Raleigh County
Scott Van Meter, Clerk
Instrument 50885958
09/01/2026 @ 03:12:57 PM
MISC RECORDINGS
Book 5088 Page 5958
Pages Recorded 112

RALEIGH COUNTY PLANNING & ZONING ORDINANCE

September 1, 2026

Raleigh County Commission

Linda Epling,	Commissioner
Daniel Hall,	Commissioner
Gregory A. Duckworth,	Commissioner
Jay Quesenberry,	Administrator
Billy Michael,	Assistant Administrator
Detlef Ulfers,	County Engineer
Carolyn Lilly,	Secretary
Carl Roop,	County Attorney

RALEIGH COUNTY PLANNING & ZONING COMMISSION

Mike Tyree, Chairman
Kevin Reedy, Vice-Chairman
Gavin Ward, Member
Jim Wood, Member
Tim Kosut, Member
John Paul Houston, Member
Gary Thompson, Member

RALEIGH COUNTY ZONING ORDINANCE Amended (September,1 2026)
TABLE OF CONTENTS

CHAPTER 1 INTRODUCTION; ADMINISTRATION; ENFORCEMENT

ARTICLE 1A ADOPTION ---------- 6
ARTICLE 1B TITLE ---------- 6
ARTICLE 1C PURPOSE ---------- 6
ARTICLE 1D INTERPRETATION ---------- 6
ARTICLE 1E SEVERABILITY ---------- 7
ARTICLE 1F ADMINISTRATION OF ORDINANCE ---------- 7
ARTICLE 1G ENFORCEMENT, INJUNCTION, PENALTY ---------- 7

CHAPTER 2 ZONING DISTRICTS AND BOUNDARIES

ARTICLE 2A INTERPRETATIONS OF DISTRICT BOUNDARIES ---------- 8
ARTICLE 2B JURISDICTION AND ZONING DISTRICTS ---------- 8
ARTICLE 2C DISTRICT CHANGES AND ORDINANCE AMENDMENTS ---------- 8
ARTICLE 2D DISTRICT BOUNDARIES ---------- 8

CHAPTER 3 PLANNING COMMISSION

ARTICLE 3A AUTHORITY ---------- 9
ARTICLE 3B GENERAL ---------- 9
ARTICLE 3C TERMS AND VACANCIES ---------- 9
ARTICLE 3D COMPENSATION ---------- 9
ARTICLE 3E MEETINGS AND QUORUM ---------- 9
ARTICLE 3F OFFICERS ---------- 10
ARTICLE 3G GOVERNING BODY'S DUTY ---------- 10
ARTICLE 3H POWERS AND DUTY ---------- 10

CHAPTER 4 LOCATION IMPROVEMENT PERMITS

ARTICLE 4A LOCATION IMPROVEMENT PERMIT REQUIREMENT ---------- 11

CHAPTER 5 GENERAL REGULATIONS

ARTICLE 5A NONCONFORMING USES ---------- 12
ARTICLE 5B NONCONFORMING PARCELS ---------- 12
ARTICLE 5C STREET FRONTAGE AND YARDS ---------- 12
ARTICLE 5D HEIGHT ---------- 13
ARTICLE 5E PUBLIC ROADWAY ZONING AND SETBACKS ---------- 13
ARTICLE 5F HOUSING STANDARDS ---------- 14
ARTICLE 5G GROUP RESIDENTIAL FACILITIES ---------- 16
ARTICLE 5H ANIMAL HOSPITALS; POUNDS; KENNELS; RIDING ACADEMIES 16
ARTICLE 5I SALVAGE YARDS; JUNKYARDS ---------- 16
ARTICLE 5J AGRICULTURAL USES PERMITTED ---------- 16
ARTICLE 5K FENCES, WALLS AND HEDGES ---------- 16
Article 5L Medical Cannabis---------- 16

CHAPTER 6 SIGN REGULATIONS

ARTICLE 6A STATEMENT OF INTENT ---------- 17
ARTICLE 6B GENERAL SIGN PROVISIONS ---------- 17
ARTICLE 6C PERMITTED SIGNS WITHOUT PERMIT ---------- 18
ARTICLE 6D PROHIBITED SIGNS ---------- 19

CHAPTER 7 OFF-STREET PARKING AND LOADING REGULATIONS

ARTICLE 7A OFF-STREET PARKING STANDARDS ---------- 20
ARTICLE 7B OFF-STREET PARKING REQUIREMENTS ---------- 21
ARTICLE 7C COMMERCIAL/INDUSTRIAL PARKING SPACE DIMENSIONS ----- 22
ARTICLE 7D OFF-STREET LOADING STANDARDS ---------- 22
ARTICLE 7E OFF-STREET LOADING REQUIREMENTS ---------- 23

CHAPTER 8 (R2) REGULATIONS FOR RESIDENTIAL DISTRICT

ARTICLE 8A PRINCIPAL PERMIITED USES ---------- 24
ARTICLE 8B CONDITIONAL USES ---------- 25
ARTICLE 8C PROHIBITED USES ---------- 25
ARTICLE 8D AREA REGULATIONS ---------- 26

CHAPTER 9 (R1) REGULATIONS FOR RURAL DISTRICT

ARTICLE 9A PRINCIPAL PERMITTED USES ---------- 27
ARTICLE 9B CONDITIONAL USES ---------- 28
ARTICLE 9C AREA REGULATIONS ---------- 29

CHAPTER 10 (B1) REGULATIONS FOR COMMERCIAL DISTRICT

ARTICLE 10A PRINCIPAL PERMITTED USES ---------- 31
ARTICLE 10B CONDITIONAL USES ---------- 33
ARTICLE 10C REQUIRED CONDITIONS ---------- 34
ARTICLE 10D AREA REGULATIONS ---------- 34

CHAPTER 11 (I1) REGULATIONS FOR INDUSTRIAL DISTRICT

ARTICLE 11A PRINCIPAL PERMITTED USES ---------- 36
ARTICLE 11B CONDITIONAL USES ---------- 37
ARTICLE 11C REQUIRED CONDITIONS ---------- 38
ARTICLE 11D AREA REGULATIONS ---------- 39

CHAPTER 12 (PD) REGULATIONS FOR PLANNED DEVELOPMENT DISTRICT

ARTICLE 12A PRINCIPAL PERMITTED USES ---------- 42
ARTICLE 12B REQUIRED CONDITIONS AND STANDARDS ---------- 43
ARTICLE 12C APPLICATION AND ACTION ---------- 45
ARTICLE 12D SUBMISSION OF DEVELOPMENT PLAN ---------- 45
ARTICLE 12E ACTION BY PLANNING COMMISSION ---------- 46
ARTICLE 12F ACTION BY COUNTY COMMISSSION ---------- 46
ARTICLE 12G SUBDIVISION PLAT REQUIRED ---------- 46
ARTICLE 12H MODIFICATIONS ---------- 46

CHAPTER 13 OPEN
CHAPTER 14 BOARD OF ZONING APPEALS

ARTICLE 14A ENACTMENT AND CONTINUATION ---------- 48
ARTICLE 14B APPOINTMENT ---------- 48
ARTICLE 14C MEETINGS ---------- 48
ARTICLE 14D QUORUM ---------- 48
ARTICLE 14E OFFICERS ---------- 48
ARTICLE 14F GOVERNING BODIES DUTIES ---------- 48
ARTICLE 14G POWERS AND DUTIES ---------- 49
ARTICLE 14H APPEAL TO BOARD OF ZONING APPEALS ---------- 50
ARTICLE 14I NOTICE AND HEARING OF APPEAL ---------- 50
ARTICLE 14J STAYS; EXCEPTION ---------- 51
ARTICLE 14K CONDITIONAL USE PERMIT STANDARDS ---------- 51
ARTICLE 14L VARIANCE AND EXCEPTION STANDARDS ---------- 52
ARTICLE 14M PROCEDURE FOR VARIANCE/CONDITIONAL USE ---------- 52
ARTICLE 14N APPEAL PROCESS ---------- 52
ARTICLE 14O GUIDELINES FOR BOARD OF ZONING APPEALS HEARING ----- 52

CHAPTER 15 SEXUALLY ORIENTED BUSINESS ORDINANCE

ARTICLE 15A EFFECTIVE DATE ---------- 53
ARTICLE 15B PURPOSE AND INTENT ---------- 53
ARTICLE 15C DEFINITIONS ---------- 53
ARTICLE 15D CLASSIFICATION ---------- 56
ARTICLE 15E INSPECTION ---------- 56
ARTICLE 15F INJUNCTIVE RELIEF OR SUCH OTHER LEGAL ACTION ------- 56
ARTICLE 15G PENALTIES ---------- 57
ARTICLE 15H LOCATIONAL RESTRICTIONS ---------- 57
ARTICLE 15I NON-CONFORMING USES ---------- 58
ARTICLE 15J EXTERIOR PERTIONS OF SEXUALLY ORIENTED BUSINESS ---- 58
ARTICLE 15K SIGNAGE ---------- 58
ARTICLE 15L PERSONS YOUNGER THAN EIGHTEEN; ATTENDANT REQUIRED -- 59
ARTICLE 15M EXEMPTIONS ---------- 59
ARTICLE 15N NOTICES ---------- 59
ARTICLE 15O SEVERABILITY ---------- 60
ARTICLE 15P CONFLICTING ORDINANCES REPEALED ---------- 60

CHAPTER 16 MANUFACTURED HOME PARK AND CAMPGROUND REGULATIONS

ARTICLE 16A GENERAL ---------- 61
ARTICLE 16B SALE OR RENTAL OF SUBDIVISION PARCELS ---------- 61
ARTICLE 16C MANFACTURED HOME PARK REQUIREMENTS ---------- 61
ARTICLE 16D RV Park & CAMPGROUND REQUIREMENTS ----------63
ARTICLE 16E ENACTMENT ---------- 65

C**HAPTER 17 STORMWATER MANAGEMENT**

ARTICLE 17A APPLICABILITY OF SITE RUNOFF STORAGE REQUIREMENTS -- 66
ARTICLE 17B GENERAL STORMWATER MANAGEMENT REQUIREMENTS -------- 66
ARTICLE 17C SITE RUNOFF REQUIREMENTS ---------- 66

ARTILCE 17D SITE RUNOFF STORAGE FACILITIES ---------- 67
ARTICLE 17E HYDROLOGY ---------- 68
ARTICLE 17F STORMWATER PEAK FLOW BASIS ---------- 68
ARTICLE 17G FILTER STRIP ---------- 68

APPENDIX A DEFINITIONS

APPENDIX A1 GENERAL INTERPRETATION ---------- 69
APPENDIX A2 TERMS NOT DEFINED ---------- 69
APPENDIX A3 DEFINITIONS ---------- 69

APPENDIX B ZONING AMENDMENT PETITION FORMS ---------- 84

APPENDIX C BOARD OF ZONING APPEALS PETITION FORMS ---------- 90

APPENDIX D SALVAGE YARD APPROVAL PERMIT REGULATIONS ---------- 97

CHAPTER 1 INTRODUCTION; ADMINISTRATION; ENFORCEMENT

ARTICLE 1A ENACTMENT

This ordinance shall become effective from the date of their adoption by the Raleigh County Commission. Any other zoning ordinance shall be deemed repealed. This ordinance shall in no way effect any action taken by the Raleigh County Planning and Zoning Commission, Raleigh County Board of Zoning Appeals or the Raleigh County Commission prior to the effective date of these regulations.

ARTICLE 1B TITLE

This ordinance shall be known as the Raleigh County Zoning Ordinance.

ARTICLE 1C PURPOSE

This ordinance is enacted to improve health, safety convenience and welfare of the citizens of Raleigh County, as permitted by Chapter 8A of the WV Code. The purpose is to:

A. Protect the health, safety and general welfare of the present and future population of Raleigh County, West Virginia.

B. Assist in the future growth and development in accordance with the Raleigh County Comprehensive Plan.

C. Ensure growth and development are economical and environmentally sound.

D. Encourage and support agricultural, commercial and industrial activities while maintaining land use order and compatibility.

E. Encourage improved appearance of Raleigh County with relationship to use and development of land and structures.

F. Encourage the conservation of natural resources and historical preservation.

ARTICLE 1D INTERPRETATION

The provisions of this ordinance shall be held to be minimum requirements. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standard, shall govern.

ARTICLE 1E SEVERABILITY

The provisions of this ordinance are considered severable, if any provision is found to be unconstitutional or unlawful, it is intended that the remainder have full force and effect.

ARTICLE 1F ADMINISTRATION OF ORDINANCE

The Raleigh County Planning and Zoning Commission will administer the provisions of this ordinance. With enactment of this ordinance, the Raleigh County Commission shall designate staff personnel to act on the Raleigh County Planning and Zoning Commission's behalf.

ARTICLE 1G ENFORCEMENT; INJUNCTION; PENALTY

Enforcement and penalty shall be in accordance with Chapter 8A, Article 10, of the WV Code, as amended.

CHAPTER 2 ZONING DISTRICTS AND BOUNDARIES

ARTICLE 2A INTERPRETATION OF DISTRICT BOUNDARIES

If uncertainty exists with respect to the intended boundaries of the districts as shown on the zoning maps, the following rules shall apply:

A. Where the designation of a boundary line on the zoning maps coincides with the location of a street or alley, the centerline of such street or alley shall be construed to be the boundary of such district.

B. Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with parcel lines, such parcel lines shall be construed to be the boundary of such district.

C. All streets, alleys, public ways, waterways and railroad rights-of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public ways, waterways and railroad rights-of way.

D. Where the centerline of a street, alley, public way, waterway or railroad right-of way, serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to the centerline.

ARTICLE 2B JURISDICTION AND ZONING DISTRICTS

This ordinance shall apply to all properties within the boundaries of Raleigh County.

The zoned areas are hereby divided into the following districts
(R1) Rural Residential District
(R2) Residential District
(B1) Commercial Business District
(I1) Industrial Business District
(PD) Planned Development District

ARTICLE 2C DISTRICT CHANGES AND ORDINANCE AMENDMENTS

Amendments to the zoning ordinance shall be affected and in accordance with Chapter 8A, Article 7, Section 8 of the WV Code, as amended; and meet all requirements and rules established by the planning commission.

