WEST VIRGINIA:

At a regular meeting of the Raleigh County Commission held on the 18th day of February, 2020 in the Commission Courtroom thereof:

CALL TO ORDER

President Tolliver called the meeting to Order.

-0-

ROLL CALL

Present: David Tolliver, President
Linda K. Epling, Commissioner
Ron Hedrick, Commissioner
Carl Roop, County Attorney
Jeff Miller, County Administrator
Billy Michael, Assistant County Administrator

-0-

INVOCATION AND PLEDGE OF ALLEGIANCE

Meeting was opened with the invocation by Wayne Peters of Bradley Free Will Baptist Church and the recitation of the Pledge of Allegiance.

-0-

NEW BUSINESS

EXONERATIONS

Commissioner Epling made a motion to approve 2 exonerations, 17 cancellations and 2 refunds for personal property; and 0 exonerations, 0 cancellations and 0 letters of correction for real property as presented today. Motion was seconded by Commissioner Hedrick and motion carried unanimously.

-0-

BUDGET REVISIONS

None

-0-

NEW EMPLOYEE – RALEIGH COUNTY CLERK'S OFFICE – CATELYN EVANS - DEPUTY CLERK

A motion was made by Commissioner Epling to approve the hiring of Catelyn Evans as a Deputy Clerk for the County Clerk's Office. Seconded by Commissioner Hedrick and motion carried unanimously. (SEE EXHIBIT A)

-0-

NEW EMPLOYEE – RALEIGH COUNTY COMMISSION OFFICE – JEFFREY SCOTT BALL - MAINTENANCE

Commissioner Epling moved to approve the hiring of Jeffrey Scott Ball as an employee for the Maintenance Department. Seconded by Commissioner Hedrick and motion carried unanimously. (SEE EXHIBIT B)

-0-

RALEIGH COUNTY COMMUNITY CORRECTIONS MONTHLY GRANT REPORT

A motion was made by Commissioner Epling to approve the drawdown for the third quarter of 2019 in the amount of $36,250.00. Seconded by Commissioner Hedrick and motion carried unanimously.
(SEE EXHIBIT )

-0-

2ND AMENDMENT RESOLUTION

A motion was made by Commissioner Epling to approve the Resolution supporting the 2nd Amendment of the United States Constitution. Prosecuting Attorney Kristen Keller spoke in favor of this Resolution. The motion was seconded by Commissioner Hedrick and motion carried unanimously. (SEE EXHIBIT )

-0-

PUBLIC HEARING – RALEIGH COUNTY CODE ENFORCEMENT ORDINANCE – PROPOSED AMENDMENT

Assistant County Administrator Billy Michael read the proposed amendments of Article 7 Section A and Article 7 Section F. Section A is in regards to an increase in permit fees and Section B is regarding the permit being valid for one year. Kevin Reedy, Contractor, spoke against the amendment to Section F.

ARTICLE 7 SECTION A

A motion was made by Commissioner Epling to table this item of business. Seconded by Commissioner Hedrick and motion carried unanimously. (SEE EXHIBIT

ARTICLE 7 SECTION F

A motion was made by Commissioner Epling to approve the amendment to Article 7 Section F. Seconded by Commissioner Hedrick and motion carried unanimously. (SEE EXHIBIT

-0-

APPROVAL OF RALEIGH COUNTY PLANNING AND ZONING ORDINANCE – PROPOSED AMENDMENTS

Assistant County Administrator Billy Michael informed the Commission the Planning and Zoning had a public hearing on these Amendments on February 13, 2020. The following Amendments are recommended by Planning and Zoning.

CHAPTER 4 – ARTICLE 4A(5)D
Page 11 – Building Permits

CHAPTER 5 – GENERAL REGULATIONS
Page 15, Article 5L – Medical Cannabis

CHAPTER 8 – (R2) RESIDENTIAL DISTRICT
Page 23, Article 8A – Greenhouses
Item J – Prohibited in Residential

CHAPTER 9 – (R1) RURAL/RESIDENTIAL DISTRICT
Page 28, Section O – Conditional Uses

CHAPTER 10 – (B1) COMMERCIAL/BUSINESS DISTRICT
Page 30, Article 10A, Items 1, 15 and 16 - Commercial

CHAPTER 11 – (I1) INDUSTRIAL/BUSINESS DISTRICT
Page 35, Article 11A, Sections P and Q – Principle Permitted Uses

CHAPTER 16 – MANUFACTURED HOME PARK AND CAMPGROUND REGULATIONS
Tabled

APPENDIX A – DEFINITIONS
Page 76 – Define Medical Cannabis, Medical Cannabis Dispensary, Medical Cannabis Growing Facility, Medical Cannabis Processing Facility

Commissioner Epling moved to accept all the Amendments as read by Assistant County Administrator Billy Michael. Seconded by Commissioner Hedrick and motion carried unanimously. (SEE EXHIBIT

-0-

APPROVAL OF RALEIGH COUNTY PLANNING AND ZONING SUBDIVISION ORDINANCE – PROPOSED AMENDMENTS

ARTICLE 4 – SECTION 4.4
ARTICLE 5- SECTION 5.7
ARTICLE 6 – SECTIONS 6.5 AND 6.6
ARTICLE DEFINITIONS

Canceled

-0-

RALEIGH COUNTY CODE ENFORCEMENT REQUEST TO WAIVE BUILDING PERMIT FEE FOR INTERGOVERNMENTAL AGENCIES OR DEPARTMENTS

A motion was made by Commissioner Epling to approve the Raleigh County Building Code Enforcement Office be allowed to waive the fee associated with the application of new construction building permits for any and all local, State and/or Federal Government Agencies or Local, State and /or Federal Intergovernmental Organizations or Departments. Seconded by Commissioner Hedrick and motion carried unanimously. (SEE EXHIBIT

-0-

CLEAR FORK RAIL TRAIL PROJECT (REGION ONE PLANNING & DEVELOMENT COUNCIL)

A motion was made by Commissioner Epling to approve the AML Quarterly Report ending December 31, 2019. The motion was seconded by Commissioner Hedrick and motion carried unanimously. (SEE EXHIBIT

Commissioner Epling moved to approve the AML Grant Time Extension request for two years. Seconded by Commissioner Ron Hedrick and motion carried unanimously. (SEE EXHIBIT

-0-

OLD BUSINESS

None

-0-

PUBLIC PARTICIPATION

None

-0-

APPROVAL OF MINUTES

Commissioner Epling moved to approve the minutes of the January 21, 2020 and February 4, 2020 minutes of this Commission. Seconded by Commissioner Hedrick and motion carried.

-0-

VACATION ORDERS

Commissioner Epling moved to approve the Vacation Orders from February 4, 2020 to February 17, 2020, inclusive. Seconded by Commissioner Hedrick and motion carried unanimously. (SEE EXHIBIT )

-0-

FINAL ACCOUNTINGS AND WAIVERS OF FINAL SETTLEMENT

The following Interim Final Accountings of the County Clerk (SEE EXHIBIT ) and Final Accountings and Waivers of Final Settlement of the Fiduciary Supervisor (EXHIBIT ) were read into the minutes and approved.

-0-

ADJOURNMENT

Commissioner Epling moved to adjourn this meeting until the next Commission Meeting on March 3, 2020 at 10:00 a.m. Seconded by Commissioner Hedrick and motion carried unanimously.

s/s_____
David Tolliver
President

-000-

EXHIBIT A

# County Commission of Raleigh County

116 ½ North Heber Street
Beckley, West Virginia 25801-4522

February 18, 2020

At a regular session of the Raleigh County Commission on the 18th day of February, 2020, Catelyn Evans, was presented to the Commission by Danny Moore, County Clerk, to fill a position as Deputy Clerk within the County Clerk's Office, for employment by Raleigh County.

David L. Tolliver, President

Linda K. Epling, Commissioner

Ronald R. Hedrick, Commissioner

Phone 304-255-9146 Fax 304-255-9166 ralcom@raleighcounty.com

EXHIBIT B

# County Commission of Raleigh County

116 ½ North Heber Street
Beckley, West Virginia 25801-4522

February 18, 2020

At a regular session of the Raleigh County Commission on the 18th day of February, 2020, Jeffrey Scott Ball, was presented to the Commission by Billy Michael, Assistant County Administrator, to fill a maintenance position, for employment by Raleigh County.

David L. Tolliver, President

Linda K. Epling, Commissioner

Ronald R. Hedrick, Commissioner

Phone 304-255-9146 Fax 304-255-9166 ralcom@raleighcounty.com

EXHIBIT

| WEST VIRGINIA<br><br>Division of Administrative Services,<br>Justice & Community Services | Request for<br><br>Funds |
|---|---|

| RECEIVED<br>(For JCS Use Only) | | |
|---|---|---|
| | Subgrantee: | Raleigh County Commission |
| | Address: | 116 1/2 N. Heber Street |
| | | Beckley, WV 25802 |
| | | 304-255-9100 |
| | Project #: | 20-CC-22 |
| | FEIN#: | 55-6000389 |
| | Funds are hereby requested to cover expenditures to be made: | |
| | FROM: January , 2020 | TO: January 31, 2020 |

**PROJECT CASH EXPENDITURES**

**Payment No. 1**

| Expenditure Category | Amount |
|---|---|
| | |
| Personnel/Contractual | **$36,250.00** |
| Travel/Training | |
| Equipment | |
| Other | |
| | |
| | |
| **TOTAL:** | **$36,250.00** |

**CERTIFICATION:**

I certify that the funds requested will be used for expenditures in accordance with the approved budget for this grant.

All documentation is available at our office.

BY: David L. Tolliver, Commission President
TYPED NAME & TITLE

David L. Tolliver
SIGNATURE

DATE

(Authorized Offical or Grant Financial Officer ONLY)

**JCS USE ONLY**

**ADMINISTRATIVE APPROVAL:**

This request is approved in the amount of $ _____ _____ _____

Initials Date

Pursuant to the authority vested in me, I certify that this request is correct and proper for payment.

