

ZONING ORDINANCE
CITY OF SUMMERSVILLE
Nicholas County
West Virginia

1968

Revised By
Planning and Research Division
West Virginia Department of Commerce

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ZONING ORDINANCE

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORES, BULK AND SIZE OF BUILDINGS AND OTHER STRUCTURES, HEREAFTER ERECTED OR ALTERED, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE, DEPTH AND WIDTH OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDING, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; AND PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT, FOR A BOARD OF ADJUSTMENT, AND FOR THE IMPOSITION OF PENALTIES.

In pursuance of authority conferred by Chapter 8, Article 5 of the West Virginia Code of 1949 (Michie's), and a referendum vote taken in said City of Summersville on June 5, 1951, and for the purposes of promoting the health, safety, morals and general welfare of the inhabitants of said town by lessening congestion in the streets, securing safety from fire, panic and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue congestion of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements and by other means in accordance with a comprehensive plan and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality and after giving the public notice required by state law:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SUMMERSVILLE, WEST VIRGINIA, IN REGULAR SESSION ASSEMBLED, THAT THE FOLLOWING ARTICLES AND SECTIONS BE AND THE SAME ARE HEREBY ENACTED INTO LAW:

ARTICLE I
SHORT TITLES

101 This ordinance shall be known as the "Zoning ordinance". The map herein referred to, which is identified by the title "Official" Zone Map of Summersville, West Virginia, is hereby declared to be a part of this ordinance, and shall be known as the "Official Zone Map".

ARTICLE II

DEFINITIONS

201 INTERPRETATION

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel."

202 MEANING OF WORDS

Unless otherwise expressly stated, the following words shall, for the purpose of these standards have the meaning herein indicated:

1. GENERAL ZONING TERMS

- a. District: Is a portion of the incorporated area of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance.
- b. Family: Is one or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising in single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this ordinance.
- c. Nonconforming Building: Is a building or portion thereof, existing at the effective date of this ordinance, or amendments thereto, and that does not conform to the provisions of the ordinance in the district in which it is located.

- d. Nonconforming Use: Is a use which lawfully occupied a building or land at the effective date of this ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which is is located.
- e. Use: Is the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
- f. Block: Is the property abutting one side of a street and lying between the two nearest interesting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

2. BASIC TYPES OF BUILDINGS AND USES

- a. Accessory Use or Building: Is a use or building on the same lot with, and of a nature customarily incident and subordinate, to those of the main use or building.
- b. Main Building: Is a building in which is conducted the principal use of the lot upon which it is situated.
- c. Main Use: Is the principal use to which the premises are devoted and the principal purpose for which the premises exists.

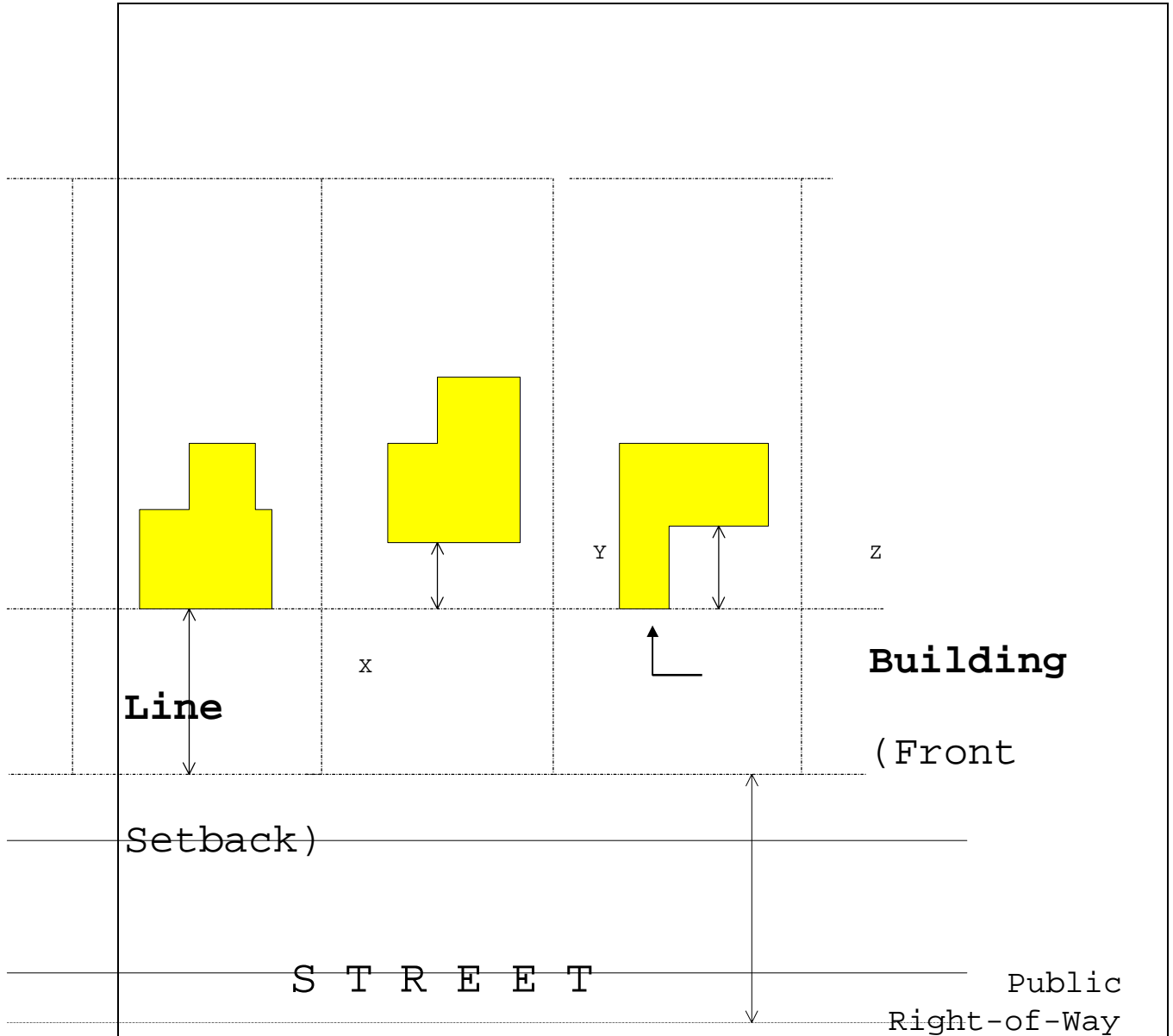
3. BASIC STRUCTURAL TERMS

- a. Alterations: Is any change, addition, or monification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".
- b. Building: Is any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.
- c. Building Height: Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
- d. Building Line: Is a line formed by the face of the building, and for the purposes of this ordinance, a building line is the same as a front setback line.

e. Floor Area: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

f. Grade: The established grade is the mean elevation of the street sidewalk along the front of the lot, as established by the City.

The reference level, for any building within ten (10) feet of the front lot line, is the official established sidewalk grade opposite the center of the front of such building. For any building more than ten (10) feet from the front lot line, or where no sidewalk grade is established, the reference level is the mean level of the finished grade of the ground across the front of such building. When the mean finished grade about any portion of a building varies five feet or more from that at the front, such mean may be taken as the reference level for such portion of such building.



Line

x

y

z

Building

(Front

Setback)

S T R E E T

Public

Right-of-Way

NOTES

line

minimum front

minimum

- Building Line is minimum setback
- "X" - Minimum front yard required
- "Y" - Front yard in excess of yard required
- "Z" - court yard in excess of front yard required

g. Structure: Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

4. LOTS AND AREAS

a. Lot: Is a parcel of land occupied, or to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this ordinance. A lot may or may not be specifically designated as such on public records.

