding.

#### **1317.04 SIGNS.**

- (a) **Purpose:** The purpose of the sign section of the ordinance is to:

- (1) Protect any person's Constitutional right to freedom of speech;
- (2) Protect the public health, safety, convenience, comfort, and general welfare.

- (b) **Objective:** This Article regulates the time, place and manner in which signs are displayed to achieve the following:

- (1) Permit noncommercial signs on any private property within the City, subject to the provisions of this Article.
- (2) Permit signs without unconstitutionally regulating the information displayed by each sign;
- (3) Permit signs that do not constitute a hazard to the public safety;
- (4) Permit commercial signs appropriate to the land use and/or zoning classification of each property within the City.
- (5) Create a more aesthetically-pleasing City;
- (6) Eliminate visual clutter within the City.

- (c) **Exempt Signs;** The following signs shall be exempt on the basis that they implement a compelling government interest in protecting the health and safety of a persons and property in the City, and shall not require permits.

- (1) Temporary or permanent signs, including banners, erected and maintained by the City, Council, State or federal Government for traffic direction, or for direction to or identification of an historic site or structure, government facility, or event as declared by the Mayor.

- (2) **Directional ground signs not to exceed two signs –per driveway indicating entrance and exit locations with size not to exceed three (3) square feet per sign face and four (4) feet in height.**
  - (3) **Flag, emblems and insignias of national, state or local political subdivisions.**
  - (4) **Name and/or address descriptions mounted to the front wall of a building, lamp post, or similar post in the front yard not to exceed two (2) square feet in area.**
  - (5) **Any window sign located inside or behind a window shall not be subject to the provisions of this ordinance, except to comply with the Prohibited Signs section, provided that the window sign is located in a building where a commercial or industrial use is permitted as a principal use and provided that it is not more than 25% of any window area.**
  - (6) **Flags which are considered to be home flags that are placed to show spirit, pride or some type of season or activity**
- (d) **Prohibited Permanent and Temporary Signs. All signs not expressly permitted under this Article or exempt from these regulations under the previous section are prohibited in the City; such signs include but are not limited to:**
- (1) **Abandoned signs.**
  - (2) **Beacons and searchlights, except for emergency health of safety purposes.**
  - (3) **Billboards and other off-premise signs, except as may be permitted by Article 1317.04 (e) Section 10.**
  - (4) **Blinking, flashing or intermittent lighting signs, including message center signs.**
  - (5) **Moving, animated or rotating signs.**
  - (6) **Pennants, streamers and similar devices.**
  - (7) **All helium, gas and air balloons located on or anchored to structures, vehicles, the ground or anything connected to the ground.**
  - (8) **Roof signs which extend above the roof line.**

- (9) Signs attached to any tree, utility pole or fence and signs painted directly on buildings, rocks, tree and other natural features.**
  - (10) Signs attached to the face of accessory building, except those attached to automatic teller machines or similar structures.**
  - (11) Any sign which constitutes a traffic hazard or a detriment to public safety or may be confused with a traffic control signal or device of the light of an emergency or road equipment vehicle.**
  - (12) Signs which make use of words, symbols, phrases or characters in such a manner as to interfere with, mislead or confuse traffic.**
  - (13) Signs or parts thereof which are erected within or above a public right-of-way, except as may be permitted on a temporary basis by the Mayor.**
  - (14) Spinning devices or strings of spinning devices.**
  - (15) Electronic copy signs.**
  - (16) Window signs, including approved temporary signs in any district which cover more than 25% of the total window area.**
- (e) General Provisions; A sign shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the provisions of the Article unless specifically modified by another section of the ordinance.**
- (1) Permits Required.**  
A sign permit shall be required for the construction, erection, relocation or alteration of any sign, unless as specifically exempted by this ordinance. A sign shall comply with all City zoning, building, electrical and fire codes.
  - (2) Nonconforming Signs.**  
See: Nonconforming Situations, Article 1323 of this Ordinance.
  - (3) Maintenance of Signs.**  
Every sign, whether requiring a permit or not, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts and painting and cleaning of said sign.
  - (4) Removal of Dangerous or Defective Signs.**

**The Mayor or an appointed designee may immediately remove or cause to be removed any sign considered to be a danger or defective or which in the opinion of the Mayor may be dangerous to persons or property.**

- (5) Removal of Unlawful Signs in the Public Right-of-Way**  
**The Mayor may remove, or cause to be removed any unlawful sign in the public right-of-way.**
  - (6) Sign Location with Respect to Frontage.**  
**Sign area permitted by virtue of a premises having lot frontage or building frontage shall be located only along that frontage which generates the permitted sign area.**
  - (7) Commercial Messages**  
**All commercial information conveyed by any sign permitted under this ordinance Must pertain to the premises on which the sign is located, except as specifically approved under Signs Allowed in the HR-1 District.**
  - (8) Sign Spacing Requirements.**  
**No ground, pole or freestanding sign shall be located within fifty (50) feet of another ground, pole or freestanding sign.**
  - (9) Duration of Temporary Signs.**  
**Temporary signs as permitted by this ordinance may be erected for a period not to exceed sixty (60) days, except as otherwise dictated in this Article. Extensions to the 60 day limitation may be permitted by the Mayor upon application and demonstration of reasonable justification by the agent or owner of the temporary sign.**
  - (10) Exception to Off-Premises Sign Prohibition.**  
**Upon application and approval by the Board of Zoning Appeals, an off-premises sign(s) may be permitted for a specified period of limited duration and subject to renewal or removal at the discretion of the Board of Zoning Appeals.**
- (f) Permitted Sign Standards; In addition to any other requirement that may be contained with in this Article, the following standards and requirements shall apply to all allowed signs;**
- (1) Ground signs shall not be allowed on any lot with less than fifty (50) foot frontage on a public right-of-way.**

- (2) Projecting signs shall be mounted or installed a minimum of nine (9) feet in height above the ground and shall not exceed fifteen (15) feet in height above the ground.
  - (3) A wall sign shall not extend more than twelve (12) inches from the wall on the building on which it is mounted, shall not extend above the top of the wall to which it is attached, shall not extend beyond the limits of any wall to which it is attached and shall have hidden structural supports.
  - (4) Awning signs may be used in lieu of, but not in addition to wall signs for an individual establishment. If illuminated, such awning sign shall have lighting concealed from view.
- (g) **Landscaping Requirements.** A permanent ground sign shall require a single continuous landscape area to be maintained beneath the sign in accordance with the following standards.
- (1) The minimum landscaped area shall be equal to the area of the sign face.
  - (2) The landscaped area shall include all points where sign structural supports are attached to the ground.
  - (3) Where the required landscaping area is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb to prevent the encroachment of vehicles shall be required.
  - (4) The landscape area shall contain living plantings aesthetically located and maintained.
- (h) **Temporary Signs;** Temporary sign(s) allowed by this ordinance are listed below. Up to two (2) temporary signs shall be permitted per lot frontage subject to the following requirements:
- (1) Contains information which pertains only to the “for sale”, “for rent”, or “for lease” status of the premises on which the sign is located, and conforms to size and height requirements to the zoning district in which it is located. No permit shall be required for these signs.
  - (2) Pertains to the future use status of property under construction and which conforms to height and size requirements for the zoning district in which it is located. Temporary signs of this type shall not be displayed for a duration longer the six (6) months.

- (3) Political advocacy or local activity advertising of a temporary nature (e.g., yard sales, reunions) that comply with posting time limits and must be promptly removed. No permit shall be required for these signs.**
- (4) Portable signs are permitted to announce special events and shall be considered temporary signs, require a permit, and must comply to subsection 9 of Section e. portable signs must be located on the premises of the sponsoring organization.**

**(I) Signs allowed in the R-1 and R-2 Districts.**

- (1) A sign permit for any permanent sign in this Section shall not be required, except as required in subsection 6 of this Section.**
- (2) No sign may be illuminated.**
- (3) Projecting signs shall be prohibited, except as allowed in Section c, Subsection 4.**
- (4) Ground signs shall be allowed only as follows:**
  - A. Only temporary ground signs are allowed. Permanent ground signs shall be prohibited, except as allowed in Section c, Subsection 4.**
  - B. A temporary ground sign advertising a garage sale to be held on the premises shall be displayed for a period of time not to exceed three (3) days maximum.**
  - C. The sign face shall not exceed six (6) square feet in area and the sign area shall not exceed twelve (12) square feet.**
  - D. The sign height shall not exceed four (4) feet.**
- (5) One wall sign may be allowed on each dwelling unit and each sign shall not exceed two (2) square feet in area.**
- (6) Permanent subdivision sign(s) may be erected subject to the following requirements:**
  - A. One (1) ground sign may be erected at each major entrance to a subdivision.**

- B. The sign face shall not exceed sixteen (16) square feet in sign area and six (6) feet in height.**
- C. Each sign base shall be landscaped in an amount equal to the total sign area.**
- D. Each sign may be illuminated, provided that the illumination does not shine directly onto any adjoining residential zoned property.**
- E. A permit shall be required for each approved sign allowed under this subsection.**

**(J) Signs Allowed in the HR-1 District.**

- (1) Except as allowed in Section c, a sign permit for any permanent sign in the Section shall be required.**
- (2) Signs may be externally illuminated with a white light. No temporary sign may be illuminated.**
- (3) Projecting signs shall be prohibited, except as allowed in Section c, Subsection 4.**
- (4) Ground signs shall be allowed only as follows:**
  - A. The sign face shall not exceed six (6) square feet in area and the sign area shall not exceed twelve (12) square feet.**
  - B. The sign height shall not exceed four (4) feet.**
  - C. A temporary ground sign advertising a garage sale to be held on the premises shall be displayed for a period of time not to exceed three (3) days maximum.**
- (5) One wall sign may be allowed on each dwelling unit and each sign shall not exceed two (2) square feet in area.**

**(K) Signs Allowed in the C-1, C-2, C-3 district.**

- (1) Ground signs shall be allowed as follows:**
  - A. Only one (1) sign shall be permitted on each premises. However, the two sign faces of a ground sign may be split into two signs and situated at the main entrances of a development, provided that**

each sign shall have only one (1) sign face that does not exceed the maximum allowed by this ordinance.