ARTICLE 2D DISTRICT BOUNDARIES

The district boundaries are hereby established as shown on the zoning maps. These maps and any future maps created by the Assessor Mapping Division shall be made a part of this ordinance. The zoning maps and all notations/references and other matters shown thereon, shall be and are hereby made part of this ordinance.

CHAPTER 3 PLANNING COMMISSION

ARTICLE 3A AUTHORITY

The Raleigh County Commission is authorized to create a planning commission by Chapter 8A, Article 2, Section 1 of the WV Code.

ARTICLE 3B GENERAL

A. The Raleigh County Planning and Zoning Commission shall consist of seven (7) individuals, all whom must be residents of the county and qualified by knowledge and experience in matters pertaining to the development of the county.

B. At least three fifths of all the members must have been residents of the county for at least three years prior to appointment by the county commission.

C. Members must fairly represent different areas of interest, knowledge and expertise. One member must be a member of the county commission or their designee. The term for this member is the same as term of office.

ARTICLE 3C TERMS AND VACANCIES

County Commission or designee - Term of office. All other members have staggered three-year terms. Vacancies shall be filled by appointment by the Raleigh County Commission for the unexpended term only.

ARTICLE 3D COMPENSATION

The members shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.

ARTICLE 3E MEETINGS AND QUORUM

A. The planning commission shall meet at least quarterly and may meet more frequent at the request of the president or by two or more members.

B. Notice of a special meeting must be in writing, include the date, time and place of the special meeting, and sent to all members at least two days prior to the meeting. Written notice of the special meeting is not required if the date, time and place of the special meeting is set in a regular meeting.

C. A majority of the members must be present to conduct a meeting.

ARTICLE 3F OFFICERS

At its first regular meeting each year, the commission shall elect from its members a president and vice president. The vice president shall have the power and authority to act as president during the absence or disability of the president.

ARTICLE 3G GOVERNING BODY'S DUTY

The county commission shall provide the planning commission with suitable offices for holding of meetings and preservation of plans, maps, documents and accounts; and appropriate money to defray the reasonable expenses of the planning commission;

ARTICLE 3H POWERS AND DUTY

The planning commission has the power authority and duty to:

A. Exercise general supervision of and make rules and regulations for the administration of the affairs of the planning commission, provided the county commission adopts the rules.

B. Supervise the fiscal affairs and responsibilities of the planning commission and prepare and submit an annual budget to the county commission.

C. Keep an accurate and complete record of the departmental proceedings, and record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the commission.

D. Make recommendations and an annual report to the Raleigh County Commission concerning the operation of the planning commission and the status of planning within its jurisdiction.

E. Prepare, publish and distribute reports, ordinances and other material relating to the activities authorized under this article.

F. Adopt a seal, and certify all official acts.

G. Invoke any legal, equitable or special remedy for the enforcement of the provisions of this article or any ordinance, rule and regulation or any action taken there under.

H. If necessary, establish advisory committees, and delegate limited powers to a committee composed of one or more members of the planning commission.

I. Contract for special or temporary services and professional counsel with the approval of the county commission.

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 residential structure 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.

1. Parcels 5 acres or over will be permitted a second residential structure with a minimum wall-to-wall separation of 200 feet or greater.
2. Parcels 10 acres or more will be permitted a third residential structure with a wall-to-wall separation of 200 feet or greater between all residential structures.

Residential Structures; Permitted Number and Minimum Setbacks

	Minimum Required Setbacks from Property Boundaries of Parcel					
Parcel Size	Permitted Number of **Residential Structures*** on a Parcel	Minimum Front Yard Setback	Minimum Setback from any Right-of-Way (e.g., Corner Lots)	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Wall-to-Wall Spacing between Other **Residential Structures*** on Same Parcel
Less than 4.99 Ac	1	25 ft	25 ft	10 ft	20 ft	n/a
5 Ac to 9.99 Ac	2	25 ft	25 ft	10 ft	20 ft	200 ft
10 Ac or More	3	25 ft	25 ft	10 ft	20 ft	200 ft

Notes: 1) ***Residential Structures** include Manufactured Homes. Single wide homes are only permitted in areas zoned R1
2) A **Variance or Conditional Use Permit** may be granted through **Board of Zoning Appeals** to place more residential structures on the same parcel

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 principal 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 face 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 five hundred (500) square feet and must meet a minimum width of fifteen (15) feet unless they are built to manufactured housing standards. Homes with a footprint less than (500) 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 a permanent residence except in approved RV Park and Manufactured Home Park locations established for such use. Maximum stay in a manufactured home park is 9 months.
Temporary or **Occasional** use longer than 180 days requesting power may be approved with a Conditional Use Permit.
Temporary (for this section only) shall mean 180 days or less. After which, the site must remain vacant for more than 30 days.
Temporary (For this section only) shall mean used while a permanent residence is permitted and being constructed through the Raleigh County Code Enforcement Office, **will not** require a Conditional use permit. Steady progress must be maintained on the permanent residence.
Occasional (for this section only) shall mean less than 4 days per week.

Only 1 temporary or occasional RV will be allowed on any parcel less than 5 acres. No more than (2) two temporary RV's allowed on any parcel.
No temporary RV'S will be allowed in any (R2) zoned area without a Conditional Use Permit.
Commercial/Airbnb use must obtain a Conditional Use Permit.
RV's being used temporarily or occasionally must meet the same setback requirements for an accessory structure.

Raleigh County: Proposed Allowance for Occupying Recreation Vehicles or Campers:

Occupation Duration Classification	Maximum Permitted Time	Conditional Use Permit Required (CUP)	Metered Electric Service Permitted	Permitted in this Zoning Designation				Notes
				R1	R2	B1	I1	
Storage of Camper of RV (no occupation)	unlimited	not needed	not needed	yes	yes	yes	yes	
Approved RV Park	unlimited	yes	yes	yes	no	yes	yes	
Approved Manufactured Home Park	270 days	no	yes	yes	no	no	no	270 days max.
Temporary w/o power	180 days	no	no	yes	no	no	no	
Temporary when a residence is under construction.	as needed	no	not needed	yes	With CUP	no	no	* Building permit for home must be active, with steady progress on home.
Temporary with Permanent Power	180 days	yes	yes	yes	yes	yes	yes	
Occasional (in any one-week period).	4 days	no	no	yes	yes*	yes*	yes*	* Only with a CUP in R2, B1, or I1 zoning.
Short-Term Rentals (i.e. Air BnB)	unlimited	yes*	may be required	yes*	yes*	yes*	yes*	* Permitted only with a CUP

General Notes:
1) Occupations outside of RV-Parks or Manufactured Home Parks, only one unit is permitted per parcel. A second unit is permitted only if the parcel exceeds 5-acres in size; a conditional use permit is required for more.
2) for RVs & campers; the front yard, side-yard, and back yard offsets shall match those requirements set for accessory structures in same zoned areas.
3) Any & all RV use is subject to other county ordinances and laws (e.g., public health laws, nuisance ordinance, noise ordinance, etc.).

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 erect or maintain any fencing, pen, enclosure or building housing or enclosing animals or fowls for commercial purposes without obtaining a Conditional Use Permit. At which time consideration should be given to distances from property lines, soundproofing of structures, privacy fencing and the number of animals on the property and any other factors that may be relevant.

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 6 SIGN REGULATIONS

ARTICLE 6A STATEMENT OF INTENT

It is recognized that signs are a legitimate land use. This article is to regulate signs to provide for reasonable and orderly display.

ARTICLE 6B GENERAL SIGN PROVISIONS

A. Conflict: The regulations of this chapter are not intended to interfere with, abrogate or annul any federal or state law relating to outdoor advertising. Where any provision of this chapter imposes restrictions different from those imposed by federal or state law whichever provision is more restrictive or impose a higher standard shall control.

B. Appearance: All signs and marquees shall be maintained in good condition. Deteriorating or damaged signs shall be repaired or removed with thirty (30) days after written notification to the owner by the planning and zoning commission.

C. Sign Area: The support for the sign, such as poles, columns or a building wall shall not be considered a part of the sign area.

D. Height: Signs shall not be greater than Forty (40) feet or the height limitations allowed in the district in which placed, unless a variance is granted by the Board of Zoning Appeals. Height shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

Signs to be located within the Federal Aviation Administration (FAA) controlled airspace shall obtain approval for placement by the FAA before submittal to the Raleigh County Planning Commission or Raleigh County Board of Zoning Appeals.

E. Illumination: Signs may be illuminated provided that the light source does not shine directly on any adjacent property or street and does not detract from highway safety.

F. Abandoned Signs: Any sign not in use for a period of twelve (12) months shall be considered "abandoned" and shall be removed after written notification to the owner by the planning and zoning commission.

G. Permits: Business and outdoor advertising signs including billboards shall require a Conditional Use Permit before placement, except signs listed in Article 6C. All electrical signs shall be subject to the National Electrical Code and inspection by the Raleigh County Building Safety Department.

H. Roof Signs: No roof sign shall project over a public right-of way nor extend more than ten (10) feet above the roof or parapet line. In no case shall it exceed the height limit for the applicable district.

I. Off-Premise Signs: Shall be permitted in the (B1) Commercial and (I1) Industrial Districts, and by Conditional Use in the residential districts. The maximum area for an off-premise sign shall be Thirty-Two (32) square feet.

J. Nonconforming Signs: No sign or advertising structure in existence prior to adoption of this chapter may continue but shall not be enlarged or expanded without meeting the requirements of this chapter.

K. Commercial Signs:

1. Commercial signs are permitted pertaining to the business operation on that property. Any exterior sign shall be limited to a sign area of one hundred (100) square feet and a total of three hundred (300) square feet for all signs on premise.

2. Shall be subject to the general provisions of this chapter.

3. Shall not extend beyond the limits of the parcel.

L. Billboards:

1. Billboards are required to obtain a Conditional Use Permit from the Raleigh County Board of Zoning Appeals.

2. Shall meet all height, size and setback requirements for the district it's located in.

3. Must meet all state and federal regulations.

ARTICLE 6C PERMITTED SIGNS WITHOUT ZONING PERMIT

A. Signs posted upon property relating to private parking or warning the public against trespassing or dangers of animals.

B. Municipal, county, state or federal signs including traffic signs.

C. Historical markers, monuments or signs erected by a public authority.

D. A sign or plate denoting the name and/or address of the occupant, mailboxes, paper tubes or similar uses associated with residential uses.

E. A sign for home occupation or profession purpose not exceeding four (4) square feet in area.

F. A sign advertising farm products grown primarily on the premises not exceeding thirty-two (32) square feet in area.

G. Directional or informational signs of a public or quasi-public nature such as those containing the meeting date of a community or civic club.

H. Real estate signs advertising the sale, rental or lease of the premises on which it is placed not exceeding twenty (20) square feet in area.

I. Temporary signs announcing special public events, the construction of a new subdivision or building including the building, contractor or architect not exceeding thirty-two (32) square feet in area, are allowed for a maximum of 60 days.

J. Election or political signs not to exceed thirty-two (32) square feet in area. Such signs shall be removed within fourteen (14) days after the primary, general or special election.

K. American or State flags (these do not count against square footage allowances).

ARTICLE 6D PROHIBITED SIGNS

A. Signs which are a hazard or threat to public health, safety or general welfare.

B. Signs in any public right of way except publicly owned signs such as traffic control or directional signs.

C. Signs, which size, location, movement, manner of illumination, imitation or resemblance may be confused with or hide from view any traffic, street or railroad sign, device or signal.

D. Signs which obstruct necessary sight of drivers at street intersections.

E. Signs which contain statements, words or pictures of an obscene, indecent or immoral character.

ARTICLE 7A OFF STREET PARKING STANDARDS

A. General: In connection with every use, there shall be provided, at the time any building or structure is erected or enlarged, off street parking spaces for automobiles in accordance with these requirements except that no off-street parking shall be required for uses in existence as of the effective date of this chapter.

B. Minimum Size: Each off-street parking space shall contain an area of not less than Nine feet wide by Eighteen feet long (9'x18') exclusive of access drives and passageways. Handicapped parking spaces shall meet Federal ADA requirements.

C. Access: There shall be provided a minimum access drive of twelve (12) feet in width and, except for single residences and two-family residences, does not require a vehicle to back into a public street or highway.

D. Surface: Any public off street parking area and access drive thereto for Ten (10) or more spaces shall be surfaced with an 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. Churches and non-profits shall be exempt from this requirement.

E. Green space: A minimum of five (5) per cent of the parcel area shall be maintained in green space to control water runoff and drainage shall meet federal, state and county storm water management plans.

F. Landscaping: Shall meet the county landscaping definition.

G. Marking: Parking areas with Ten (10) or more spaces shall be delineated by painted lines, curbs, bumper blocks or other appropriate means of marking.

H. Mixed Occupancy: When two or more uses are located within the same building or structure, off street parking spaces shall be the sum of the separate requirements for each use.

I. Collective Provision: The required off street parking spaces for any number of separate buildings, structures, or uses may be provided collectively on one parcel providing the total number of spaces shall not be less than the sum of the requirements for the various buildings, structures or uses computed separately.

J. Units of Measurement:

1. Floor Area: Where floor area is the unit for determining the required number of parking spaces, floor area shall mean the area used or intended to be used by tenants or for service to the public,

excluding space used for mechanical equipment, stairways and elevator shafts.

2. Hospital Bassinets: In hospitals, bassinets shall not be counted as beds.
3. Places of Public Assembly: (a) In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each twenty-four (24) inches of such seating facilities shall be counted as one seat for the purpose of determining the parking space requirements; (b) Where a place of assembly has both fixed seats and open assembly area, requirements shall be computed for each type separately and added together.

4. Uses Not Specified: Where a use is not specifically mentioned in Article 7B, the requirements of a mentioned similar use shall apply.