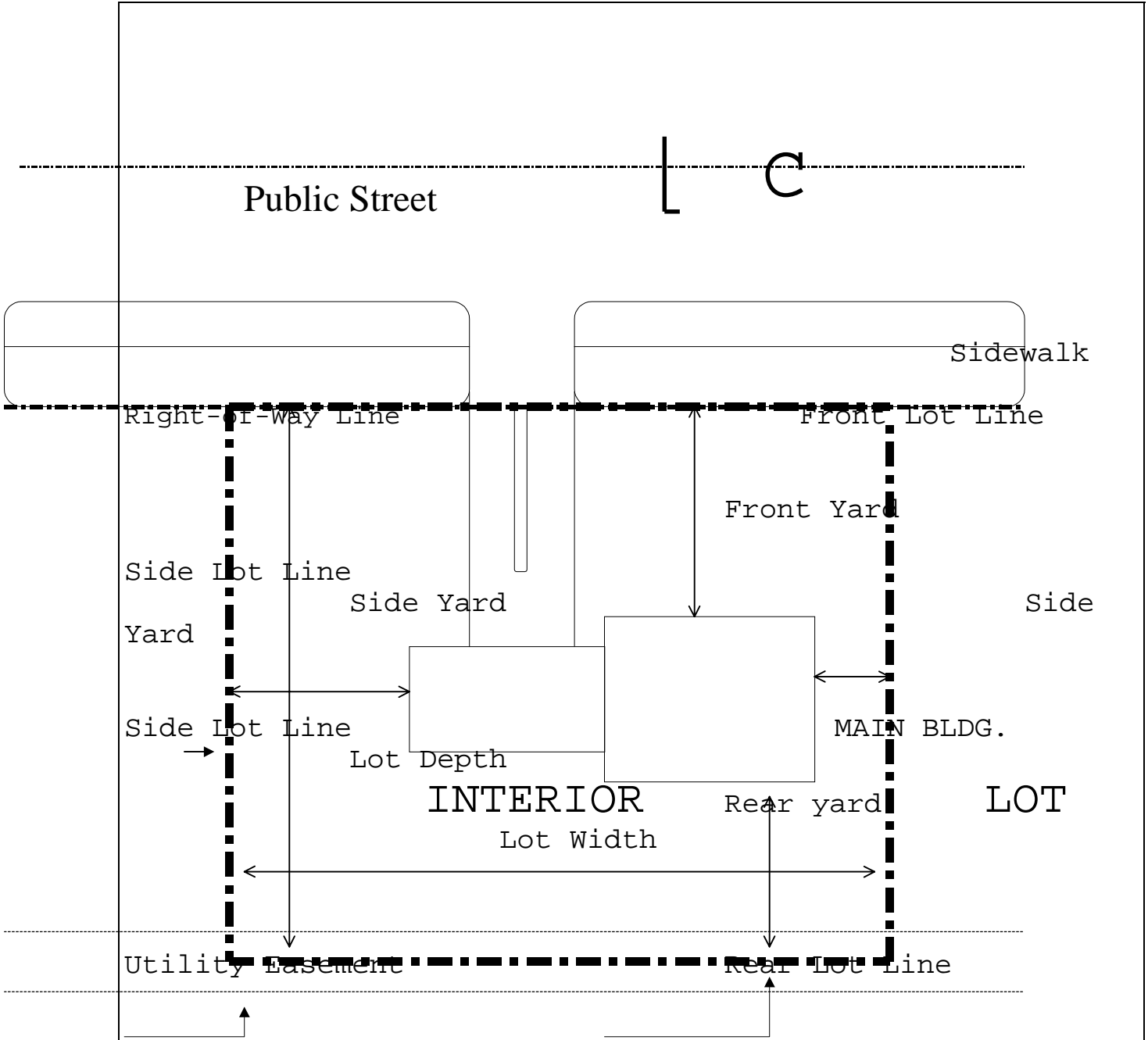
b. Lot of Record: Is a parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by City or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

c. Lot Area: Is the total horizontal area within the lot lines of the lot.

d. Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

e. Lot Lines: The lines bounding a lot as defined herein:

(1) Front Lot Line: In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from that street which is designated as the front street in the application for a certificate of compliance.



$$\text{Lot Area} = \text{Total Horizontal Area}$$

$$\text{Lot Coverage} = \text{Percent of lot occupied by Building}$$

(2) Rear Lot Line: Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

(3) Side Lot Line: Is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

f. Lot Coverage: Is the part or percent of the lot occupied by buildings, including accessory building.

g. Lot Depth: Is the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

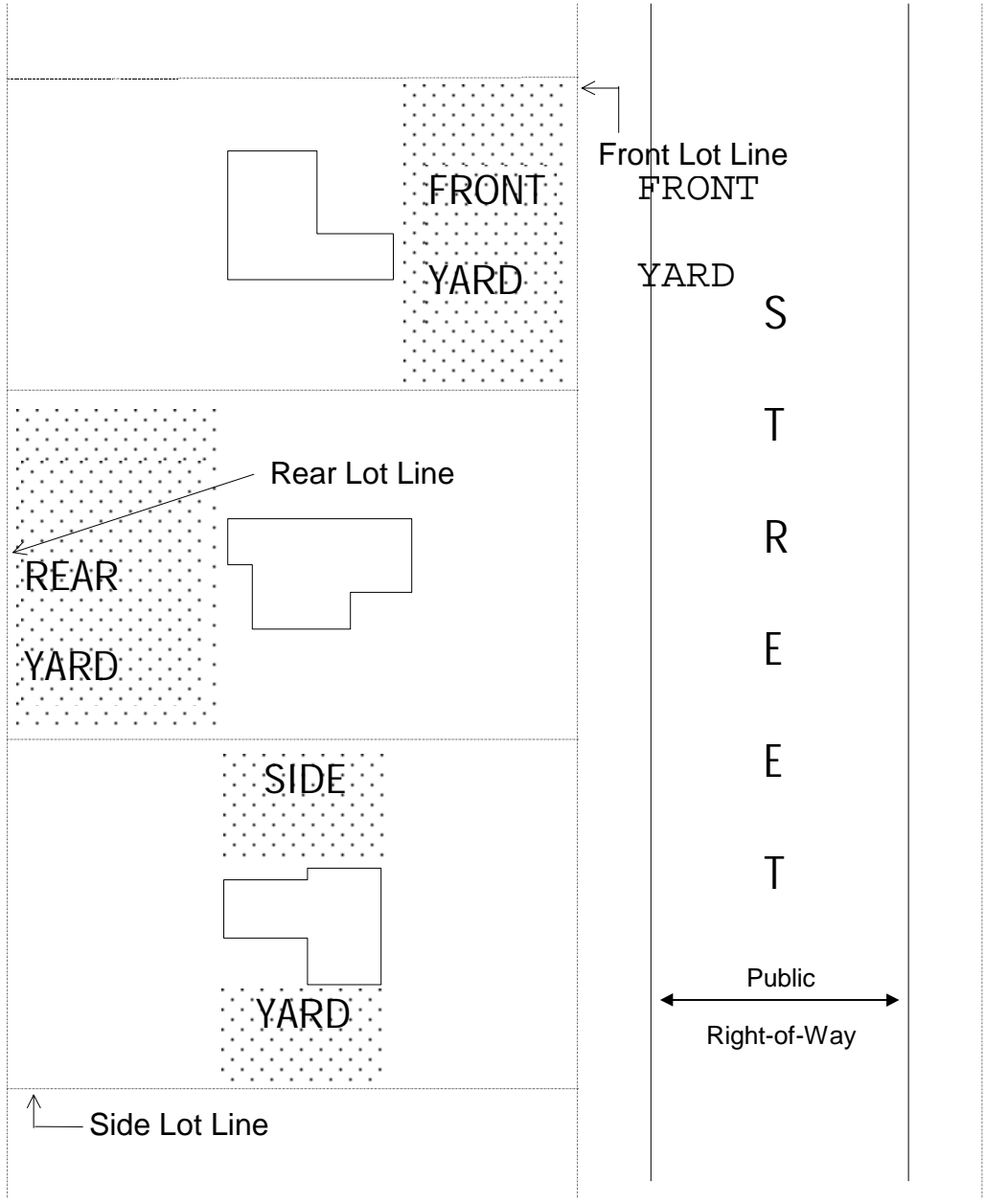
h. Lot, Double Frontage: Is any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

i. Lot Width: Is the horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot lines.

j. Yards: The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance, and as defined herein:

(1) Front Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of these main building.

(2) Rear Yard: Is an open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.



YARDS

(3) Side Yard: Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

5. TYPES OF DWELLINGS

- a. Dwelling Unit: Is a building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
- b. Dwelling, One-Family: Is a building designed exclusively for and occupied exclusively by one (1) family.
- c. Dwelling, Multi-Family: Is a building, or a portion thereof, designed exclusively for occupancy by two (2) or more families, living independently of each other.
- d. Auto Trailer: Is any structure used for living or sleeping purposes and equipped with wheels or other means to facilitate movement from place to place, and automobiles, trucks, mobile buses, or any other movable vehicle when used for living or sleeping purposes. The fact that the wheels or the mobile frame can be removed and the vehicle placed on a permanent foundation does not remove same from the definition of auto trailer.
- e. Auto Trailer Park: Is any lot or parcel of land used or intended to be used for the accommodation of two or more auto trailers.

6. TERMS RELATING TO COMMERCIAL STRUCTURES AND USES

- a. Auto Repair Station: Is a place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; over-all painting and undercoating of automobiles.
- b. Drive-In: Is a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.
- c. Gas or Gasoline Station: Is a place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or

grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing of and minor repair of automobiles.

- d. Loading Space: Is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
- e. Motel: Is a series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.
- f. Sign: Is the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known (other than billboards), such as are used to show and individual firm, profession or business, and are visible to the general public.

7. PARKING TERMS

- a. Off-Street Parking Lot: Is a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.
- b. Parking Space: Is hereby determined to be an area of one hundred and eighty (180) square feet, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage of parking of permitted vehicles.
- c. Public Garage: Is a building, not a private garage, used for storage or repair of motor vehicles.

8. PUBLIC RIGHTS-OF-WAY AND UTILITIES

- a. Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
- b. Essential Services: Is the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission and disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in

connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

c. Public Utility: Is any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under State or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

d. Street: Is a public thoroughfare which affords the principal means of access to abutting property.

9. MISCELLANEOUS TERMS

a. Home Occupation: Is any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling and does not change the character thereof. A home occupation should not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes for which purpose the residential zone was created and primarily intended; and the home occupation should occupy less than one quarter of the ground floor area of the main building and is not conducted in an accessory building.

b. Rooming House: Is a residential building other than a hotel in which part or parts are kept, used, or held out to be a place where sleeping accommodations are offered for hire for three (3) or more persons.

c. Zoning Exceptions and Variances:

(1) Special Exception: An exception is a use permitted only after review of an application by the Planning Commission, such review being necessary because the provisions of this ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by the ordinance.

(2) Variance: Is a modification of the literal provisions of the Zoning ordinance granted when strict enforcement of the Zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which variance is granted.

The crucial points of variance are (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not justified unless all three elements are present in the case.