_____ _____

**Date** **Program Accountant**

EXHIBIT

# RESOLUTION OF THE RALEIGH COUNTY COMMISSION

**WHEREAS**, the Second Amendment of the United States Constitution reads: "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." and,

**WHEREAS**, Article III, § 22 of the Constitution of West Virginia, which was approved by the voters on November 4, 1986, states: "A person has the right to keep and bear Arms for the defense of self, family, home and state, and for lawful hunting and recreational use." and,

**WHEREAS**, certain legislation introduced in the 2020 session of the WV Legislature, and certain legislation introduced in the current session of the United States Congress could have the effect of infringing on the rights of law-abiding citizens to keep and bear Arms, as guaranteed by the Second Amendment of the United States Constitution; and,

**WHEREAS**, the Raleigh County Commission is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of Raleigh County to keep and bear Arms or could begin a slippery slope of restrictions on the Second Amendment rights of the citizens of Raleigh County; and,

**WHEREAS**, the Raleigh County Commission wishes to express its deep commitment to the rights of all citizens of Raleigh County to keep and bear Arms; and,

**WHEREAS**, the Raleigh County Commission wishes to express its intent to stand in support of the Second Amendment and to oppose, within the limits of the Constitutions of the United States and the State of West Virginia, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the right of the citizens to keep and bear Arms, including through legal action, the power of appropriation of public funds and the right to petition for redress of grievances.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF RALEIGH COUNTY, WEST VIRGINIA:**
That the Raleigh County Commission hereby expresses its intent to uphold the Second Amendment rights of the citizens of Raleigh County and its intent of the County not to restrict Second Amendment rights or to aid in the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens of Raleigh County to bear Arms; and,
That the Raleigh County Commission hereby declares its intent to oppose unconstitutional restrictions on the right to keep and bear Arms through such legal means as may be expedient, including without limitation court action; and

That the Raleigh County Commission hereby stands in support of the "Second Amendment."

**DATED THIS THE 18th DAY OF FEBRUARY, 2020.**

David Tolliver, President

Linda K Epling, Commissioner

Ronald Hedrick, Commissioner

permit .

(b) All authority not specifically delegated to the department shall be the responsibility of the County Commission

(c) The department may prepare rules and regulations as are necessary, for approval by the County Commission, to carry out the provisions of this ordinance. The department may disseminate educational materials designed to assist contractors and residents of the county to understand and comply with the building code provisions.

**Article VII. Fees**

Section 1-701. Same - Building permit, plan review fees, other requirements
A building permit for construction, alteration, renovation or demolition shall be as follows:

(a) Any work performed, regulated under this ordinance, requiring a building permit, effective July 1, 2019 shall be at rate of 1/4 of 1% (.0025) of the estimated cost, in accordance with Section 1-501. The minimum permit fee shall be $20.00. When work has commenced before a building permit is obtained, the fee shall be double the regular permit fee. A $100.00 plan review fee payable upon the first submission of required COMMERICAL/NON-RESIDENTIAL construction documents.

Electrical service inspection is required by the power company to restore or connect power, including service upgrades.
Electrical inspection fees are as noted below:
(a) Electrical permit fee is $20.00 and includes first inspection only
(b) Any additional re-inspections are $40.00 per inspection.

(b) Any work performed under this ordinance shall be inspected, the cost included in the permit fee. Should an inspection fail, violations will be noted, and the first re-inspection shall be a no charge. Thereafter, any further inspections shall require a $35.00 re-inspection fee. Any element not ready for inspection when scheduled shall be considered as a failed inspection and subject to the re-inspection fee. The inspection fee for any work completed without obtaining a building permit shall be $35.00 per inspection, plus double the regular permit fee.

(c) No more than three business days from completion of any project requiring a building permit, a final inspection shall be scheduled. Failure to schedule will result in a $35.00 administrative and a $35.00 re-inspection fee.

(d) Any individual, owner or corporation or agent thereof, who commences work without a permit when one is required, shall be issued a STOP WORK ORDER. Before said order can be rescinded, all documents required shall be submitted for approval by the Building Official. An inspection shall be completed on all work already performed at a charge of $35.00 and a report from a licensed WV Design Professional may be required.

(e) Any individual, owner, corporation or agent thereof found in violation by obtaining a permit fraudulently, employing an unlicensed contractor, subcontractor, electrician or plumber, shall be

charged an administrative fee of $50.00, in addition to any amended or corrected permit fees. A repeat offense shall result in a $100.00 fee.

(f) A building permit shall be valid for one year from date of issuance. Permits may be renewed prior to the expiration date for a $20.00 fee. If the permit expires for more than 10 days, a new permit must be obtained and the fee will be based on the remaining job cost. Inspections cannot be scheduled while a building permit is expired.

(g) All building permits for any use that requires construction plans, **except one and two family residential dwellings**, shall require submission, review and approval of two sets of construction drawings prior to the issuance of a building permit. One set will be stamped as reviewed and approved and returned to the contractor or owner and must remain on the project site until completion. A $100.00 plan review fee payable upon the first submission of COMMERCIAL/NONRESIDENTIAL construction documents.

(h) Building permit applications also require additional information that must be completed before a final inspection can be scheduled and/or a Certificate of Occupancy is issued. This includes, but is not limited to (if applicable); tax map, parcel and lot information; zoning classification, use and setback approval; property boundaries; approved potable water and sanitary sewer service; flood plain elevation certificate; street address verification by Raleigh County EOC; storm water retention and dispersal approval; contractor and subcontractor license verification; electrician, plumber and/or mechanic license verification; fire marshal inspection and approval report.

On request of the Raleigh County Commission, a building permit inspection and/or Certificate of Occupancy may denied for violation of any other Raleigh County Ordinance, State of West Virginia licensing or other code violation or delinquency in any duly levied tax, fee or assessment.

**Article VIII - Rescission, Approval and Performance**

This ordinance repeals all previous ordinances relating to building codes and code enforcement prior to the date of this signing.

All inspections and approvals are made in good faith, based on education, training, experience, licensing and certification. Anything that may be overlooked, cannot be held against the department, individual employees or the Raleigh County Commission.

Adopted on the 18TH day of February, 2020.

Dave Tolliver, President

Linda Epling, Commissioner

Ronald Hedrick, Commissioner

**CHAPTER 4 LOCATION IMPROVEMENT PERMITS**
**ARTICLE 4A LOCATION IMPROVEMENT PERMIT REQUIREMENT**

Location Improvement Permits shall be required for all properties located within the boundaries of Raleigh County, West Virginia.

A. It shall be unlawful to develop, construct, alter or reconstruct any structure or to change the use of any structure or property without first obtaining approval from the Raleigh County office of Planning and Zoning.

B. Each application for a Location Improvement Permit shall require (at a minimum) the following:

1. Tax District, Tax Map and Tax Parcel(s) of the real estate involved;

2. Site plan showing property boundaries; location and size of buildings and structures; setbacks from roadways, property lines and other structures located on the property and other information deemed necessary to comply with the regulations of this ordinance.

3. All adjacent and adjoining roads or highways.

4. A certificate of service for sanitary sewage from the local Public Service District or Sanitary Board or a certificate of approval for a septic system from the Raleigh County Health Department.

5. A certificate of service for sanitary water from the local public Service District or Water Company or a certificate of approval for a well from the Raleigh County Health Department.

C. No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered shall be occupied or used, in whole or part, for any purpose whatsoever, until a certificate of occupancy shall have been issued stating that, the building and use comply with all of the provisions applicable to the building or premises or use in the district in which it is located.

D. A location Improvement Permit shall be valid for one year from the date of issuance. Permits may be renewed prior to the expiration date for a $20.00 fee. If the permit is allowed to expire (for more than 10 days) a new permit must be obtained and the permit fee will be based on the remaining job cost. Inspections cannot be scheduled while a building permit is expired.

E. A permit fee shall be charged for all permits in accordance with the County Fee schedule, as amended. All location Improvement Permit fees are considered non-refundable.

F. Any permit issued in conflict with the provisions of this ordinance shall be null and void.

## CHAPTER 5 GENERAL REGULATIONS

These General Regulations shall apply to all properties located within the boundaries of Raleigh County, West Virginia.

### ARTICLE 5A NONCONFORMING USES

A. Continuation - Nothing in this ordinance shall be deemed to prohibit the continuance of the use of land, building or structure for the purpose for which they are used at the time this ordinance shall take affect; provided any addition to any existing building or structure after this ordinance takes effect shall comply with this ordinance.

B. Discontinuance - When any nonconforming use of any land, building or structure shall be continued to the time this ordinance takes effect, but shall thereafter be abandoned for a period of One (1) year, any future use of such land, building or structure shall conform to this ordinance.

C. Replacement - Replacement of a nonconforming structure on the original footprint may be done within one year of removal of old structure. Cantilevers or roofline changes will require further approval.

### ARTICLE 5B NONCONFORMING PARCELS

Any parcel of official record as of the effective date of this ordinance may be developed provided that it is a permitted use for the respective district in which located and meets Articles 5C, 5D, 5E, 5F, 5G, 5H, 5I, 5J and 5K of this ordinance.

### ARTICLE 5C STREET FRONTAGE AND YARDS

A. Except as permitted by other provisions of this ordinance, no parcel shall contain any building for any purpose(s) unless it abuts fully on a dedicated street or roadway.

B. Every building hereafter erected or structurally altered shall be located on a recorded parcel of land approved by the Raleigh County Planning and Zoning Commission. In no case shall there be more than one such building on one recorded parcel of land unless otherwise provided in this ordinance or approved by the Raleigh County Planning Commission or Raleigh County Board of Zoning Appeals, as the case may be.

C. For the purpose of computing yard requirements, measurements shall be taken from established property lines to the nearest point of the main wall of the principle building.

**ARTICLE 5D HEIGHT**

A. Height limitations for any structures shall be Forty (40) feet, unless otherwise stated in this ordinance. The Raleigh County Board of Zoning Appeals granting a Conditional Use Permit as required by this ordinance may increase the limitation.

B. Public monuments; water tanks; fire towers; silos; radio, television or other transmission towers or masts and other structures of similar nature, shall require a setback from all adjoining property lines a fall radius of at least sixty (60) per cent.

**ARTICLE 5E PUBLIC ROADWAY ZONING AND SETBACKS**

Public roadway zoning and setbacks shall be applicable to all Raleigh County and meet the following requirements:

A. Parcel Frontage shall not be less than Seventy-five (75) feet.

B. Front yard setback - Front yard setbacks are determined by where the main door of the structure is located.

1. A minimum of Twenty-five (25) feet from property line; or the depth of the average of at least two existing buildings of the same general character within Two Hundred (200) feet of the Parcel in question.

2. In case a dwelling is located on a parcel where the front and rear yards faces any side parcel line, such dwelling shall not be less than twenty-five (25) feet from such parcel line.

C. Side yard setback - Minimum of Ten (10) feet per side. When a side yard faces a street or right-of-way a minimum of Twenty-five (25) feet is required on that side of the structure.

D. Rear yard setback - Minimum of Twenty (20) feet.

E. Non-Conforming Setbacks - Additions to existing structures that do not meet required setbacks may be built in line to the present main wall of the structure, but shall not encroach any closer to the present setback.

F. No accessory building, detached garage, carport or use shall be placed within ten (10) feet of adjoining property lines and shall not encroach on any front yard setback. Corner parcels shall require a minimum of Twenty-five (25) foot setback.

**ARTICLE 5F HOUSING STANDARDS**

A. All Homes, whether site built or factory built, shall meet the following standards:

1. The minimum total living floor area for a single family detached dwelling shall be seven hundred-twenty (720) square feet. Homes with a footprint less than (720) square feet (excluding basements and porches) must meet plan review requirements.