ARTICLE 7B OFF STREET PARKING REQUIREMENTS

USE AND REQUIRED SPACES

RESIDENTIAL

One and Two-family dwelling, Multi family dwelling and Elderly Housing require 2 spaces for each dwelling unit.

COMMERCIAL/INDUSTRIAL

Hotel, Motel, Bed and Breakfast requires 1.5 for each guest unit, plus required affiliated use(s).

Automobile service and repair, Gasoline Station requires 2 for each service bay, plus 1 for each gasoline pump.

Barber Shop, Beauty Shop requires 2 for each chair.

Business, Professional, Restaurants, Night Clubs, Funeral Homes, Mortuary requires 1 for each 300 sq. ft. of building area.

Furniture Stores, Appliance Stores, Automobile Sales requires 1.5 for each 1,000 sq. ft. of floor area.

Retail Stores, Shopping Centers requires 4 for each 1,000 sq. ft. of floor area.

Manufacturing plants, Parcel Delivery, Freight Terminals, Wholesale Storage Uses requires 1 for every employee on the maximum Delivery shift, plus 1 for each motor vehicle used in the business.

RECREATIONAL

Auditoriums, Gymnasiums, Theaters require 1 for each 4 seats.

Assembly halls (no seats) require 1 for each 100 sq. ft. of floor area.

Bowling Alleys requires 4 for each lane, plus requirements for affiliated uses.

Enclosed Amusement or Recreation requires 1 for each 300 sq. ft. of floor area.

EDUCATIONAL/INSTITUTIONAL

Schools, Colleges, Universities require 2 for each classroom, plus 1 for each 4 auditorium seats.

Nursing Home, Childcare, Medical/Dental Clinic requires 1 for each 1,000 sq. ft. of building area, plus 1 for each staff member.

Churches, Religious places require 1 for each 4 seats.

Hospital requires 1 space per bed.

Library, Museum, Art Gallery requires 1 for each 500 sq. ft. of floor area.

ARTICLE 7C COMMERCIAL/INDUSTRIAL PARKING SPACE DIMENSIONS

A. Minimum Size: Each off-street parking space shall contain an area of not less than Nine feet wide by Eighteen feet long (9'x18') exclusive of access drives and passageways.

B. Handicap parking spaces shall meet the minimum requirements of the American with Disabilities Act (ADA).

ARTICLE 7D OFF STREET LOADING STANDARDS

In connection with every building or part thereof hereafter erected, except dwellings, there shall be provided on the same parcel with such building, off street loading spaces.

A. Dimensions: Each off-street loading space shall be at least ten (10) feet in width by twenty-five (25) feet in length having a vertical clearance of fourteen (14) feet or more and shall allow for adequate area for ingress and egress.

B. Surface: All open loading spaces shall be surfaced with an asphalted or concrete binder so as to provide for a durable and dustless surface and shall be graded and drained to dispose of water accumulation.

ARTICLE 7E OFF STREET LOADING REQUIREMENTS

BUILDING AREA AND SPACE REQUIRED

Less than 2,000 square feet none required

2,000 to 9,999 square feet requires 1 space

10,000 to 39,999 square feet requires 2 spaces

40,000 and above requires 3 spaces, plus 1 space for each 30,000 sq. ft. of building area over 40,000 sq. ft.

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, horticultura1 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 sha1l comply with the following requirement:

1. The facilities shall be in the rear or side yard and sha11 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. Co11eges 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:

l. Swimming pools (except a pool for a single-family dwelling), sha11 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 wa11 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, landfi11s 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

K. Vape/Smoke Shops

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 setback requirements, measurements shall be taken from established property lines to the nearest point of the main wall of the structure.

******* Corner lots sha1l 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. 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 sha1l comply with the following requirement:

1. The facilities shall be in the rear or side yard and sha11 meet the rear and side yard requirements for the district.

J. 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.

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. Co11eges, Universities, Clubs, Lodges, Fraternities and Sorority houses.

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

C. Manufactured Home Parks, Campgrounds & RV Parks

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.

1. Consideration should be given to distances from property lines, soundproofing of structures, privacy fencing and the number of animals on the property and any other factors that may be relevant.

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 wa11 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

P. Public Swimming Pools. Swimming pool and the area used by bathers shall be walled or fenced to prevent uncontrolled access. Said fence or wa11 shall not be less than six (6) feet in height and maintained in good condition.

Article 9C Prohibited Uses

A. Vape/Smoke Shops

ARTICLE 9D 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 setback requirements, measurements shall be taken from established property lines to the nearest point of the main wall of the structure.

******* Corner lots sha1l 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.

G. A11 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 1OA PRINCIPAL PERMITTED USES

A. Cu1tural; 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.

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.Auto Fueling Stations/Electric Charging Stations.

2. 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 sha1l be screened.

3. 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 shal1 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.

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

5. Banks/Financial institutions; Office buildings.

6. Bar and gri11s; alcoholic beverage establishments; Restaurants; Grocery Stores; Delicatessens; Meat markets & Food-trucks.

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

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

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

10. Convenience Stores.

11. Heating/air condition, electrical/plumbing sa1es; Hardware store.

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

13. Veterinarian offices provided that:

a. Offices shal1 be housed in a completely enclosed insulated building; and

b. No raising, breeding and boarding of animals except for the confinement of animals under emergency treatment.

14. Pet Stores in a completely enclosed insulated building.

15. Hote1s and motels and their customary facilities.

16. Mortuaries and crematoriums.

17. Firearm sales, Firearm accessory sales, Firearm manufacturing.

18. 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 Dwe11ing, including manufactured home.

3. Manufactured Home Park, Campgrounds & RV Parks

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.

F. Commercial Kennels, Animal Hospitals and Riding Academies. Consideration should be given to distances from property lines, soundproofing of structures, privacy fencing and the number of animals on the property and any other factors that may be relevant.

G. Vape/Smoke Shops meeting the following: (1) Locations must be 5,280 feet (distance to be measured in a straight line from the nearest property lines) from another Vape/Smoke Shop, Public or Private School or Daycare Center, church, bus stop, public playgrounds/parks or any other business or facility where more than 75% of the business's function is youth related. (2) Total Signage for the establishment shall not exceed 32 square feet. Flags or inflatables will count as signage. (3) Shall not display any depictions or images of marijuana or marijuana paraphernalia. (4) Windows must be tinted to obscure view from outside and shall not display any flashing or moving lights. (5) All signage must be presented at the public hearing. (6) Abandonment of the use on a premise or property for a period of (30) consecutive days, has ceased or discontinued will surrender any Conditional Use Permit or Grandfather situation. Regardless of the intent of the user.

ARTICLE 10C REQUIRED CONDITIONS

No improvement location permit sha11 be issued for a B-l use until the applicant shall have certified to the office of Planning and Zoning that:

A. The business activity sha11 be conducted wholly within a completely enclosed building except automotive service stations, drive-in restaurants and open-air recreational facilities.

B. A11 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 sha11 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 shal1 be walled or fenced to prevent uncontrolled access. Said fence or wall sha1l 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 sha1l 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. Structures with heights between Fifty-One (51) feet and Seventy-Five (75) will be permitted with specific side yard and rear yard setbacks. (See Table Below)

E. Minimum parcel frontage - 80 feet.

F. Minimum setback requirements: Measured from property line to main wall.

1. Front or Street(S) Setback (See Table Below)

2. Side property line for structures - Ten (10) feet, except when adjoining a (R2) Residential or (R1) Rural District. Side setback from a (B1) to (R1) shall be 25 feet. Side setback from a (B1) to a (R2) shall be 35 feet.

3. Rear property line for structures - Twenty-five (25) feet. If a use is to be serviced from the rear, the setback shal1 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).

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

Setback Table

Zone to Zone	Setback
Side Yard B1 to B1 Zone	10 Feet
Rear Yard B1 to B1 Zone	25 Feet
Side Yard B1 to I1 Zone	10 Feet
Rear Yard B1 To I1 Zone	25 Feet
Side Yard B1 to R1 Side Yard B1 to R2	25 feet 35 feet
Rear Yard B1 to R1 or R2 Zone	25 feet
Front or Street(S) Setback	25 feet

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 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) Rura1 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, 1ime, 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 1andfil1s subject to all Federal, State and local laws.

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

K. Any residential use, Campgrounds & RV Parks

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.

R. **Vape/Smoke Shops** meeting the following: (1) Locations must be 5,280 feet (distance to be measured in a straight line from the nearest property lines) from another Vape/Smoke Shop, Public or Private School or Daycare Center, church, bus stop, public playgrounds/parks or any other business or facility where more than 75% of the business's function is youth related. (2) Total Signage for the establishment shall not exceed 32 square feet. Flags or inflatables will count as signage. (3) Shall not display any depictions or images of marijuana or marijuana paraphernalia. (4) Windows must be tinted to obscure view from outside and shall not display any flashing or moving lights. (5) All signage must be presented at the public hearing. (6) Abandonment of the use on a premise or property for a period of (30) consecutive days, has ceased or discontinued will surrender any Conditional Use Permit or Grandfather situation. Regardless of the intent of the user.

ARTICLE 11C REQUIRED CONDITIONS

No improvement location permit sha1l 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. A11 federal, state and loca1 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 1ot 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 wa1l.

D. Exterior lighting shal1 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. A11 premises sha11 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 sha1l be screened so as not to be detectable at the 1ot 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 sha11 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 sha1l 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: Measured from Property line to main wall.
1. Front or Street(S) Setback (See Table Below)

2. Side property line for structures- Ten (10) feet, except when adjoining a (R2) Residential which shall be 35 feet. When adjoining a (R1) Rural District, a side yard of (25) feet is required.

3. Rear property line for structures - Twenty-five (25) feet. If a use is to be serviced from the rear, the setback shal1 be provided not less than forty (40) feet deep. Rear property line for structures that adjoin a (R2) Residential or (R1) Rural District, require at least twenty-five (25) foot setback.

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).

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

Setback Table

Zone to Zone	Setback
Side Yard B1 to B1 Zone	10 Feet
Rear Yard B1 to B1 Zone	25 Feet
Side Yard B1 to I1 Zone	10 Feet
Rear Yard B1 To I1 Zone	25 Feet
Side Yard I to R1 Zone Side Yard I1 to R2 Zone	25 Feet 35 feet
Rear Yard I1 to R1 or R2 Zone	20 feet
Front or Street(S) Setback	25 feet

CHAPTER 12 (PD) PLANNED DEVELOPMENT DISTRICT

This district is designated for planned residential, business and industrial development. The PD provisions are intended to encourage original and imaginative development that preserves the natural amenities of the site and provide for the general welfare of the county. A PD may be permitted in any zoning district established by this ordinance after recommendation by the Planning and Zoning Commission and approval by the Raleigh County Commission.

ARTICLE 12A PRINCIPAL PERMITTED USES

The following permitted uses are allowed in their respective district in accordance with the approved development plan.

A. (PD1) Planned Residential District

1. Residential and/or recreational uses.

B. (PD2) Planned Business District

1. Retail, office and service establishments.
2. Residential and/or recreational uses.

C. (PD3) Planned Industrial District

1. Manufacturing, processing, warehousing and industrial activities.
2. Retail, office and service establishments.

D. (MPCD) MASTER PLANNED COMMUNITY DISTRICT

1. A MPCD is a real estate development developed by a single developer, containing not less than **500 acres**, 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 the residents thereof and which is being subdivided into sufficient parcels for residential use to accommodate a projected population of no fewer than 500 persons. In addition, a MPCD shall be a subdivision for which:

a. A statement of record is required to be filed with the Secretary of Housing and Urban Development under the Interstate Land Sales Full Disclosure Act, or any successor regulatory requirements.

b. The community and its common elements and common property are to be operated and managed by a property owners association pursuant to a recorded declaration of covenants, conditions and restrictions through which each parcel is subjected to a charge for a proportionate share of the expenses of the organization's activities including administration, construction and maintenance of common properties.

2. Within a MPCD, the county shall have no responsibility for construction, maintenance or operation of streets, water and sewer systems.
3. The MPCD may be developed in accordance with the terms of a "Development Order" recommended by the Planning and Zoning Commission and issued by the County Commission following review and approval of the developer's master plan which shall have been submitted with developer's application and which shall include, but not be limited to, the following items:

a. A master plan map reflecting the proposed area of development.

b. The types of uses that will be permitted within the district and an estimated number of each such permitted uses.

c. Minimum parcel sizes for each permitted use.

d. Minimum set back requirements for each permitted use.

e. Street construction standards.

f. Plan for long-term street maintenance.

g. Plan for providing water, sewer and other utilities.

h. Estimated development schedule for completion of the project.

i. A description of the organizational documents of the property owner association and pro forma copies of such documents.

j. A copy of the declaration of covenants, conditions and restrictions

k. A conditional/final plat of the initial development in the MPCD prepared in accordance with these regulations.

4. The Planning and Zoning Commission shall hold a public hearing in accordance with Article 12C of this chapter.

5. Following the issuance of a development order, subsequent plats of property within the MPCD which have been prepared pursuant to and in accordance with all the requirements of the development order shall not require additional hearings before being approved and sealed by the Planning and Zoning Commission. After administrative review by such commission for compliance with the development order, and it found to be in compliance, such subsequent plats shall be approved as required and be recorded with the Office of the Clerk of the Raleigh County Commission.

6. Notwithstanding any other provision of this or any other ordinance, the development order issued herein, if any, shall control the development within the MPCD. With regard to any MPCD, any county planning or zoning ordinance, order or regulation shall be superseded

by the development order adopted, approved and amended by the commission, to the extent that same are in any way inconsistent with the development order."

ARTICLE 12B REQUIRED CONDITIONS AND STANDARDS

A. The physical character of the site shall be suitable for development in the manner proposed without hazards to persons or property on or off the site from possible flooding, erosion, subsidence or other dangers, annoyances or inconveniences.

B. The site shall have a direct access to a major street or highway.

C. Utilities and public facilities shall be developed at no cost to the public.

D. Provisions shall be made at points of ingress, egress and within the district to insure a free and safe flow of vehicular and pedestrian traffic.

E. The provisions for general maintenance and care of common open space or recreational facilities shall be submitted if applicable.