**B. The sign height shall not exceed six(6) feet.**

**C. The allowed sign area shall not exceed one (1) square foot of a sign area per ten (10) linear feet of lot frontage and not exceed thirty-two (32) square feet in sign face area and sixty-four (64) square feet in sign area.**

**(2) Wall signs shall be allowed as follows:**

**A. There is no restriction on the number of wall signs necessary to adequately identify buildings and related facilities.**

**B. Wall signs shall not exceed eight (8) square feet in sign area.**

**C. The aggregate area of signs on any single building shall not exceed forty (40) square feet.**

**(3) Temporary signs may be allowed in accordance with Section H.**

**(4) Each sign may be externally illuminated with white light. No temporary sign may be illuminated.**

**(5) All permanent signs require permits.**

**(L) Signs Allowed in the L-1 District.**

**(1) All permanent signs may be illuminated. Temporary signs shall not be illuminated.**

**(2) No sign shall be located in such a manner as to be primarily viewed from residential used or zoned property.**

**(3) Permanent pole signs shall be permitted as follows:**

**A. Only one(1) pole sign shall be allowed on a premises.**

**B. The pole sign shall not exceed one-half (1/2) square foot of sign area per one (1) linear foot of lot frontage not to exceed sixty-four (64) square feet in sign face.**

- C. Pole signs shall be a maximum height of twenty (20) feet at the street right-of-way line and for each additional five (5) feet of sign setback, one (1) foot may be added in sign height not to exceed total sign height of thirty (30) feet.
- (4) Permanent wall or projecting signs shall be permitted as follows:
  - A. There is no restriction on the number of wall signs permitted per premise, however, the total area of all wall signs shall not exceed one and one-half (1-1/2) square feet of sign area per one (1) linear foot of building frontage.
  - B. Projecting signs shall not exceed twelve (12) square feet in total sign face.
- (5) Temporary signs shall be allowed in accordance with Section G.
- (6) All permanent signs require permits.

(M) Signs Allowed in the COS District.

Signs within this district shall be limited to those which direct, explain, interpret or regulate facilities, uses and activities permitted upon COS zoned lands. A permit is required.

### 1317.05 LANDSCAPING AND SCREENING.

- (A) Applicability. The provisions of this Article shall apply to all parking lots constructed with the City.
- (B) Landscape Plan Requirements.
  - (1) No parking lot of twenty (20) or more spaces shall be constructed, enlarged or reconstructed until a landscaping plan for that parking lot has been approved. Landscape plans submitted pursuant to this Article shall be reviewed under the Site Plan Review requirements of this ordinance.
  - (2) In the case where a proposed parking lot has fewer than twenty (20) spaces, the permit-issuing authority shall authorize a landscaping plan which best meets the spirit and intent of this Article.
  - (3) Landscape plans shall be drawn to scale, including dimensions and distances, and clearly show the existing and proposed parking spaces

and other vehicle use area, access aisles, driveways and the location, size and description of all landscape materials.

**(C) Parking Lot Landscaping Design Criteria.**

- (1) Approved landscaping materials used in parking lots shall include trees, shrubbery, hedges and other live planting materials. Trees used shall be of a type that provides shade at maturity. Effective use of earth berms and existing topography is also encouraged as a component of the landscape plan.**
- (2) The landscaping and planting areas shall be dispersed throughout the parking lot.**
- (3) The interior dimensions of any planting area or planting medium shall be sufficient to protect the landscaping materials planted therein and to allow proper growth.**
- (4) In those instances where plant material exists on a parking lot site prior to its development, such landscape materials may be used if approved as meeting the requirements of this Article.**

**(D) Planting Materials.**

- (1) No materials shall be approved for use in any parking lot landscaping plan that are judged by the permit-issuing authority as unsuitable for such use in the City.**
- (2) All landscaping trees to be used shall be a minimum of six (6) feet in overall height upon planting and consist of a species that normally grows to an overall height of a minimum of fifteen (15) feet.**
- (3) Other landscaping material as required by this ordinance shall be materially and aesthetically complimentary to the required tree plantings.**

**(E) Peripheral Coverage Requirements.**

- (1) In addition to the requirements of Section F, peripheral landscaping shall be required along the side of a parking lot that abuts adjoining property that is not a right-of-way.**

- (2) A landscaping strip at least four (4) feet in width shall be located between the parking area and the abutting property lines, except where driveways or other openings may be required.
- (3) At least one (1) tree for each fifty (50) linear feet shall be planted in the landscaping strip in addition to other planting materials.
- (4) The requirements of this Section shall not apply where planting is provided for screening along the side of a parking lot abutting adjoining property as provided elsewhere in this ordinance.

**(F) Street Frontage Planting Requirements.**

- (1) In addition to the requirements of Section e, landscaping shall be provided along any side of a parking lot that abuts the right-of-way of any street.
- (2) A landscaping strip ten (10) feet in width shall be located along the side of any parking lot abutting the right-of-way except where driveway or other openings may be required.
- (3) One tree shall be planted for each forty (40) linear feet of the landscaping strip in addition to other planting materials.

**(G) Maintenance.** The owner and their agencies shall be responsible for providing, protecting and maintaining all landscaping in healthy and growing conditions, replacing it when necessary, and keeping it free from refuse and debris.

**(H) Screening.**

- (1) The building, parking or loading areas for multi-family residential, office, commercial, industrial and recreational use shall be visually screened from any adjoining premises used or zoned for single family residential purposes. Screening may include any of the following means:
  - A. A solid board fence at least six (6) feet in height.
  - B. An opaque evergreen trimmed hedge the thickness of which shall not be less than 30% of its required height of six (6) feet.

- C. An earth berm may be used in combination with any of the above types of screening, but not more than two-thirds (2/3) of the required height of such screening may be provided by the berm.
  - D. All screening shall follow the lot line of the lot to be screened or to be arranged within the boundaries of the lot as to substantially hide from adjoining properties the building, parking, loading area or other activity required to be screened.
  - E. Screening as permitted in Subsection 1, shall be installed to screen and reduce the visual impact of garbage waste disposal containers, storage areas, on and above-grade mechanical and electrical equipment. The height of this required screening shall be determined during Site Plan Review of the proposed development by the permit-issuing authority.
  - F. In all districts, garbage cans and trash receptacles must be suitably screened from view from adjacent streets or properties prior to pickup.
- (I) **Sight Distance Protection.** No landscaping, tree, fence, wall or similar item shall be maintained in the vicinity of any corner, street, intersection or access way intersecting a public right-of-way that the Code Enforcement Officer determines is an obstruction, extends into necessary sight-lines or constitutes a traffic hazard. See Article 1323 Section d.
  - (J) **Lighting.** Lighting plans for signs, building and structures shall be shown on the Site Plan for the proposed development. Generally, lighting and illumination shall be designed as to not be visible from any point off the lot on which the sign, building or structure is being illuminated.

## **1317.06 PARKING AND LOADING REQUIREMENTS.**

### **(A) Number of Parking Spaces Required.**

All developments in all zoning districts, except for the central business core of the C-2 Highway Commercial District as shown on the Zoning Map, shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development under consideration. The basis for determining the required number of parking spaces shall be the Table of Parking Requirements of this ordinance.

The number of spaces required shall also include accessible spaces adjacent to accessible routes in compliance with the Uniform Federal Accessibility Standards.

It is recognized by Council that the Table of Parking Requirements as set forth cannot cover every possible situation that may arise, and therefore in cases not specifically covered the permit-issuing authority is authorized to determine the parking requirements using the table as a guide.

**(B) Flexibility in Administration Required.**

The Council recognizes that due to the particularities of any given development, inflexible application of the parking requirement set forth in the table may result with either inadequate parking space or parking space far in excess of its needs. Therefore, the permit-issuing authority may deviate from the requirements in the Table of Parking Requirements and may require more or less parking whenever it finds that such deviations are more likely to satisfy the standards set forth in the table.

Whenever the permit-issuing authority allows or requires a deviation from the Table of Parking Requirements, the reasons for such deviation shall be noted on the building permit.

**(C) Table of Parking Requirements.**

<b>Residential Uses</b>	<b>Parking Requirement</b>
<b>Single-family detached</b>	<b>2 Spaces per dwelling unit</b>
<b>Single-family attached</b>	<b>2 Spaces per dwelling unit</b>
<b>Two-family</b>	<b>2 Spaces per dwelling unit</b>
<b>Multifamily</b>	<b>1.5 Spaces per dwelling unit</b>
<b>Multifamily for the elderly</b>	<b>1 Space per dwelling unit</b>
<b>Group Residential Facilities</b>	<b>1 Space per full-time employee</b>
<b>Bed and Breakfast</b>	<b>2 Spaces plus 1 for each guestroom</b>
<b>Auditorium, theater</b>	<b>1 Space for every 4 seats; 20' of bench or pew is one seat</b>
<b>Automobile sales and service</b>	<b>1 Space for each 800 square feet of gross floor area (GFA)</b>
<b>Automobile service station</b>	<b>2 Spaces for each service bay plus 1 space per employee</b>
<b>Automobile repair or servicing</b>	<b>1 Space per 200 square feet of GFA</b>
<b>Bank</b>	<b>1 Space per 250 square feet of GFA</b>
<b>Bar</b>	<b>1 Space per 50 feet of customer floor space or number of spaces equal to 30% of maximum occupancy, whichever is greater</b>
<b>Child care center and home</b>	<b>1 Space for every nonresident employee</b>
<b>Churches and other places of worship</b>	<b>1 Space for every 5 seats. Up to 50% of required parking may be provided on</b>

	<b>public or commercial lot within 500' of the place of worship.</b>
<b>Club, lodge</b>	<b>1 Space for every 4 seats or 1 space per 300 square feet of FGA, whichever is greater</b>
<b>Community center, museum, library</b>	<b>1 Space per 400 square feet of GFA</b>
<b>Convenience store</b>	<b>1 Space per 150 square feet of GFA</b>
<b>Funeral home</b>	<b>1 Space per 75 feet of public rooms, plus 1 space for each employee, 20 spaces minimum</b>
<b>Greenhouse, commercial</b>	<b>1 Space per 200 square feet of GFA</b>
<b>Hospitals, medical treatment facilities in excess of 10,000 feet</b>	<b>2 Spaces per bed or 1 space per 150 square feet of GFA, square whichever is greater</b>
<b>Industrial establishment</b>	<b>1 Space for each employee on maximum shift</b>
<b>Laundromat</b>	<b>1 Space per 200 square feet of GFA</b>
<b>Medical/dental offices/clinics</b>	<b>4 Spaces for each practitioner</b>
<b>Motels/hotels</b>	<b>1 Space per guestroom plus 1 per each 2 employees</b>
<b>Nursing home</b>	<b>1 Space per 6 patient beds plus 1 space for each employee on maximum shift</b>
<b>Office without visiting clients</b>	<b>1 Space per 300 square feet of GFA</b>
<b>Office with visiting clients</b>	<b>1 Space per 200 square feet of GFA</b>
<b>Recreation centers, bowling alleys, roller rinks, dance halls</b>	<b>1 Space per 100 square feet of GFA, plus 1 space for every two full time employees</b>
<b>Restaurant, no substantial carry-out, drive-thru or delivery service</b>	<b>1 Space per 100 square feet of GFA</b>
<b>Restaurant, drive-thru, delivery service</b>	<b>1 Space per 100 square feet of GFA, plus reservoir land capacity equal to five spaces per drive-thru window</b>
<b>Retail store, service or repair shop</b>	<b>1 Space per 400 square feet of GFA</b>
<b>Retail store, service or repair shop that handles bulky merchandise, such as furniture, large appliances</b>	<b>1 Space per 800 square feet of GFA</b>
<b>School-business, technical, trade</b>	<b>1 Space for each student based on capacity of building, 1 space for each staff member</b>
<b>School-kindergarten, elementary, middle</b>	<b>1 Space for each classroom, 1 space for each staff member</b>
<b>School-senior high</b>	<b>1 Space for each 10 students based on capacity of building, 1 space for each classroom and administrative office</b>
<b>Swimming pool</b>	<b>1 Space per 100 square feet of pool, sunbathing and picnic area</b>
<b>Veterinarian/Kennel</b>	<b>1 Space per 200 square feet of GFA</b>

**(D) Parking Space Dimensions.**

- (1) Each parking space shall contain a rectangular area at least nineteen (19) feet long and nine (9) feet wide. Parking spaces for disabled people shall have an adjacent aisle sixty (60) inches wide minimum. Two accessible parking spaces may share a common access aisle.**

**page 92 is missing here.**

space may be credited to both uses. For example, if a church parking lot is only occupied to 50 percent of capacity on days other than Sunday, another development could make use of 50 percent of the church lots spaces on those other days.