The "Exception" differs from the "Variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this ordinance appear as "special approval" or review by Planning Commission. These land uses could not be conveniently allocated to one zone or another, or the affects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:

- (a) they require large areas
- (b) they are infrequent
- (c) they sometimes create an unusual amount of traffic
- (d) they are sometimes obnoxious or hazardous
- (e) they are required for public safety and convenience

ARTICLE III
ZONING DISTRICTS

301 ESTABLISHMENT OF DISTRICTS

For the purpose of applying the provisions of these Standards, the City of Summersville, County of Nicholas, West Virginia, is divided into the following Zoning Districts.

- "R-1" Low Density Residence District
- "R-2" Single Family Residence District
- "R-3" General Residence District
- "C-1" Central Business District Commercial
- "C-2" Central Highway Commercial
- "C-3" Highway Commercial
- "I-P" Industrial Park District
- "S-C" Special Conservation

302 MAPS AND BOUNDARIES

1. The boundaries of these districts are established as shown on the map entitled "Official Zone Map of Summersville, West Virginia" which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The "Official Zone Map" shall be identified by the signature of the Mayor attested by the City Recorder and bearing the seal of the town under the following words: "This is to certify that this is the Official Zone Map referred to in Article III of the Zoning ordinance of Summersville, West Virginia."

If, in accordance with the provisions of this ordinance and Article 5 of Chapter 8, Code of West Virginia, changes are made in district boundaries or other matter portrayed on the Official Zone Map, such changes shall be entered on the official Zone Map promptly after the amendment has been approved by the City Council with an entry on the Official Zone Map as follows: "on (date) by official action of the City Council, the following (change) changes were made in the Official Zone Map: (brief description of nature of change)", which entry shall be

signed by the Mayor and attested by the City Recorder. NO amendment to this ordinance which involves matter portrayed on the Official Zone Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zone Map or matter shown thereon except in conformity with the procedures set forth in this ordinance.

Regardless of the existence of purported copies of the Official Zone Map which from time to time be made or published, the Official Zone Map which shall be located in the office of the City Recorder shall be the final authority as to the current zoning status of land areas, buildings, and other structures in the city.

2. In the event that the Official Zone Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zone Map which shall supersede the prior Official Zone Map. The new Official Zone Map may correct drafting or other errors or omissions in the prior Official Zone Map, but no such correction shall have the effect of amending the original Official Zone Map or any subsequent amendment thereof. The new Official Zone Map shall be properly signed, sealed, and attested.

Unless the prior Official Zone Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

303 The boundaries between districts are, unless otherwise indicated, either the center lines of streets or such lines extended, or parallel lines thereto, property lines or other physical boundaries and delineations. Where streets, property lines, or other physical boundaries and delineations are not applicable, boundaries shall be determined by the scale shown on the Official Zone Map.

ARTICLE IV

APPLICATION OF REGULATIONS

401 USE OF PROPERTY

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

402 RESTRICTIONS

1. No building shall hereafter be erected or altered
 - a. To exceed the height;
 - b. To accommodate a greater number of families;
 - c. To occupy a greater percentage of lot area; or
 - d. To have narrower or smaller rear yards, front yards, of side yards, than is specified herein for the district in which such building is located.
2. No part of a yard or other open space required about any building for the purpose of complying with the provisions of these Standards shall be included as a part of a yard or other open space similarly required for another building.

ARTICLE V
NONCONFORMING USES

501 WHEN PERMITTED

Subject to the provisions of this section, a use of building or land existing at the time of the legal adoption of these standards may be continued even though such use does not conform with the provisions of these regulations for the district in which it is located.

502 UNSAFE STRUCTURE

Nothing in these Standards shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

503 ALTERATIONS

A non-conforming building or structure may be altered, improved or reconstructed provided such work does not exceed 100 percent of the fair market value of the building or structure and land or provided the building or structure is changed to a conforming use.

504 RESTORATION

Nothing in these Standards shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or Act of God subsequent to the legal adoption of these Standards wherein the expense of such work does not exceed the fair market value of the building or structure at the time such damage occurred.

505 EXTENSION

A non-conforming use may be extended as a special exception upon approval through application therefore to the Board of Zoning Appeals subject to the following:

1. The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
2. The extension does not encroach upon the yard height requirements of the district in which the non-conforming use is presently located.

3. The extension is for the purpose of expanding the non-conforming use in existence at the time of the legal acceptance of these Standards.

Extension of a lawful use to any portion of a non-conforming building or structure which existed prior to the legal enactment of these Standards shall not be deemed the extension of such non-conforming use.

506 CHANGES

No non-conforming building, structure, or use shall be changed to another non-conforming use.

507 CONSTRUCTION APPROVED PRIOR TO LEGAL ENACTMENT OF STANDARDS

Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a zoning permit has been issued and the construction of which shall have been diligently prosecuted within two (2) months of the date of such permit, and the ground story framework of which shall have been completed within four (4) months of the date of the permit, and which entire building shall be completed according to such plans as filed within one (1) year from the date of legal enactment of these Standards.

508 ABANDONMENT

A non-conforming use of a building or land which has been abandoned shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned as follows:

1. When the intent of the owner to discontinue the use is apparent; or
2. When the characteristic equipment and furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts show intention to resume the non-conforming use; or
3. When a non-conforming use has been discontinued for a period of six (6) months; or
4. When it has been replaced by a conforming use; or
5. When it has been changed to another use under permit from the Planning Commission.

509 UNLAWFUL USE NOT AUTHORIZED

Nothing in these Standards shall be interpreted as authorization for or approval of the continuance of the illegal use of a structure or premises in violation of zoning standards in existence at the time of legal enactment of these Standards.

510 DISTRICT CHANGES

Whenever the boundaries of a district shall be changed so as to transfer an area or use from one district to another district of a difference classification, the foregoing provisions shall apply to any non-conforming uses existing therein.

511 RECORDING

All non-conforming uses existing at the time of the legal enactment of these Standards shall be recorded and maintained for public use in the office of the City Recorder

ARTICLE VI
GENERAL PROVISIONS

601 INTERPRETATION OF STANDARDS

In their interpretation and application, provisions of this ordinance shall be held to be the minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or other rules or regulations or resolutions the provisions of this ordinance shall control. Where other provisions of law impose greater restrictions than this ordinance, those provisions shall prevail.

602 PARKING REQUIREMENTS

Off-street parking facilities shall be provided in individual zoning districts in accordance with the requirements specified herewith:

1. Residential Districts (included R-1, R-2, and R-3 Districts)

a. The number of off-street parking spaces shall be as set forth as follows:

Use	Minimum Number of Parking Spaces
1) residential	2 spaces for each dwelling unit
2) home occupation	2 spaces in addition to the spaces required for each dwelling unit in the structure
3) professional offices of doctors, dentists or similar professions	4 spaces for each practitioner
4) funeral home	8 spaces for each parlor or chapel and 1 space for each funeral vehicle
5) nursing home	1 space for each 3 beds and 1 space for each 2 employees and staff members
6) rooming house or tourist home	1 space for each 2 sleeping rooms, in addition to 2 spaces for the owner or manager
7) recreational use	1 space per 300 square feet of gross lot

area

- 8) church 1 space for each 3 seats

When a church can prove to the satisfaction of the Planning Commission that nearby off-street parking spaces are available for the use of church members at the times when services and other church activities normally take place, the number of parking spaces which the church is required to provide may be reduced.

b. Off-street parking areas for more than four (4) vehicles shall be effectively screened on each side which adjoins or faces a street or another property which is not used for similar parking purposes, by a masonry wall, solid fence, or dense hedge of acceptable design. If a wall or fence is used, it shall not be less than four (4) feet or more than six (6) feet in height and should be maintained in good condition without advertising thereon. If a hedge or other shrubbery is used, it should be at least four feet in height and dense enough to substantially reduce the glare of headlights.

2. Commercial and Industrial Districts (includes C-1, C-2, C-3 and I-P Districts)

a. The number of off-street parking spaces to be provided shall be determined by the Planning Commission. Prior to the issuance of a zoning permit by the zoning officer, plans of the proposed commercial or industrial development shall be submitted to the Planning Commission for approval. Off-street parking needs shall be based upon the following minimum standards. When a petitioner can prove to the satisfaction of the Planning Commission that there are special conditions which make it unnecessary to provide all the spaces that these standards require, the Planning Commission may, at its discretion, allow the petitioner to provide a smaller number of spaces.

<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
1) banks	1 space for each 300 square feet of floor area
2) bowling alleys	5 spaces per alley
3) churches	1 space for each 3 seats
4) funeral homes	8 spaces for each parlor or chapel

- and 1 space for each funeral
vehicle
- 5) hotels 1 space for each guest room
 - 6) industrial, manufacturing, and wholesale establishments 1 space for each 2 employees for any 2 shifts
 - 7) laundromats 1 space for each 2 washing machines
 - 8) motels 1 space for each sleeping room or suite
 - 9) offices 1 space plus 1 space for each 200 square feet of rental floor space
 - 10) retail stores, supermarkets, personal service shops 1 space for each 200 square feet of floor area plus 1 space for each 3 employees
 - 11) restaurants, clubs, taverns, lounges 1 space for each 3 seats
 - 12) theaters or other places of public assembly 1 space for each 4 seats plus 1 for each 2 employees

- b. An off-street parking area shall be effectively screened on each side which adjoins or faces across the street a residential district. The screen must conform to the requirements set forth in section 602-1-b.
- c. Off-street parking shall be provided either on the same lot or within 300 feet of the building it is intended to serve. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- d. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
- e. Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

f. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

603 LOADING REQUIREMENTS

1. In all commercial and industrial zoning districts covered by these Standards, the loading and unloading of trucks and all other vehicles shall be conducted in such a manner that no part of said truck or vehicle or the operations of the loading or unloading shall extend onto the adjacent sidewalk or roadway, so as to hinder or impede the use thereof.