F. Copies of any restrictive covenants, by-laws, articles of incorporation and easements shall be submitted.

G. When the Planned Development is to be constructed in stages or units, a development schedule must be submitted.

H. The location and arrangement of structures, parking areas, walks, lighting, yard requirements and appurtenant facilities shall be compatible with surrounding land uses; and any part of the Planned Development not used for structures, parking and loading areas or access ways, shall be landscaped or otherwise improved.

I. The development will not impose an undue burden on public services and facilities such as fire and police protection.

J. In addition to the provisions of any General Regulations, Special Regulations applicable or other ordinances now in existence or hereafter adopted, the Development Plan must comply with the following requirements unless specifically waived by the county commission with the recommendation of the Planning and Zoning Commission:

1. The Planned Development can be substantially completed within the period of time specified in the schedule submitted by the developer.

2. The Planned Development will not jeopardize public, health, safety and morals.

3. The streets and driveways on the site will be adequate to serve the residents or occupants of the proposed development. Traffic control

signals/signs will be provided without expense to Raleigh County when a qualified Traffic Engineer determines that such signals/signs are needed on or off site to prevent traffic hazards or congestion generated by the development.

4. The Development Plan contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably are required for public health, safety and morals.
5. Area Requirements - No minimum land area shall be required.

6. Land Covered By Buildings - The total ground floor area of all buildings in the Office, Business and Industrial District shall not exceed sixty (60) percent of the area of the tract.

7. Land Use Intensity

a. For Planned Residential District, other than single family detached developments having an overall density of less than four (4) dwelling units per acre, the relationship between the size of the tract, the floor area of the structures, the open space, the living space and the recreation space in any given Planned Development shall be as set forth in the Development Plan and recommended for approval by the Planning and Zoning Commission to the County Commission.

b. A section or phase of the Planned Development may be built at a density which is greater than any site-specific density space zoning district provided that any such concentration of density shall be offset by an area of lower density in another section or phase of the Planned Development or by an appropriate reservation of common open space elsewhere in the Planned Development so that the average density does not exceed the maximum density, if any, permitted in the base zoning district.

8. Planning Requirements

a. The site shall have a direct access to a major street and not generate traffic on minor residential streets outside the Planned Development area. This requirement does not apply to single family detached residential developments having an overall density of four (4) dwelling units per acre or less.

b. Utilities and public facilities shall be developed at no cost to the public except to the extent that public utilities may be called upon to bear the initial cost of utility development subject to recoupment of that cost.

c. The development shall provide for efficient, safe, convenient, and harmonious grouping of structures, uses and facilities.

d. There shall be an appropriate relationship of space inside and outside buildings to intended uses and structural features, and

acreage sufficient to accomplish the basic purposes and features outlined herein.

e. Common open space may be required.

f. Areas for storage and collection of trash and garbage shall be properly screened.
g. Clear demonstration that, when a proposed use is allowed such use is integrated into the proposed development, in terms of function and service to the other users of the site.

9. Parking and Loading

Off-street parking and loading spaces shall be required as set forth in Chapter 7 of the Raleigh County Zoning Ordinance.

ARTICLE 12C APPLICATION AND ACTION ON PLANNED DEVELOPMENT

A. Application for amendment to the zoning ordinance shall be filed in accordance with the filing procedure adopted by the Raleigh County Planning and Zoning Commission.

B. The planning commission shall hold a public hearing on the proposal which it may recommend approval, disapproval or approval with amendments, conditions or restrictions. It shall forward its recommendation and specific findings to the Raleigh County Commission and the applicant.

C. The Raleigh County Commission shall act on the application with the right to approve, deny or approve with amendments, conditions or restrictions. If the application is granted, the ordinance shall be amended to include any restrictions or conditions, if applicable.

D. The applicant has the right to appeal any decision it feels aggrieved by to the Board of Zoning Appeals as set forth in Chapter 14 of the Raleigh County Zoning Ordinance.

ARTICLE 12D SUBMISSION OF DEVELOPMENT PLAN

Three (3) copies of the Development Plan and one 11x17 inch photostat of the Development Plan shall be submitted with the application and shall include in text and map form:

A. The site plan showing the location and arrangement of all proposed structures, the traffic circulation pattern within the development, the areas to be developed for parking, screening, landscaping, the points of ingress and egress, recreational facilities and areas to be left in their natural state. In the case of single-family detached residential development having an overall density of four (4) dwelling units per acre or less, the applicants shall show the front, side and rear yard requirements for the development.

B. The Land Use Intensity, the total gross floor area, and the percentage of the development that is to be occupied by structures.

C. When the Planned Development is to be constructed in stages or units, a proposed schedule of such stages or units shall be submitted.

D. In the case of an Office, Business, or Industrial Planned Development, a statement showing the types of uses and their locations.

E. The provisions for common open space or recreational facilities describing the provisions that is to be made for the care and maintenances of such open space or recreational facilities.

F. Copies of the proposed articles of incorporation, by-laws of any property owner maintenance association and any restrictive or protective covenants shall be submitted if applicable.

ARTICLE 12E ACTION BY PLANNING COMMISSION

The Planning and Zoning Commission shall hold a public hearing on the Development Plan as provided elsewhere in this Ordinance. Such public hearing shall consider all aspects of the Development Plan including all proposed stages and/or units of development. The Commission shall prepare and transmit to the County Commission and to the applicant its recommendation and specific findings of fact.

ARTICLE 12F ACTION BY COUNTY COMMISSION

The County Commission shall act upon the Development Plan. If the application is granted, the area of land involved shall be redesigned as a "PD1", "PD2", "PD3" or "MPCD" District by ordinance. The ordinance shall include conditions and/or restrictions to the plan that may be imposed by the County Commission.

ARTICLE 12G SUBDIVISION PLAT REQUIRED

No physical development of the property, Building permit or certificate of occupancy shall be issued for any structure in any portion of a Planned Development until the final subdivision plat for that portion has been approved by the Planning and Zoning Commission.

ARTICLE 12H MODIFICATIONS

Because of the difficulty in being able to supply precise data at the time of approval of the final Development Plan, it may be necessary to make certain modifications at a later date. Such modifications shall have the recommendation of the Planning and Zoning Commission and be approved by the Raleigh County Commission without additional public hearings. Owners of property within 300 feet of the area in question will be mailed notice of the time and date the County Commission will

review the request. Such notice will be mailed at least fifteen (15) days prior to such review by the county commission.

Modification to the Final Development Plan shall not detract from the general intent and purpose as originally approved by the County Commission. No modification shall be approved that will increase density or intensity, decrease parking and loading areas, reduce usable open space or reduce distance between structures and the perimeter property line.

If the modification is approved, the Final Development Plan will be changed to reflect the modification(s).

CHAPTER 13 OPEN

CHAPTER 14 BOARD OF ZONING APPEALS; APPEAL PROCESS

ARTICLE 14A ENACTMENT AND CONTINUATION

The Raleigh County Board of Zoning Appeals are hereby established by Chapter 8A, Article 8 of the West Virginia Code. a Board of Zoning Appeals established prior to the adoption of these regulations shall continue to operate. All actions lawfully taken under prior acts are hereby validated and continued in effect until amended or repealed by action taken by under authority of West Virginia Code Chapter 8A.

ARTICLE 14B APPOINTMENT

A. The Raleigh County Board of Zoning Appeals shall consist of five (5) members and two (2) alternate members appointed by the Raleigh County Commission. All appointed members shall meet the requirements established in West Virginia Code 8A-8-4.

ARTICLE 14C MEETINGS

A. The board shall meet at least quarterly and may meet more frequent at the request of the chairperson or by two or more members.

B. Notice for a special meeting must be in writing, including the date, time and place of the special meeting, and be sent to all members at least two days before the special meeting.

C. Written notice of a special meeting is not required if the date, time and place of the special meeting were set in a regular meeting.

ARTICLE 14D QUORUM

A board must have a quorum to conduct a meeting. A majority of the members of the board is a quorum. No action of the board is official unless authorized by a majority of the members present at a regular or properly called special meeting.

ARTICLE 14E OFFICERS

At its first regular meeting each year, the board shall elect a chairperson and vice chairperson from its membership. The vice chairperson shall have the power and authority to act as chairperson during the absence or disability of the chairperson.

ARTICLE 14F GOVERNING BODIES DUTIES

The Raleigh County Commission shall provide the board with:
A. Suitable offices for the holding of meetings and the preservation of plans, maps, documents and accounts.

B. Appropriate money to defray the reasonable expense of the board.

ARTICLE 14G POWERS AND DUTIES

A. Hear, review and determine appeals from an order, requirement, decision or determination made by an administrative official or board charged with the enforcement of a zoning ordinance or rule or regulation adopted pursuant thereto.

B. Authorize exceptions to the district rules and regulations only in the classes of cases or in particular situations, as specified in the zoning ordinance.

C. Hear and decide conditional uses of the zoning ordinance upon which the board is required to act under the zoning ordinance.

D. Authorize, upon the appeal in specific cases, a variance to the zoning ordinance.

E. Reverse, affirm or modify the order, requirement, decision or determination appealed from and have all the powers and authority of the official or board from which the appeal was taken.

F. Adopt rules and regulations concerning:

1. The filing of appeals, including process and forms for the appeal.

2. Applications for variances and conditional uses.

3. The giving of notice.

4. The conduct of hearings necessary to carry out the board's duties under the terms of WV Code 8A-8.

G. Keep minutes of its proceedings.

H. Keep an accurate and complete audio of all board proceedings and official actions and keep the audio record in a safe manner, accessible within twenty-four hours of demand, for three (3) years.

I. Record the vote of all actions taken.

J. Take responsibility for the custody and preservation of all papers and documents of the board. All minutes and records shall be filed in the office of the board and shall be public record.

K. With consent from the governing body, hire employees necessary to carry out the duties and responsibilities of the board: Provided, that the governing body sets the salaries.

L. Supervise the fiscal affairs and responsibilities of the board.

ARTICLE 14H APPEAL TO BOARD OF ZONING APPEALS

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

B. The appeal shall:

1. Specify the grounds of appeal.

2. Be filed within thirty (30) days of the original order, requirement, decision or determination made by an administrative official or board charged with the enforcement of the zoning ordinance.

3. Be on a form prescribed by the board.

C. Upon request of the board of zoning appeals, the administrative official or board shall transmit all documents, plans and papers constituting the record of the action from which the appeal was taken.

ARTICLE 14I NOTICE OF HEARING OF APPEAL

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

B. At least fifteen (15) days prior to the date set for the hearing on the appeal, the board shall publish a notice of the date, time and place of the hearing as a Class I legal advertisement and shall give written notice by certified mail to interested parties.

C. The party taking the appeal shall pay the cost of public notice and written notice to interested parties.

D. At the hearing, any party may appear in person, by agent or by attorney licensed in the State of West Virginia.

E. Every decision by the board must be in writing and state findings of fact and conclusions of law on which the board based its decision. If the board fails to provide findings of fact and conclusions of law adequate for decision by the circuit court, and a s a result of the failure, the circuit court returns an appealed matter to the board and dismisses the matter with or without restrictions, the board shall pay any additional costs for court filing fees, service of process and reasonable attorney fees required to permit the person appealing the board’s decision to return the matter to circuit court for completion of the appeal.

F. The written decision by the board shall be rendered within thirty (30) days of the hearing. It the board fails to render a written decision within thirty days after the hearing, then any party may pursue additional legal remedies to obtain a decision, including, but not limited to, seeking a writ of mandamus.

ARTICLE 14J STAYS; EXCEPTION

A. When an appeal has been filed with the Board of Zoning Appeals, all proceedings and work on the premises in question shall be stayed, except as provided in subsection B of this article.

B. A stay may not be had if:

1. If the official or board from where the appeal was taken certifies in writing to the Board of Zoning Appeals that a stay would cause imminent peril to life or property;

2. Upon further administrative proceedings, including, but not limited to, submissions to and reviews by the staff or any administrative body; or

3. Upon engineering or architectural work that does not disturb the real estate beyond what is necessary to complete engineering, survey work or other tests.

C. If the written certification is filed pursuant to B(1) of this article, then proceedings or work on the premises shall not by stayed.

D. Nothing in this article prevents a party from obtaining a restraining order.

ARTICLE 14K CONDITIONAL USE PERMIT STANDARDS

A. Conditional Use permits may be issued for any of the following:

1. Any of the uses or purposes for which such permits are required or permitted by the provisions of this ordinance.

2. Public utility or public service uses or public building in any district when found to be necessary for the public health, safety, convenience or welfare.

3. To classify as a conforming use any institutional use existing in any district at the time of the establishment of such district.

4. To permit the location of any of the following uses in a district from which they are excluded: Airport, library, community center, church, hospital/clinic, educational institution, recreational uses, cemetery or crematory.

5. Manufactured Home Parks, less than three (3) units or spaces. Three (3) or more units require Manufactured Home Park approval.

B. The Board may impose conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary to reduce or minimize potential injurious affects upon other property and to carry out the general purpose and intent of this ordinance.

ARTICLE 14L VARIANCE AND EXCEPTION STANDARDS

A. Variances and exceptions may be granted to any of the provisions of this ordinance to the following extent:

1. To vary or modify the strict application of any of the regulations or provisions of this ordinance in cases that they are practical difficulties or unnecessary hardships.

2. To permit the extension of a district where the boundary line thereof divides a parcel in one ownership at the time of passage of this ordinance.

B. The Board may impose conditions, safeguards and restrictions upon the premises benefited by the variance or exception as may be necessary to reduce or minimize potential injurious affects upon other property and to carryout the general purpose and intent of this ordinance.

ARTICLE 14M PROCEDURE FOR VARIANCE/CONDITIONAL USES

A. The application shall be filed on prescribed form(s) by the board and meet all requirements by the board in its rules and regulations.

B. Notice of hearing shall be given by a Class I legal advertisement at least fifteen (15) days prior to the hearing in a newspaper of general circulation in Raleigh County. Notice shall also be given to interested parties by certified mail.