2. The single-family home shall be placed on a permanent foundation; and modular or manufactured homes shall be installed pursuant to the manufacturer's installation and in compliance with the West Virginia Code Chapter 21, Article 9 and the Raleigh County Building Safety Code.

3. All housing must be connected to the appropriate utilities.

4. No recreational vehicle or equipment shall be used for living, sleeping or housekeeping purposes except in approved RV Park and Manufactured Home Park locations established for such use.

5. A manufactured home may be used on a commercial or industrial construction site as temporary office space, but not for residential purposes for a maximum of Two years.

**ARTICLE 5G GROUP RESIDENTIAL FACILITIES**

A group residential facility shall be a permitted residential use in zones or districts, which allow single or multi-family dwellings. (WV Code 8A-11-2)

**ARTICLE 5H ANIMAL HOSPITALS; POUNDS; KENNELS; RIDING ACADEMIES**

A. No person, firm or corporation shall, without obtaining a Conditional Use Permit, erect or maintain any fencing, pen, enclosure or building housing or enclosing animals or fowls for commercial purposes nearer than three hundred (300) feet of any public roadway right-of-way nor one hundred (100) feet of any adjoining property line. The use shall be limited to Five (5) non-hoofed animals and Two (2) Hoofed animals per whole acre of land.

B. Residential kennels, riding academies, the keeping of animals or fowl, shall be limited to five (5) non-hoofed animals and Two (2) hoofed animals for each whole acre of land within the site. All buildings, corrals and pens, shall be a minimum of one hundred (100) feet from any adjoining property line.

**ARTICLE 5I SALVAGE YARDS; JUNKYARDS**

A. Prohibited in any (R2) Residential District and (B1) Commercial District.

B. Requires obtaining a Salvage Yard Approval Permit from the Raleigh County Planning and Zoning Commission in accordance with their promulgated rules.

**ARTICLE 5J AGRICULTURAL USES PERMITTED**

Except for compliance with requirements set forth in this ordinance, nothing shall prohibit the non-commercial use of land for agricultural purposes or the construction or use of building or structures incidental to the use for agricultural purposes.

**ARTICLE 5K FENCES; WALLS; HEDGES**

A fence, wall, hedge or shrubbery may be erected, placed, maintained or grown along a property line, **except** no sign, fence, wall, hedge, planting or other obstruction to vision located on a corner parcel along the edge of any yard abutting a public or private roadway in any zoning district shall not be higher than Three (3) feet in height for Twenty (20) from the intersection of the street lines.

**Article 5L Medical Cannabis**

In locations where medical cannabis is permitted:
1. All activities are subject to Chapter 16A of the WV State Code.
2. Growing and Processing facilities must be stand alone structures.
3. Growing and Processing facilities will require a 40 foot setback on all sides.

## CHAPTER 8 (R2) RESIDENTIAL DISTRICT

Designated for single family development, preserve the character of existing residential areas, encourage new residential development in accordance with modern subdivision standards and protect single family residential areas from encroachment by incompatible land use.

### ARTICLE 8A PRINCIPAL PERMITTED USES

A. Single family dwelling and two family dwelling (Duplex).

B. Manufactured Housing meeting the following criteria:

1. Must be multi-section at least 24 feet wide including Factory built overhang.

2. Must have skirting around the complete perimeter of the home.

3. Must have a minimum of a six foot by six foot front landing, unless the manufactured home has a recessed front landing from the factory and a four foot by six foot rear landing.

C. Schools, primary, intermediate and secondary; Churches, Temples and Synagogues.

D. Growing, production and harvesting of agricultural, horticultural and floricultural products, Greenhouses or High Tunnels for private use.

E. Publicly owned and operated buildings and facilities, including public parks, public playgrounds and community centers.

F. A swimming pool, bathhouse, tennis court and other recreational facilities designed for the use of the occupants of the single family dwelling and their guests. Such facilities shall comply with the following requirement:

1. The facilities shall be in the rear or side yard and shall meet the rear and side yard requirements for the district.

G. Recreational equipment subject, to the following requirement:

1. Parked or stored camping and recreational equipment shall not be used for living or housekeeping purposes and shall be stored off-street.

H. Group residential facility.

I. Accessory buildings/uses customary to a principal permitted use.

J. Home occupations meeting requirements as defined in Appendix A.

**ARTICLE 8B CONDITIONAL USES**

Conditional Uses must be approved by the Board of Zoning Appeals.

A. Colleges and Universities.

B. Multiple Two-Family Dwelling (Duplexes), Multi-Family dwelling, Three (3) units or more: Townhouses, Condominiums, Garage Apartments.

C. Single Family Manufactured Home not meeting the requirements of Article 8A(B1). If given conditional approval, the home must meet the requirements of 8A(B2 and B3).

D. Hospitals, clinics or other buildings used for the treatment of human ailments.

E. Child care, Nursing Home, Personal Care facilities approved by the State and/or local agencies.

F. Clubs, lodges, fraternities and sorority houses.

G. Public and private recreational facilities, including golf courses, swimming pools (except a pool for a single family dwelling), tennis courts, playfields and accessory uses subject to the following:

1. Swimming pools (except a pool for a single family dwelling), shall comply with the following requirements:

a. Swimming pool and the area used by bathers shall be walled or fenced to prevent uncontrolled access. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

H. Second Residence

I. Setback Variance

**ARTICLE 8C PROHIBITED USES**

A. Keeping of livestock.

B. Junk/Salvage yards, landfills and Recycling centers.

C. Manufactured Home/Trailer Parks.

D. Cemeteries, including mausoleums and crematoria.

E. Billboards.

F. Kennels, animal hospitals and veterinary clinics.

G. Commercial/Industrial development.

H. Firearms sales and firearms accessories.

I. Bulk Storage of fuels in excess of 2000 cumulative gallons.

**J. Medical Cannabis) Growing, Processing, Dispensaries**

**ARTICLE 8D AREA REGULATIONS**

A. The following Area Regulations are required:

| Unit | Area Per Unit * | Frontage | Setback Front ** | Rear ** | Side *** |
|---|---|---|---|---|---|
| Single Family | 7,500 SF | 75 Feet | 25 Feet | 20 Feet | 10 Feet |
| Two Family | 2,400 SF | 90 Feet | 25 Feet | 20 Feet | 10 Feet |
| Multi-Family | 2,400 SF | 90 Feet | 25 Feet | 20 Feet | 10 Feet |

* Lots not served by public sewage must add additional footage as required by the Raleigh County Health Department.

** For the purpose of computing yard requirements, measurements shall be taken from established property lines to the nearest point of the main wall of the principle building.

*** Corner lots shall have a minimum of 25 feet on the street side.

B. Except as permitted by other provisions of this ordinance, no parcel shall contain any building for any purpose(s) unless it abuts fully on a dedicated street or roadway.

C. Every building hereafter erected or structurally altered shall be located on a recorded parcel of land approved by the Raleigh County Planning and Zoning Commission. In no case shall there be more than one such building on one recorded parcel of land unless otherwise provided in this ordinance or approved by the Raleigh County Planning Commission or Raleigh County Board of Zoning Appeals, as the case may be.

D. No accessory building, detached garage or carport shall be placed within Ten (10) feet of adjoining property lines; except when placed on street or roadway side shall require Twenty-five (25) feet and shall not encroach on any front yard setback.

E. Maximum height - 3 stories, but not more than 40 feet.

F. All applicable General Regulations; Sign Regulations; Off-Street Parking and Loading Requirements; Storm Water Management Requirements.

**CHAPTER 9 (R1) RURAL RESIDENTIAL DISTRICT**

Designated to reflect existing areas in agricultural use and to reserve such lands for agricultural purposes and very low density rural residential development.

**ARTICLE 9A PRINCIPAL PERMITTED USES**

A. Single family dwelling and two-family dwelling (Duplex)

B. Manufactured Housing meeting the following criteria:

1. Must have skirting around the complete perimeter of the home.

2. Must have a minimum of a six foot by six foot front landing, unless the manufactured home has a recessed front landing from the factory and a four foot by six foot rear landing.

C. A guest house or rooms for guests in an accessory building provided such facilities are used for the occasional housing of guests and not as rental units.

D. Bed and Breakfast Inn.

E. Group residential facility.

F. Agricultural activities as follows:

1. Growing, production and harvesting of agricultural, horticultural and floricultural products.

2. Keeping of livestock, animals or fowl meeting the following:

a. Residential kennels, riding academies, the keeping of animals or fowl, shall be limited to five (5) non-hoofed animals and Two (2) hoofed animals for each whole acre of land within the site. All buildings, corrals and pens, shall be a minimum of one hundred (100) feet from any adjoining property line.

3. Markets/Auctions for the sale of farm products grew on site.

G. Schools, primary, intermediate and secondary; Churches, Temples and Synagogues.

H. Publicly owned and operated buildings and facilities, including public parks, public playgrounds and community centers.

I. Recreational equipment subject, to the following requirement:

1. Parked or stored camping and recreational equipment shall not be used for living or housekeeping purposes and shall be stored off-street.

J. Campgrounds, with accessory buildings and uses meeting the campground regulations and sanitary facilities have approval by the State and/or local Health Department.
K. Accessory buildings/uses customary to a principal permitted use.

L. Home occupations meeting requirements as defined in Appendix A.

**ARTICLE 9B CONDITIONAL USES**

Conditional Uses must be approved by the Board of Zoning Appeals.

A. Colleges, Universities, Clubs, Lodges, Fraternities and Sorority houses.

B. Multiple Two-Family Dwelling (Duplexes), Multi-Family dwelling, Three (3) units or more: Townhouses, Condominiums, Garage Apartments.

C. Manufactured Home Park.

D. Hospitals, Clinics, Child care, Nursing Home, Personal Care or other buildings used for the treatment of human ailments.

E. Commercial Kennels, Animal Hospitals and Veterinary Clinics, Riding Academies meeting the following requirements:

1. No person, firm or corporation shall, without obtaining a Conditional Use Permit, erect or maintain any fencing, pen, enclosure or building housing or enclosing animals or fowls for commercial purposes nearer than three hundred (300) feet of any public roadway right-of-way nor one hundred (100) feet of any adjoining property line. The use shall be limited to Five (5) non-hoofed animals and Two (2) Hoofed animals per whole acre of land.

F. Commercial recreational facilities, including swimming pools (except a pool for a single-family dwelling) are subject to the following: Swimming pool and the area used by bathers shall be walled or fenced to prevent uncontrolled access. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

G. Airports, heliports and landing strips.

H. Cemeteries, including mausoleums and crematoria, provided that any mausoleum or crematorium shall be a distance of at least 100 feet and burial sites at least 25 feet from adjoining property lines.