**(H) Satellite Parking.**

- (1) If the number of off-street parking spaces required by this ordinance cannot be reasonably provided on the same lot where the principal use associated with the parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with provisions of this section. These off-site spaces are referred to as satellite parking spaces.**
- (2) All satellite parking spaces (except spaces intended for employee use) must be located within 400 feet of a public entrance of a principal building. Satellite parking for employee parking may be located within any reasonable distance.**
- (3) The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that they have the permission of the owner or other person in charge to use such spaces. The developer must also sign an acknowledgment that the continued validity of the permit depends on their continuing ability to provide the required number of parking spaces.**

**(I) Loading and Unloading Areas.**

In all zoning districts, in connection with every building hereafter erected to be occupied by uses requiring the receipt or shipment by motor vehicles of materials or merchandise, three shall be provided and maintained on the same premises off-street loading and unloading space accessible from an alley or easement of access, or when there is no such alley or easement of access, from a street.

- (1) One loading space with a minimum dimension of 12 feet by 15 feet with 14 foot overhead clearance shall be required for each 10,000 square feet of gross floor area. If less than 10,000 square feet exists, 5,000 or more square feet shall require one loading space.
- (2) Loading and unloading areas shall be located and designed to complete the loading and unloading without obstructing or interfering with any public right-of-way, or parking space or parking lot aisle.
- (3) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

**(J) Parking requirements in the central business core of the C-3 Highway Commercial District and the Historic Residence District.**

It is the intent of this ordinance to ensure that each development provides off-street parking in amounts sufficient to meet the anticipated parking demand. The Council recognizes, however, that physical limitations of properties in the central business district of the C-3 Highway Commercial District and the Historic Residence District may prohibit strict compliance with established parking requirements. Therefore, required parking in these said districts shall be determined during Site Plan Review and approved by the City council based upon the characteristics of the specific site and the availability of nearby on or off-street public parking.

**(K) Accessibility Standards.**

The provision of accessible parking spaces shall be in compliance with the Americans with Disabilities Act and the Uniform Federal Accessibility standards of April 1, 1988. The following table is to be used as a minimum guideline. Complete requirements are to be found in the Standards.

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2

<b>51 to 75</b>	<b>3</b>
<b>76 to 100</b>	<b>4</b>
<b>101 to 150</b>	<b>5</b>
<b>151 to 200</b>	<b>6</b>
<b>201 to 300</b>	<b>7</b>
<b>301 to 400</b>	<b>8</b>
<b>401 to 500</b>	<b>9</b>
<b>501 to 1000</b>	<b>2% of total</b>
<b>1001 and over</b>	<b>20 plus 1 for each 100 over 1000</b>

### **1317.07 EXCAVATIONS.**

No excavations for the removal of gravel or mineral deposits of any kind shall be permitted within the City limits.

### **CROSS REFERENCES**

**Junk and abandoned vehicles – see Mannington Ordinance #279. An Ordinance Amending and Supplementing Chapter 10 of the City Code; Providing For Article III Salvage Yards, Penalties.**

**Unsafe structures – see Mannington Property Maintenance Code Nonconforming uses – See P. & Z. Art. 1321**

## **ARTICLE 1319 Planned Unit Development District**

- 1319.01 Statement of Legislative Intent.**
- 1319.02 General Description.**
- 1319.03 Uses Permitted.**
- 1319.04 Area Regulations.**
- 1319.05 Initiation by Petition.**
- 1319.06 Establishment.**
- 1319.07 Development Plan.**
- 1319.08 Contents of Petition.**
- 1319.09 Use Control.**
- 1319.10 Permissive Variation in Requirements.**

**1319.11 Final Development Plan.**

**1319.12 Penalty.**

### **1319.01 STATEMENT OF LEGISLATIVE INTENT**

Through the site plan review, it is the intent of these regulations to promote the general health, safety and welfare of the City. It is the further intent of these regulations to ensure the optimum conservation, protection, preservation, development and use of the natural and manmade resources of the City by regulating land use activity throughout the City through review and approval of site plans.

### **1319.02 GENERAL DESCRIPTION**

“Planned Unit Development District” as used in this ordinance, may be superimposed over existing zoning districts as hereinafter provided for the following purposes:

- (a) To produce a development which would be as good or better than that resulting from the lot-by-lot development by applying to large areas, whether consisting of consolidated lots or unsubdivided property, the same principals and purposes inherent in the required provisions applying to the individual lot or minimum area parcels.**
- (b) To correlate comprehensively the provisions of this and other ordinances and codes of the City, to permit development which would provide a desirable and stable environment in harmony with the comprehensive plan for the City and that of the Surrounding area.**
- (c) To permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient, esthetic and desirable use of open area while at the same time maintain substantially the same population density and area coverage permitted in the zone in which the project is located.**
- (d) To permit flexibility in design, placement of buildings, use of open spaces, circulation facilities and off-street parking areas, and to best utilize the potentials of site characterized by special features of geography, topography, size or shape.**

### **1319.03 USES PERMITTED**

**In the Planned Unit Development District, only the following uses are permitted:**

- (a) **In a residential planned unit development. The primary use in a planned unit development shall be residential. There shall be no accessory or special permitted uses in the District except recreational facilities and common meeting or other common facilities as specified in the development plan for use only by the residents in the unit and guests.**
- (b) **In planned unit developments for other than residential uses, uses shall be limited to those permitted in the zone in which the use is located.**

#### **1319.04 AREA REGULATIONS.**

**A planned unit development project shall contain an area of not less than five (5) acres.**

#### **1319.05 AREA REGULATIONS**

**Planned unit development projects shall be initiated by an application in the form of a petition to Council signed by all owners of the property involved, except that owners of severed mineral interests need not join in the petition.**

#### **1319.06 ESTABLISHMENT.**

**A Planned Unit Development District shall be created by Council as an amendment to an existing zoning map by superimposing the District over the existing zoning district, the amendment to be processed as provided for in Article 1309.**

#### **1319.07 DEVELOPMENT PLAN**

- (a) **Procedure for Approval.**

- (1) **A development plan, including both maps and text, shall be submitted with the petition to the Mayor and Council and referred to the Planning Commission for approval and recommendations of the Commission. The Commission shall proceed in accordance with Section 1309.01 (c) to consider the petition, its attachments, and such evidence as petitioners or protestants may choose to present. After arriving at its decision, the Commission shall present its recommendations to Council in writing, which recommendations shall comply with the development policies of the official plan of the City and the zoning classification of which the Planned Unit Development District is to be part of. Recommendations of the Commission may be absolute or conditions, adding to or deleting from the provisions of the application. The petition and attachments shall be prepared so as to comply also with the Subdivision Regulations**

of the City, so that the subdivision review may be carried out simultaneously with the development plan review.

- (2) Upon receipt of the Commission's recommendations, Council shall consider the petition with all attachments and other documents or information submitted to the Commission, with the Commission's report on recommendations, and approve or reject the application as transmitted, or return the matter to the Commission for further study in accordance with Council's directions. Approval by Council shall constitute a limitation on the use and design of the site to the terms of the approved District.
  - (3) The development resulting from the application of the provisions of this section shall be made a part of the Zoning Map and identified thereon by appropriate reference to the detailed planned unit development map and explanatory text, if any, either by number or by symbol.
- (b) **Amendment.** Prior to completion, the development plan may be amended on petition of the person or persons developing the plan, addressed to the Mayor and Council, having the same information included or attached which is required to be submitted with the original petition. The petition shall be referred to the Commission and all procedures shall be the same as for initiating petitions.
- (c) **Expiration.**
- (1) If construction of the plan is not commenced in good faith within one year from the date of the District becoming effective, authorization for the plan shall expire and Council shall forthwith take all action necessary to remove the District from the Zoning Map. No action shall be taken by the developer in furtherance of the plan after the date the authorization expires.
  - (2) Otherwise, the District shall remain in existence and effect and binding on the land affected, regardless of whether or not development is proceeded with or completed until Council shall by appropriate action remove the District from the Zone Map.

#### **1319.08 CONTENTS OF PETITION.**

Petitions for approval of planned unit development projects shall be directed to the Mayor and Council, shall be on eight and one-half by eleven inch white, unlined paper, shall be filed in duplicate, and shall contain a complete, detailed presentation of the

**planned unit development being proposed, including drawings and pictures to the extent available. The petition shall include, without limitation, the following information:**

- (a) The names and addresses of the petitioners, who shall be all of the persons who are record owners or beneficial owners of the land to be developed, excluding owners of severed minerals. If any petitioner is a partnership, joint venture, or corporation, the petition shall state the names of all beneficial owners thereof.**
- (b) A metes and bounds description of the land proposed to be developed.**
- (c) A description of the plan with designs and drawings thereof, if available, including type of architecture.**
- (d) A description of the type of use planned for each building.**
- (e) The construction schedule.**
- (f) If residential, the number, type and size of the dwelling units and a commitment as to whether the units will be sold or leased.**
- (g) Type of construction involved in each building.**
- (h) There shall be attached to the petition an accurate map, drawn to scale, of not less than 100 feet to the inch, showing the boundaries of the site; names and dimensions of all streets bounding or touching on the site; the proposed location and horizontal and vertical dimensions of all buildings and structures proposed to be located on the site; proposed locations and dimensions of open spaces, if any, within the site; proposed public dedication, if any, within the site including utility lines and easements, sanitary sewer lines and easements, and storm sewer lines and easements; sidewalks; locations, dimensions and design of off-street parking facilities showing points of ingress and egress from the site; the locations, direction and bearing of any major physiographic features such as railroads, drainage canals and shorelines, and existing topographic contours at intervals of not more than five feet with proposed grading, drainage and landscaping. Whenever approved plans cannot be followed, modifications may be approved by the Commission and Council.**
- (i) The explanatory text shall contain a written statement of the general purposes of the project and an explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form.**

- (j) **Proposed perimeter treatment as it affects adjacent areas, including land on opposite sides of streets, along with names of owners of all adjacent land whether or not separated by a street.**

#### **1319.09 USE CONTROL**

- (a) **Use regulation of each zoning district, as specified in Article 1313, shall apply equally to Planned Unit Development Districts except as altered in this article or in the approved development plan.**
- (b) **Adequate guarantee must be provided to insure permanent retention of the open space land area resulting from the application of these regulation, either by private reservation for the use of the residents within the development or by dedication to public use and acceptance thereof, or a combination thereof.**

#### **1319.10 PERMISSIVE VARIATION IN REQUIREMENTS.**

**In the consideration of a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zone in which the project is located, except as otherwise specifically provided in this article. In modifying such regulations, requirements and standards as they may apply to a planned unit development project, the following limitations shall apply:**

- (a) **Yards. The requirements for front, side and rear yards for the zone in which the planned unit development is located shall apply to all exterior boundary lines of the site. Other yards shall be as approved on the plan.**
- (b) **Open Spaces. In addition to all other requirements, not less than ten percent (10%) of the total area of the site shall be set aside for permanent open spaces, none of which shall be used for parking or vehicular right of way.**
- (c) **Number of Dwelling Units. The maximum number of dwelling units permitted shall be determined by dividing the development area, exclusive of publicly used streets and rights-of-way, by the minimum lot area per dwelling unit required by the zone in which the area is located.**
- (d) **Off-Street Parking. The total required off-street parking facilities shall be not less than the sum of the required parking facilities for the various uses computed separately.**

#### **1319.11 FINAL DEVELOPMENT PLAN.**

**Following the establishment of a Planned Unit Development District, a specific development plan shall be prepared by the applicants and approved by the Planning**

Commission prior to any zoning clearance permit or permits being issued for construction of the development.