ARTICLE 14N APPEAL PROCESS

Every decision or order of the planning commission, board of zoning appeals or county commission is subject to review by certiorari in accordance with Chapter 8A, Article 9 of the West Virginia Code.

ARTICLE 14O GUIDELINES FOR BOARD OF ZONING APPEALS HEARING

Guidelines for hearings before the Raleigh County Board of Zoning Appeals is located in **Appendix C** of this Ordinance.

CHAPTER 15 SEXUALLY ORIENTED BUSINESS ORDINANCE

ARTICLE 15A EFFECTIVE DATE AND AMENDMENTS

This chapter shall be enforced from and after November 9, 2004 and as amended.

ARTICLE 15B PURPOSE AND INTENT

It is the purpose of this ordinance to regulate sexually oriented businesses and related activities to promote the health, safety, morals and general welfare of the citizens of the County of Raleigh, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the County. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

ARTICLE 15C DEFINITIONS

Adult arcade - any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical area".

Adult bookstore or adult video store - a commercial establishment that has as its principal business purpose the offering for sale or rental for any form of consideration any one or more the following:

A. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical area".

B. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities".

Adult cabaret - a nightclub, bar, restaurant or similar commercial establishment that regularly features: A. Persons who appear in a state of semi-nudity; or B. Live performances that are characterized by the exposure of "specified anatomical areas" or by "specified

sexual activities"; or C. Films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and D. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult motel - a hotel, motel or similar commercial establishment that: Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions.

Adult motion picture theater - a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult theater - a theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of "specified sexual activities" or "specified anatomical areas".

Director - The Raleigh County Planning and Zoning Commission.

Escort - a person who, for compensation, agrees or offers to act as a companion, guide or date for another person for the purpose of specified sexual activities, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency - a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration for the purpose of specified sexual activities.
Establishment - means and includes any of the following:

A. The opening or commencement of any sexually oriented business as a new business.

B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.

C. The additions of any sexually oriented business to any other existing sexually oriented business; or D. The relocation of any sexually oriented business.

Licensed day care center - a facility licensed by the State of West Virginia situated within the County of Raleigh, that provides care, training, education, custody, treatment or supervision of more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

Nude model studio - any place where a person appears in a state of nudity or displays "specified anatomical areas" is provided to be drawn observed, sketched, painted, sculptured, photographed or similarly depicted by persons who pay money or any form of consideration.

Nudity or a state of nudity - the appearance of a human bare buttock, anus, male genitals, female genitals or female breast with a fully opaque complete covering of the breast below a point immediately above the top of the areola or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Person - an individual, proprietorship, partnership, corporation, association or other legal entity.

Semi-nude - a state of dress in which clothing covers no more than the human bare buttock, anus, male genitals, female genitals or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Sexual encounter center - a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration, activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or is semi-nude.

Sexually oriented business - an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

Specified anatomical areas - the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified sexual activities - means and includes any of the following:

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.

C. Masturbation, actual or simulated; or

D. Excretory functions as part of or in connection with any of the activities set forth in (A) through (C) above.

Substantial enlargement of a sexually oriented business - means the increase in floor areas occupied by the business by more than twenty-five (25) percent.

Transfer of ownership or control of a sexually oriented business means and includes any of the following:

A. The sale, lease or sublease of the business.

B. The transfer of securities that form a controlling interest in the business, whether by sale, exchange or similar means.

C. The establishment of a trust, gift or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

ARTICLE 15D CLASSIFICATION

Sexually oriented businesses are classified as follows:
1. Adult arcades;
2. Adult bookstores or adult video stores;
3. Adult cabarets;
4. Adult motels;
5. Adult motion picture theaters;
6. Adult theaters;
7. Escort agencies;

ARTICLE 15E INSPECTION

An owner or operator of a sexually oriented business shall permit representatives of the Police Department, Health Department, Zoning Department or other County or State departments or agencies to inspect the premises of the sexually oriented business for the purpose of insuring compliance with the law at any time it is occupied or open for business.

ARTICLE 15F INJUCTIVE RELIEF; OTHER LEGAL ACTION NECESSARY

1. The Director shall seek injunctive relief or such other legal relief as necessary against an owner or operator of a sexually oriented business if it determines that:

A. An owner or operator or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.

B. An owner or operator or an employee has knowingly allowed prostitution on the premises.

C. An owner or operator or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur in or on the premises.
D. An owner or operator is delinquent in payment to the County or State for any taxes or fees past due.
E. An owner or operator or employee of the sex oriented business knowingly allowed a person less than eighteen (18) years of age to enter an establishment.

F. An owner or operator has violated or is not in compliance with any section of this ordinance.

G. An owner or operator has become impaired or intoxicated through the use of alcoholic beverages while on the sexually oriented business premises.

H. An owner or operator has refused to allow an inspection of the Sexually oriented business premises as authorized by this ordinance.

2. An owner or operator may seek prompt judicial review of such administrative action in any Court of competent jurisdiction. The Court shall promptly review the administrative action.

ARTICLE 15G PENALTIES

Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars not more than five hundred dollars.

ARTICLE 15H LOCATIONAL RESTRICTIONS

Sexually oriented businesses shall be permitted in any commercial district provided that:
1. The sexually oriented business is not located within 1,000 feet of:
A. A church, synagogue or regular place of religious worship;
B. A public or private elementary or secondary school;
C. A boundary of any rural or residential district;
D. A public park;
E. A licensed day-care center; or
F. Another sexually oriented business.

2. A sexually oriented business may not be operated in the same building; structure or portion thereof containing another sexually oriented business.

3. For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part

of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship or public or private elementary or secondary school or to the nearest boundary of an affected public park, residential or rural district, or residential parcel or licensed day-care center.

ARTICLE 15I NON-CONFORMING USES

1. Any business lawfully operating on the effective date of this ordinance that is in violation of the locational or structural configuration requirements of this ordinance shall be deemed a non-conforming use. The non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If the non-conforming use is increased, enlarged, extended or altered, the business shall no longer be considered operating or existing at the time of adoption of this ordinance. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business that was first established and continually operating at a particular location is the conforming use and the later established business(es) is non-conforming. Furthermore, the transfer of ownership of a sexually oriented business, previously operating and existing prior to December 2, 1997, shall no longer be considered operating or existing at the time of adoption of this ordinance.

2. A sexually oriented business lawfully operating as a conforming use is rendered non-conforming use by the location of a church, synagogue or regular place of religious worship, public or private elementary or secondary school, licensed day-care center, public park or residential or rural district within one thousand (1,000) feet of the sexually oriented business.

ARTICLE 15J EXTERIOR PORTIONS OF SEXUALLY ORIENTED BUSINESS

1. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.

2. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights or any words, lettering, photographs, silhouettes, drawings or pictorial representations depicting any specified sexual activity or state of nudity.

ARTICLE 15K SIGNAGE

1. Notwithstanding any other county ordinance, code or regulation to the contrary, it shall be unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct or maintain any sign for the sexually oriented business other than the one (1) primary sign and one (1) secondary sign, as provided herein.

2. Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:

Not contain any flashing lights; Be a flat plane, rectangular in shape; Not exceed seventy-five (75) square feet in area; and not exceed ten (10) feet in height or ten (10) feet in length.

3. Signs shall contain no photographs, silhouettes, drawings or pictorial representations depicting specified sexual activity or any state of nudity, and may contain only the name of the enterprise.

4. Secondary signs shall have only one (1) display surface. Such display surface shall:

Be a flat plane, rectangular in shape; Not exceed twenty (20) square feet in area; Not exceed five (5) feet in height and four (4) feet in width; and Be affixed or attached to any wall or door of the enterprise.

ARTICLE 15L PERSONS YOUNGER THAN EIGHTEEN; ATTENDANT REQUIRED

It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.

ARTICLE 15M EXEMPTIONS

It is a defense to prosecution under this ordinance that a person appearing in a state of nudity did so in a modeling class operated;

1. By a proprietary school, licensed by the State of West Virginia, a college, junior college or university;

2. By a private college or university that maintains and operates educations programs in which credits are transferable to a college, junior college or university;

ARTICLE 15N NOTICES

1. Any notice required or permitted to be given by the Director or any other County office, division, department or other agency under this ordinance to any applicant, operator or owner of an establishment may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the permit or transfer application that has been received by the Director or any notice of address change that has been received by the Director. Notices mailed as above shall be deemed given upon their deposit in the United States mail.

In the event that any notice given by mail is returned by the postal service, the Director or is designee shall cause it to be posted at the principal entrance to the establishment.

2. Any notice required or permitted to be given to the Director by a person under this ordinance shall not be deemed given until and unless it is received in the office of the Director.

ARTICLE 15O SEVERABILITY

If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

ARTICLE 15P CONFLICTING ORDINANCES REPEALED

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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 four (4) 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.

CHAPTER 17 STORMWATER MANAGEMENT

ARTICLE 17A APPLICABILITY OF SITE RUNOFF STORAGE REQUIREMENTS

A. The following developments shall comply with Article 17D:

1. Single Family Subdivisions, Manufactured Home Subdivision Multi-family or non-residential land use constructed on a site 25,000 square feet or more in size of impervious area;

2. Existing multi-family or non-residential land uses on a site in which new development of 25,000 square feet or more of impervious area.

ARTICLE 17B GENERAL STORMWATER MANAGEMENT REQUIREMENTS

A. No development shall result in any new or additional expense to anyone other than the developer.

B. Shall not increase flood elevations or decrease flood conveyance capacity upstream or downstream of the area under the ownership or control of the developer.

C. Shall not degrade surface or sub-surface water quality.

D. The development shall have an Overland Flow Path or a storm sewer pipe and inlet sized for the base flood, at the downstream limit of the property that will pass the base flood flow without increasing damage to structures or property.

ARTICLE 17C SITE RUNOFF REQUIREMENTS

A. The developer shall make adequate provisions for storm and floodwater runoff, including the installation of drainage improvements and dedicated drainage easements. Such easements shall be at least 15 feet in width. The planning commission has the authority to determine the adequacy of drainage improvements and easements. In addition, they may require that low-lying lands along watercourses subject to flooding or overflowing during storm periods to be preserved and retained in their natural state as drainage ways.

B. Storm water facilities shall be functional before building permits are issued for residential and non-residential purposes.

C. Storm water facilities shall be required and designed so runoff exits the site at a point where it exited prior to the development and in a manner that flows will not increase flood damage to adjacent property.

D. Storm water systems shall be sized to carry the base flood without causing additional flood damage.

E. Design runoff rates shall be calculated using acceptable event hydrograph methods such as HEC-1 SCS, TR-20, HEC-HMS, TR-55 or Rational Methods.

ARTICLE 17D SITE RUNOFF STORAGE FACILITIES

A. Storage facilities design shall be with the following characteristics:

1. The design for all storm water detention facilities shall be in accordance with professionally accepted hydraulic engineering practices
and meet all state and federal agencies Erosion and Sedimentation Control standards and requirements.

2. The facilities shall be located in perpetual, unobstructed public easements of appropriate width and shall be accessible and easily maintained.

3. They shall be shown on the development plat.

4. The developer must provide documentation that agreement with the property owners will assume all liability for the maintenance and operation of the storm water facilities.

5. The facility shall provide 2 feet of freeboard for water surface depths.

6. All design detention volume shall be provided above the seasonal high ground water table or invert elevation of the groundwater control system.

7. Storage facilities shall facilitate sedimentation and catchments of floating material; minimize impacts of storm water runoff on water quality by incorporating best management practices; and shall maximize the distance between inlets and outlets, to the extent possible.

8. Storage facilities shall be designed to provide an emergency spillway in the event that the existing pre-development peak runoff rate from the 100-year, 24 hour duration rainfall is exceeded assuming the primary restrictor is blocked and the design detention volume is not effective (basin filled).

9. Storage facilities with single pipe outlets shall have a minimum inside diameter of 12 inches. If design release rates necessitate a smaller outlet, structures such as perforated risers, or flow control orifices shall be used. Outlets shall be designed for peak runoff rate using the 25-year, 24-hour duration rainfall.

10. Appropriate treatment for ditch lines shall be applied as required by the West Virginia Department of Environmental Protection.

ARTICLE 17E HYDROLOGY

The following table shall be used in determining average 24-hour precipitation for the various frequencies:

Frequencies (years)	1	2	5	10	25	50	100
	2.40	2.77	3.56	4.10	4.75	5.25	5.68

ARTICLE 17F STORMWATER PEAK FLOW BASIS

A. Storm water drainage and erosion controls shall be provided based on peak flows resulting from the year frequencies occurring over the contributing watersheds as noted:

1. Erosion and Sediment Control - Use 10 year frequency and entire contributing watershed.

2. Floodplains - Use 100-year frequency and the entire contributing watershed.

3. Storm Drain Pipes and Ditch lines - Use 10 year frequency and the entire contributing watershed.

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

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 or on same lot.

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

Adjoining – properties that share a common parcel line or would share, if not for a road, street, right of way, easement, alley or stream. Properties will not be considered adjoining if separated by an interstate or four (4) lane high-way.

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.

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

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.

Campground - ~~A~~ Subdivision with special requirements 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 tents, camping coaches, campers, cottages, RVs, etc.

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 - A facility for non-commercial community use intended for a particular community.

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.

Construction Bond/Performance Bond - A written instrument with a clause binding a sub-divider to pay a certain penalty (or a portion thereof) to the county commission for non-completion of improvements required within the subdivision. The Bond is secured by a Surety, by cash in escrow, or by other means satisfactory to the Raleigh County Planning Commission.

Covenant - A written promise or pledge.

Cul-De-Sac - A local street with one end open to traffic and the other end terminating in a vehicular turnaround.

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.

Developer (or Sub-divider) - Any individual, firm association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to affect a subdivision of land for himself or for another.

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, 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.

Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

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.

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.

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.

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 which is intended, arranged or designed to be occupied, or which is 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 District - A geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

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 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.

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.

Kennel, Commercial - Any land or structures used for the sale, transfer of ownership (including shelters or rescues), rental, boarding, breeding or training of domestic animals. Animals may or may not be owned by the owner occupant of the premises, and operations may or may not be for profit.