I. Junk yards, salvage yards and recycling centers, in compliance with all Federal and State laws.

J. Gun Clubs: The firing line shall be a distance of at least five hundred (500) feet from all property lines.

K. Billboard Signs

L. Second Residence

M. Setback Variances

N. Above Ground Bulk storage of fuels in excess of 2000 cumulative gallons. Note: Safety Setbacks must be approved by State Fire Marshall and a copy of the plan review certificate must accompany conditional use permit application.

O. Medical Cannabis Growing, Processing or Dispensaries

**ARTICLE 9C AREA REGULATIONS**

A. The following Area Regulations are required:

| Unit | Area Per Unit * | Frontage | Setback Front ** | Rear ** | Side *** |
|---|---|---|---|---|---|
| Single Family | 7,500 SF | 75 Feet | 25 Feet | 20 Feet | 10 Feet |
| Two Family | 2,400 SF | 90 Feet | 25 Feet | 20 Feet | 10 Feet |
| Multi-Family | 2,400 SF | 90 Feet | 25 Feet | 20 Feet | 10 Feet |

* Lots not served by public sewage must add additional footage as required by the Raleigh County Health Department.

** For the purpose of computing yard requirements, measurements shall be taken from established property lines to the nearest point of the main wall of the principle building.

*** Corner lots shall have a minimum of 25 feet on the street side.

B. Except as permitted by other provisions of this ordinance, no parcel shall contain any building for any purpose(s) unless it abuts fully on a dedicated street or roadway.

C. Every building hereafter erected or structurally altered shall be located on a recorded parcel of land approved by the Raleigh County Planning and Zoning Commission. In no case shall there be more than one such building on one recorded parcel of land unless otherwise provided in this ordinance or approved by the Raleigh County Planning Commission or Raleigh County Board of Zoning Appeals, as the case may be.

D. No accessory building, detached garage or carport shall be placed within Ten (10) feet of adjoining property lines; except when placed on street or roadway side shall require Twenty-five (25) feet and shall not encroach on any front yard setback.

E. Maximum height - Fifty (50) feet.

F. No accessory building/structure shall be placed within ten (10) feet of adjoining side and rear property lines. Front setback shall meet the front yard setback requirement.

F. No accessory building/structure shall be placed within ten (10) feet of adjoining side and rear property lines. Front setback shall meet the front yard setback requirement.

G. All applicable General Regulations; Sign Regulations; Off-Street Parking and Loading requirements; Storm water Management requirements.

## CHAPTER 10 (B1) COMMERCIAL BUSINESS DISTRICT

Designated to provide for business and service establishments serving the needs of the county as well as the entire region.

### ARTICLE 10A PRINCIPAL PERMITTED USES

**A. Cultural; Educational; Entertainment; Recreational; Assembly**

1. Clubs and lodges; libraries and museums; Educational facilities.

2. Commercial recreational facilities; Theaters

3. Parks, Playgrounds and Athletic fields; gymnasium or Athletic Club.

4. Assembly hall, Churches and other places of worship.

**B. Agricultural**

1. Medical Cannabis Growing, processing and dispensing, Garden stores, greenhouses/nurseries, florist, hardware stores, general stores, feed and grain stores

2. Farm implement sales, service, rental and repair provided that service/repair operations are conducted within an enclosed area and all outdoor dismantling, wrecking or storage of equipment, parts or accessories shall be screened.

3. Commercial Kennels, Animal Hospitals, Veterinary Clinics, Riding Academies meeting the following requirements:

a. No person, firm or corporation shall erect or maintain any fencing, pen, enclosure or building housing or enclosing animals or fowls nearer than one hundred (100) feet of any adjoining (R1) Rural Residential or (R2) Residential District property line. The use shall be limited to Five (5) non-hoofed animals and Two (2) Hoofed animals per whole acre of land.

**C. Manufacturing**

1. Baked Goods, Arts or crafts.

2. Printing and Publishing.

3. Sign Fabrication or painting.

4. Assembly of professional, scientific, or control instruments, electrical appliances.

5. Light manufacturing facility which is emission free.

**D. Utilities, Transportation, Communication**

1. Public Utilities; Radio/Television broadcasting stations/studios.

2. Bus Garage or Terminal; Rail or Truck Terminal; Taxi/Limousine service;

**E. Retail, Wholesale, Service**

1. Automotive, truck, manufactured home, boat/marine and machinery sales, service, rental and repair establishments, provided that, service and repair operations are conducted within an enclosed building and all outdoor dismantling, wrecking or storage of automotive vehicles, parts or accessories shall be screened.

2. Automobile service stations provided that service and repair operations are conducted within an enclosed building and no outdoor storage of wrecked vehicles, parts or accessories shall be permitted. Auto Fueling Stations are a permitted use in a (B1)/Business/Commercial Zone with underground storage tanks and a cumulative maximum of 2000 gallons of above ground storage of all types of fuels. Applicants will still be subject to all other state agencies and codes.

3. Appliance stores; Retail stores; Variety shops; Department Stores; Shopping centers.

4. Banks/Financial institutions; Office buildings.

5. Bar and grills; alcoholic beverage establishments; Restaurants; Grocery Stores; Delicatessens; Meat markets.

6. Barber and beauty shops; Bridal consultants; Catering services; Costume shops; Tailoring; Laundromats and dry cleaning.

7. Business machines sales and service; Office furniture/supplies.

8. Carpet and floor covering; Draperies, furniture, paint, glass and wallpaper stores; Interior decorating shops; Upholstery repair.

9. Heating/air condition, electrical/plumbing sales; Hardware store.

10. Hospitals, medical and dental clinics, nursing homes, rest homes, convalescent homes, life care retirement homes; Group residential facility.

11. Veterinarian offices provided that:

a. Offices shall be housed in a completely enclosed building; and

b. No raising, breeding and boarding of animals except for the

confinement of animals under emergency treatment.

12. Hotels and motels and their customary facilities.

13. Mortuaries and crematoriums.

14. Firearm and Firearm accessory Sales.

15. Campgrounds, with accessory buildings and uses meeting the campground regulations and sanitary facilities that have approval by the State and/or local Health Department.

16. Mini Storage Units

**F. Government**

1. Publicly owned and operated buildings and facilities.

**G. Accessory Use**

1. Accessory buildings and uses and other structures customarily incidental to a principal permitted use.

**H. Similar Use**

1. Other business uses which, in the opinion of the Planning Commission, are of the same general character as the uses enumerated in this chapter and will not be obnoxious or detrimental to the district.

**ARTICLE 10B CONDITIONAL USES**

Conditional Uses must be approved by the Board of Zoning Appeals.

A. Residential

1. Rooming houses, Multi-Family dwelling, Two (2) units or more: Townhouses, Condominiums, Apartments.

2. Single family Dwelling, including manufactured home.

3. Manufactured Home Park.

B. Billboard Signs.

C. Any development not listed as a Principal permitted use.

D. Setback Variance

E. Above Ground Bulk storage of fuels in excess of 2000 cumulative gallons. Note: Safety Setbacks must be approved by State Fire Marshall and a copy of the plan review certificate must accompany conditional use permit application.

**ARTICLE 10C REQUIRED CONDITIONS**

No improvement location permit shall be issued for a B-1 use until the applicant shall have certified to the office of Planning and Zoning that:

A. The business activity shall be conducted wholly within a completely enclosed building except automotive service stations, drive-in restaurants and open-air recreational facilities.

B. All premises shall be furnished with all weather hard surface walks of a material such as bituminous or concrete, wood or similar material; and except for parking areas, the grounds shall be planted and landscaped.

C. Where the property lines separate a business district from a (R2) Residential District or a (R1) Rural District, a visual and mechanical barrier a minimum of six (6) feet in height shall be provided and located immediately inside the common parcel line.

D. Swimming pools and the area used by the bathers shall be walled or fenced to prevent uncontrolled access. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

**ARTICLE 10D AREA REGULATIONS**

A. Minimum Parcel Size - 7,500 square feet, except residential dwellings shall meet the requirements of Chapter 8, Article 8D.

B. Parcel Coverage - Not more than sixty (60) per cent of the area of the parcel may be covered by buildings or structures.

C. Minimum Structure - Width - 20 feet, Depth - 20 feet. exclusive of overhang.

D. Maximum height - 50 feet.

E. Minimum parcel frontage - 80 feet.

F. * Minimum setback requirements:

1. Front property line - 25 feet

2. Side property line - Ten (10) feet, except when adjoining a (R2) Residential or (R1) Rural District, a side yard of at least Twenty-five (25) feet is required.

3. Rear property line - Twenty-five (25) feet. If a use is to be serviced from the rear, the setback shall be provided not less than forty (40) feet deep.

4. Accessory Building - Ten (10) feet, except when adjoining a (R2) Residential or (R1) Rural District, setback shall be Twenty-five (25) feet from the adjoining property line(s).

* All setback requirements must be measured from property lines to the main wall of the building.

G. Meet all applicable General Regulations; Sign Regulations; Off-Street Parking and Loading Requirements; Storm Water Management requirements.

## CHAPTER 11 (I1) INDUSTRIAL BUSINESS DISTRICT

This district is designed to provide areas suitable for industrial uses and to allow for economic and employment growth. The primary activity in this district is the manufacturing of products, including processing, packaging, treatment and assembly.

### ARTICILE 11A PRINCIPAL PERMITTED USES

A. All uses permitted in the (B1) Commercial District subject to the required regulations of their respective chapters.

B. Assembly and manufacturing of electrical appliances; electronic instruments and devices.

C. Automobile or mobile home assembling.

D. Fabrication shop; welding or machine shop.

E. Manufacturing, compounding, processing of meat, food and dairy products, exclusive of slaughtering.

F. Manufacturing of beverages and bottling plants.

G. Construction sales and service; Contractor equipment yard.

H. Manufacturing of wood products.

I. Truck and motor freight terminals; Hauling services.

J. Asphalt or asphalt products; Concrete plant.

K. Pharmaceutical manufacturing.

L. Wholesale distributors and sales; Storage warehouse.

M. Paper, plastic and rubber manufacturing.

N. Furniture and Machinery manufacturing.

O. Textile and leather manufacturing.

P. Medical Cannabis growing, processing and dispensing.

Q. Mini Storage Units.

R. Accessory uses and building and other structures customarily incidental to any permitted use.

S. Other business uses which, in the opinion of the Planning Commission, are of the same general character as the principal

permitted uses enumerated in this chapter and will not be obnoxious or detrimental to the district.

**ARTICILE 11B CONDITIONAL USES**

Conditional Uses must be approved by the Board of Zoning Appeals.

A. Manufacturing and bulk storage of corrosive acids and derivatives.

B. Manufacturing of flammable liquids or materials which produce flammable or explosive vapors or gases. They shall be at least, Three Hundred (300) feet from any (R2) Residential or (R1) Rural Agricultural District.

C. Storage, utilization or manufacturing of explosive powders and dusts and of materials and products which decompose by detonation. They shall be at least Three Hundred (300) feet from any (R2) Residential or (R1) Rural Agricultural District.