**1319.99 PENALTY.**

Violations of approved plans and this article shall constitute a violation of the Zoning Ordinance. The provisions of Section 1305.05 and 1305.99 shall apply.

**CROSS REFERENCES**

Small development plan – see P. & Z. 1305.03

Platting standards – see P. & Z. 1339.11

**ARTICLE 1321  
Nonconforming Uses**

**1321.01 Continuation of Use.**

**1321.02 Regulations.**

**1321.03 Termination.**

**1321.01 CONTINUATION OF USE.**

Except as otherwise provided in this article, the lawful use of any building, structure of land at the time of the enactment of this Zoning Ordinance, or any applicable amendment thereto, may be continued, although such use does not conform to the provisions of this Ordinance.

**1321.02 REGULATIONS.**

No existing building or structure devoted to a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, except as follows:

- (a) **Restoration.** If any nonconforming building or structure, which as a result of fire, explosion or other casualty, has less than two-thirds of its current market value made unsafe or unusable, such nonconforming building or structure may be restored, reconstructed or used as before, provided that the bulk, height and area requirements shall not be in excess of those started within sixty days and completed within one year of such occurrence or the use of such building, structure or land as a legal nonconforming use shall not be extended to displace a conforming use.

- (b) **Extension and Displacement.** A nonconforming use shall not be extended, but any alteration or addition to any land or any alteration, addition or replacement of or to any existing building or structure for the purpose of carrying on any use prohibited under the zoning rules and regulations applicable to the district is prohibited. If a nonconforming use has been abandoned, any future use of such land, building or structure shall be in conformity with the provisions of the ordinance regulating the use in the district in which such land, building or structure may be located.
- (c) **Unsafe Structures.** Any nonconforming building or structure or portion thereof declared unsafe by proper authority may be restored to a proper condition, subject to limitations under subsection (a) hereof.
- (d) **Alterations and Repairs.** A nonconforming building or structure of other than residential purposes may not be reconstructed or structurally altered during its life, unless such building or structure is changed to a conforming use. A nonconforming structure or building containing residential use may be altered in any way to improve interior livability provided that no structural alteration shall be made which would increase the nonconformity with regard to the number of housing units and incidental alterations of a building or structure containing a nonconforming use shall be permitted provided that such repairs and alterations do not exceed the volume or area of space occupied by the nonconforming use.
- (e) **Change of Use.** A nonconforming use of a structure may not be changed to another nonconforming use; provided, however, that the Board of Zoning Appeals may permit a change in a nonconforming use to a use permitted in the next most restrictive zone consistent with the surrounding zoning district upon such terms and conditions as such Board may prescribe; provided further, however, that a nonconforming use so changed shall not revert to use in the less restrictive zone other than the zone it was initially changed to. Any new business, if it meets the same zoning district of the original change, need not obtain Board of Zoning Appeals approval. This subsection does not apply to any nonconforming use not recognized in the current Zoning Ordinance.
- (f) **Prior Approval.** Nothing herein contained shall require any change in the plans, construction or designated use of a building complying with existing laws, a permit for which had been duly granted before the date of adoption of this Ordinance or any applicable amendment thereto, provided that such building shall be completed according to such plans as filed within six months from the date of this Ordinance.

- (a) **Abandonment.** The discontinuance of a nonconforming use for a period of sixty days or the change of use of a conforming use for any period of time shall be considered an abandonment thereof, and such nonconforming use shall not thereafter be revived.
- (b) **Partial Destruction.** Any nonconforming building or structure, which as a result of fire, explosion or other casualty, has two-thirds or more of its estimated true value destroyed, the use of such building or structure, as a nonconforming use, shall thereafter be terminated and any new construction shall be in accordance with the provisions of this Zoning Ordinance.
- (c) **Amortization and Fencing.** Nonconforming signs shall be discontinued and removed or changed to a use permitted in the respective district not later than one year after the adoption of this Ordinance.

Every junk yard existing as a nonconforming use, shall, within one year after becoming nonconforming, be completely enclosed with a continuous solid fence or evergreen hedge found on determination of the Zoning inspector to be of such height and character as to screen all of the operations for public view. Such fence or hedge shall be adequately maintained and in full conformity with any conditions attached to such approval.

## **CROSS REFERENCES**

Validation of existing ordinances – see W.V., Code 8-24-49

Existing uses safeguarded – see W.V., Code 8-24-50

Existing nonconforming lots – see P. & Z. 1317.01

Unsafe structures – see Property Maintenance Code

## **ARTICLE 1323 Supplemental Provisions**

- 1323.01** Statement of Legislative Intent.
- 1323.02** Flood Plain Development.
- 1323.03** Projections into Setbacks.
- 1323.04** Exceptions to Height Limitations.
- 1323.05** Sight Distance Protection.
- 1323.06** Drive-thru Service Facilities.
- 1323.07** Single-family Detached Dwelling Standards.
- 1323.08** Maintenance of Property.

### **1323.01 STATEMENT OF LEGISLATIVE INTENT.**

**It is the intent of the supplementary provisions to:**

- (a) Provide for special situations that are recognized as valid yet necessarily have to be regulated in such a manner as to promote orderly development and to protect the public health, safety, and general welfare.**
- (b) Supplement district regulations where necessary to clarify and carry out the overall intent of this ordinance.**

### **1323.02 FLOOD PLAIN DEVELOPMENT.**

**All development, activities and uses, existing and future, located within the boundaries of the designated flood plain districts on the National Flood Insurance Program maps, and which are considered as a part of the official Zoning Map shall be subject to the regulations found in Article 1311.**

### **1323.03 PROJECTIONS INTO SETBACKS.**

- (a) Architectural features may project into a required setback as provided below:**
  - (1) Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters, or other similar features must not extend closer than five (5) feet from the property line.**
  - (2) Uncovered stairs, landing, and porches, none of which shall be more than five (5) feet above ground level, a distance not to exceed three (3) feet into the required setback.**
- (b) No permitted projection noted in (a) above shall extend within three (3) feet of an accessory building.**
- (c) Fences, walls, terraces, steps or other similar features may project into a required setback but shall not exceed eight (8) feet in height, except that, however, in residential districts the height shall not exceed four (4) feet in height in the required front yard setback area. Retaining walls and fences I Highway Commercial and Industrial Districts may exceed eight (8) feet in height, provided they do not violate the following provisions of Section 1323.04 – Vision Field.**

### **1323.04 EXCEPTIONS TO HEIGHT LIMITATIONS.**

**The district height limitations shall not apply to the following:**

- (a) Church spires, belfries, cupolas, or domes, not for human occupancy.**
- (b) Chimneys, elevator penthouses, water tanks or flagpoles.**
- (c) A parapet wall not extending more than four (4) feet above the limited height of the building.**

**1323.05 SIGHT DISTANCE PROTECTION.**

**For sight distance protection, a sight triangle shall be provided at every street intersection. A sight triangle shall be a triangular area at the street intersection of a corner lot, the apace being defined by a line across the corner of the lot, the ends of which are on the street lines twenty (20) feet from the corner and containing no building, structure, landscaping or other obstruction to sight shall be located more than two and one-half (2 ½) feet above grade and less than nine (9) feet above the grade at the curb. Tree trunks, poles and posts may penetrate the vision field.**

**See Diagram 2 in Article 1303, page 23.**

**1323.06 DRIVE-THRU SERVICE FACILITIES.**

**Drive-thru service facilities are a supplementary part of a principal facility or operation such as a bank, dry-cleaning establishment, photo developing center, restaurant, carwash or any facility in which goods or services are delivered to the driver or a passenger of a motor vehicle who remains in the motor vehicle.**

**A site plan for a proposed drive-thru facility shall be approved by the Code Enforcement Officer. Approval shall be granted if the officer determines that the facility and its associated operational characteristics will not create a traffic hazard with either respect to automobile stacking and traffic congestion, the adequacy and safety of entry and exit points or the on-site vehicle circulation pattern.**

**1323.07 SINGLE-FAMILY DETACHED DWELLING STANDARDS.**

- (a) A single-family detached dwelling shall have a minimum width of fourteen (14) feet at the narrowest point of its first story for a depth of twenty (20) feet.**
- (b) The owner of a single-family detached dwelling shall also be the owner of the property that the home is placed on.**
- (c) single-family detached dwellings shall be placed on a permanent foundation.**

- (d) The main structure shall have a pitched roof with a surface of asphalt, composition, metal or wood shingles.

**1323.08 MAINTENANCE OF PROPERTY.**

Property shall be maintained to protect the public health, safety and welfare. Upon a citizen's request for a piece of property to be maintained to protect the public, the Code Enforcement Officer may prepare a Finding and Facts of the condition of the property and submit it to the Planning Commission who may conduct a public hearing and take appropriate action that shall protect the public health, safety and welfare.

**ARTICLE 1331  
Manufactured Housing**

- 1331.01 Intent**
- 1331.02 Definitions.**
- 1331.03 Factory Built Housing.**
- 1331.04 Type II Manufactured Housing Classification System.**
- 1331.05 Permitted Placement.**
- 1331.06 Application for Class A Manufactured Housing Determinations.**
- 1331.07 Action by Zoning Officer.**
- 1331.08 Standards for Determination of Acceptable Similarity in Exterior Appearance**
- 1331.09 Replacement of Nonconforming Manufactured Housing.**
- 1331.10 Class D Manufactured Homes Prohibited.**

- 1331.01 Intent.**

It is the intent of the Manufactured Housing regulations to provide for an alternative form of housing by permitting the use of Type II Manufactured Housing, as defined herein, on single lots of record in specified districts where similar site-built units are permitted. Type II Manufactured Housing shall be subject to the requirements and procedures contained within this article to insure acceptable similarity in the exterior appearance between Type II Manufactured Housing and site built dwellings that have been or might be constructed in these specified districts subject to the limitations contained herein.