2. No land shall be used for commercial or industrial truck loading, storage or parking activities in any residence or conservation district. Such activities are permitted in commercial districts only when normally attendant to the conduct of the commercial activity as established, and in no other case.

3. This section is not meant to regulate parking, but is intended to regulate the provision of off-street parking facilities in the interest of the safety and general welfare of the community.

604 SIGNS

1. Signs may be erected and maintained only when in compliance with the provisions of this article and any and all other existing ordinances and regulations of the City of Summersville, West Virginia, relating to the erection, alteration, or maintenance of signs and similar devices.

2. Signs may be erected for the following purposes and no other:

R-1 AND R-2 RESIDENE DISTRICTS

- a. Signs advertising the sale, rental or development of property; signs indicating the location and direction of premises; signs erected by churches, schools, fraternal, civic, patriotic, charitable, political or other similar institutions provided the area of the sign does not exceed twelve square feet (12 sq. ft.).
- b. Signs shall be located a minimum distance of four feet (4') from the street right-of-way.

R-3 RESIDENCE DISTRICTS

- a. The provisions for the erection and control of signs in R-1 and R-2 Residence Districts shall also apply in R-3 Residence Districts.
- b. Small announcements signs designating professional offices such as those of a surgeon, attorney, engineer, architect or similar professional person, provided such signs do not exceed two (2) square feet in area.

C-1, C-2, C-3 and I-P DISTRICTS

- a. Signs normally contingent to a business, and erected at the site of such business, are permitted in C-1 and C-2 Districts unless otherwise specified by these Standards.
- b. Signs, parking areas and buildings may be illuminated providing the use of such illumination does not confuse, blind, or distract vehicle operators on the highways or streets adjacent to the site.

S-C SPECIAL CONSERVATION DISTRICTS

All signs are prohibited in Special-Conservation Districts except traffic control and directional signs considered necessary by local governmental or highway officials.

3. In addition to the other requirements of this Article, every sign referred to herein must be constructed of durable materials, kept in repair, and not allowed to become dilapidated. Each sign shall be removed when the circumstances leading to its erection no longer apply.

4. In addition to the other requirements of this Article, no signs or other advertising displays shall be permitted, except those specifically pertaining to the use of the property on which they are located. Further, all lighting and illumination of signs shall conform to accepted practices regarding hazards to traffic.

605 ESSENTIAL SERVICES

Essential services, including gas, electric and telephone facilities and substations, shall be permitted in all districts, subject to restrictions approved of the Planning Commission with respect to use, design, yard area, setback and height.

606 DWELLING ON SMALL LOTS

Notwithstanding the limitations imposed by any other provision of these Standards, the Planning Commission may permit erection of a dwelling on any lot (in a residence district where permitted by these Standards) separately owned or under contract of sale and containing, at the time of the effective date of these Standards, an area or a width smaller than that required for a single family dwelling. In no case shall any dwelling be permitted within five (5) feet of a lot line in any residence district.

607 STORAGE

No lot or premises shall be used as a garbage dump, or a dead animal rendering plant. No manure, rubbish, or miscellaneous refuse may be stored in the open within any district where the same may be construed as a menace to public health or safety. No exceptions shall be made except by official governmental action.

608 FENCES OR HEDGES

Fences, hedges, or other plantings, structures or walls, shall not be located at street corners so as to interfere with vision clearance across the corner lots. The height of such objects is restricted to three (3) feet within a triangular area formed by the intersecting street lines and a line joining points on the street lines and equidistant from the point of intersection. This distance shall be thirty (30) feet from the corner.

609 REAR DWELLINGS

No building in the rear of a main building on the same lot may be used for living purposes in a residence district.

610 CELLAR DWELLINGS

No living quarters shall be placed in a cellar dwelling or garage or in any other room or space having less than seven (7) feet of ceiling clearance above the average ground level.

611 SETBACK

In a residential district where one or more existing structures is located on adjacent lots within one hundred fifty (150) feet in either direction of a proposed structure, such proposed structure setback shall conform with the average setbacks of the existing structures.

612 ACCESSORY STRUCTURES

Structures permitted within these Standards as complementary to the principal structure shall be located per all uses by the following:

1. No structure shall be located within the minimum distance of the front lot line to the building line of the principal structure.
2. Structures on corner lots shall be located within the minimum distance of the front lot line to the building line of the structure, for the adjoining lot on the side highway or street.
3. Detached accessory structures shall be located a minimum distance of ten (10) feet from the rear building line of the principal structure.
4. Private garages shall be located a minimum distance of ten (10) feet from the rear lot lines; all other accessory structures not requiring vehicular access, six (6) feet.
5. Accessory structures shall be located a minimum distance of four (4) feet from a side lot line.

613 GROUP HOUSING

In cases where group housing, two (2) or more residential structures containing multiple dwelling units are constructed on a plot of ground, not subdivided into the customary lots and streets and which will not be subdivided, or where the existing or contemplated street and lot layout make it impractical to apply the requirements of these Standards to the individual building units in such group housing, the application of the terms of these Standards may be varied by the Planning Commission in a manner which will be in harmony with the character of the neighborhood.

The Planning Commission shall authorize such construction subject to the following:

1. Only the uses permitted within the district in which such construction will be located.
2. Per family lot area in accordance with the minimum lot requirements of the district in which such construction will be located.

3. Height, yard and lot coverage requirements in accordance with requirements of the district in which such construction will be located.

614 GASOLINE STATIONS AND PUBLIC GARAGES

Gasoline stations and public garages, where permitted, shall have a minimum frontage on any street of one hundred and twenty (120) feet and the minimum lot area shall be ten thousand (10,000) square feet. Furthermore, no disabled or wrecked vehicle shall be parked or stored outside of a building or structure for more than twenty-four (24) hours.

615 AUTO TRAILERS AND AUTO TRAILER PARKS

The use of auto trailers and the establishment of auto trailer parks is subject to the regulations set forth in the Auto Trailer Ordinance of the City of Summersville.

616 HOME OCCUPATION

A home occupation, where permitted, shall be allowed as subsidiary and subordinate use to residential unit provided:

- a. Actual residence shall be maintained by the occupant who may be an owner, a renter, or a lessee.
- b. The accessory use shall be located in a principal dwelling building.
- c. The accessory use shall not occupy more than 40 percent of the ground floor area of the principal dwelling building.
- d. There shall not be an animal hospital, or animal clinic in connection therewith.
- e. There shall not be more than two non-residents employed on the premises.
- f. There shall be a minimum of five off-street parking spaces in addition to those required under the provisions of these Standards.

617 NURSING HOMES AND FUNERAL HOMES

Nursing homes and funeral homes, where permitted, are subject to the following regulations:

- a. The lot contains a minimum frontage of eighty (80) feet and an area of 15,000 square feet.
- b. The off-street parking requirements specified in Section 602 shall be met.
- c. The illumination of parking areas and buildings and the display of signs shall be placed in such a manner so as to minimize the disturbance of the general residential character of the neighborhood.

618 CONVERSION APARTMENTS

Where permitted, conversion apartments must conform to the following requirement:

- a. Each living unit provides a minimum of not less than 500 square feet of habitable living space.
- b. Each living unit contains not less than one bathroom and three habitable rooms at least one of which shall be a bedroom.
- c. Separate and private sanitary facilities, cooking and dining accommodations are provided for each living unit.
- d. Fire and safety provisions are certified to be adequate by the Chief of the Summersville Fire Department.
- e. A minimum of two (2) off-street parking spaces are provided for each residential unit.

ARTICLE VII

R-I DISTRICT - LOW DENSITY RESIDENTIAL

701 PURPOSE

Low Density Residential Districts are designed for the special needs of areas where soil, slope, and access conditions severely limit development. A density standard of one acre per dwelling unit provides for low density residential uses and discourages isolated high density residential development in areas that require on-lot water and sewage system. It also helps to control soil erosion and promotes conservation of agricultural and woodland areas.

702 PERMITTED USES

A building may be erected, altered or used and a lot may be used or occupied for any of the following purposes, and no other:

1. single family dwelling
2. forest, game preserve or other conservation purpose
3. agricultural use
4. nonprofit recreational uses, golf clubs, swim clubs, etc.
5. public facilities
6. any use customarily accessory to the above listed uses.

703 USES PERMITTED AS SPECIAL EXCEPTIONS

The following uses may be permitted when authorized as a special exception by the Planning Commission and subject to the general standards prescribed in Article VI:

1. schools, churches, hospitals, and semi-public uses
2. home occupations
3. cemeteries

704 DEVELOPMENT STANDARDS

1. minimum lot size - 1/2 acre
2. minimum lot width - 100 feet
3. maximum lot coverage - 20%
4. maximum building or structure height - 35 feet
5. minimum distance between structures - 50 feet

705 BUILDING AND STRUCTURE MINIMUM YARD REQUIREMENTS

1. minimum front yard depth - 50 feet
2. minimum rear yard depth - 60 feet
3. minimum depth for each side yard - 20 feet

ARTICLE VIII

R-2 DISTRICT SINGLE FAMILY RESIDENTIAL

801 PURPOSE

Single family residential districts are located where new residential development can be served by extension of existing street and utility systems. This district has been established to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for family life.