D. Above Ground Bulk storage of fuels in excess of 2000 cumulative gallons. Note: Safety Setbacks must be approved by State Fire Marshall and a copy of the plan review certificate must accompany conditional use permit application.

E. Fat rendering; Stockyards; Livestock market; Slaughterhouses.

F. Foundries and foundry products; Petroleum refining plants.

G. Manufacture, compounding, assembling and treatment of cement, chlorine, fertilizer, glue, gypsum, lime, metal products, pharmaceutical products, cosmetics, soaps, and detergents.

H. Rubber manufacturing from crude or scrap material or the manufacturing of articles there from.

I. Sewage treatment plants, Junk yards and sanitary landfills subject to all Federal, State and local laws.

J. Parks; playgrounds; Ball fields; Recreational activities.

K. Any residential use.

L. Childcare facility.

M. Any Incineration facility.

N. Religious Assembly.

O. Sawmills.

P. Setback Variances

Q. Other uses which, in the opinion of the Board of Zoning Appeals, are not obnoxious or detrimental to the district.

**ARTICLE 11C REQUIRED CONDITIONS**

No improvement location permit shall be issued for an "I1" use until the applicant shall have certified to the Office of Planning and Zoning that:

A. The industrial activity will be conducted wholly within a completely enclosed building, except for automobile service stations, drive-in restaurants, equipment rental, sales and service, including automobiles, trucks and trailers, truck and motor freight terminals and hauling services.

B. All federal, state and local regulations in regard to air and water pollution, waste disposal and the handling of toxic flammable or radioactive materials must be adhered to.

C. Where the property lines separate an Industrial District from a (R2) Residential or (R1) Rural Agricultural District, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be provided along the common lot line which may consist of any of the following:

1. An evergreen hedge used with or without a chain link fence or a solid fence of a non-deteriorating material, or a masonry wall.

D. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any (R2) Residential or (R1) Rural Agricultural District or upon any public street.

E. All premises shall be furnished with all weather hard surface walks of a material such as bituminous or cement concrete, wood or similar materials; and except for parking areas, the grounds shall be planted and landscaped.

F. Any operation that produces intense glare or heat shall be performed within a completely enclosed building or structure and exposed sources of light shall be screened so as not to be detectable at the lot line.

G. No building or structure shall be used for residential purposes.

H. Material or merchandise stored or stockpiled in unsheltered storage bins or outside storage piles or pits shall not exceed a height limit of twenty (20) feet, above normal ground level at that point and said storage area shall not be located closer than fifty (50) feet to a (R1) Rural Residential or (R2) Residential District.

**ARTICILE 11D AREA REGULATIONS**

A. Minimum Parcel Size - 7,500 square feet, except residential dwellings shall meet the requirements of Chapter 8, Article 8D.

B. Parcel Coverage - Not more than sixty (60) per cent of the area of the parcel may be covered by buildings or structures.

C. Minimum Structure - Width - 20 feet, Depth - 20 feet.

D. Maximum height - 50 feet.

E. Minimum parcel frontage - 80 feet.

F. Minimum setback requirements:

1. Front property line - 25 feet

2. Side property line - Ten (10) feet, except when adjoining a (R2) Residential or (R1) Rural District, a side yard of at least Fifty (50) feet is required.

3. Rear property line - Twenty-five (25) feet. If a use is to be serviced from the rear, the setback shall be provided not less than forty (40) feet and when adjoining a (R2) Residential or (R1) Rural Agricultural District the rear yard shall be equal to a minimum requirement of fifty (50) feet.

4. Accessory Building - Ten (10) feet, except when adjoining a (R2) Residential or (R1) Rural District, setback shall be Fifty (50) feet from the adjoining property line(s).

* All setback requirements must be measured from property lines to the main wall of the building.

G. Meet all applicable General Regulations; Sign Regulations; Off-Street Parking and Loading requirements; Storm Water Management requirements.

## CHAPTER 16 MANUFACTURED HOME PARK AND CAMPGROUND REGULATIONS

### ARTICLE 16A GENERAL

Manufactured home parks and campgrounds are subdivisions with special requirements of their own and shall meet the minor subdivision regulations. The provisions of this chapter are in addition to the requirements for a minor subdivision. Where a requirement in this chapter conflicts with a requirement for minor subdivisions, the requirement in this chapter shall prevail.

### ARTICLE 16B SALE OR RENTAL OF SUBDIVISION PARCELS

No person, firm or corporation, proposing to make or have made a Manufactured Home Park Subdivision or Campground Subdivision with three (3) or more units or spaces within the unincorporated area of Raleigh County shall enter into any contract for the sale of or rental, or shall offer to sell or rent said subdivision or any part thereof, or shall proceed with any construction work on the proposed subdivision before obtaining from the planning commission the approval of a plat or map of the proposed subdivision.

### ARTICLE 16C MANUFACTURED HOME PARK REQUIREMENTS

**MINIMUM REQUIREMENTS**

**A. Density** - Shall not exceed eight (8) manufactured home units per acre.

**B. Streets**

1. Proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

2. All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of eighty (80) feet, unless the Planning Commission approves a "T" or "Y" turnaround.

3. Street right of ways shall be a minimum of thirty (30) feet in width, of which eighteen (18) feet shall be used for ingress and egress. One-way streets that are not main entrances shall be a minimum of twelve (12) feet in width.

4. Streets shall be surfaced with gravel, asphalted or cement binder so as to provide for a durable and dustless surface and shall be graded and drained to dispose of water accumulation.

Gravel Streets - Gravel Streets shall be constructed on a compacted sub grade free of organic matter. The gravel shall be a well graded crushed stone aggregate six (6) inches thick after rolling. The surface shall be smooth, uniform and tightly packed.

Asphalt and Concrete Streets - Shall be constructed as gravel streets with the addition of a minimum of two (2) inches of bituminous material or concrete material rolled smooth, seamless and uniform.

5. Street Signs - All streets shall be clearly identified by permanent street signs.

**C. Manufactured Home Site**

1. Only one dwelling per site is permitted and it shall abut on a street.

**D. Minimum Site Size**

1. The minimum site sizes shall be as follows:

4,000 square feet - if served by public water and public sewage.

If not served by public water or public sewage, the minimum parcel size shall meet the requirement of the West Virginia Department of Health or the Raleigh County Health Department, but not less than 4,000 square feet.

2. Minimum parcel frontage shall be fifty (50) feet. Corner parcels shall be platted wider than interior parcels in order to permit conformance with setback requirements.

**E. Open Space**

A minimum of fifteen percent (15%) of the total area shall be designated as open space.

**F. Lighting**

All parks shall provide an adequate lighting system.

**G. Off-Street parking**

1. No on-street parking shall be allowed. A minimum of (2) 180 square feet off-street parking spaces shall be required per site. Each parking space shall have a minimum dimension of 9 feet by 18 feet.

**H. Minimum Setback Requirements:**

1. All manufactured homes and accessory buildings shall be setback a minimum of 20 feet from the street or highway right-of-way line; or property abutting a state or federal highway, the setback required shall be 25 feet.

2. Manufactured homes shall be a minimum of 15 feet from other boundary lines of the park and accessory buildings shall be a minimum of 5 feet from adjoining property lines

**I. Utilities**

Each individual dwelling shall be provided its own water connection, Individual sewage disposal system meeting approval of the state/local health department and other utility connections (electric, phone, etc.)

**J. Manufactured Home Site Stand**

Each manufactured home site shall provide an adequate stand for the placement of a manufactured home unit. The stand must be able to safely support the unit and constructed so as to not heave, shift, or settle unevenly under the weight of the unit due to frost action, inadequate drainage, vibration or other forces acting on the structure.

**K. Anchorage and Tie-Down**

Each Manufactured Home site shall be equipped with anchors and tie-downs to prevent overturning and uplift. Anchorage and tie-down shall meet the requirements of the manufacturer and shall meet the requirements of the State Building Code.

**L. Identification**

Each site shall display the street address assigned by the Raleigh County EOC. Such number shall be displayed on a permanent marker placed on the site and shall be visible from the street or access way.

**ARTICLE 16D RECREATIONAL VEHICLE (RV) PARK REQUIREMENTS**

**A. Density** - Shall not exceed (15) campground sites per acre.
1. (RV'S) will be permitted into existing mobile home parks that are permitted by the Raleigh County Health Department with a signed letter from the owner of record of the mobile home park. The number of approved mobile home sites approved by the health department cannot be exceeded.

**B. Streets**

1. Proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

2. All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of eighty (80) feet, unless the Planning Commission approves a "T" or "Y" turnaround.

3. Street right of ways shall be a minimum of thirty (30) feet in width, of which eighteen (18) feet shall be used for ingress and egress. One-way streets that are not main entrances shall be a minimum of twelve (12) feet in width.

4. Streets shall be surfaced with gravel, asphalted or cement binder so as to provide for a durable and dustless surface and shall be graded and drained to dispose of water accumulation.

Gravel Streets - Gravel Streets shall be constructed on a compacted sub grade free of organic matter. The gravel shall be a well graded crushed stone aggregate six (6) inches thick after rolling. The surface shall be smooth, uniform and tightly packed.

Asphalt and Concrete Streets - Shall be constructed as gravel streets with the addition of a minimum of two (2) inches of bituminous material or concrete material rolled smooth, seamless and uniform.

5. Street Signs - All streets shall be clearly identified by permanent street signs.

**C. Parcels**
1. Only one RV per Site is permitted and it shall abut on a street.

**D. Minimum Parcel Size**
1,500 square feet, not to include road right-of-ways. Each RV site shall have a minimum road frontage (width) of 25 feet along a platted road right-of-way. Must have a minimum of 10 feet between site stands.

**E. Open Space**
A minimum of fifteen percent (15%) of the total area shall be designated as open space.

**F. Lighting**

All parks shall provide an adequate lighting system.

**G. Off-Street parking**

1. No on-street parking shall be allowed. A minimum of (2) 180 square feet off-street parking spaces shall be required per site. Each parking space shall have a minimum dimension of 9 feet by 18 feet. Designated parking areas may not be used for overnight camping or occupancy.

**H. Minimum Setback Requirements:**

1. All RV units and accessory buildings shall be setback a minimum of 20 feet from the street or highway right-of-way line; or property abutting a state or federal highway, the setback required shall be 40 feet.

2. RV units shall be a minimum of 25 feet from other boundary lines of the park and shall be a minimum of 10 feet from adjoining property lines.

**I. Utilities**

1. Each individual RV site shall be provided its own water and electrical connection, a RV site may contain sewerage connections. If not provided at campsites, sewerage facilities must be provided at convenient comfort stations as determined by the planning commission.

2. Each RV site shall be provided with a sanitary, covered garbage can.
3. A RV Park shall provide at least one sanitary sewage dump station, one water refill station and one solid waste disposal collection facility.