- 1331.02 DEFINITIONS.**

1. **“Factory Built Homes”** means a structure designed for long-term residential use. For the purpose of these regulations, factory-built housing consists of three types: manufactured homes, mobile homes, and modular homes.
2. **“Manufactured Home”** means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401, et. seq.), which became effective June 15, 1976.
3. **“Mobile Home”** means a transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.
4. **“Modular Home”** means a factory-fabricated, transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure, to be used for residential purposes and which bears a seal of compliance with regulations of the CABO one and two family building code or the BOCA code and other building codes adopted by the City of Mannington by ordinances.

### **1331.03 FACTORY BUILT HOUSING.**

It is the intent of this ordinance to encourage the provision of affordable housing in a general residential zone by permitting the use of new modular and manufactured homes, as defined in Article 1331.01, meeting the definition of Single-Family residences as defined herein, in all zones in which similar dwellings constructed on the site are permitted, subject to the requirements and procedures set forth herein to assure similarity in exterior appearance between such residentially designed Modular and Manufactured Homes and dwellings which have been constructed under these and other lawful ordinances on adjacent lots in the same district, zoning classification or general area.

Modular and Manufactured Homes, as defined in Article 1331.01, shall be permitted in all zones subject to the requirements and limitations set forth in this Ordinance which are applicable to Modular and Manufacture Homes and the requirements and limitations applying generally to residential use in such zoning classifications or districts, including minimum lots, yard and building spacing, percentage of lot coverage, off-street parking requirements, square footage requirements and approved foundations as described herein.

- (a) Modular and Manufactured Homes qualifying as a Single-Family residence shall be compared to site built and other housing in the immediate general area within the same zoning or residential district or area. Approval shall be

**granted upon the finding that the Modular or Manufactured Home is substantially similar in size, siding material, roof material, foundation and general aesthetic appearance to:**

- (1) site-built or other forms of housing which may be permitted in the same general area under this Ordinance or**
  - (2) existing development or**
  - (3) proposed development in the same zoning district or area.**
- (b) The home must measure in width and length at least 22 feet for the main body.**
- (c) The floor area shall conform to figure 1 (Residential Uses and Requirements).**
- (d) The Modular or Manufactured Home shall be placed on a permanent foundation in accordance with Appendix C of the CABO 1 and 2 Family Building Code and shall be installed pursuant to the manufacturer's installation instructions and in compliance with rules and regulations of the West Virginia Manufactured Housing Construction and Safety Board established by West Virginia Code 21-9 and regulations approved thereunder. All Modular and Manufactured Homes are required to have a perimeter fascia enclosure constructed of compatible masonry material that encloses the perimeter of the home.**
- (e) All tow bars, wheels and axles shall be removed when the dwelling is installed on the residential lot, as a permanent structure not suited to relocation.**
- (f) The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or other materials of like appearance but use of flat or corrugated sheet metal for the exterior walls or roof coverings is prohibited.**
- (g) The rood shall have a minimum 2:12 roof pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials or other building materials approved by the building official. A roof overhang and rain gutters are required and must not be less than 6" including the rain gutters which may account for up to 4" of overhang, measured from the vertical side of the dwelling. The roof overhang requirements shall not apply to the area above porches, alcoves or other appendages which together do not exceed 25% of the length of the dwelling.**
- (h) The Board of Zoning may approve deviations from one or more of the developmental or architectural standards provided herein on the basis of finding that the materials to be utilized or the architectural style proposed for**

**the dwelling will be compatible and harmonious with existing structures in the vicinity.**

- (1) Mobile Homes, as defined in Article 1331.02, shall be prohibited outside of Mobile Home Parks as set forth in the Zoning Ordinance.**
- (2) Use of Mobile Homes, Manufactured Homes, or Modular Homes for any purpose other than for residential use is hereby expressly prohibited.**
- (3) Applications for approval of placement of Manufactured Homes and Modular Homes shall be made on a form or forms developed for that purpose and shall be submitted to the City of Mannington Department of Development and Planning for review and approval in accordance with this Ordinance.**
- (4) Such applications shall include all information necessary to make determinations as to conformity with the provisions of this Ordinance as applicable to each such Structure and, as applicable, conformity with the standards herein, including photographs or renderings of the front and side of the Modular and Manufactured Home, the exterior finish, and other information necessary to make determination required by this Ordinance.**
- (5) Approval or denial of the application shall be within ten (10) working days of receipt of the applications and all required supporting materials. The applicant shall be notified in writing of the approval, conditional approval or denial of the application within (5) working days after such decision is made. Conditional approval shall require that the conditions and reasons therefore be stated in writing and be agreed to by the applicant, such conditions shall be binding upon the applicant. In the case of disapproval, the reasons therefore shall be stated in writing.**
- (6) Any person aggrieved by a decision of a building official or other officer, department board or bureau charged with the conditional approval or denial of the placement of modular homes or manufactured homes, may appeal such decision to the City of Mannington Board of Zoning Appeals pursuant to the provisions of the City Charter and the appropriate ordinances governing such appeal.**

For purposes of regulating the placement of Type II Manufactured Housing within the City, the following classification system shall be used:

- (a) **Class A:** New manufactured housing certified as meeting the Manufactured Housing and Safety Standards of the Department of Housing and Urban Development and approved as meeting the acceptable similarity appearance standards contained within Article 1331.08.
- (b) **Class B:** New manufactured housing certified as meeting the Manufactured Housing and Safety Standards of the Department of Housing and Urban Development but not approved as meeting the acceptable similarity appearance standards contained within Article 1331.08.
- (c) **Class C:** Used manufactured housing certified as meeting the Manufactured Housing and Safety Standards of the Department of Housing and Urban Development or acceptable prior code found on inspection by the Building Official to be in excellent condition and safe and fit for residential occupancy.
- (d) **Class D:** Used manufactured housing, whether or not certified as meeting the Manufactured Housing and Safety Standards of the Department of Housing and Urban Development or acceptable prior code, found on inspection by the Building Official to be in fair or poor condition and not safe and/or not fit for residential occupancy.

#### **1331.05 PERMITTED PLACEMENT.**

Class A Manufactured Housing shall be considered as a permitted use of single lots on record in R-1 and R-2 Residential Districts, subject to the requirements and limitations that apply to such residential use in the respective district; including minimum lot area, yard, setback, off-street parking and maximum height restrictions. Class A Manufactured Housing shall be subject to Article 1331.08.

#### **1331.06 APPLICATION FOR CLASS A MANUFACTURED HOUSING DETERMINATIONS.**

Applications for approval of Class A Manufactured Housing shall be submitted to the Zoning Officer in such a form as may reasonably be required to make a determination of compliance with Article 1331.08. In addition to such information that is required for obtaining a zoning permit and is necessary for administering the provisions of the City Zoning Ordinance, such application shall include elevations or photographs of all sides of the manufacture house, exterior dimensions, roof slopes, exterior finish, type of foundation and any other information as required by the Zoning Officer to make a Class A determination.

**1331.07 ACTION BY ZONING OFFICER.**

Within thirty days of receipt of the application and submission of all required supporting materials, the Zoning Officer shall make the Class A determination as to conformity with Article 1331.08 and shall notify the applicant of approval or denial of the application. In case of disapproval, the reasons for disapproval shall be stated in writing.

**1331.08 STANDARDS FOR DETERMINATION OF ACCEPTABLE SIMILARITY IN EXTERIOR APPEARANCE.**

- (a) **Intent:** It is the intent of these regulations to encourage the placement of moderate-income housing in a general residential environment by permitting the use of Class A Manufactured Housing, as defined herein in specified districts, subject to the requirements and procedures set forth herein to insure acceptable similarity in exterior appearance between Class A Manufactured Housing and site-built housing that has been built or might be constructed on adjacent lots in the same district.
- (b) **Minimum Dimensions Parallel to Principal Street Frontage.** Class A Manufactured Homes shall be so located on lots that the portions nearest the principal street frontage are at least fifteen feet in total dimensions parallel to the street. Such dimensions shall be measured from outer extremities, including eaves.
- (c) **Minimum Width of Main Body.** Minimum width of the main body of the Class A Manufactured Home as assembled on the site shall not be less than twenty-four feet, as measured across the narrowest portion.
- (d) **Minimum distance, Eaves to Ridge: Roofing Materials:** Minimum distance from eaves to ridge shall be twelve feet. In general, any roofing material may be used that is acceptable for site-built housing, is applied in such a manner as to be similar in appearance.
- (e) **Exterior Finish; Light Reflection.** The exterior wall covering is required to be either:
  - 1. Wood or masonry finish, or its appearance and/or,
  - 2. Vertically or horizontally grooved siding or lap siding, or its appearance.
- (f) **Gutters and Downspouts Required.** Manufactured homes shall be installed with gutters and downspouts in accordance with Section P.M. 506.1 of the

**BOCA Maintenance Code and with the applicable requirements of the Building Code.**

- (g) Permanent Perimeter Enclosure Required. Manufactured homes approved for placement within the City shall be set onto an excavated area with foundation, footings and crawl space or basement walls constructed in accordance with Section 502 of the CABO One and Two Family Dwelling Code, Appendix C. The space between the floor joist of the manufactured home and the excavated under floor grade shall be enclosed with a permanent blocked foundation. The crawl space shall be constructed with provisions made for cross ventilation as required by Section C-502.6 of the CABO One and Two Family Dwelling Code, Appendix C.**
- (h) Permanent Utility Connections Required. Manufactured homes approved for placement within the City in accordance with Section C-307 of the CABO One and Two Family Dwelling Code, Appendix C and the NFPA 70, National Electrical Code for one and two-family dwellings.**
- (i) Installation Requirements. Manufactured homes approved for placement within the City shall be anchored to the ground in accordance with the manufacturer's specifications and shall meet the requirements of the CABO One and Two Family Dwelling Code, Appendix C.**

#### **1331.09 REPLACEMENT OF NONCONFORMING MANUFACTURED HOUSING.**

**A manufactured or mobile home considered as a legal nonconforming use within any district may be replaced by a Class A Manufactured Home upon application to the Zoning Officer. The placement of such replacement manufactured home on the lot shall conform to all setback and yard requirements of the district in which it is located.**

**In situations due to topography or to a minimum lot area, a legal nonconforming manufactured or mobile home may be replaced by a Class B or Class C Manufactured Home upon application for a variance and approval by the Board of Zoning Appeals.**

#### **1331.10 CLASS D MANUFACTURED HOMES PROHIBITED.**

**Class D Manufactured Homes found on inspection by the Building Officer to be in fair or poor condition and not safe and/or not fit for residential occupancy shall be prohibited for replacement within the City.**

# APPENDICES – ZONING CHARTS

## CHART 1 SINGLE-FAMILY DWELLING R-1, R-2, HR-1 DISTRICTS

(a) Location Permitted.

- (1) On any lot which was in single ownership or included in a plat recorded in the Office of the Clerk of the County Court at the time of passage of this Zoning Ordinance.
- (2) On any lot with a minimum area of 6,000 square feet and a minimum width of fifty feet.