802 PERMITTED USES

A building may be erected, altered, or used and a lot may be used or occupied for any of the following purposes and no other:

1. single family dwelling
2. forest, game preserve or other conservation purpose
3. agricultural use
4. public facilities
5. any use accessory to the above listed uses

803 USES PERMITTED AS SPECIAL EXCEPTIONS

The following uses may be permitted when authorized as a special exception by the Planning Commission and subject to the general standards prescribed in Article VI:

1. nonprofit recreational uses, golf clubs, swim clubs, etc.
2. schools, churches, hospitals, and semi-public uses
3. home occupations
4. conversion of one-family dwelling to multiple dwelling
5. auto trailer park

804 DEVELOPMENT STANDARDS

1. minimum lot size - 10,000 sq. ft.
2. minimum lot width - 75 feet
3. maximum lot coverage 30%
4. maximum building or structure height - 35 feet
5. minimum distance between structures - 16 feet

605 BUILDING AND STRUCTURE MINIMUM YARD REQUIREMENTS

1. minimum front yard depth - 25 feet
2. minimum rear yard depth - 40 feet
3. minimum depth for each side yard - 8 feet

ARTICLE IX

R-3 DISTRICT GENERAL RESIDENTIAL DISTRICT

901 PURPOSE

The general residential districts make provision for the central areas of the community which are convenient to public facilities and are thus suitable for higher density development. This district has been established to stabilize and protect the residential characteristics of the district and to promote, insofar as is compatible with the intensity of land use, a suitable environment for family life.

902 PERMITTED USES

A building may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

1. one (1) to six (6) family dwellings subject to the lot area requirements per family contained therein.
2. agricultural uses
3. public facilities
4. home occupations
5. funeral homes, professional offices and clinics
6. any use accessory to the above listed uses

903 USES PERMITTED AS SPECIAL EXCEPTIONS

The following uses may be permitted when authorized as a special exception by the Planning and subject to the general standards prescribed in Article VI:

1. schools, hospitals, churches, and semi-public uses
2. rooming houses
3. tourist homes
4. conversion of one-family dwelling to multiple dwelling

904 DEVELOPMENT STANDARDS

1. minimum lot size - 7,500 sq. ft. Plus 1,250 sq. ft. Of area for each additional family unit more than one.
2. Minimum lot width - 60 feet plus 10 feet for each family unit more than one.
3. Maximum lot coverage - 50%
4. maximum building or structure height - 35 feet
5. minimum distance between structures - 16 feet

905 BUILDING AND STRUCTURE MINIMUM YARD REQUIREMENTS

1. minimum front yard depth - 20 feet
2. minimum rear yard depth - 40 feet
3. minimum depth for each side yard - 7 feet

ARTICLE X

C-1 CENTRAL BUSINESS DISTRICT COMMERCIAL

1001 PURPOSE

This area is intended to provide for the special requirements of the City's main business district which offers services to the City and the surrounding region.

1002 PERMITTED USES

A building may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

1. Professional offices and clinics
2. Restaurants, taverns, and motion picture theaters
3. Retail businesses when conducted entirely within buildings
4. Banks and offices
5. Service establishments such as beauty shops, barber shops, shoe repair, minor appliance repair and laundry and dry cleaning establishments for pick-up and delivery service only.
6. Hotels and motels.
7. Bakery, candy, pastry, confectionery, or ice cream retail sales with minor manufacturing permitted for sales on the premises only providing that not more than five (5) persons are employed during any one (1) shift in such manufacturing.
8. Automobile sales conducted entirely within a building.
9. Automobile repair when conducted entirely within a building and when not less than one hundred (100) feet from a residence district.
10. Parking lots and parking garages.
11. Bus stations and terminal building.
12. Club or lodge hall.
13. Advertising signs.
14. Public facilities.
15. Any use customarily accessory to the above uses.

1003 USES PERMITTED AS SPECIAL EXCEPTIONS

The following uses may be permitted when authorized as a special exception by the Planning Commission and subject to the general standards prescribed in Article VI:

1. Multi-family dwellings containing at least four (4) dwelling units provided that the development standards and building and structure minimum yard requirements of the R-3 general residential district are complied with.
2. Churches.

1004 DEVELOPMENT STANDARDS

1. Minimum lot size - 2,000 sq. ft., gas stations and drive-in uses - 10,000 sq. ft.
2. Minimum lot width - 20 feet, gas stations and drive-in uses - 120 feet.
3. Maximum lot coverage - no requirement.
4. Maximum building or structure height - limit 50 feet.
5. Minimum distance between structures - 8 feet unless the buildings adjoin each other.

1005 BUILDING AND STRUCTURE MINIMUM YARD REQUIREMENTS

1. Minimum front yard depth - no requirement.
2. Minimum rear yard depth - no requirement except as needed for adequate service access.

3. Minimum depth for each side yard - no requirement.

ARTICLE XI

C-2 CENTRAL HIGHWAY COMMERCIAL

1101 PURPOSE

This district has been established in recognition of the special needs of an area adjacent to the central business district. Because of its relatively flat terrain and location along major streets near the center of the town this area is appropriate for the development of fairly intensive commercial uses which attract a high volume of traffic and require large amounts of off-street parking. The purpose of these regulations is to restrict development in this area to the uses to which it is uniquely suited and to assure that the new uses in this area conform to adequate standards of development.

1102 PERMITTED USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes and no other:

1. Retail stores and supermarkets
2. Restaurants
3. Bowling alleys and other places of public amusement conducted entirely within buildings
4. Funeral homes
5. Automobile sales conducted entirely within buildings
6. Parking lots and parking garages
7. Gasoline stations
8. Offices and financial institutions
9. Professional offices and clinics
10. Motels and hotels
11. Churches
12. Public facilities
13. Any other use of a similar nature
14. Any use customarily accessory to the above uses

1103 USES PERMITTED AS SPECIAL EXCEPTIONS

The following uses may be permitted when authorized as a special exception by the Planning Commission and subject to the general standards and prescribed in Article VI:

1. Outdoor recreation and commercial uses
2. Drive-in uses
3. Multi-family dwellings containing at least four (4) dwelling units provided that the development standards and building and structure minimum yard requirements of the R-3 general residential district are complied with.

1104 DEVELOPMENT STANDARDS

1. Minimum lot size - 7,500 square feet; gas stations and drive-in uses - 10,000 square feet
2. Minimum lot width - 60 feet; gas stations and drive-in uses - 120 feet
3. Maximum lot coverage = 75%
4. Maximum building or structure height - 50 feet
5. Minimum distance between structures - 16 feet unless the buildings adjoin each other.

1105 BUILDING AND STRUCTURE MINIMUM YARD REQUIREMENTS

1. Minimum front yard depth - 10 feet.
2. Minimum rear yard depth - no requirement except as needed for adequate service access.
3. Minimum depth for each side yard - no requirement.

ARTICLE XII

C-3 HIGHWAY COMMERCIAL DISTRICT

1201 PURPOSE

Highway commercial districts make provision for highway-oriented retail, automotive, and service type business activities which require main-highway locations and serve transient, tourist, and local customers. The objectives of Highway Commercial districts are: (1) To encourage commercial development of compact segments of highway frontage, (2) to provide necessary services at locations convenient to major highway intersections, and (3) to protect major highways as thoroughfares by controlling access points to the highways.

1202 PERMITTED USES

A building may be erected, altered, or used and a lot may be occupied for any of the following purposes and no other:

1. Integrated shopping centers containing retail, display, and personal service functions.
2. Drive-in uses including retail, food, and amusement centers, both public and private.
3. Eating and drinking establishments
4. Motels
5. Gasoline stations and auto repair stations
6. Automobile, boat, auto - trailer, and farm equipment sales, services, and displays
7. Funeral homes
8. Clinics and professional offices
9. Any use customarily accessory to the above listed uses.

1203 USES PERMITTED AS SPECIAL EXCEPTIONS

The following use may be permitted when authorized as a special exception by the Board of Zoning Appeals and subject to the general standards prescribed in Article VI:

1. Auto trailer courts
2. Churches
3. Multi-family dwellings containing at least four (4) dwelling units provided that the development standards and building and structure minimum yard requirements of the R-3 general residential district are complied with.

1204 DEVELOPMENT STANDARDS

1. Minimum lot size - 7,500 sq. ft., gas stations and drive-in uses - 10,000 sq. ft.
2. Minimum lot width - 60 feet, gas stations and drive-in uses - 120 feet
3. Maximum lot coverage - 50%
4. Maximum building or structure height - 25 feet
5. Minimum distance between structures - 16 feet; where next to a structure in a residential district, the distance shall not be less than 25 feet.

1205 BUILDING AND STRUCTURE MINIMUM YARD REQUIREMENTS

1. Minimum front yard depth - 25 feet.

2. Minimum rear yard depth - 15 feet - rear yards which adjoin a residence district - 30 feet.
3. Minimum depth for each side yard - 15 feet.

ARTICLE XIII

I-P INDUSTRIAL PARK DISTRICT

1301 PURPOSE

This district has been proposed to accommodate industries which might desire to locate in the town in the future. The intention of the regulations of this district is to guide industrial development so that it strengthens the industrial base of the town while preserving community values of health and safety.

1302 PERMITTED USES

A building may be erected, altered, or used and a lot may be occupied for any of the following purposes and no other:

1. Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing, handling, or storing of products or materials.
2. Research, design, and development laboratories.
3. Wholesale storage and warehousing.
4. Building materials and equipment storage yards.
5. Any use of the same general character of any of the above permitted uses.
6. Any use customarily associated with the above listed uses.