4. As a minimum, design capacities for centralized water and sewage systems shall be based on the total number of RV sites proposed plus 25 percent more capacity to accommodate a tent area (if any), plus an allowance for sewage dump station and a water refill station.

**J. RV Site Stand**

Each RV site shall provide an adequate stand for the placement of a camping unit. A RV site stand shall be at least 15 feet by 25 feet in size. No more than one RV unit shall be placed on a RV site.

**K. Tents**

A tent may be placed on any RV site. In addition, however, a special tent area may be set aside and marked in a RV Park for the random location of tents. The capacity of a tent area shall be limited to 25 percent of the number of designated RV sites within a RV Park. A tent area need not be served directly by water or sanitary facilities, provided a comfort station is located nearby. The size of a tent area shall be based on 500 square feet per eligible tent.

## ARTICLE 16E ENACTMENT

These regulations shall become effective upon adoption by the Raleigh County Commission. Any other Manufactured Home Parks, Campground, Regulations shall be deemed repealed. These regulations shall in no way effect any action taken by the Raleigh County Planning Commission or the Raleigh County Board of Zoning Appeals prior to the effective date of these regulations.

## APPENDIX A DEFINITIONS

### APPENDIX A1 GENERAL INTERPRETATION

Certain terms or words used herein shall be interpreted as follows:

A. The word person includes an individual, firm; trust, association, organization, partnership, company or corporation.

B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

C. The word shall is mandatory, the word may is permissive.

D. The word used or occupied includes the words intended, designed or arranged or arranged to be used or occupied.

E. The word parcel includes the words parcel or parcel.

F. Any words pertaining to gender shall be interchangeable. The word "he" shall mean "she", and "she" shall mean "he".

### APPENDIX A2 TERMS NOT DEFINED

Where terms are not defined, they shall have their ordinarily accepted meaning, or such as the context may imply.

### APPENDIX A3 DEFINITIONS

**Abandonment** - The relinquishment of property or a cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one (1) year.

**Accessory** - Buildings, structures or uses, customarily incidental to and located on the same parcel of the main building or permitted use.

**Accessory Apartment** - A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of same structure as the primary dwelling unit or a detached dwelling unit on the same parcel.

**Addition** - Any increase to the gross floor area of a structure.

**Aggrieved or Aggrieved person** - A person who is 1) denied by the planning commission or the board of zoning appeals, in whole or in part, the relief sought in any application or appeal; or 2) has demonstrated that he or she will suffer a peculiar injury, prejudice or inconvenience beyond that which other residents of the county may suffer.

**Agriculture** - The use of land or structures for agricultural purposes including farming, dairying, pasturage, horticulture, floriculture and the breeding, feeding and marketing of livestock. A home garden accessory to a residence shall not be considered agriculture.

**Alley** - A public thoroughfare having a maximum width of twenty (20) feet that affords only a secondary means of access to abutting property.

**All-Terrain Vehicle (ATV)** - Any motor vehicle designed for off-highway use and designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.

**Amateur Radio Tower** - A structure on which an antenna is installed for the purpose of transmitting and receiving amateur radio signals erected and operated by an amateur radio operator licensed by the FCC.

**Amendment** - Any repeal, addition or revision to a regulation.

**Apartment** - A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.

**Automobile Service Station** - Any area of land, including structures thereon used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, or automatic washing.

**Base Flood** - The flood having a one percent chance of being equaled or exceeded in any given year.

**Bed and Breakfast Inn** - A commercial establishment involving the rental of rooms to overnight guests, on a daily or weekly basis, with or without breakfast. The serving of meals to others than overnight guests, shall be considered a Restaurant.

**Billboards** - A sign or structure which directs attention to an idea, product, business activity, service, or entertainment which is conducted, sold or offered elsewhere than upon the parcel on which sign is situated or located.

**Boarding House** - A place where room and board are reserved for payment for part of premises in and used by a person(s). The owner shall reside on the premises.

**Broadcasting or Communications Tower** - Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A Broadcasting or Communication Facility usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Excluded are amateur radio towers.

**Buffer** - A relatively narrow strip of land covered with sufficient screening to prevent visual access and reduce noise intensity from one area to another.

**Building** - A structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property.

**Building Coverage** - The percentage of the parcel covered or occupied by building area.

**Building Height** - The vertical distance measured from the proposed finished grade at the front of the building to the highest point of the rooftop.

**Building Line** - A line parallel to the front, side and rear parcel property line set so to provide the required setbacks.

**Business** - The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

**Campgrounds** - A parcel of land used or intended to be used, let or rented for occupancy by campers utilizing tents, campers, camping coaches or other forms of recreational dwelling.

**Camping Unit** - Any device or vehicular type structure used for the purpose of temporary living or shelter, including, but not limited to, tent, tent-trailer, camping trailer, travel trailer, pick-up camper, motor home, and recreational mobile home.

**Camping trailer, Fold Down** - Every vehicle consisting of a portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at a camp site to provide temporary living quarters for recreational, camping or travel use.

**Campsite** - A designated parcel of ground within a campground intended or used for the exclusive occupancy by a tents, camping coaches, campers, or a vacation cottage.

**Canopy** - A structure attached to a building and projecting out parallel to the ground, for the purpose of providing protection from the weather.

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

**Commercial** - Any wholesale, retail, or service business activity established to carry on a trade for a profit.

**Community Center** - Non-profit community entertainment, recreation and meeting place.

**Comprehensive Plan** - A plan for physical development, including land use, adopted by a governing body, setting forth guidelines, goals and objectives for all activities that affect growth and development in the governing bodies jurisdiction.

**Conditional Use** - A use which because of special requirements or characteristics may be permitted in a particular zoning district only after review by the board of zoning appeals and upon issuance of a conditional use permit, and subject to the limitations and conditions specified in the zoning ordinance.

**Contiguous** - Parcels, parcels, municipal or county boundaries, that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Street, highways, roads, other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine parcels, parcels, municipal or county boundaries as contiguous.

**Cultural Services** - A library, museum, or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

**Day Care Center** - Any facility operated for the purpose of providing care, protection and guidance to five (5) or more individuals during only part of a twenty-four hour day. This includes nursery schools, preschools, day care centers for individuals, and other similar uses. Excluded are public and private educational facilities or any facility offering care to individuals for a full twenty-four hour period.

**Day Care Home** - A single-family dwelling in which five (5) or more individuals, are received for care, protection and guidance during only part of a twenty-four hour day. Individuals related by blood, legal adoption or marriage to the person who maintains the home shall not be counted towards the total. The care of less than five individuals for portions of a day shall be considered a home occupation.

**District** - An area of the unincorporated territory of Raleigh County which specific uses are permitted according to the designation applied thereto and in conformity with the provisions of this ordinance.

**Dwelling** - Any building that contains one or two "Dwelling Units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes.

**Dwelling, Farm** - A building or dwelling unit designed for or occupied exclusively by a farm family.

**Dwelling, Multi-family** - A building designated for or occupied exclusively by three (3) or more families independently of each other.

**Dwelling, Single family** - A building designed for or occupied exclusively for one (1) family.

**Dwelling, Two-family** - The use of an individual parcel for two dwelling units, which share at least one common wall, each occupied by one family. This may also be referred to as a duplex.

**Dwelling Unit** - One or more rooms designed for living or sleeping purposes, and having at least one (1) kitchen and lawfully required sanitary facilities.

**Educational Facilities, College/University** - An institution authorized by the State of West Virginia to award associate, baccalaureate or higher degrees, and facilities associated with it. Included are academic buildings, administrative facilities, dormitories, special housing, parking areas, dining halls and other physical plants associated with the college or university use.

**Educational Facilities, Primary/Secondary** - A public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the State of West Virginia.

**Essential Utilities and Equipment** - Underground or overhead electrical, gas, communications not regulated by the FCC, water and sewage systems, including pole structures, towers, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone structures, police call boxes, traffic signals, hydrants, regulating and measuring devices and structures in which they are housed, and other similar equipment accessories in connection therewith. Essential utility equipment is recognized in three categories: 1) Local serving; 2) No local or transmission through the county; 3) Water and Sewer systems, the activities of which are regulated, in whole or in part, by one or more of the following: Public Service Commission; Department of Environmental Protection; or the Department of Health and Human Services.

**Existing Use** - Use of land, buildings or activity permitted or in existence prior to the adoption of zoning maps or ordinances by the county. If the use is nonconforming to local ordinance and lawfully existed prior to adoption of the ordinance, the use may continue to exist as a nonconforming use until abandoned for a period of one year: Provided, that in the case of natural resources, the absence of natural resources extraction or harvesting is not abandonment of the use.

**Factory-built homes** - Modular and Manufactured Homes.

**Factory-built home rental community** - A parcel of land under single or common ownership upon which two or more factory-built homes located on a continual, non-recreational basis together with any structure, equipment, road or facility intended for use incidental to the occupancy of the factory-built homes, but does not include premises used solely for storage or display of uninhabited factory-built homes, or premises occupied solely by a landowner and members of his family.

**Factory-built home site** - A parcel of land within the boundaries of a factory-built home rental community provided for the placement of a single factory-built home and the exclusive use of its occupants.

**Farm** - Land of not less than five (5) acres used for agricultural or horticultural purposes or for the raising of domestic animals or fowl whether for profit or hobby.

**Farm Building** - Any building used for the housing of agricultural equipment, products, livestock or poultry or for the incidental or customary processing of farm products.

**Fence** - A tangible barrier of obstruction of any material above ground with the intent of preventing passage, or assuring privacy and protection. It includes hedges and walls.

**Flood-prone Area** - Any land area susceptible to repeated inundation by water from any source.

**Floor Area** - The total number of square feet of floor space within the main exterior walls of a building not including space in cellars, basements and porches.

**Footprint (Building)**- The exterior perimeter or the main walls of the structure. Or living area predominantly above grade that is heated and cooled. Porches and basements excluded.

**Garage Apartment** - A private, detached garage that has one dwelling unit located in the story above the automobile-parking story.

**Garage, Private** - Accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is an accessory.

Garage, Public - A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.

**Garden Center** - Establishments or places of business primarily engaged in retail or wholesale sale, from the premises, of trees, shrubs, seeds, fertilizers, pesticides, plants and plant materials primarily for agricultural, residential and commercial consumers. This includes nurseries, plant stores and lawn and garden centers.

**Governing Body** - The body that governs the county.

**Group Residential Facility** - A facility which (1) provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled; (2) is occupied as a residence by not more than eight individuals who are developmentally disabled and not more than three supervisors, or is occupied as a residence by not more than twelve individuals who are behaviorally disabled and not more than three supervisors; (3) is licensed by the department of health or the department of human services; and (4) complies with the state fire commission for residential facilities. (27-17-1)

**Guest Room** - A room that is intended, arranged or designed to be occupied by one or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking. Dormitories are excluded.