(b) Height Permitted. A maximum of thirty-five (35) feet or three (3) stories measured in the manner prescribed in Article 1303.01 (70).

(c) Vehicle Parking Space. Two parking spaces shall be provided on the lot with a minimum of 180 square feet each, with a minimum width of 9 feet (9' X 20') either enclosed or open. See Chart 5.

(d) Front Yard. The required dimension of the front yard, measured at ninety degrees (90°) with the property line to the closest point of the main structure and/or any accessory building, shall be minimum of twenty-five (25) feet.

(e) Exceptions.

- (1) See Article 1317.01(c).
- (2) On lots extending through from one street to another a front yard is required on each street. See Article 1317.02(a).

(f) Side Yard. The required dimension of each side, measured at ninety degrees (90°) with the property line to the closest point of the main structure, and/or any necessary building including overhang shall be a minimum of six (6) feet.

(g) Corner Lots. The side yard of a corner lot which abuts a street shall be no less than the required front yard for the street. See Article 1317.01(b).

(h) Rear Yard. The required dimension, measured at ninety (90°) with the property line to the closest point of the main structure, shall be a minimum of fifteen percent (15%) of the depth of the lot, but in no case less than fifteen (15) feet.

- (i) **Building Area.** The Maximum occupancy of the lot shall be fifty percent (50%). The buildings, patios, driveways, sidewalks and off-street parking shall be included in the developed or occupied area.
- (j) **Living Area.** The minimum ground floor living area of a multi-story building shall be 600 square feet and a minimum total area of all stories of 1100 square feet. The minimum living area of a single story building shall be 960 square feet. The living area excludes utility room and garage.
- (k) **Vision Clearance on Corner Lots.** No obstruction to vision exceeding two feet in height such as building, fences, trees, plants, signs, etc. shall be erected or maintained on any lot within the triangle formed by the street intersection, created by the right-of-way line of each street extended to a point and a line drawn between two point each located twenty-five (25) feet from the street intersection. See Article 1317.02(c).

**CHART 2**  
**TWO FAMILY DWELLING**  
**R-2, HR-1 DISTRICTS**

- (a) **Location Permitted.**
  - (1) On any lot which was in single ownership or included in a plat included in a plat recorded in the office of the Clerk of the County Court at the time of passage of this Zoning Ordinance.
  - (2) On any lot with a minimum area of 6,000 square feet and a minimum width of fifty (50) feet.
- (b) **Height Permitted.** A maximum of thirty-five (35) feet or 3 stories measured in the manner prescribed in Article 1303.01(70).
- (c) **Vehicle Parking Space.** Two parking spaces per family shall be provided on the lot with a minimum of 180 square feet each, with a minimum width of 9 feet (9'X 20') each, either enclosed or open. See Chart 5.
- (d) **Front Yard.** The required dimension of the front yard, measured at ninety degrees (90°) with the property line to the closest point of the main structure and/or any accessory building, shall be a minimum of twenty-five feet.

- (e) **Exceptions.**
  - (1) See Article 1317.01(c).
  - (2) On lots extending through from one street to another a front is required on each street. See Article 1317.02(a).
- (f) **Side Yard.** The required dimension of each side, measured at ninety degrees (90°) with the property line to the closest point of the main structure, and/or any necessary building including overhang shall be a minimum of six (6) feet.
- (g) **Corner lots.** The side yard of a corner lot which abuts a street shall be no less than the required front yard for the street. See Article 1317.02(b).
- (h) **Rear Yard.** The required dimension, measured at ninety degrees (90°) with the property line to the closest point of the main structure, shall be a minimum of fifteen percent (15%) of the depth of the lot, but in no case less than fifteen (15) feet.
- (i) **Living Area.** For health and safety reasons the minimum ground floor living area of a multi-story building shall be 500 square feet per family and a minimum total area of all stories of 1000 square feet per family. The minimum living area excludes utility room and garage.
- (j) **Vision Clearance on Corner Lots.** No obstruction to vision exceeding two feet in height such as building, fences, trees, plants, signs, etc. shall be erected or maintained on any lot within the triangle formed by the street intersection, created by the right-of-way line of each street extended to a point and a line drawn between two points each located twenty-five (25) feet from the street intersection. See Article 1317.02(c).

**CHART 3**  
**MULTIPLE DWELLING**  
**HR-1 DISTRICTS**

- (a) **Location Permitted.**
  - (1) On any lot which was in single ownership or included in a plat recorded in the office of the Clerk of the County Court at the time of passage of this Zoning Ordinance.

- (2) On any lot with a minimum area of 6,000 square feet and a minimum width of fifty (50) feet.
- (b) **Height Permitted.** A maximum of thirty-five (35) feet or three (3) stories measured in the manner prescribed in Article 1303.01 (70).
- (c) **Vehicle Parking Space.** Two parking spaces per family shall be provided on the lot with a minimum of 180 square feet each, with a minimum width of 9 feet (9'X 20') each, either enclosed or open. See Chart 5.
- (d) **Front Yard.** The required dimension of the front yard, measured at ninety degrees (90°) with the property line to the closest point of the main structure and/or any accessory building, shall be a minimum of twenty-five feet.
- (e) **Exceptions.**
- (1) See Article 1317.01(c).
- (2) On lots extending through from one street to another a front is required on each street. See Article 1317.02(a).
- (f) **Side Yard.** The required dimension of each side, measured at ninety degrees (90°) with the property line to the closest point of the main structure, and/or any necessary building including overhang shall be a minimum of six (6) feet.
- (g) **Corner lots.** The side yard of a corner lot which abuts a street shall be no less than the required front yard for the street. See Article 1317.02(b).
- (h) **Rear Yard.** The required dimension, measured at ninety degrees (90°) with the property line to the closest point of the main structure, shall be a minimum of fifteen percent (15%) of the depth of the lot, but in no case less than fifteen (15) feet.
- (i) **Building Area.** The maximum occupancy of the lot shall be fifty percent (50%). The buildings, patios, driveways, sidewalks and off-street parking shall be included in the developed or occupied area.
- (j) **Living Area.** For health and safety reasons the minimum living area of the housekeeping units shall be as follows:

Efficiency apts.	400 sq. ft.
One Bedroom	650 sq. ft.
Two Bedroom	900 sq. ft.
Three Bedroom	1,150 sq. ft.

For each additional bedroom 250 square feet shall be added to the total living area of the unit. The living area excludes utility room and garage.

- (k) **Vision Clearance on Corner Lots.** No obstruction to vision exceeding two (2) feet in height such as building, fences, trees, plants, signs, etc. shall be erected or maintained on any lot within the triangle formed by the street intersection, created by the right-of-way line of each street extended to a point and a line drawn between two points each located twenty-five (25) feet from the street intersection. See Article 1317.01(c).

**CHART 4**  
**COMMERCIAL BUILDINGS**  
**C-1, C-2, C-3 DISTRICTS**

- (a) **Location Permitted.**
- (1) On any lot which was in single ownership or included in a plat recorded in the office of the Clerk of the County Commission at the time and passage of this Zoning Ordinance.
  - (2) On any lot with a minimum area of 6,000 square feet and a minimum width of fifty (50) feet.
- (b) **Height Requirements.** A maximum of thirty-five (35) feet or three stories as measured in the manner prescribed in Article 1303.01(70) or B-1 zones and unlimited height permissible in B-2 and I Zones.
- (c) **Vehicle Parking Space.** See Chart 5 and Article 1317.06.
- (d) **Yard Requirements: Front, Side and Rear.** There is no minimum yard requirements on lots adjoining other lots in a business or industrial district or lots in a C-1 district which adjoins any residential district (R-1 or R-2); however, on C-2 and Industrial lots adjoining any residential district (R-1 or R-2) or C-1 and industrial lots which adjoin a street or street right-of-way which adjoins any residential district (R-1 or R-2) the required dimension of each yard, front, side or rear, measured at ninety degrees (90°) with the residential district boundary line to the closest point of the main structure, and/or any accessory building shall be:

- (1) A minimum of 100 feet with the first fifty (50) feet adjacent to the residential district being a green belt consisting of grass, shrubs and trees all neatly trimmed; or
  - (2) A minimum of forty (40) feet, with the first fifteen (15) feet adjacent to the residential district, being a tree belt with the following restrictions.
    - A. The trees to be used are Hemlock, Larch, White Pine, Colorado Spruce, Norway Spruce or Scotch Pine.
    - B. The trees will be staggered along a five-foot wide strip in the center of the tree belt, spaced eight (8) feet on center with a minimum height of six (6) feet at the time of planting;
    - C. Ground cover is left to the discretion of the property owner but any vegetation will be maintained and neatly trimmed as necessary;
    - D. With permission of the Planning Commission and where the terrain is level, with the residential and business or industrial districts at the same elevation, a mound of at least four (4) feet may be constructed along the business or industrial property line and shrubs or hedges, trimmed and maintained; or
    - E. The property owner may submit a vegetation or green belt plan which displays differing types and varieties of trees, shrubs and hedges that will provide the required screen.
  - (3) In any case where vegetation is used as a tree or green belt, the vegetation must be trimmed and maintained and must be replaced if it dies or otherwise become unsightly.
- (e) **Building Area.** No maximum occupancy of a lot is established; however a buffer must be provided according to the regulations included under “Yard Requirements” of this Chart and the area of this buffer cannot be used for any building associated with the use of this lot. See figures 4-1 thru 4-3.
- (f) **Vision Clearance on Corner Lots.** No obstruction to vision exceeding two (2) feet in height such as buildings, fences, trees, plants, signs, etc. shall be erected or maintained on any lot within the triangle formed by the street intersection, created by the right-of-way line of each street extended to a point and a line drawn between two points each located twenty-five (25) feet from the street intersection. See Article 1317.01(c) and Article 1317, Figure 1.

**CHART 5**  
**OFF-STREET PARKING AND LOADING REQUIREMENTS**

See Article 1317 Supplemental Regulations and Modifications

**CHAPTER THREE – SUBDIVISION REGULATIONS**

**Art. 1333 – Purpose and Scope.**

**Art. 1335 – Administration and Enforcement.**

**Art. 1337 – Subdivision Definitions.**

**Art. 1339 – Procedure for Plat Approval.**

**Art. 1341 – Design Standards.**

**Art. 1343 – Design and Construction Standards Code.**

**ARTICLE 1333**  
**Purpose and Scope**

**1333.01 Purpose**

**1333.02 Power; Adoption; Jurisdiction.**

**1333.01 PURPOSE.**

**Subdivision Regulations are hereby adopted for the purpose of:**

- (a) Assuring sites are suitable for building purposes and human habitation.**
- (b) Coordinating new streets and roads with existing and proposed planned roads and highways.**
- (c) Coordinating and extending facilities included in the comprehensive plan.**
- (d) Establishing minimum lot dimensions, including area of lots within the proposed subdivision.**
- (e) Distributing population and traffic in a manner tending to create conditions favorable to health, safety, convenience and the harmonious development of the Municipality.**

**1333.02 POWER; ADOPTION; JURISDICTION.**

- (a) After these Subdivision Regulations have been adopted and a certified copy filed with the City, the Planning Commission shall have control over the approval of all plats involving land covered by the Regulations. Such approval shall be subject to conditions conforming to State Health and Highway Department regulations.
- (b) Under the provisions of West Virginia Code 8-24-1 et. seq. which provisions are hereby made a part hereof.
- (c) These Regulation shall govern each and every subdivision of land with regard to incorporated territory within the limits of the City, as now or hereafter established; except that these Regulations shall not apply to those subdivisions, plats of which have been recorded with the Office of the Clerk of the County prior to the effective date hereof. The effect on plats filed with the Clerk of the County Commission before adoption shall only pertain to that land area that has been platted and any adjacent or adjoining land not platted shall be subject to the new Regulations and if only a portion of a developer's land is platted and recorded prior to the adoption of these Regulations then any new plats for the balance of the developer's land shall conform to the new Regulations. These Regulations shall not apply to divisions and plats of land made by testamentary disposition, by themselves under a decree by a court of competent jurisdiction.