1304 DEVELOPMENT STANDARDS

1. Minimum lot size - 30,000 sq. ft.
2. Minimum lot width - 100 feet
3. Maximum lot coverage 40%
4. Maximum building or structure height - 40 feet
5. Minimum distance between structures - 25 feet

1305 BUILDING AND STRUCTURE MINIMUM YARD REQUIREMENTS

1. Minimum front yard depth - 50 feet.
2. Minimum rear yard depth 30 feet where adjacent to a residence district - 50 feet.
3. Minimum depth for each side yard - 12'. Where the lot is adjacent to a residence district - 50 feet.

ARTICLE XIV

S-C SPECIAL CONSERVATION DISTRICT

1401 PURPOSE

This district makes provision for the areas of the City which are not suited to general uses because of excessive slope, inaccessibility, or flood danger. The intention of these regulations is to restrict land uses in these areas to those which are suited to the characteristics of the land and which are compatible with adjacent uses.

1402 USES PERMITTED AS SPECIAL EXCEPTIONS

In this district, all uses shall be permitted only authorized as a special exception by the Planning Commission and subject to the general standards listed below and prescribed in

Article VI:

1. Commercial forest.
2. Tree nursery.
3. Conservation use, game preserve.
4. Animal grazing lands.
5. Recreational use.
6. Single family detached dwellings, provided:
 - a. the lot contains a minimum frontage of two-hundred and fifty (250) feet and a minimum area of three (3) acres.
 - b. A minimum setback of fifty (50) feet is maintained.
 - c. The slope does not exceed twenty-five (25) percent.

ARTICLE XV

1501 ADMINISTRATIVE OFFICER

It shall be the duty of the City Recorder to enforce the provisions of this ordinance.

1502 ZONING COMMISSION

A municipal Planning and Zoning Commission, officially known as the Summersville Planning Commission, is hereby established and created to advise the City Recorder of the administration of the provisions of this ordinance. It shall consist of five citizens of the City of Summersville, all of whom shall be taxpayers and residents within said City, and appointed by the City Council. The first members shall be appointed for terms of one, two and three years, and until their successors are appointed and qualified. Vacancies shall be filled by the City Council for the unexpired term only. Members may be removed for cause by the Council, upon written charges and after a public hearing.

The Commission shall elect one of its members as Chairman and shall adopt its own rules of procedure. The duties of the Commission shall be to advise the Mayor and City Council in the administration of this ordinance, and to prepare and submit plans for the development of the whole or any part of the City of Summersville, which, in the opinion of the Commission bears relation to the present and future planning of the City. Such plans shall include recommendations for new streets and alleys, extensions of existing streets and alleys, and all other public areas and public areas and public improvements. All such plans, when approved by the Commission, shall be submitted to the Mayor and City Council for consideration and appropriate action, and no final action shall be taken by the City Council until a plan or proposal has been submitted to the Commission for an investigation and report. The Commission shall have such additional powers as may be given it by the City Council.

1503 PLATS

All plans, plats and maps of land laid out in building lots, and the streets intended to be dedicated to public use, shall be submitted to the Zoning and Planning Commission for its consideration and approval, and no such plan, plat or map shall be filed in the Office of the Clerk of the County Court, as provided by law in other cases, until such plan, plat or map shall have endorsed upon it as first having been submitted to the said Commission and by the Commission to the City Council, and duly approved by said Council, which endorsement shall be made thereon by the City Recorder.

1504 BUILDING PERMIT

1. No person, firm or corporation shall hereafter erect, alter, wreck or move any building or part thereof, or make any excavation on any lot, without first having secured a building permit therefor, PROVIDED, that no such permit shall be necessary for the construction, reconstruction or alteration of a building not used for commercial or industrial purposes where the cost of such work does not exceed \$100, nor shall any permit be necessary for ordinary cultivation of land, or landscaping of any lot.

2. Application for building permit shall be made to the City Recorder on blank forms to be furnished by the City. Each application for a permit to construct or alter a building shall be accompanied by a plan, plat or map drawn to scale showing the dimensions of the building to be erected, including plot plans to scale. The application shall contain such other information as may be deemed necessary for the proper enforcement of this ordinance. All building permits shall be acted upon within ten days from the date of the application therefor.

1505 CERTIFICATE OF OCCUPANCY

A Certificate of Occupancy for the use of occupancy of vacant land, or for a change in the use of the land, or of the existing building, shall be applied for and issued at the time of the application for a building permit, and no such land or building shall be occupied until such certificate has been issued. Such certificate shall be issued by the City Recorder within three days after the completion of the building, PROVIDED, that the proposed use is in conformity with the provisions of this ordinance. No such land or building shall be used or occupied until such certificate has been issued as herein provided.

ARTICLE XVI

ADJUSTMENTS AND APPEALS

1601 ADJUSTMENTS AND EXCEPTIONS

The Planning and Zoning Commission, subject to the approval of the City Council, shall have power to grant adjustments and exceptions in and to any of the provisions of this ordinance, to the extent of the following, and no other:

(a) To vary or modify the regulations and provisions herein contained; in all cases in which there are practical difficulties or unnecessary hardships.

(b) To permit the extension of a district where the boundary line divides a lot in one ownership at the time of the passage of this ordinance.

(c) Application for adjustment under this article shall be made to the City Recorder in the form of a written application for a building permit, or for a certificate of occupancy. Upon receipt of such application a time and place shall be set for a public hearing before the Planning and Zoning Commission on such application. At such hearing, the applicant shall present a statement and adequate evidence showing the special circumstance or conditions affecting the land, building or use referred to in the application, and that the granting of the application is necessary for the preservation, and enjoyment of substantial property rights, and that the granting of such application will not affect adversely the health or safety of persons residing or working in the neighborhood of the property concerned.

1602 Appeals from the decisions of the Planning and Zoning Commission may be made to the City Council by any person, firm or corporation aggrieved by any decision of the Planning and Zoning Commission or to the decision of any other official in the administration of this ordinance. All appeals shall be heard by the City Council within five days after the same are filed.

1603 SPECIAL USE PERMIT

A special use permit may be issued in any of the following cases:

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

(b) Public utilities or public service uses, or public buildings in any district when found to be necessary for the public health, safety, convenience or welfare.

(c) Commercial excavating of natural materials used for building or construction purposes.

1604 SPECIAL EXCEPTION USE PERMIT

Application for the issuance of a special exception use permit shall be made to the City Recorder. The Planning and Zoning Commission may hold a public hearing on any application if it be considered necessary. Following such hearing, if any, the Commission shall make a report to the City Council, together with its recommendation. Any use permitted under the terms of any special use permit shall be established and conducted in conformity to the terms of such permit and any conditions designated in connection therewith.

ARTICLE XVII
CHANGES AND AMENDMENTS

1701 POWER OF AMENDMENT

The City Council may from time to time, annul, supplement or change the regulations and districts fixed by this ordinance.

1702 PETITIONS FOR CHANGE OF ZONING REGULATIONS

Petitions duly signed, any be presented to the City Recorder requesting an amendment, supplement or change of the regulations of this ordinance by:

1. The Planning Commission
2. By sixty percent (60%) of the property owners according to the frontage in any district, or portion thereof, as large as the city block between two parallel streets, together with fifty percent (50%) of the property owners according to frontage on all blocks immediately adjoining and facing any part of the blocks immediately adjoining and facing any part of the block or district proposed to be changed or amended.

1703 PLANNING COMMISSION REFERRAL

Amendments, supplements or changes of the regulations of this ordinance shall be considered as amendments to the comprehensive plan. Any proposed ordinance for the amendment, supplement, change, or repeal of this ordinance not originating from petition of the Planning Commission shall be referred to the Planning Commission for consideration and report before any final action is taken by the City Council.

1704 PUBLIC HEARINGS

Prior to the submission to the City Council of a Planning Commission petition or a report on a proposed ordinance referred to it for amendment, supplement, change, or repeal of this ordinance, the Planning Commission shall give notice and hold a public hearing. AT least fifteen days prior to the date set for the hearing, the Commission shall publish in a newspaper of general circulation in the City, a notice of the time and place of the hearing.

1705 RECOMMENDATION BY THE PLANNING COMMISSION

After a public hearing has been held, the Planning Commission may by resolution, authorized by a majority of the Commission, endorse the amendment and recommend its adoption to the City Council.

1706 ACTION BY THE CITY COUNCIL

The City Council may adopt the amendments endorsed by the Planning Commission if three-fourths of all members of the Council concur.

ARTICLE XVIII

VIOLATION

1801 PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance shall, for each violation, upon conviction thereof, pay a penalty of not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00), with costs recoverable before the Mayor. Upon default in the payment of the penalty and costs, the person or persons shall be committed to Jail for not exceeding thirty (3) days. Each day that a violation is permitted to exist shall constitute a separate offense.

1802 OTHER REMEDIES

In case any building is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any land is used in violation of this ordinance, the City Council, or Mayor, in addition to any other remedies, may institute an appropriate action or proceeding in the Circuit Court of Nicholas County, West Virginia, or in any other court of competent jurisdiction, to prevent such violation.

ARTICLE XIX

VALIDITY

If any section, clause, provision or portion of this ordinance be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair the validity of any other section, clause, provision or portion of this ordinance.

ARTICLE XX

CONFLICT

2001 CONFLICT

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

2002 EFFECTIVE DATE

This ordinance shall be in effect from the date of adoption.

September 3, 1968

ORDINANCE

An ordinance enacting regulations and limitations to signs of all natures within the Corporate limits of the City of Summersville, and to incorporate such ordinance into the Planning and Zoning ordinance of said City to become an integral part of said Planning and Zoning laws.