Kennel, Residential - 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 there is no commercial gain.

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

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

Letter of Credit - A letter from a West Virginia Chartered Bank stating that the bank shall pay the costs of construction and maintaining required improvements when the sub-divider in whose name the letter is issued has not complied with such improvements.

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

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

Location Improvement Permit - A certificate issued for the erection, relocation, enlargement or alteration of a structures or uses thereof in conformity with provisions of these regulations.

Location Map (Vicinity Map)- A drawing located on the plat which shows the general area the subdivision will be located in.

Lot - A tract of land occupied or intended to be occupied by a principal building or group of buildings and its accessory buildings and uses, including open spaces and having frontage on a public street.

Lot, Corner - A lot abutting upon two (2) or more streets at their intersection.

Lot, Depth of - The average horizontal distance between the front

and rear lot lines.

Lot, Interior - Any lot other than a corner lot.

Manufacturing - The assembling, altering, converting, fabricating, finishing, processing or treatment of a product.

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

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

Manufactured Home Park (i.e., Mobile Home Park) - The division of a tract of land into four (4) 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 Community District (MPCD) - 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.

MPCD - Abbreviation for **"Master Planned Community District"**

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.

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.

Obligee - A person in favor of whom an obligation is contracted.

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 Lot Area - The square foot area of the parking spaces and isles and interior parking lot islands, excluding access drives that do not have parking spaces within them.

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.

PD - Abbreviation for **"Planned Development District"**

PD1 - Abbreviation for **"Planned Residential District"**

PD2 - Abbreviation for **"Planned Business District"**

PD3 - Abbreviation for **"Planned Industrial District"**

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.

Plat, Final - The final version of a land subdivision which is prepared according to the provisions of these regulations.

Plat, Preliminary - A professionally prepared drawing of a subdivision which contains information concerning the proposed development.

Planned Development District (PD) - A district designated for planned residential, business and industrial development. The PD provisions are intended to encourage original and imaginative

development that preserves the natural amenities of the site and provide for the general welfare of the county.

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.

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.

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

Recreational Facilities, Private - The use of land or structures operated by the owner (or owners) for private 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.

Registered Professional Surveyor - Any person registered to practice professional engineering or land surveying by the State of West Virginia as specified by the West Virginia State Code.

Re-subdivision - A change in a recorded subdivision plat altering the dimensions of lines and properties, or altering any terms, conditions or performance requirements under which the subdivision was originally approved and recorded.

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.

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.

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.

RV - Abbreviation for Recreational Vehicle.

Salvage - Old or scrap copper, brass, rope, rags, batteries, paper, rubber, trash, waste, junked, dismantled or wrecked machinery, machines or motor vehicles, iron, steel and other old or scrap ferrous or nonferrous materials. (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. Temporary signs are allowed for a maximum of 60 days.

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.

Skirting - See "Manufactured Home Skirting"

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 lot, parcel, tract or parcel of land into two or more lots, parcels, tracts or parcels of land, or the recombination of existing parcels, tracts or parcels.

Subdivision, Family Member Lot Split - A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner shall be allowed and shall not be for the purpose of circumventing these regulations. A member of the immediate family is defined as any person who is natural or legally defined offspring, spouse or parent of the owner. The Lot Split may be processed by an individual designated by the planning commission

and shall comply with Section 3.3.

Subdivision, Major - More than five (5) lots, any of which is less than five (5) acres, including the original tract.

Subdivision, Minor - Proposed division of land involving no more than five (5) lots, after the original parcel has been subdivided, any one which is under five (5) acres (inclusive of the remainder parcel).

Subdivision, Planned Unit Development (PUD) - A subdivision in which land is designated for planned residential, recreational, business and industrial development. The planned development provisions are intended to encourage original and imaginative development which preserves the natural amenities of the site and provide for the general welfare of the county.

Tobacco-Derived Product- shall mean any product containing, made or derived from tobacco. Or containing nicotine derived from tobacco, that is intended for human consumption, whether smoked, breathed, chewed, absorbed, dissolved, inhaled, vaporized, snorted, sniffed, or ingested by any other means, including but not limited to cigarettes, cigars, cigarillos, little cigars, pipe tobacco, snuff, snus, chewing tobacco or other common tobacco containing products. A "tobacco-derived product" includes electronic cigarettes or similar devices, alternative nicotine products and vapor products.

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.

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.

Vape/Smoke Shop – A retail establishment that specializes in selling tobacco products and accessories, as well as tobacco-derived and alternative nicotine products, vapor products or psychedelic products and accessories. These shops may cater to individuals who use electronic cigarettes (e-cigarettes) or other vaping products and/or devices. These shops may sometimes allow vaping on site.

Vapor Product–shall mean any non-combustible product containing nicotine or psychedelic products that employs a heating element, power source, electronic circuit or other electronic, chemical, or mechanical means, regardless of shape and size, that can be used to produce vapor from nicotine in a solution or other form. A "vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electric pipe or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device.

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.

APPENDIX B – ZONING AMENDMENT PETITON FORMS

GUIDELINES (amended July 15, 2025)

Property owners must present a signed petition and necessary attachments, requested supplement, amendment or change to the Ordinance to the Raleigh County Planning and Zoning Commission.

Within sixty (60) days after receiving the petition the Planning and Zoning Commission shall hold a public hearing. The planning commission shall require the petitioner to give notice of a public hearing a minimum of fifteen (15) days prior to the hearing date by placing a Class I legal advertisement in the "general circulation" newspaper **and** serve notice by sending notification by certified mail to adjacent property owners at least fifteen (15) days prior to the hearing date.

The petitioner(s) must appear at the hearing either in person or by representative.

After the public hearing, a copy of the Planning and Zoning Commission's findings will be conveyed to the County Commission for its consideration. The petitioner(s) or representative must appear before the County Commission, at which time the petition will be acted upon.

The following items are required to constitute a complete application:

1. Petition, with filing fee of $100.00 (FORM Z-1)
2. Copy of Deed of Petition area.
3. Parcel Plan Map (FORM Z-2).
4. Listing of adjacent property owners (FORM Z-3).
5. Legal advertisement (FORM Z-4).
6. Description of proposed use of property (FORM Z-5).
7. Plans for proposed use of property (See FORM Z-5).
8. Appropriate Certificates of Approval (See FORM Z-6).
9. Deed Examination that property is not restricted for proposed use.

CHECKLIST FOR ZONING AMENDMENT

_____ Petition, with Filing Fee of $100.00 (FORM Z-1)
_____ Copy of Deed of Petition Area
_____ Parcel Plan Map (FORM Z-2)
_____ Listing of Adjacent Property Owners (FORM Z-3)
_____ Legal Advertisement Notification (FORM Z-4)
_____ Description and Plan of Proposed Use (FORM Z-5)
_____ Certificates of Approval (FORM Z-6)
_____ Deed Examination

(FORM Z-1) ZONING AMENDMENT PETITION

Petition Fee $100.00

TO THE COUNTY COMMISSION OF RALEIGH COUNTY

DATE: _____

PROPERTY OWNER _____

ADDRESS _____

AGENT (if applicable) _____ Telephone _____

AGENT'S ADDRESS _____

PROPERTY ADDRESS AND LOCATION _____
_____

PROPERTY TAX ID District_____ Map_____ Parcel_____

TOTAL AREA (in acres) _____

LEGAL DESCRIPTION OF PROPERTY Deed Book Number _____
Page Number _____

Copy of deed or description of property must accompany this application.

CURRENT ZONING _____ REQUESTED ZONING _____

PROPOSED USE OF PROPERTY _____
_____

I certify that the information supplied on this petition and other information provided is accurate and true to the best of my knowledge.

PRINT NAME OF OWNER _____

SIGNATURE OF OWNER _____

PRINT NAME OF AGENT _____

SIGNATURE OF AGENT (if applicable) _____

Taken, subscribed and sworn to before the undersigned authority this the _____ day of _____, _____.

My commission expires: _____

_____
NOTARY PUBLIC

(FORM Z-2) PARCEL PLAN MAP REQUIREMENTS

The petition shall be accompanied by a parcel plan map, clearly showing the following:

A. The boundaries and dimensions of the property, along with a metes and bounds description. If boundaries are from courthouse records and not by actual survey, a note stating, "This is not a Land Survey" is to be shown on the map.

B. Acreage of the area to be rezoned.

C. All adjacent property owners of the area to be rezoned. A separate site plan may be submitted with the parcel plan. Adjacent owners shown must comply with Form Z-3.

D. Petitioner may provide existing and proposed structures and utilities. Location of septic tank with seepage fields.

E. Deed or legal description with source of title and Tax Map location of area to be rezoned.

F. Petitioner may provide Location of access road(s), parking area, signs, etc. with size and type of cover material.

G. Title Block, Date and Scale.

H. Buffer zones, if applicable.

I. Flood plain designation.

J. Where the proposed property lies partially or completely in the flood plain areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites.

(FORM Z-3) ADJOINING PROPERTY OWNERS

In addition to a Class I legal advertisement (Form Z-4), notice must be sent to all adjacent property owners. Notification shall be by certified mail and must occur a minimum of fifteen (15) days prior to the public hearing. Proof that notification was sent may be made by submission of the certified receipts. The petitioner(s) requirement to notify adjacent property owners will be fulfilled if the notification is mailed to the adjacent property owners current address as listed with the County Assessor's office.

Adjacent property owners shall mean all persons, firms, corporations, etc. whose property borders at any point of the property to be rezoned, including any owners whose property would border the parcel to be rezoned, but for the location of a street, alley or other roadway between that property and the parcel to be rezoned. Notification shall be given to property owners or other entities that the Planning and Zoning Commission may deem necessary. The locations of all property owners to be notified are to be shown on the Parcel Plan Map.

Notification shall be a copy of the Class I legal advertisement.

Failure to fully comply with this article will require the public hearing to be rescheduled and proper notice to be given again.

All owners of property or other entities must be listed below and designated on the Preliminary Plat.

Map ID	Property Owner	Mailing Address

(FORM Z-4) NOTICE OF PUBLIC HEARING

RALEIGH COUNTY PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

Notice is hereby given that on the ____ day of _____

In the County Commission Courtroom, 116 North Heber Street,

Beckley, West Virginia at 4:00 p.m., the Planning and Zoning Commission

of Raleigh County, West Virginia will hold a public hearing upon the

application of _____ for the

purpose of _____

_____

The present zoning of the property to be affected is _____ and

the proposed zoning is to be _____. The property to be affected

contains _____ acres and the physical location of the property is

_____

Any person wishing to be heard concerning this matter should be present

at the time and place indicated above. Written comments concerning

this matter received by _____ will be considered.

Written comments should be sent to: Raleigh County Planning and Zoning Commission, 116 ½ North Heber Street, Beckley, West Virginia 25801. A copy of the application for public review is on file in the office of the County Commission at the address listed above.

(FORM Z-5) DESCRIPTION OF PROPOSED USE OF PROPERTY

The zoning or re-zoning of property is at times a concerning issue in communities. Applicants are not required to precisely describe the proposed use of the property, however transparent or complete plans relieve concerns within the community. Additionally, restrictive covenants and buffer zones can be added protections that relieves some concerns of adjoining property owners. With these things in mind, in narrative form below, describe the proposed use of the property covered by this petition request.
In addition to the narrative description of the proposed use, include a site plan showing any buffer zones or future land use plans that are known at this time.

Narrative Description

_____

_____

_____

_____

_____

_____

(FORM Z-6) APPROPRIATE CERTIFICATES (Must be provided prior to issuance of a building permit)

A. Appropriate certificates of approval (entrance permits) from the West Virginia Department of Highways. (Contingent on approval by the Raleigh County Commission and prior to issuance of building permit)

B. Appropriate certificates of approval from State and/or local health authorities concerning water/sewer systems.

C. Appropriate agreements between the Utility Provider and the developer that services are available.

D. Appropriate certificates of approval from the State Division of Natural Resources, if applicable.

E. Letter from Emergency Operations Center that compliance with Street Naming and Physical Addressing is met.

F. Certification from Attorney that the property is not restricted for the proposed use.

APPENDIX C BOARD OF ZONING APPEALS PETITION FORMS (amended 7/15/2025)

GUIDELINES

Property owners must present a signed petition and necessary attachments, requested supplement, amendment or change to the Raleigh County Planning and Zoning Ordinance to the Board of Zoning Appeals.

Within sixty (60) days after receiving the petition the Board of Zoning Appeals shall hold a public hearing. The Board of Zoning Appeals shall require the petitioner to give notice of a public hearing a minimum of fifteen (15) days prior to the hearing date by placing a Class I legal advertisement in the "general circulation" newspaper **and** serve notice by sending notification by certified mail to adjacent property owners at least fifteen (15) days prior to the hearing date.

The petitioner(s) must appear at the hearing either in person or by representative.

After the public hearing, the decision of the Board of Zoning Appeals findings will be conveyed to the petitioner.

The following items are required to constitute a complete petition:

1. Petition, with filing fee of $100.00 (FORM BZA-1)
2. Copy of Deed of Petition area.
3. Parcel Plan Map (FORM BZA-2).
4. Listing of adjacent property owners (FORM BZA-3).
5. Legal advertisement (FORM BZA-4).
6. Description and Plan of proposed use of property (FORM BZA-5).
7. Appropriate Certificates of Approval (See FORM Z-6).
8. Deed Examination that property is not restricted for proposed use.

Criteria for Issuance of Conditional Use Permit or Variance.

Business:

1. Type of Business.
2. Hours of operation.
3. Adequate off-street parking.
4. Building size.
5. Number of employees.
6. Noise, fumes, odors or electrical interference causing a nuisance to a neighboring residence.
7. Increased traffic within the neighborhood.
8. Outside storage or placement of equipment, machinery or materials.

Mobile Homes:

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 housing site and designed for long-term residential use and built prior to the enactment of the federal manufacturing housing construction and safety standards institute (ANSI) - A119.1 standards for mobile homes. (37-15-2)

1. Types of residences in affected area (the general character of the neighborhood; would placement of manufactured home be conducive to the area).