### **CROSS REFERENCES**

Comprehensive plan – see W. Va. Code 8-24-16 et seq.

Jurisdiction and control – see W. Va. Code 8-24-35

Construction and interpretation generally – see \_\_\_\_\_

### **ARTICLE 1335**

#### **Administration and Enforcement**

- 1335.01 Approval.
- 1335.02 Inspection.
- 1335.03 Modification, variances and waivers.
- 1335.04 Variance conditions and applications.
- 1335.05 Permit.
- 1335.06 Amendment.
- 1335.99 Penalty.
  
- 1335.01 APPROVAL

**A final plat of a subdivision shall not be recorded by the County Clerk unless it has first been approved, dated, and stamped by the Planning Commission.**

- (a) The filing and recording of a plat involving the subdivision of lands covered by the Subdivision Regulations shall be without legal effect unless approved by the Commission; provided, that failure to obtain Commission approval shall not invalidate or affect the title to any land within the area of such plat; provided, however, that if such plat shall bear the seal of the Commission it shall be presumed to have been approved thereby.**
- (b) Prior to the approval of the final plat, the subdivider shall have installed or constructed all improvements as detailed in the City of Mannington Design and Construction Standards Manual as referenced in Article 1341.02.**
- (c) For purposes of this article “subdivision” as used herein shall not include the division of land by adjoining property owners to effect a boundary adjustment if the same does not result in additional lots and if the tract, parcel or lot divided becomes a part of the adjoining lot or lots, provided, however, that no such division shall serve to create any condition which does not otherwise comply with the terms and provisions of the ordinances of the City. Also, “subdivision” shall not include the subdivision as a result of a partition of land by an appropriate court of law, or the division of land for public purposes such as public schools, parks, roads and utility systems.**

#### **1335.02 INSPECTIONS.**

**A duly authorized agent of the City shall conduct periodic in-the-field inspections of all construction and installations required under these Subdivision Regulations during the time of construction requirements of these Regulations. He shall also conduct a final inspection of the construction and installations required and shall make and certify to the Commission a report of compliance by the subdivider before the final plat is approved.**

#### **1335.03 MODIFICATIONS, VARIANCES AND WAVERS.**

**If it is determined that strict compliance with these Subdivision Regulations would result in undue and unnecessary hardship to the subdivider due to the unusual topography or conditions beyond the control of the subdivider then the Planning Commission may modify, vary or waive such requirements provided that such modifications, variance or waiver will not nullify the intent or purpose of these Regulations, and provided further that such modification, variance or waiver and the reason therefore shall be entered upon the minutes of the Commission.**

#### **1335.04 VARIANCE CONDITIONS AND APPLICATIONS.**

- (a) **In granting modifications, variances and waivers, the Planning Commission may attach such other reasonable conditions as will, in its judgment, justify such modifications, variances and waivers and still maintain substantially the objectives of these Subdivision Regulations.**
- (b) **Each and every modification, variance or waiver of these Regulations sought by the subdivider shall be specifically applied for in writing in letter application form setting forth the reasons that the subdivider feels he qualifies under this article. Any condition shown on the plat which would require a modification, variance or waiver, shall constitute a ground for disapproval of the plat unless such special application for modification, variance or waiver is made and granted by the Commission.**

**1335.05 PERMIT.**

**Prior to the issuance of a building permit allowing the construction of any structures, the subdivision must have final plat approval.**

**1335.06 AMMENDMENT.**

**Council may from time to time adopt amendments that will tend to increase the effectiveness of these Subdivision Regulations and expedite the approval of the subdivision plats. These Regulations and amendments thereto may be modified, changed, amended or rescinded only by action of Council by following the same procedure set forth in West Virginia Code 8-24-18 to 8-24-22 for the adoption of a comprehensive plan.**

**1335.99 PENALTY.**

**Under the provisions of West Virginia Code 8-24-66 to 8-24-68, any individual, firm, association, syndicate, trust, do=partnership, corporation or other legal entity who subdivides any lot, tract or parcel of land, lays out, constructs, opens or dedicates any street, sanitary sewer, storm sewer, sidewalk or water main for public use or travel or for the common use of occupants of buildings abutting thereon; sells any lot or erects any building in a subdivision without having first complied with the provisions hereof and the Subdivision Regulations adopted hereunder; shall be subject to the procedure of the City Police; and such individual or the members of such co-partnership or the officers of such corporation responsible for such violation shall be sentenced to pay of not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00) for each offense, and each day that he continues such violation after notification shall constitute a separate offense punishable by a like fine or penalty.**

**CROSS REFERENCES**

**Enforcement – see W.Va. Code 8-24-66**

Injunction - see W.Va. Code 8-24-67

Penalty - see W.Va. Code 8-24-68

## ARTICLE 1337 Subdivision Definitions

### 1337.01 DEFINITIONS.

For the purpose of these Subdivision Regulations, words used in the present tense include the future tense; the words “shall” and “will” are always mandatory; and the following words shall, for the purpose of these Regulations, have the meaning herein indicated.

- (1) “Alley” means a minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
- (2) “Base Course” means the layer of a street immediately in contact with the natural soil.
- (3) “Bench mark” means a point of known or assumed elevation in or near the subdivision.
- (4) “Building lines” means the lines within the property defining the required minimum distances between any structures and the road or alley right-of-way or abutting lots.
- (5) “Cartway” means that portion of the road right-of-way surfaced for vehicular use.
- (6) “Code” means the Code of Wet Virginia, 1931, as amended.
- (7) “Commission” means the City Planning Commission.
- (8) “County” means the County of Marion.
- (9) “Covenant” means an agreement or restriction placed on a parcel of land.
- (10) “Crosswalk” means provision for a pedestrian way through a block or across a street or road of excessive length.
- (11) “Cul-de-sac” means a residential street with only one end open to traffic and pedestrian access, permanently terminated by a vehicular turnaround.
- (12) “Dedication” means the deliberate appropriation of land by its owner for any general or public use, reserving unto himself no other rights than those compatible with the full exercise and enjoyment of the public use.
- (13) “Developer” means an individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity or agent thereof that undertakes the activities covered by these regulations, particularly the drawing up of the land development and subdivision showing the layout of the land and the public improvements involved therein. Inasmuch as the subdivision plan is merely a necessary means to the end of assuring satisfactory development, the term “developer” is intended to include the terms “subdivider”, “owner” and

- “builder” even though the persons involved in successive stages of the project may vary.
- (14) **“Easement”** means the grant by a property owner of the use of land by others for a specific purpose or purposes.
- (15) **“Engineer or City Manager”** means a registered engineer authorized to practice civil engineering in the State and shall include any consulting engineer employed by the Commission or a representative of council appointed by Council.
- (16) **“Front Lot Line”** means the parcel boundary at the street or road right-of-way.
- (17) **“Improvements”** means those physical changes to the land necessary to produce usable and desirable lots from raw acreage including, but not limited to, grading, paving, curbs, gutters, storm sewers and drains, improvements to existing watercourses, sidewalks, crosswalks, street signs, monuments, water supply facilities and sewage disposal facilities.
- (18) **“Lot”** means a parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record or survey map or by metes and bounds, for the purpose of sale or lease to, or separate use of, another.
- A. **Single-family lot.** A lot upon which is situated or is to be situated a single-family dwelling.
- B. **Multi-family lot.** A lot upon which is situated or is to be situated a multiple-family structure such as apartments or condominiums.
- (19) **“Monument”** means a point of known position, established by an engineer or surveyor, and used to locate property lines, building lines, etc.
- (20) **“Obligee”** means a person in favor of whom some obligation is contracted.
- (21) **“Plat of a subdivision”** means a representation on paper of a parcel of land subdivided into lots showing all salient features.
- (22) **“Person”** means any individual, firm, trust, partnership, public or private association or corporation.
- (23) **“Profile”** means a side view of a centerline of a street, showing grades, transition curves and lengths.
- (24) **“Restriction line”** means an imaginary line in a subdivision (“building lines and easements) that restricts building locations in any way.
- (25) **“Right of way”** means land reserved for use as a road, street, alley or crosswalk.
- (26) **Subdivision roads and streets are as follows:**
- A. **“Feeder”** Roads which, in addition to giving access to abutting properties, intercept local roads and provide routes carrying local traffic to community facilities and to primary highways.
- B. **“Local”** Roads used primarily to provide access to abutting properties.
- (27) **“Subdivider or applicant”** means any individual, firm, association, syndicate, trust, co-partnership, corporation or any other legal entity commencing

proceedings under these Regulations to effect a subdivision of land hereunder for himself or for another.

- (28) **“Subdivision”** means the partition or division of a lot or parcel of land into two or more lots, plats, sites, parcels or other divisions of land, for the purpose, whether immediate or future, of sale, lease, transfer of ownership or of building development. Subdivision includes resubdivision and, when appropriate to the context, relates to the process of subdividing and to the land of territory subdivided.

**Exceptions:**

**A.** A division of land for residential development into lots, tracts, parcels or other divisions of land of five to ten acres shall be regulated by the following:

- 1.** There will be a deed restriction, approved by the Commission, on each lot, tract or parcel or other division of land which prohibits further subdivision of that lot, tract, parcel or other division of land. This restrictive covenant and condition will run with the land and shall be binding on all parties and persons claiming under them for a period of twenty-five (25) years from the date of the first recording of the covenant, after which time, such covenant shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots in the subdivision has been recorded, agreeing to change such covenant in whole or in part.
- 2.** There will be a minimum frontage of 200 feet.
- 3.** Streets, curbs, sanitary and storm sewers and water lines will be installed according to the specifications included in these regulations.
- 4.** Sidewalks need not be installed.
- 5.** Utility easements of twenty (20) feet will be provided, but not necessarily at the extreme rear of the lot. Utility easements will be clearly shown on the final plat and the location will be dictated by topography, building location and any other relevant factors.
- 6.** Lots with a frontage exceeding 300 feet will only require water and sanitary sewer installation according to the specifications included in these Regulations. Roads may be of crushed stone compacted to eight inches with a sealer included. The cartway will remain at twenty (20) feet. Waiver of the specifications regarding curbs and allowing the use

of septic systems may be permitted upon special consideration and permission of the Commission.