Upon the same being approved by the City council and signed. by the Mayor and the Recorder, the following Articles and their sub-sections are hereby enacted into law.

REVISED:

9-7-99

9-20-99

SIGNS

Sec. I - Purpose

2 - Definition

3 - Exempt signs from sign permit and fees

4 - Prohibited signs

5 - Permits required

6 - Maintenance

7 - General requirements applicable to all signs

8 - General business signs

9 - Portable signs

10 - Nonconforming of existing signs.

11 - Fees

12 - Plan approval and issuance of sign permit

13 - Violations

14 - Validity

15 - Conflict

CROSS REFERENCE

Authority to regulate - See West Virginia Code §8-12-5(31)

Unauthorized signs - See Traffic ordinance 104.06; 116.08(G); 208.07

Planning and Zoning - See signs 604-1-5.

SECTION 1: PURPOSE AND INTENT

It is the purpose of this ordinance to set out regulations and control of signs within the corporate limits of the City, and to support the use of signs to aid the general public in identification of business and other activities and to assist the public in direction within the City. Further, it is the intent of this ordinance to protect the public from the objective effects of excessive advertising; from danger of unsafe signs and from harm of the aesthetic quality of the City. These regulations hereby promote the public health, safety and general welfare through a system of reasonable, non-arbitrary and non-discriminatory control of placement, character, size and illumination of signs.

This ordinance shall apply to all signs erected, displayed, painted, maintained, altered or installed in every zoning district of the City which are designed or intended to be seen by or attract the attention of the general public. No sign shall be erected or maintained unless it is in compliance with the regulations for the zoned area in which it is located and no sign shall be erected or continued in operation in any manner constituting a nuisance because of glare, focus, animation or flashing.

SECTION 2: DEFINITIONS

2-1) BILLBOARD. A sign which is larger than thirty-two (32) square feet in display area on one face of the sign, and which advertises a product, service, profession or business, the subject of which advertisement is not present on the property that includes the location of the sign.

2-2) BUILDING FRONTAGE. The developed length of that portion of the building, which faces a right of way or which faces a public parking lot containing not less than twenty (20) parking spaces and serving the building.

2-3) BULLETIN BOARD. Bulletin boards for community, charitable or religious organizations which are not illuminated, the display area of which may not exceed thirty-two (32) square feet.

2-4) CANOPY SIGN. A sign affixed to a canopy, awning, eaves or extended roof of a building, which identifies the business conducted in said building, provides a minimum clearance of eight (8) feet from the lowest point of the sign to the ground beneath it.

2-5) COMMUNITY BANNERS. Temporary banners associated with school activities, rallies and seasonal events or with community social, cultural or religious activities; provided that banners for single event are not in place for a period exceeding thirty (30) days.

2-6) CONSTRUCTION SIGN. A sign pertaining to the construction, alteration, rehabilitation or remodeling of real estate, either in progress or intended.

2-7) DIRECTIONAL SIGN. A sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed. This definition includes, but is not limited to, entrance and exit signs to a parking lot or area and signs stating the regulations for use of a parking lot.

2-8) DIRECTORY SIGN. A wall-mounted sign listing the businesses or the activities conducted with-in a building or group of buildings.

2-9) DISPLAY AREA. The area of a sign or advertising device that can be enclosed or measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire sign or advertising device; excluding trim, frame, apron, posts, uprights, braces or other structural members which support it. Where a sign is double-facing and only one face can be viewed -from a single location on a roadway, the display area shall be the area of one sign face. Where a sign has two (2) or more faces which can be viewed from a single location, the display area of all such faces shall be included in determining the total display area of the sign.

2-10) ELEVATED SIGN. A General Business Sign that is freestanding and placed atop or affixed to structural supports, including poles, posts, uprights and braces, and which provides minimum eight (8) feet of clearance between the lowest edge of the sign and the surface of the ground, parking lot, street or alley directly beneath it; the display area of which is not greater than three hundred (300) square feet.

2-11) ERECT. To build, construct, install, attach, hang, place, inscribe, suspend, affix, paint or repaint.

2-12) FLASHING SIGNS. A sign which contains an intermittent flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Also, any sign in which any part of the light source varies in intensity and/or hue and flashes or appears to flash or turn on and

off; or a sign in which a message constantly flashes or turns on and off, or alternates with other copy by means of rotating or otherwise moving portions of the sign.

Illuminated signs which indicate the time, temperature, weather, or other similar information shall not be considered flashing signs, provided that the total area of such sign is not greater than sixteen (16) square feet, the vertical dimension of any letter or number is not greater than twenty-four (24) inches, and the color or intensity of light is constant except for periodic changes in the information display, which occur not more frequently than once every ten (10) seconds.

2-13) FREESTANDING SIGN. A sign supported wholly by upright, braces, or posts in or upon the ground. The posts or other supporting structures shall be considered as part of the sign, except that they shall not be included in computing the sign display area. A freestanding sign is a ground sign, elevated sign or any other sign independent of a building or any other structure.

2-14) GENERAL BUSINESS SIGN. A sign pertaining only to the use of the premises on which the sign is located and displaying information, which may include the name, symbol or logo of the owner, occupant, management, business or the building; an address, the type of business, profession, service or activity conducted on the premises; and descriptive information about the products and services offered. The maximum display area of such a sign shall not exceed three hundred (300) square feet.

2-15) GRADE LEVEL. The finished elevation of the lot upon which the sign is located.

2-16) GROSS AREA. The gross area of a sign is the display area of the sign, plus trim, frame and apron, but not including structural supports.

2-17) GROUND SIGN. A General Business Sign that is a freestanding sign or a wall with a sign permanently attached to it or a decorative wall that incorporates a sign. Said sign may display any message displayed on a General Business Sign, but may not exceed eight (8) feet in height or one hundred (100) square feet in display area.

2-18) HAZARD SIGNS. Signs warning of construction, excavation or similar hazards so long as the hazard exists.

2-19) SIGN MEMORIAL. That sign or signs, tablet or plaque memorializing a person, event, structure or site.

2-20) HOLIDAY DECORATIONS. Temporary holiday decorations, provided that decorations for a single holiday or season are not in place for a period of exceeding sixty (60) days. This limitation applies also to decoration4, placed by the City.

2-21) INCIDENTAL SIGN, BUSINESS. A permanent information sign located in other than residential zoning districts, which pertains to a particular service or commodity offered or facility available on the premises on which the sign is located. Such signs may indicate address, hours and days of operation, whether a business is open or closed, credit card information, operating instructions for self-service gas pumps, emergency address and telephone numbers and other similar information. An Incidental Business Sign may not exceed thirty-two (32) square feet in the display area.

2-22) INCIDENTAL SIGN, RESIDENTIAL. A permanent information sign located in a residential zoning district, which pertains to the display of the name, address, hours of operation, activities and services conducted in permitted community and religious uses and in non-conforming uses or structures. An Incidental Residential Sign may not exceed ten (10) square feet in display area.

2-23) INTERNAL SIGNS. Signs not intended to be viewed from public streets and located to be not visible from public streets or adjacent properties, such as signs in interior areas of shopping centers, commercial buildings and structures, ball parks, stadiums and similar uses of a recreational or entertainment nature.

2-24) LOT FRONTAGE. The length of the property line of any one premises along each legally accessible public right-of-way it borders.

2-25) MAINTAIN. To permit a sign, sign structure, or any part of each to continue, or to repair or refurbish a sign, sign structure, or any part of each.

2-26) MAXIMUM HEIGHT. The maximum height of signs shall be determined in accordance with restrictions of all zoning districts.

2-27) NAMEPLATE. A non-electrical sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located.

2-28) OBSOLETE SIGN. A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

2-29) OFF PREMISES SIGN. A sign that advertises an activity conducted at a location other than on the lot or parcel of land on which the sign is located, and encloses a display area of not more than thirty-two (32) square feet.

2-30) OFFICIAL FLAGS. Official federal, state or local government flags, emblems and historical markers.

2-31) OFFICIAL SIGNS. Official federal, state or local government traffic, directional and informational signs and notices issued by any court, person or officer in performances of a public duty.

2-32) ON PREMISES SIGN. A sign that advertises an activity conducted on the lot or parcel of land on which the sign is located.

2-33) OPEN LETTER SIGN. A sign consisting of a logo or symbol, individual letters or connected lettering not mounted on any type of background other than a building or the surface of an integral architectural element which is a part of a building.. The surface which forms the background for the letters shall not be illuminated from behind, but individual letters may be illuminated. The display area of an open letter sign shall not exceed two hundred (200) square feet, which shall be calculated as follows: the area shall be the number of square feet in the smallest, single rectangle within which all the letters of the sign can be enclosed, multiplied by a factor of two-tenths (0.2). The area of a logo or symbol shall be the number of square feet in the smallest, single square, rectangle or circle within which it can be enclosed multiplied by a factor of nine-tenths (0.9).

2-34) PAINTED GRAPHICS. Any mosaic, mural, painting, graphic art technique, or combination thereof placed on a wall and containing no copy, advertising symbols, lettering, trademarks or other references to the premises or to the products and/or service offered for sale on the premises.

2-35) PERMANENT SIGNS. A sign that is not temporary.

2-36) POLITICAL SIGNS. Temporary signs promoting the campaign of an individual for public office or of any political issue that is to be voted upon by the voting public.

2-37) PORTABLE SIGNS. Any sign not permanently attached to the ground, to a building, or to a supporting structure that is permanently attached to the ground or to a building, which said sign may not exceed forty (40) square feet.