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

**Home Garden** - A garden in a residential district for the production of vegetables, fruits and flowers for use and/or consumption by the occupant of the premises.

**Home Occupation** - must meet all the following criteria, (1) Business operator must be a member of the family living in the dwelling; (2) No employees are allowed, except a member(s) of the family living in the dwelling; (3) Shall not create noise, emissions, or electrical inference consistently offensive to adjacent residents; (3) The volume of traffic shall not be greater than would be expected in the residential area; (4) Commercial or Industrial inventory or supplies shall be enclosed within a building, privacy fence or otherwise obscured from view. Home Occupations does not include automobile/truck garages, repair shops, or paint shops; Auto sales; Auto parts sales; Welding/fabricating shops.

**House Trailer** - All trailers designed and used for human occupancy and commonly referred to as mobile homes or house trailers, and shall include fold down camping and travel trailers as these terms are defined in this ordinance, but only when such camping and travel trailers are located in a factory-built home rental community, as defined in this ordinance. (37-15-2).

**Impervious Area** - An area that has a material on the land surface through which water cannot infiltrate. Impervious surfaces include, but are not limited to, concrete, asphalt, metal, brick, building roofs and gravel.

**Infill Development** - To fill in vacant or underused land in existing communities with new development that blends in with the surroundings.

**Kennel, Commercial** - Any land or structures used for the sale, rental, boarding, breeding or training of animals for profit.

**Kennel, Private** - Any land or structures used for the boarding, breeding or care of domestic animals belonging to the owner or occupants of the property and kept for the purposes of show, hunting or as pet, and for which their is no commercial gain.

**Land Development** - The development of one or more parcels of land by any means and for any purpose, but does not include easements, rights-of-way or construction of private roads for extraction, harvesting or transporting of natural resources.

**Landscaping** - The improvement of open areas by the planting and maintenance of trees, bushes, flower gardens, grass and other vegetation.

**Livestock** - Cattle, horses, swine, sheep, goats or any other animal of the bovine, equine, porcine, or ovine specie, and domestic poultry.

**Livestock Dealer** - A person other than a livestock producer who buys, receives or assembles livestock for resale, either for his/her own account or that of another person.

**Livestock Market** - A commercial establishment wherein livestock is collected for sale and auctioned off.

**Livestock Producer** - A person selling livestock that he/she has raised or livestock that he/she has additionally purchased and summered or wintered.

**Manufactured Home** - Housing built in a factory according to federal manufactured home construction and safety standards effective June 15, 1976.

**Manufactured Home (Mobile Home) Park** - The division of a tract of land into three (3) or more parcels any which is less than five acres each,

**Manufactured Home (Mobile Home) Park** - The division of a tract of land into three (3) or more parcels any which is less than five acres each, for the purpose, whether immediate or future, of transfer of ownership, rental or building development, or if a new street is involved in such division, any division of a parcel of land. This term includes re-subdivision of a parcel of land.

**Manufactured Home Skirting** - Skirting shall be installed around the complete perimeter of the manufactured home. The skirting material may be Vinyl, stone, brick, simulated brick or stone, concrete, precast concrete or aluminum. Access doors and proper ventilation shall be installed as required by the manufacturer or other codes.

**Master Planned Development Community** - A development by a single developer, containing a minimum of 500 acre, which has been or is being developed under a comprehensive master plan for a community containing streets and other public services, parks and other recreational facilities for common use by its residents thereof and which is being subdivided into sufficient parcels for residential use to accommodate a minimum population of 500 persons and meet other requirements of the Planned Unit Development regulations.

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

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

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

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

**Mobile Home** - A transportable structure that is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and designed for long-term residential use and built prior to the enactment of the federal manufactured housing construction and safety standards institute (ANSI) - A119.1 standards for mobile homes. (37-15-2)

**Modular Home** - A dwelling unit constructed off-site consisting of more than one segment and designed to be permanently anchored to a foundation, to become a fixed part of the real estate, and meets state or local building codes where the homes will be sited.

**Motorboat** - Any vessel propelled by an electrical, steam, gas, diesel or other fuel propelled or driven motor, whether or not the motor is

the principal source of propulsion, but does not include a vessel which has a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto.

**Motorboat Trailer** - Every vehicle designed for or ordinarily used for the transportation of a motorboat. (17A-6-1)

**Motor Home** - Every vehicle designed to provide temporary living quarters, built into an integral part of or permanently attached to a self-propelled motor vehicle, chassis or van including: (1) Type A motor home built on a incomplete truck chassis with the truck cab constructed by the second stage manufacturer; (2) Type B motor home consisting of a van-type vehicle which has been altered to provide temporary living quarters; and (3) Type C motor home built on an incomplete van or truck chassis with the cab constructed by the chassis manufacturer. (17A-6-1)

**Nonconforming Parcel** - A parcel where the area, dimensions or location does not conform to the regulations and uses as set forth in this ordinance for the district in which it is located.

**Nonconforming Use** - The use of a building or land that does not conform to the regulations and uses as set forth in this ordinance for the district in which it is located.

**Nursery/Child Care Center** - A building used for the commercial care of three (3) or more children not members or wards of the family on a nonresidential basis.

**Nursing/Convalescent Home** - A structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants but not including a hospital or mental health center.

**Occupancy** - The period during which one owns, rents, uses, or occupies a certain premises or land.

**Open Space** - Land not covered by Buildings, structures, parking areas, open storage or any other use that visually obscures the natural or improved landscape.

**Parcel** - A single parcel of land, which may be legally described as such and may be one or more numbered lots or parts of lots in a recorded plat, located within a single block and occupied by, or intended for occupancy by one principal building or principal use together with such yards as are required by this ordinance and having its principal frontage upon a street.

**Parcel, Corner** - A parcel abutting upon two (2) or more streets at their intersection.

**Parcel, Depth of** - The horizontal distance between the front and rear parcel lines.

**Parcel, Interior** - Any parcel other than a corner parcel.

**Parcel, Width** - The average horizontal distance between side property parcel lines or the horizontal distance between side property lines measured at the setback line.

**Parking Area** - An open space other than a street or alley used for the parking and storage of motor vehicles.

**Parking, Off-street** - An off street area suitable for vehicular parking and having access to a street.

**Parking Space** - An off-street space available for the parking of one motor vehicle and having an area of not less than a Nine (9) Foot wide by Eighteen (18) foot long, exclusive of access drive and passageways.

**Parks, Playgrounds and Outdoor Recreation Areas** - Land publicly or privately owned devoted to recreational pursuits, usually an open area reserved for outdoor activities such as play, hiking, exercise or competitive sport not requiring structures for habitation.

**Permitted Use** - Any use allowed within a zoning district, subject to the restrictions applicable to that zoning district and is not conditional use
Person - An individual, partnership, corporation, association or other legal entity.

**Plan** - A written description for the development of land.

**Plat** - A map of the land development.

**Planned Unit Development (PUD)** - A planned or unified development of a tract of land with a minimum of 100 acres, for which a variety of housing types and/or related commercial facilities are accommodated under more flexible standards; the approval of which involves requirements in addition to subdivision regulations such as building design and landscaping.
**Preferred Development Area** - A geographically defined area where incentives may be used to encourage development, infill development or redevelopment in order to promote well-designed and coordinated communities.

**Prohibited Use** - A use of a building, structure, parcel of land or part thereof, which is not listed as a Permitted or Conditional Use for the District in which located.

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

**Recreation, Commercial** - Recreation facilities operated as a business and open to the general public for a fee.

**Recreation, Private** - The use of land by the owner for recreational pursuits.

**Recreation, Private, Non-Commercial** - Clubs or recreational facilities operated by a non-profit organization and open only to bona fide members of such non-profit organization.

**Recreation, Public** - Recreational facilities operated as a non-profit enterprise by a governmental entity or any non-profit organization and open to the general public.

**Recreational Vehicle** - Includes motorboats, motorboat trailer, all-terrain vehicle, travel trailer, fold down camping trailer, motor home or snowmobile. (17A-6-1)

**Recreational Vehicle Park** - A parcel of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**Rights-of-Way** - A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or similar use.

**Riding Academy** - Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

**Roadside Stand** - A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which the stand is located.

**Salvage** - Old or scrap brass, copper, iron, steel, other ferrous or nonferrous materials, batteries or rubber and any junked, dismantled or wrecked machinery, machines or motor vehicles. (17-23-2)

**Salvage yard** - Any place which is maintained, operated or used for the storing, keeping, buying, selling, or processing of salvage, or for the operation and maintenance of a motor vehicle graveyard. (17-23-2)

**Sawmill** - A machine and its appurtenances for processing of timber from the property or from its environs without regard to point of origin.

Setback - The horizontal distance in feet from the street line to the principal building on a parcel.

**Shooting Range** - The use of land or structure for archery and/or the discharging of firearms for the purpose of target practicing, skeet and trap shooting, mock war games, or temporary competitions.

**Sign** - A name, identification, description, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land or affixed to the glass of a window or door so as to be seen from the outside of the building and which directs attention to an object, product, place, activity, person, institution, organization or business.

**Sign, Billboard** - A sign or structure which directs attention to an idea, product, business activity, service or entertainment which is conducted, sold or offered elsewhere than upon the parcel on which such sign is situated or located.

**Sign, Electrical** - Any sign that requires electricity for illumination, movement, or any other purpose.

**Sign, Ground** - Any sign supported by uprights or braces placed upon the ground and not attached to any building.

**Sign, Marquee** - Any hood or awning of permanent construction projecting from the wall of a building above an entrance and extending over a thoroughfare.

**Sign, Roof** - Any sign erected, constructed, and maintained wholly upon or above the roof with the principle support attached to the roof structure.

**Sign, Temporary** - Any sign, banner, pennant, or other advertising display constructed of cloth, canvas, light fabric, cardboard, wall board, or other light materials, with or without frames, intended to be displayed for a limited period of time.

**Sign, Wall** - All flat signs or solid face construction which are placed against building or other structure and attached to the exterior front, rear, or side wall of any building or other structure.

**Snowmobile** - A self-propelled vehicle intended for travel primarily on snow and driven by a track or tracks in contact with the snow and steered by a ski or skis in contact with the snow. (17A-6-1)

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

**Stables, Commercial** - The boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property.

**Stables, Private** - The keeping, breeding or raising of horses or ponies exclusively for the personal use and enjoyment of the owner or occupant of the property.

**Street** - Streets, avenues, boulevards, highways, roads, lanes, alleys and all public ways.

**Structure** - Anything constructed, except pavement, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

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

**Townhouse** - A group of three or more attached single family dwellings in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from adjacent units by a vertical wall with no openings.

**Travel Trailer** - Every vehicle, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use of such size or weight as not to require special highway movement permits when towed by a motor vehicle and of gross trailer area less than four hundred square feet.

**Truck Stop** - A heavy commercial activity located in proximity to major highway routes or interchanges. This business is basically for the refueling and repairing of trucks and the provision of restaurant and sleeping facilities.