B. There shall be three types of subdivisions: Type I-Residential, Type II-Planned Unit Development, and Type III-Hillside Development.

1. Type I-Residential. To be classified as Type I Residential, not less than sixty percent (60%) of the number of lots sold from such subdivision or to be sold must be improved or are to be improved by dwellings in which there shall exist year-round occupancy.

2. Type II –Planned Unit Development. See Zoning Ordinance.

3. Type III – Hillside Development. A Hillside Development is one with an average slope of ten percent (10%) or more. Developers of this type of subdivision will leave a minimum portion of the tract in its natural state, according to the average slope of the tract.

The minimum portion of land which shall be left in its natural state is:

AVERAGE PERCENT SLOPE	MINIMUM PORTION OF LAND IN EACH SLOPE CATEGORY TO REMAIN IN NATURAL STATE
10.0 TO 14.9	25%
15.0 TO 19.9	40%
20.0 TO 24.9	55%
25.0 TO 29.9	70%
30.0 and above	85%

For the purposes of this Ordinance, natural state shall mean no clearing, cutting or filling, or other substantial changes in the natural conditions of the slopes.

C. The term subdivision as used herein shall not include the division of land by adjoining property owners to effect a boundary adjustment if the same does not result in additional lots and if the tract, parcel or lot divided becomes a part of the adjoining lot or lots, provided, however, that no such division shall serve to create any condition which does not otherwise comply with the terms and provisions of the ordinances of the City. Also the term shall not include the subdivision as a result of a partition of land by an appropriate court of law, or the division of land for public purposes such as public schools, parks, roads and utility systems.

(29) “Surveyor” means an individual licensed to practice land surveying in the State.

(30) “Tract boundary” means the perimeter of a subdivision.

(31) “Variance” means any departure from the provisions of these Regulation granted to the subdivider by the Commission or a court of competent jurisdiction.

(32) “Subdivision Regulation” or “these Regulations” means the City of Mannington’s Ordinance #310.

## CROSS REFERENCES

Zoning definitions – see P. & Z. Art. 1303

Planned unit development – see P. & Z. Art. 1319

## ARTICLE 1339 PROCEDURE FOR PLAT APPROVAL

- 1339.01 General.
- 1339.02 Preapplication.
- 1339.03 Application.
- 1339.04 Preliminary Plat.
- 1339.05 Final plat submission.
- 1339.06 Action on final plat.
- 1339.07 Disposition of plats.
- 1339.08 Approval of plat; failure of Commission to act.
- 1339.09 Platting requirements.
- 1339.10 Planned unit development and platting standards.
- 1339.11 Conditions of acceptance.
- 1339.12 Certificates; affidavits; approvals.

### 1339.01 GENERAL.

To obtain approval of a proposed subdivision and plat thereof, the subdivider or applicant shall apply and submit to the Planning Commission or secretary thereof, all information as regulated by the City of Mannington Design and Construction Standards Manual as referenced in Section 1341.02.

### 1339.02 PREAPPLICATION.

Prior to filing a preliminary plat, the applicant shall schedule a meeting with the City Enforcement Officer to present plans initially and discuss the conditions and restrictions the applicant will be legally bound to comply with.

### **1339.03 APPLICATION.**

The subdivider may then apply and submit the preliminary plat to the Planning Commission for review. Along with all City staff notes, the preliminary plat must contain all information as referenced in the City of Mannington Design and Construction Standards Manual referenced in Section 1341.02. The preliminary plat must be presented to the Commission or secretary thereof at least fifteen days prior to a regularly scheduled meeting of the Planning Commission, otherwise the proposed preliminary plat shall not be considered at that meeting. Such preliminary plats shall be of the total land to be ultimately developed.

### **1339.04 PRELIMINARY PLAT.**

- (a) **Review.** The Commission shall review the preliminary plat submitted to insure compliance with any of the requirements of these Subdivision Regulations.
- (b) **Approval or Rejection.** The Commission shall notify the subdivider of the scheduled date, place, time and agenda of the meeting at which the proposed preliminary plat is to be reviewed. The date for such meeting shall not be more than sixty days from the date of submission of the preliminary plat for approval. The Commission shall act on the preliminary plat stating its approval, conditional approval or disapproval. If approved conditionally, and if necessary, the Planning Commission may require the subdivider to submit a revised preliminary plat. If any of the requirements are modified or waived, the reasons for such shall be specified. If the Commission should disapprove the preliminary plat, recommendations shall be made on the basis of which the proposed subdivision would be approved. Approval of a preliminary plat shall not constitute approval of a final plat, but rather shall indicate an expression of approval of the layout submitted on the preliminary plat as a basis to the preparation of the final plat. The Commission shall retain the preliminary plat.
- (c) Once the preliminary plat is approved by the Commission, the construction of the infrastructure shall begin. The installation of all utilities, streets, lighting, sidewalks, and any other improvements shall be installed as regulated by the City of Mannington Designs and Construction Standards Manual as referenced in Section 1341.02 and inspected as referenced by Section 1335.02. Once all improvements are complete and certified by the City Engineer, the applicant shall apply to the Planning Commission for final plat approval.

#### **1339.05 FINAL PLAT SUBMISSION.**

The subdivider shall submit the final plat to the Planning Commission or secretary thereof. Upon the receipt of the final plat, the Commission shall set a date, time and place for a hearing; notify the applicant of the scheduled place, date, time and agenda of the hearing, at which the subdivision and final plat thereof are to be considered; and at least thirty days prior to the date set for hearing shall publish a notice of the date, time and place of the hearing as a Class I legal advertisement in compliance with the provisions of West Virginia Code Article 59-3; and shall notify by direct mail any governmental unit having a probable interest in the proposed plat of the date, time and place of such hearing.

#### **1339.06 ACTION ON FINAL PLAT.**

- (a) **Basis for Approval.** In determining whether an application for approval shall be granted, the Commission shall employ the guidelines set forth in West Virginia Code 8-24-30 and the requirements of these Subdivision Regulations.
- (b) **Hearing; Submission of Record; Approval or Disapproval.** After the public hearing, the Commission shall approve or disapprove the final plat. If the Commission approves the plat, it shall affix the Commission's seal upon the lower right hand corner of the plat. If it disapproves the plat, it shall set forth its reasons and supply the applicant with a copy thereof. In either case, the applicant will be notified of the results by certified mail.
- (c) **Fees.** The City shall establish a uniform schedule of fees proportioned to the cost of checking and verifying proposed plats and conduction field inspections of the infrastructure installation. An applicant shall pay the specified fee at the time of filing his application for preliminary plat approval.

#### **1339.07 DISPOSITION OF PLATS.**

One copy of the approved final plat shall be retained by the Commission, and one copy shall be filed by the City according to Section 1339.11(a). A third copy shall be returned to the subdivider.

#### **1339.08 APPROVAL OF PLAT; FAILURE OF COMMISSION TO ACT.**

In the event that the Planning Commission fails to approve or disapprove a final plat within 120 days from submission of the final plat, such plat shall be deemed to have been approved by the Commission, and a certificate to that effect shall be issued by the Commission and/or the seal of the Commission shall be affixed upon such final plat upon demand; provided however, that the applicant may waive this requirement and consent to the extension of such period.

## **1339.09 PLATTING REQUIREMENTS.**

Per City of Mannington Design and Construction Standards Manual as referenced in Section 1343.

## **1339.10 PLANNED UNIT DEVELOPMEN AND PLATTING STANDARDS.**

Because of the special nature of planned unit developments, the following requirements shall supplement customary subdivision procedures:

- (a) **Preapplication.** In addition to submitting the material required by Section 1339.02 through 1339.05 of these Subdivision Regulations, the subdivider shall submit the following supplemental items. Replatted submission of identical information with subsequent plats is not necessary so long as written reference is made of this fact.
  - (1) Five copies of any necessary agreements to conditions attached, by the Planning Commission, to the approval of the Land Use Intensity (L.U.I.).
  - (2) Five copies of any covenants to be attached to the property.
  - (3) Five copies of any proposed homeowners association charter.
  - (4) Five copies of engineering drawings for all major water and sewer facilities necessary to service that plat area.

In reviewing the plat and supplemental items noted above, the Commission may require any changes or additions deemed necessary; and it ;may consult with any agencies or persons having jurisdiction or interest in such matters.

- (b) **Final Platting.** Final plats shall be submitted as provided in these Regulation; however, no final plats may be approved without first having subsections (a)(1) to (4) hereof approved by the Commission. The Commission may require these items to be recorded with the final plats or appropriately referenced thereon.

## **1339.11 CONDITIONS OF ACCEPTANCE.**

- (a) **Recording.**
  - (1) Within thirty days after the date of the final plat approval, the City shall submit the plat to the County for recording. The County Clerk shall record the plat and the recording fee shall be paid by the subdivider. The Clerk shall not record the subdivision plat without approval of the Planning Commission as indicated by the official seal.

Approval of the subdivision shall not become final and effective for purposes of further action until such certificate has been filed.

- (2) Every street, sidewalk, utility, lighting, park or other improvement shown on a subdivision plat shall be deemed to be private until such time as the same shall have been offered for dedication in writing and accepted by the City Council or State Department of Highways or until it shall have been condemned for public use.

(b) **General.**

- (1) The Commission shall not approve any subdivision plat except in conformity with the provisions of these Subdivision Regulations.
- (2) The Commission may request alteration of any subdivision plat, specifying alterations, changes or modifications therein which it deems necessary and may make its approval subject to such alteration, changes or modifications.

**1339.12 CERTIFICATES; AFFIDAVITS; APPROVALS.**

The final plat shall contain an Engineer's certificate in form satisfactory to the Commission. The final plat shall contain forms for approvals and recordings required by the Commission.

**CROSS REFERENCES**

Approval required – see W.V., Code 8-24-28

Application - see W.V., Code 8-24-29

Approval - see W.V., Code 8-24-30 et seq.

**ARTICLE 1341  
DESIGN STANDARDS**

**1341.04 Application of standards.**

The following land subdivision principals, standards and requirements shall be applied by the Commission in evaluating the plans for proposed subdivisions and shall be considered minimum requirements.

**ARTICLE 1343**  
**DESIGN AND CONSTRUCTION STANDARDS CODE**

- 1343.01 Adoption.**
- 1343.02 Conflict of laws.**
- 1343.99 Penalty.**

**1343.01 ADOPTION.**

**There is hereby adopted and incorporated by reference as if set out in length herein that certain technical code known as the Construction and Design Standards Code for the City of Mannington, Marion County, West Virginia, effective September 16, 1996.**

**1343.02 CONFLICT OF LAWS.**

**In the event of any conflict between any provisions of this article and any such provision of any other City ordinance, that provision which establishes the higher or stricter standard shall prevail.**

**1343.99 PENALTY.**

**Any person, firm or corporation violating the provisions of the Construction and Design Standards code of the City of Mannington shall be subject to the penalties provided in Article 1325.99.**