2. Ownership of property (is it to be rented or owner-occupied).

3. Reasons for wanting placement of manufactured home (are there special circumstances or hardships involved).

4. Does the placement of manufactured home meet the requirements of the Raleigh County Zoning Ordinance.

Manufactured Home Park:

1. Manufactured Home Parks are not permitted in the Residential (R2) zone. Manufactured Home Parks are allowed in the Rural (R1) and Commercial (B1) zones after securing a Conditional Use Permit.

2. More than three (3) Manufactured Home on one tax parcel constitutes a Manufactured Home Park.

3. Application for Manufactured Home Park shall require a parcel plan of property showing proposed Home sites, all other buildings and structures; setbacks from adjacent properties and roadways.

CHECKLIST FOR ZONING AMENDMENT

_____ Petition, with Filing Fee of $100.00 (FORM BZA-1)
_____ Copy of Deed of Petition Area
_____ Parcel Plan Map (FORM BZA-2)
_____ Listing of Adjacent Property Owners (FORM BZA-3)
_____ Legal Advertisement Notification (FORM BZA-4)
_____ Description and Plan of Proposed Use (FORM BZA-5)
_____ Certificates of Approval (FORM BZA-6)
_____ Deed Examination

(FORM BZA-1) PETITION FOR BOARD OF ZONING APPEALS HEARING

Petition Fee $100.00

DATE: _____

PROPERTY OWNER: _____

ADDRESS: _____

AGENT (if applicable): _____ Telephone _____

AGENT'S ADDRESS: _____

PROPERTY ADDRESS AND LOCATION: _____

_____

PROPERTY TAX ID: District_____; Map_____; Parcel_____

Copy of deed or description of property must accompany this application.

PROPOSED USE OF PROPERTY: _____

_____

I certify that the information supplied on this petition and other information provided is accurate and true to the best of my knowledge.

PRINT NAME OF OWNER: _____

SIGNATURE OF OWNER: _____

PRINT NAME OF AGENT (if applicable): _____

SIGNATURE OF AGENT (if applicable): _____

Taken, subscribed and sworn to before the undersigned authority this the _____ day of _____, 20____.

My commission expires: _____

Notary Public _____

(FORM BZA-2) PARCEL PLAN MAP REQUIREMENTS

The petition shall be accompanied by a parcel plan map, clearly showing the following:

A. The boundaries and dimensions of the property, along with a metes and bounds description. If boundaries are from courthouse records and not by actual survey, a note stating, "This is not a Land Survey" is to be shown on the map.

B. All adjacent property owners of the area of the Conditional Use Petition. A separate site plan may be submitted with the parcel plan. Adjacent owners shown must comply with Form BZA-3.

C. Existing and proposed structures.

D. Deed or legal description with source of title and Tax Map location of area to be rezoned.

E. Location of access road(s), parking area, signs, etc. with size and type of cover material.

F. Title Block, Date and Scale.

G. Buffer zones, if applicable.

H. Flood plain designation.

I. Where the proposed property lies partially or completely in the flood plain areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites.

(FORM BZA-3) ADJACENT PROPERTY OWNERS

In addition to a Class I legal advertisement (Form Z-4), notice must be sent to all adjacent property owners. Notification shall be by certified mail and must occur a minimum of fifteen (15) days prior to the public hearing. Proof that notification was sent may be made by submission of the certified receipts. The petitioner(s) requirement to notify adjacent property owners will be fulfilled if the notification is mailed to the adjacent property owners current address as listed with the County Assessor's office.

Adjacent property owners shall mean all persons, firms, corporations, etc. whose property borders at any point of the property to be rezoned, including any owners whose property would border the parcel to be rezoned, but for the location of a street, alley or other roadway between that property and the parcel for which the Conditional Use is petitioned. Notification shall be given to property owners or other entities that the Board of Zoning Appeals may deem necessary. The locations of all property owners to be notified are to be shown on the Parcel Plan Map. Commercial Kennels, Riding Academies or any other applications concerning animals, (Adjoining or Adjacent) Shall mean a 300-foot radius from the place of the keeping of the animals. Notification shall be a copy of the Class I legal advertisement.

Failure to fully comply with this article will require the public hearing to be rescheduled and proper notice to be given again.

All owners of property or other entities must be listed below and designated on the Preliminary Plat.

(FORM BZA-4) ADJACENT PROPERTY OWNERS

All owners of property or other entities must be listed below and designated on the Preliminary Plat.

Map ID Property Owner Mailing Address

_____

_____

_____

_____

_____

_____

_____

_____

(FORM BZA-4) RALEIGH COUNTY BOARD OF ZONING APPEALS
NOTICE OF PUBLIC HEARING

Notice is hereby given that on the ____ day of _____

In the County Commission Courtroom, 116 North Heber Street,

Beckley, West Virginia at 5:00 p.m., the Board of Zoning Appeals of

Raleigh County, West Virginia will hold a public hearing upon the

application of _____ for the

purpose of _____

_____

The present zoning of the property to be affected is _____ and

the proposed zoning is to be _____. The property to be affected

contains _____ acres and the physical location of the property is

_____

Any person wishing to be heard concerning this matter should be present

at the time and place indicated above. Written comments concerning

this matter received by _____ will be considered.

Written comments should be sent to: Raleigh County Planning and Zoning Commission, 116 ½ North Heber Street, Beckley, West Virginia 25801. A copy of the application for public review is on file in the office of the County Commission at the address listed above.

(FORM BZA-5) DESCRIPTION OF PROPOSED USE OF PROPERTY

In narrative form below, precisely describe the proposed use of the property covered by this petition request. Unless otherwise requested and approval given in writing, approval of this petition will allow for only that use described below. Any change of use, without prior approval from the board, would constitute a violation of this petition. Failure to comply fully with this section will result in enforcement action being taken to the extent allowed by applicable laws of the State of West Virginia.

Narrative Description

_____

_____

_____

_____

_____

(FORM BZA-6) APPROPRIATE CERTIFICATES

A. Appropriate certificates of approval (entrance permits) from the West Virginia Department of Highways.

B. Appropriate certificates of approval from State and/or local health authorities concerning water/sewer systems.

C. Appropriate agreements between the Utility Provider and the developer that services are available.

D. Appropriate certificates of approval from the State Division of Natural Resources, if applicable.

E. Letter from Emergency Operations Center that compliance with Street Naming and Physical Addressing is met.

F. Certification from Attorney that the property is not restricted for the proposed use.

APPENDIX D RALEIGH COUNTY SALVAGE YARD APPROVAL PERMIT REGULATIONS

Amended May 2019

TABLE OF CONTENTS

ARTICLE 1 DEFINITIONS

Section 1.1 Definitions ---------- 92

ARTICLE 2 ADMINISTRATION

Section 2.1 Administration ---------- 94

ARTICLE 3 LICENSE/PERMIT REQUIRED; FEES; PUBLIC HEARING

Section 3.1 Approval Permit and License Required ---------- 94
Section 3.2 Permit Procedures ---------- 94
Section 3.3 Fees ---------- 94

ARTICLE 4 LOCATION AND DESIGN STANDARDS; OPERATING RQUIREMENTS

Section 4.1 Location Standards ---------- 94
Section 4.2 Site Design Standards ---------- 95
Section 4.3 Operating Requirements ---------- 96

ARTICLE 5 ENFORCEMENT; INSPECTIONS; PENALTIES

Section 5.1 Enforcement ---------- 97
Section 5.2 Inspections ---------- 97
Section 5.3 Penalties ---------- 97

ARTICLE 6 ZONING AMENDMENT

Section 6.1 Zoning Amendment---------- 97

ARTICLE 7 AMENDMENT; CONFLICT WITH OTHER LAWS; SEVERABILITY

Section 7.1 Amendment ---------- 97
Section 7.2 Conflict With Other Laws ---------- 98
Section 7.3 Severability ---------- 98

ARTICLE 8 PROMULGATION

Section 8.1 Promulgation ---------- 98

ARTICLE 9 PETITION FOR SALVAGE YARD APPROVAL PERMIT

Section 9.1 Guidelines and Petition ---------- 99

RALEIGH COUNTY PLANNING AND ZONING COMMISSION

Regulations Governing Salvage Yard Approval Permits

By the authority of the West Virginia Code, Chapter 17, Article 23, Section 4, the Raleigh County Planning and Zoning Commission shall promulgate reasonable rules and regulations for obtaining an approval permit for any persons wishing to secure a salvage yard license from the West Virginia Department of Highways. These regulations established by the Raleigh County Planning and Zoning Commission shall take effect from date of promulgation and shall apply to all salvage yards in Raleigh County.

An application approved by the Commission is not a license to operate a salvage yard but is to be used as local approval in making application to the West Virginia Department of Highways for a license.

ARTICLE 1. DEFINITIONS

Section 1.1 Definitions

Abandoned Salvage Yard - Any unlicensed salvage yard or any salvage yard that was previously licensed but upon which the license has not been renewed for more than one year.

Commission - Refers to the Raleigh County Planning and Zoning Commission.

Commissioner - The Commissioner of the West Virginia Division of Highways.

Community Impact Statement - A report prepared by an applicant, describing the scope and the feasibility of the proposed salvage yard. The statement shall also describe the physical, social, economic and other impacts a Salvage Yard may bring to the County and to the immediate area. The Impact statement must include a map showing the exact distance and boundaries from adjoining properties and the structures located on the adjoining properties.

Fence - An enclosure, barrier or screen constructed of materials or consisting of plantings, natural objects or other appropriate means approved by the commissioner and located, placed or maintained so as effectively to screen at all times salvage yards and the salvage therein contained from view of persons passing upon the public roads of West Virginia.

Occupied Private Residence - A private residence that is occupied for at least six months each year.

Owner or Operator - An individual, firm, partnership, association or corporation or the plural thereof.

Permit Officer - Person or persons authorized by the Raleigh County Planning and Zoning Commission to enforce the provisions of this ordinance, assist in the preparation of approval permit applications, and make recommendations to the Commission.

Residential Community - An area wherein five or more occupied private residences are located within one thousand-foot radius.

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 or any parts of any junked, dismantled, or wrecked machinery, machines or motor vehicles.

Sa1vaqe 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: Provided, that no salvage yard shall accept, store or process more than one hundred waste tires unless it has all permits necessary to operate a monofill, waste tire processing facility or solid waste facility. Any salvage yard, which currently has on its premises more than one hundred waste tires not on a vehicle, must establish a plan in conjunction with the Department of Environmental Protection for the proper disposal of the waste tires.

Waste Tire - Any continuous solid or pneumatic rubber covering designed to encircle the wheel of a vehicle but which has been discarded, abandoned or is no longer suitable for its original, intended purpose nor suitable for recapping, or other beneficial use, as defined in Chapter 22, Article 15A, Section 2 of the West Virginia Code, because of wear, damage or defect. A tire is no longer considered to be suitable for its original intended purpose when it fails to meet the minimum requirements to pass a West Virginia motor vehicle safety inspection. Used tires located at a commercial recapping facility or tire dealer for the purpose of being reused or recapped are not waste tires.

Waste Tire Monofill or Monofill - An approved solid waste facility where waste tires not mixed with any other waste are placed for the purpose of long-term storage for eventual retrieval for marketing purposes.

Waste Tire Processing Facility - A solid waste facility or manufacturer that accepts waste tires generated by sources other than the owner or operator of the facility for processing by such means as cryogenics, pyrolysis, pyroprossing cutting, splitting, shredding, quartering, grinding or otherwise breaking down waste tires for the purpose of disposal, reuse, recycling or marketing.

ARTICLE 2. ADMINISTRATION

Section 2.1 Administration

The Raleigh County Planning and Zoning Commission or its designee(s) shall administer these regulations.

ARTICLE 3. LICENSE/PERMIT REQUIRED, FEES AND PUBLIC HEARINGS

Section 3.1 Approval Permit and License Required

No salvage yard or any part thereof shall be established, operated or maintained in Raleigh County without an approval permit from the Raleigh County Planning and Zoning Commission and a state license from the Commissioner of the West Virginia Division of Highways.

Section 3.2 Permit Procedures

A. A public hearing will be set when the application forms for a salvage yard approval permit is filled out in its entirety and submitted to the Planning and Zoning Commission, along with a Community Impact Statement.

B. After a date for the public hearing is scheduled, the applicant shall serve notice on the general public by placing a Class I advertisement in the Beckley Register-Herald a minimum of fifteen days prior to the scheduled hearing and serve notice by certified mail to all properties located within 1000 feet of the proposed property at every boundary and to all properties located within 5000 feet of a residential community.

Section 3.3 Fees

A fee of Sixty dollars ($100.00), shall be charged for each application submitted to the Commission.

ARTICLE 4. LOCATION STANDARDS AND OPERATING REQUIREMENTS

Section 4.1 Location Standards

A. No permit shall be issued to establish a salvage yard or any part thereof within 1000 feet of the nearest edge of the right-of-way of any road within the state road system designated and classified or redesigned or reclassified as expressway, trunk line or feeder, or any road within the state road system designed and classified or redesigned or reclassified for purposes of allocation of federal highway funds as part of the federal-aid interstate or primary systems: **Provided**, that this limitation shall not apply to landfills established and maintained by the state, county or municipality, if such landfill is effectively screened and obscured by natural objects,

plantings, fences or other appropriate means so as not to be visible from the main traveled way of the system; and

B. No permit shall be issued to establish a salvage yard or any part thereof within 500 feet of the nearest edge of the right-of-way of any state local service road, unless the view thereof from such state local road shall be effectively screened and obscured by fences: **Provided, however,** that this limitation shall not apply to landfills established and maintained by the state, county or municipality, if such landfill is effectively screened and obscured by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of the system; and

C. No permit shall be issued allowing a salvage yard within 1000 feet of the nearest occupied private residence, unless waived by the owner of such residence; or

D. No permit shall be issued to establish a salvage yard within 5000 feet of the nearest occupied private residence which is part of a residential community.