**Unified Shopping Facility** - Any tract of land upon which two (2) or more retail sales establishments are located and developed as a unit with accessory parking facilities. Unified shopping facilities are distinguished from miscellaneous collections of individual stores developed independently and standing on separate parcels along street frontages or clustered in a contiguous area with or without incidental off-street parking.

**Unit of Government** - Any federal, state, regional, county or municipal government or governmental agency.

**Utility** - A public or private distribution service to the public that is regulated by the public service commission.

**Variance** - A relaxation of the regulation of this ordinance granted on grounds of practical difficulties of unnecessary hardship not self-imposed.

**Yard, Front** - An open space extending the full width of the parcel between a building and the front parcel line unoccupied and

unobstructed from the ground upward except as allowed by this ordinance.

**Yard, Rear** - An open space extending the full width of a parcel between a building and the rear parcel line unoccupied and unobstructed from the ground upward except as allowed by this ordinance.

**Yard, Side** - An open space extending from the front yard to the rear yard between a building and the nearest side parcel line unoccupied and unobstructed from the ground upward except as allowed by this ordinance.

**Zoning** - The division of a county into districts or zones which specify permitted and conditional uses and development standards for real property within its districts or zones.

Zoning Map - A map or maps that geographically illustrates all zoning district boundaries within the county, as described by the zoning ordinance, and which is certified as the official zoning map(s) for the county.

**Zoning Officer** - The Zoning Officer (Administrative Officer) or his/her authorized representative appointed by the County Commission of Raleigh County, West Virginia.

EXHIBIT

# County Commission of Raleigh County

116 ½ North Heber Street
Beckley, West Virginia 25801-4522

February 18, 2020

Raleigh County Building Code Enforcement Office
Attn: Bill Vest
203 South Eisenhower Drive
Beckley, WV 25801

RE: Building Permit Fee Waiver for Governmental Agencies

Please be advised that at a Regular Session of the Raleigh County Commission on February 18, 2020 the Commissioners voted to approve the Raleigh County Building Code Enforcement Office be allowed to WAIVE the fee associated with the application of new construction building permits for any and all Local, State and/ or Federal Government Agencies or Local, State and/ or Federal intergovernmental organizations or departments that may apply.

Also, please be advised that if there is a question as to whether the agency which applied is qualified to receive such waiver then the final decision shall be at the discretion of the Supervisor of the Raleigh County Building Code Enforcement Office, the County Administrator OR the County Assistant Administrator.

Regards,

David L. Tolliver, President

Linda K. Epling, Commissioner

Ronald R. Hedrick, Commissioner

Phone 304-255-9146 Fax 304-255-9166 ralcom@raleighcounty.com

EXHIBIT

# County Commission of Raleigh County

116 ½ North Heber Street
Beckley, West Virginia 25801-4522

February 18, 2020

Mr. Gary Rogers
Office of Fiscal Services
WV Department of Environmental Protection
601 57th Street, SE
Charleston, WV 25304

**RE: RALEIGH COUNTY COMMISSION – CLEAR FORK RAIL TRAIL PROJECT**
**AML ID #AMLPLT/EY 18 – QUARTERLY REPORT**

Dear Gary:

Enclosed please find the **Final SF 425 quarterly report** for the **Raleigh County Commission – Clear Fork Rail Trail Project** for your review and approval.

This report covers the quarter ending December 31, 2019.

Should you need additional information concerning this report, please feel free to contact Lori Shrewsbury with Region I Planning & Development Council at 304-431-7225.

Sincerely,

David L. Tolliver
President, Raleigh County Commission

Enclosures

Phone 304-255-9146 Fax 304-255-9166 ralcom@raleighcounty.com

dep

# FEDERAL FINANCIAL REPORT

(Follow form instructions)

| 1. State Agency and Organizational Element to Which Report is Submitted | 2. State Grant or Other Identifying Number Assigned by Federal Agency (To report multiple grants, use FFR Attachment) (CFDA #) | Page | of |
|---|---|---|---|
| **WV Department of Environmental Protection<br>Business and Technology Office<br>Charleston, WV** | **FA WV FY 2017 AML Pilot CFDA 15.252** | 1 | 1 pages |

3. Recipient Organization (Name and complete address including Zip code)
**Raleigh County Commission**
**116 1/2 N Herber Street, Beckley WV 25801**

| 4a. DUNS Number | 4b. EIN / FEIN | 5. Recipient Account Number or Identifying Number (if any) | 6. Report Type | 7. Basis of Accounting |
|---|---|---|---|---|
| **830364092** | **556000389** | **CLEAR FORK RAIL TRAIL PROJECT<br>WV GRANT NO. AMLPLT/EY 18** | ☐ Monthly<br>X Quarterly<br>☐ Final | Cash |

| 8. Sub Grant Period From: (Month, Day, Year) | To: (Month, Day, Year) | 9. Reporting Period End Date (Month, Day, Year) |
|---|---|---|
| 1/1/2019 | 1/31/2020 | 12/31/2019 |

| 10. Transactions | Administrative/Design Costs | Construction Costs | Cumulative Amount |
|---|---|---|---|
| **State Expenditures and Unobligated Balance:** | | | |
| a. Original Sub Grant Award | $ 453,860.00 | | $ 453,860.00 |
| b. Total Approved Change Orders To Date | 0.00 | | 0.00 |
| c. Current Sub Grant Award Balance (a+b) | $ 453,860.00 | | $ 453,860.00 |
| d. Award Expended (spent) | $ 183,672.50 | | $ 183,672.50 |
| e. Total obligated (balance of sub grant) (c-d) | $ 270,187.50 | | $ 270,187.50 |

11. *Remarks: Attach any explanations deemed necessary or information required by State sponsoring agency in compliance with governing legislation:*

**12. Certification: By signing this report, I certify that it is true, complete, and accurate to the best of my knowledge. I am aware that any false, fictitious, or fraudulent information may subject me to criminal, civil, or administrative penalities. (U.S. Code, Title 218, Section 1001)**

| a. Typed or Printed Name and Title of Authorized Certifying Official | c. Telephone (Area code, number and extension) |
|---|---|
| RALEIGH COUNTY COMMISSION PRESIDENT DAVID L. TOLLIVER | (304)431-7225 |
| | d. Email address |
| | loris@regiononepdc.org |
| b. Signature of Authorized Certifying Official | e. Date Report Submitted (Month, Day, Year) |
| | February 18, 2020 |

****** ATTACH COPIES OF YOUR BANK STATEMENTS FOR THE PERIOD AS EVIDENCE OF THE AMOUNTS REPRESENTED ON LINE 10 ABOVE ******

DEP 425
(REV 09/09)

EXHIBIT

# County Commission of Raleigh County

116 ½ North Heber Street
Beckley, West Virginia 25801-4522

February 18, 2020

Mr. Roger A. Earle, P.E.
WV Department of Environmental Protection
Office of Abandoned Mine Lands
601 57th Street SE
Charleston, WV 25304

**RE: RALEIGH COUNTY COMMISSION – CLEARFORK RAIL TRAIL**
**AML GRANT No: AMLPLT/EY18 - BUDGET AMENDMENT REQUEST #1**

Dear Roger:

The Clearfork Rail Trail project is currently in the design phase of the project. Preliminary design plans, a Draft Project Manual, and Opinion of Probable Cost was submitted to DEP on October 18, 2019. Start on the sampling needed for the Environmental ESA Phase II required by CSX was held up in the CSX Environmental Permitting Department for approximately eight months. Upon issuance of the environmental right of entry permit on October 23, 2019 the project environmental team began work on the ESA Phase II on November 4, 2019. The updated ESA Phase I and final ESA Phase II results were submitted to the County and CSX toward the end of January 2020. Currently the project team is working to address a remedy for contaminates found during the ESA Phase II Study. At this time the Expedited Rail Trail WV DEP VRP Program seems to be the best and most expedient route to remediate the contaminates and move the project forward in a timely fashion. Depending on additional sampling that is needed and the results of that sampling, it is expected that it will take until the end of the year to move through the VRP Program process. The remediation of contaminates and AML refuge piles are expected to be done parallel with the construction of the project.

At this time the County plans to move forward with the purchase of the Rail Trail Property from CSX Railroad. Now that CSX has the ESA II Results, they are prepared to move forward with the Purchase Sale Agreement that will allow the Raleigh County Commission to purchase the Rail Trail Property contingent that the County agrees to remediate the contaminates by CSX De Minimis Standards or via the WVDEP VRP Program. It is expected that purchase of the Rial Trail Property from CSX will take approximately three months.

At this time the Raleigh County Commission would like to request an AML Pilot Grant amendment to amend the Grant period ending 1/31/2020, for a period of two years, until 1/31/2022. This two-year extension of the grant period will allow time for the project to progress through the Expedited Rail Trail VRP Program and complete construction of the project.

If you concur with this request, please notify us and give your concurrence for the AML grant to be amended. Should you need additional information, please feel free to contact Lori Shrewsbury at (304)431-7225.

Sincerely,

David L. Tolliver
President, Raleigh County Commission

Enclosures
email/cc: Chapman Technical Group

Phone 304-255-9146 Fax 304-255-9166 ralcom@raleighcounty.com

# RALEIGH COUNTY - CLEARFORK RAIL TRAIL
## AML AMENDMENT #1

| CONTRACT | AMOUNT | AML % | AML CHANGE |
|---|---|---|---|
| | | 100% | $453,860.00 |

**AML GRANT INCREASE** **$0.00**

| | | |
|---|---|---|
| ORIGINAL AML GRANT | $453,860.00 | |
| AML AMENDMENT #1 | $0.00 | Time Ext. Request 1/31/2022 |
| AML AMENDMENT #2 | | |
| AML AMENDMENT #3 | | |
| AML AMENDMENT #4 | | |
| AML AMENDMENT #5 | | |
| AML AMENDMENT #6 | | |
| AML AMENDMENT #7 | | |
| AML AMENDMENT #8 | | |
| AML AMENDMENT #9 | | |
| AML AMENDMENT #10 | | |
| AML AMENDMENT #11 | | |
| AML AMENDMENT #12 | | |
| AML AMENDMENT #13 | | |
| AML AMENDMENT #14 | | |
| AML AMENDMENT #15 | | |
| AML AMENDMENT #16 | | |
| AML AMENDMENT #17 | | |
| AML AMENDMENT #18 | | |
| AML AMENDMENT #19 | | |
| AML AMENDMENT #20 | | |
| AML AMENDMENT #21 | | |
| AML AMENDMENT #22 | | |
| AML AMENDMENT #23 | | |
| AML AMENDMENT #24 | | |
| AML AMENDMENT #25 | | |
| AML AMENDMENT #26 | | |
| Total of amendments | $0.00 | |
| **REVISED AML GRANT** | **$453,860.00** | |