E. No permit shall be issued allowing a salvage yard until it meets the requirements of Chapter 17 of the Raleigh county Zoning Ordinance (Storm Water Management); and

F. No salvage yard shall be permitted within the 100 year Flood Plain; and

G. Shall be in compliance with the requirements of the Department of Natural Resources and the Department of Environmental Protection; and

H. The parcel or parcel for the proposed salvage yard shall be a minimum of three (3) acres.

Section 4.2 Site Design Standards

In establishing a salvage yard, the following standards must be met:

A. Setbacks

1. All salvage yard setbacks shall comply with the parameters stipulated in 17-23-4 of the West Virginia Code. In addition, all salvage yards shall be set back a minimum of 300 feet from a highway listed in the West Virginia Division of Highways system right-of-way and 100 feet from a local, orphan or private road right-of-way. Where State or Federal law requires greater setbacks, the more restrictive shall apply.

2. All salvage yard areas shall be set back a minimum of 50 feet from any common property line and any structure intended for the

burning or incineration of salvage material shall be no closer than 100 feet from any property boundary.

B. Fencing and Screening

1. All outdoor storage of salvage material shall be conducted entirely within an enclosed fence, wall, or other solid screen. All driveways through the fence shall be similarly screened. Such solid screen shall be constructed on the front, sides, and rear of the storage area, in accordance with the setbacks above, and shall be constructed in such a manner that no salvage material is visible from an adjacent property, state, local, orphan or private roadway.

2. Fencing and screening shall be kept in good order and repair and no advertisement shall be permitted thereon other than the name of the licensee and the nature of the business conducted on the premises. The construction of fences or screening shall be uniform and no patchwork type of construction shall be permitted.

C. Off Street Parking and Loading

The salvage yard facility shall meet the requirements of Chapter 7 (Off-Street Parking and Loading) of the Raleigh County Zoning Ordinance.

Section 4.3 Operating Requirements

Operators of a salvage yard must comply with all applicable State, Federal and County laws and regulations. In addition, all salvage yards in Raleigh County shall comply with the following requirements:

A. Every applicant for a salvage yard approval permit shall demonstrate to the Department of Natural Resources that adequate measures will be taken to eliminate the threat of pollution or damage to the surface streams or ground water by the storage of salvage materials and substances.

B. Every applicant shall demonstrate to the State Fire Marshal that adequate measures will be taken to eliminate the threat of fire hazard from materials or refuse to be collected, accumulated, or stored on the site. No combustible materials of any kind, other than those necessary for the salvage yard or products of processing salvage materials shall be kept on the premises.

C. Storage of dangerous or toxic chemicals, damaged chemical tankers or containers or materials classified as hazardous waste by the State of West Virginia shall be prohibited.

D. No salvage material shall be allowed to rest upon or protrude over any public street or become scattered or thrown off the premises.

E. Gasoline, oil, anti-freeze and all other fluids shall be removed from any scrapped engines, vehicles or machinery prior to storage on the premises. All fluids removed shall be properly disposed of as required by law.

ARTICLE 5. ENFORCEMENT; INSPECTIONS; INJUNCTIONS; PENALTIES

Section 5.1 Enforcement

Enforcement of this ordinance shall be the responsibility of the Raleigh County Planning and Zoning Commission, who shall make the initial interpretation as to whether a violation has occurred. The commission shall prepare a written "Violation Notice and Directive to Cease and Desist" and shall transmit such notice and directive to the person responsible for the violation. Failure to comply with a Directive to Cease and Desist shall be cause for the Planning and Zoning Commission to declare the violation a common nuisance. Upon such declaration, the Commission shall request the Raleigh County Prosecuting Attorney to seek an injunction to abate such nuisance in the Circuit Court of Raleigh County.

Section 5.2 Inspections

The Commission or its representative shall have the right to inspect the premises of any salvage yard, either announced or unannounced, and at any reasonable time, for the purpose of enforcing these regulations.

Section 5.3 Penalties

Any person violating any provision of these regulations, whether as principal, agent or employee, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00); and such person shall be guilty of a separate offense for each month during a portion of which any violation of this regulation is committed, continued or permitted. **Provided, however,** that in the event of an appeal from any such conviction, the period between the date a notice of appeal is filed and the date of the final order of the court last considering the appeal shall not be considered a period of continuing in violation of these regulations.

ARTICLE 6. ZONING AMENDMENT

Section 6.1 Zoning Amendment

The application for salvage yard approval shall require a petition to classify the property as Industrial (I1). Both the application for a salvage yard approval permit and the Industrial zoning may occur under the same notifications and public hearing.

ARTICLE 7. AMENDMENT; CONFLICT WITH OTHER LAWS; SEVERABILITY

Section 7.1 Amendment

The Raleigh County Planning and Zoning Commission may, from time to time at its discretion, amend, supplement or change the provisions of these regulations.

Section 7.2 Conflict With Other Laws

Where the provisions of these regulations impose greater restrictions than those of any other ordinance or regulations, the provisions of these regulations shall be controlling. Where the provisions of any statute, other regulations or ordinance shall be controlling. These regulations shall be construed so as to be consistent with the purposes and provisions of State Law governing the licensing and maintenance of salvage yards.

Section 7.3 Severability

If any article, section, subsection, paragraph, clause or provision of these regulations shall be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of these regulations as a whole or any other part thereof.

ARTICLE 8 PROMULGATION

Section 8.1 Promulgation

These Salvage Yard Approval Permit Regulations are promulgated and enacted this 17th day of April 2008. These regulations may be amended by the Raleigh County Planning Commission and adopted by the Raleigh County Commission.

ARTICLE 9 PETITION FOR SALVAGE YARD APPROVAL PERMIT

Section 9.1 GUIDELINES AND PETITION

Property owners must present a signed petition and necessary attachments, requested supplement, amendment or change to the Ordinance to the Raleigh County Planning and Zoning Commission.

Within sixty (60) days after receiving the petition the Planning and Zoning Commission shall hold a public hearing. The applicant shall serve notice of a public hearing a minimum of fifteen (15) days prior to the hearing date. Placing a Class I legal advertisement in the "general circulation" newspaper will serve notice of the hearing date. The applicant shall serve notice by sending notification by certified mail to adjacent property owners as required by Article 4, Section 4.1 at least fifteen (15) days prior to the hearing date.

All applicants must appear at the hearing either in person or by representative, provided this representative must be someone without any other interest in the property or its zoning.

After the public hearing, a copy of the Planning and Zoning Commission's report will be delivered to the applicant. The following items are required to constitute a complete application:

1. Petition, with filing fee of $100.00 (FORM SY-1)
2. Copy of Deed of Petition area.
3. Parcel Plan Map (FORM SY-2).
4. Listing of adjacent property owners (FORM SY-3).
5. Legal advertisement (FORM SY-4).
6. Description of proposed use of property (FORM SY-5).
7. Plans for proposed use of property (See FORM SY-5).
8. Appropriate Certificates of Approval (See FORM SY-6).
9. Deed Examination that property is not restricted for proposed use.

CHECKLIST FOR ZONING AMENDMENT

_____ Petition, with Filing Fee of $100.00 (FORM SY-1)
_____ Copy of Deed of Petition Area
_____ Parcel Plan Map (FORM SY-2)
_____ Listing of Adjacent Property Owners (FORM SY-3)
_____ Legal Advertisement Notification (FORM SY-4)
_____ Description and Plan of Proposed Use (FORM SY-5)
_____ Certificates of Approval (FORM SYZ-6)
_____ Deed Examination
_____ Community Impact Statement

(FORM SY-1) PETITION FOR SALVAGE YARD APPROVAL PERMIT

Petition Fee: $100.00

DATE: _____

PROPERTY OWNER _____ Telephone _____

ADDRESS _____

AGENT (if applicable) _____ Telephone _____

AGENT'S ADDRESS _____

PROPERTY ADDRESS AND LOCATION _____

_____

PROPERTY TAX ID District_____ Map _____ Parcel _____

TOTAL AREA (in acres) _____

LEGAL DESCRIPTION OF PROPERTY _____

Deed Book Number _____ Page Number _____

Copy of deed or description of property must accompany this application.

Upon approval, the property will be classified as Industrial (I1) zoning.

PROPOSED USE OF PROPERTY _____
_____

I certify that the information supplied on this petition and other information provided is accurate and true to the best of my knowledge.

PRINTED NAME OF OWNER _____

SIGNATURE OF OWNER _____

PRINTED NAME OF AGENT _____

SIGNATURE OF AGENT (if applicable) _____

Taken, subscribed and sworn to before the undersigned authority this the _____ day of _____, _____.

My commission expires: _____

NOTARY PUBLIC _____

(FORM SY-2) PARCEL PLAN MAP REQUIREMENTS

A parcel plan map, clearly showing the following, shall accompany the application:

A. The boundaries and dimensions of the property, along with a metes and bounds description. If boundaries are from courthouse records and not by actual survey, a note stating, "This is not a Land Survey" is to be shown on the map.

B. Acreage of the area to be used.

C. All adjacent property owners within the area as required by Article 4, Section 4.1 of these regulations. A separate site plan may be submitted with the parcel plan. Adjacent owners shown must comply with Form SY-3.

D. Existing and proposed structures and utilities. Location of septic tank with seepage fields.

E. Deed or legal description with source of title and Tax Map location of area to be rezoned.

F. Location of access road(s), parking parcels, signs, etc. with size and type of cover material.

G. Location of present structures and facilities located on property.

H. Location of proposed Sedimentation and Erosion Control facilities and existing storm water controls.

I. Title Block, Date and Scale.

J. Buffer zones, if applicable.

K. Flood plain designation.

L. Where the proposed property lies partially or completely in the flood plain areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites.

(FORM SY-3) ADJOINING PROPERTY OWNERS

In addition to a Class I legal advertisement (Form SY-4), notice must be sent to all adjacent property owners as required by Article 4, Section 4.2 of these regulations. Notification shall be by certified mail and must occur a minimum of fifteen (15) days prior to the public hearing. Proof that notification was sent may be made by submission of the certified receipts. The applicants requirement to notify adjacent property owners will be fulfilled if the notification is mailed to the adjacent property owners current address as listed with the County Assessor's office.

Adjacent property owners shall mean all persons, firms, corporations, etc. whose property borders at any point of the property to be permitted, including any owners whose property would border the parcel to be permitted, but for the location of a street, alley or other roadway between that property and the parcel to be permitted. Notification shall be given to property owners or other entities that the Planning and Zoning Commission may deem necessary. The locations of all property owners to be notified are to be shown on the Parcel Plan Map.

Notification shall be a copy of the Class I legal advertisement.

Failure to fully comply with this article will require the public hearing to be rescheduled and proper notice to be given again.
All owners of property or other entities must be listed below and designated on the Preliminary Plat.

Map ID	Property Owner	Mailing Address

I hereby certify that the property owners listed on Form SY-3 are correct and the addresses are the current address and property owner listed with the Raleigh County Assessor.

_____ _____
Signature Date

(FORM SYZ-4) NOTICE OF PUBLIC HEARING

RALEIGH COUNTY PLANNING AND ZONING COMMISSION

NOTICE OF PUBLIC HEARING

Notice is hereby given that on the ____ day of _____. In the County Commission Courtroom, 116 North Heber Street, Beckley, West Virginia at _____ p.m., the Planning and Zoning Commission of Raleigh County, West Virginia will hold a public hearing upon the application of _____ for the purpose of establishing a salvage yard. Zoning of the property to be affected will be Industrial (I1). The property to be affected contains _____ acres and the physical location of the property is _____. Any person wishing to be heard concerning this matter should be present at the time and place indicated above. Written comments concerning this matter received by _____ will be considered.

Written comments should be sent to: Raleigh County Planning and Zoning Commission, 116 ½ North Heber Street, Beckley, West Virginia 25801. A copy of the application for public review is on file in the office of the County Commission at the address listed above.

(FORM SY-5) DESCRIPTION OF PROPOSED USE OF PROPERTY

In narrative form below, precisely describe the proposed use of the property covered by this petition request. Unless otherwise requested and approval given in writing, approval of the petition will allow for only that use described below. Any change of use, without prior approval from the commission, would constitute a violation of this petition. Failure to comply fully with this section will result in enforcement action being taken to the extent allowed by applicable laws of the State of West Virginia.

In addition to the narrative description for the proposed use, include a site plan showing all proposed improvements and sufficient construction plans of all proposed buildings and structures.

_____

_____

_____

_____

(FORM SY-6) APPROPRIATE CERTIFICATES

A. Appropriate certificates of approval (entrance permits) from the West Virginia Department of Highways.

B. Appropriate certificates of approval from State and/or local health authorities concerning water/sewer systems.

C. Appropriate agreements between the County Public Service District (if applicable) and the developer.

D. Appropriate NPDES certificates of approval, if applicable.

E. Letter from Emergency Operations Center that compliance with Street Naming and Physical Addressing is met.

F. Certification from Attorney that the property is not restricted for the proposed use.

G. Approval from Beckley Sanitary Board if facility is located within the Piney Creek Watershed Drainage area. If not located in watershed area a letter from Beckley Sanitary Board stating the facility is not within their jurisdiction.

IN THE COUNTY COMMISSION OF RALEIGH COUNTY, WEST VIRGINIA

RE: AMENDMENT FOR THE DEVELOPMENT OF A COMPREHENSIVE PLAN FOR RALEIGH COUNTY, WEST VIRGINIA

It appearing to the County Commission of Raleigh County that Billy Michael, representing the Raleigh County Planning and Zoning Commission, filed for an amendment to update the **Raleigh County Planning and Zoning Ordinance**, and a hearing thereon, was advertised as required by law, that a public hearing on the said petition was duly held by the Planning and Zoning Commission on August 20th, 2026, and that the Planning and Zoning Commission has filed with the County Commission a report recommending that the amendment be granted.

Now therefore, be it ordained by the County Commission of Raleigh County that the Planning and Zoning Ordinance of Raleigh County, West Virginia, be amended: **Effective this 1St day of September 2026**.

Attest:

Gregory A. Duckworth

Linda K. Epling

Daniel Hall