2-38) PROHIBITION SIGNS. "No Trespassing", "No Parking" and similar warning signs.

2-39) PROJECTING SIGNS. A General Business Sign located above the ground, permanently affixed to the exterior wall of a building or other structure, extending beyond said building or structure more than twelve (12) inches and located, not less than eight (8) feet above the ground or the finished surface of a sidewalk, street, driveway or alley directly beneath it; the display area of which is not greater than one hundred (100) square feet.

2-40) PUBLIC SERVICE MESSAGE SIGN. An electronic or electrically controlled public service message sign which conveys only information such as time, date, temperature, atmospheric conditions, or general news information where different alternating copy changes are shown on the same lamp bank matrix without giving the appearance of directional movement. The display area of a public service message sign may not exceed thirty-two (32) square feet.

2-41) READER BOARD. A General Business sign in the form of a structure or framework on which notices are posted in the form of removable letters or posters pertinent to the business on the premises, the display area of which is not larger than one hundred (100) square feet. Such signs may be free standing, projecting, wall, roof or ground signs.

2-42) REAL ESTATE SIGN. A temporary sign pertaining to the sale, lease or rental of real estate.

2-43) ROOF SIGN. A sign erected on or above a roof, parapet, or roof eaves and installed in a manner such that no portion of the sign extends beyond the limits of the exterior surface of the walls of the building upon which it is placed. A roof sign may not exceed the height limitations for the zoning district in which it is located, regardless of the height of the building upon which it is placed, and may not enclose a display area greater than three hundred (300) square feet.

2-44) SIGN. Any display, name, identification, description, illustration, device, building, or building treatment which is visible from any public place or is located on private property and exposed to the public view and which directs attention to a product, place, activity, person, service, institution, profession, business or solicitation. A sign may have more than one advertising face and more than one advertising face may be mounted on the same supporting structure.

2-45) SUBDIVISION IDENTIFICATION NUMBER. A structure marking an entrance to a residential subdivision, office park or industrial park. A subdivision identification marker may contain no advertising other than the name of the owner or developer of the subdivision, office park or industrial park.

2-46) SIGN HEIGHT. The vertical distance measured from grade level to the highest point of the sign. 2-47) TEMPORARY SIGN. Any sign, which is not illuminated, and is not permanently attached to the ground, to a building or to a supporting structure that is permanently attached to the ground or to a building. Temporary signs are generally those made of paper, poster board, wood or other materials that deteriorate rapidly when exposed to weather; such as, political campaign signs or posters, sales of personal property such as garage, yard, porch or moving sale signs.

2-48) TEMPORARY PROMOTIONAL DISPLAY. A temporary sign or signs made of paper, poster board, wood or other materials that deteriorate rapidly, and displayed so as to attract attention to the sale of merchandise or services, or a change in policy or in the status of a business; including the display of banners, pennants and decorative materials in conjunction with a grand opening, carnival, fair, bazaar or similar event.

2-49) WINDOW SIGN. Any sign painted on, attached to or displayed in a window so as to direct attention of persons outside the building to a product or activity of the institution or business on the premises.

SECTION 3: EXEMPT SIGNS

3-1) Exempt signs are allowed without a sign permit and are not to be included in determinations of the allowable numbers, type and area of signs that require a sign permit. Nothing in this section shall exempt an individual who desires to erect a sign from the necessity of obtaining a building permit, should such be required by the Building Code. The signs identified in the remainder of this section are exempt from the requirement for a sign permit.

3-2) COMMUNITY DECORATIONS.

3-3) CONSTRUCTION SIGNS. Two signs up to a combined total of thirty-two (32) square feet and not exceeding a height of eight (8) feet above ground level; identifying parties involved in construction on the premises and future activity for which the construction is

intended. Such signing is not to include the advertisement of any product,. Removal is required within fourteen (14) days following completion of construction.

3-4) DIRECTIONAL SIGNS. Parking lot and other private traffic directional signs, each not exceeding five (5) square feet in area. Such signs are to be limited to guidance of pedestrian or vehicular traffic within the premises on which they are located, and are not to display an logo or name of a product, establishment, service or any other advertising.

3-5) DIRECTORY SIGNS. One sign or directory which does not exceed twenty (20) square feet on any single building wall, and not more than four (4) such signs for any group of buildings, and does not include general business signs as described in Section 2-14.

3-6) HAZARD SIGNS.

3-7) HOLIDAY DECORATION.

3-8) HOUSE NUMBERS.

3-9) INCIDENTAL SIGN, BUSINESS. The aggregate display area shall not exceed thirty-two (32) square feet on any one premises.

3-10) INCIDENTAL SIGN, RESIDENTIAL. The aggregate display area shall not exceed thirty-two (32) square feet on any one premises. This category of sign includes those indicating the existence of a "neighborhood watch" or like groups.

3-11) INTERNAL SIGNS.

3-12) NAMEPLATE. The display shall not exceed two (2) square feet.

3-13) OFFICIAL FLAGS.

3-14) OFFICIAL SIGNS.

3-15) PAINTED GRAPHICS. When located in other than residential zoning districts. Painted graphics are prohibited in residential districts.

3-16) POLITICAL SIGNS. Temporary political signs not exceeding twenty (20) square feet total for each property, provided that campaign signs are not to be posted more than sixty (60) days preceding the election, and are to be removed within fourteen (14) days following the election. Signs shall not be placed in such a manner as to create a safety hazard.

3-17) PROHIBITION SIGNS. Two (2) signs per property, with not more than four (4) square feet of display area.

3-18) PUBLIC SERVICE MESSAGE SIGN.

3-19) REAL ESTATE SIGNS.

A. FOR SALE SIGNS. Temporary signs indicating the property on which the sign is located is for sale, rent or lease. Only one sign is permitted to face each street adjacent to the property. Such signs may not exceed six (6) square feet.

B. MODEL HOMES. Temporary signs, banners and decorations attracting attention to a model home and sales office within a new subdivision, provided that the aggregate area of such signage is not to exceed thirty-two (32) square feet.

C. OPEN HOUSE. Temporary signs or banners attracting attention to an open house, with signage having a maximum aggregate area of thirty-two (32) square feet, to be in place a maximum of seven (7) days.

3-20) SUBDIVISION IDENTIFICATION MARKER. A single structure at the entrance to any subdivision or office or industrial park may not exceed one hundred (100) square feet in display area, nor may two or more, such structures at one entrance exceed an aggregate total display area of one hundred-fifty (150) square feet.

3-21) TEMPORARY PROMOTIONAL DISPLAY. Such signs and decorative materials are not to be posted more than thirty (30) days preceding the event and are to be removed within seven (7) days following the event.

3-22) WINDOW SIGNS. Window signs are exempt on business premises in business districts, but are prohibited in all residential zoned areas.

3-23) TEMPORARY SIGNS. Such signs, excluding political signs, shall not be placed in any street right of way or on property of any other person other than the person or persons holding the sale. Said signs shall be removed on the day of the sale or the following day after the sale.

TABLE I

SIGNS THAT ARE EXEMPT FROM A SIGN PERMIT

SIGN DESC.	NUMBER	DISPLAY AREA IN SQ.FT.	ZONING DISTRICT	REMARKS
Bulletin Board	1	32	All	No advertising, intended for community messages
Construction	2	32	All	Display area is the aggregate allowed. Must be removed within 14 days after completion
Canopy Signs	Not limited	32	Commercial uses as permitted in all districts except DD-H & NC	No encroachment on public right of way, except as provided in subparagraph 2.4
Community Decoration	Not limited	32	All	Limited to 30 days per event
Directional	Not limited	40	All	No advertising. Each sign limited to not larger than 5 sq. ft. of display area
Directory	1	20	Commercial uses as permitted in all districts	One 20 sq. ft. sign for one building and not more than 4 signs for a group of buildings
Directory		80	Multiplexes and apts as permitted in all districts	One 20 sq. ft. sign for one building and not more than 4 signs for a group of buildings
Hazard	Not limited	Not limited	All	Only for duration of hazard from construction, excavation or the like
Holiday Decorations	Not limited	Not limited	All	Limited to 60 days per holiday season
Incidental, Business	Not limited	32	Commercial uses as permitted in all districts, except NC DD-H; industrial uses as permitted in R and I	Display area is aggregate per premises
Incidental, Residential	Not limited	32	Residential and institutional uses as permitted in all districts	Display area is aggregate per premises

TABLE I

SIGNS THAT ARE EXEMPT FROM A SIGN PERMIT

SIGN DESC.	NUMBER	DISPLAY AREA IN SQ.FT.	ZONING DISTRICT	REMARKS
Internal	N/A	N/A	All	Must not be visible from any public way
Nameplate	1	2	All	Non-electric sign limited to name and profession only
Official Flags	N/A	N/A	All	Limited to signs or flags erected, placed or installed by Federal, State or local government
Official Signs	N/A	N/A	All	Limited to signs or flags erected, placed or installed by Federal, State or local government
Painted Graphics	N/A	N/A	Any non-residential use as permitted in all districts	No advertising
Political	1	32	All	Limited to 60 days before election and 14 days after
Prohibition	2	4	All	Permanently mounted, not tacked to a tree, post or other such object
Public Service Message	1	32	Any non-residential use as permitted in all districts	
a) For Sale, residential	1	4	All	
a) For Sale, other	1	32	All	
b) Model Home	1	32	All	Model home lot only
c) Open House	3	150	All	"Open House" lot only

TABLE I

SIGNS THAT ARE EXEMPT FROM A SIGN PERMIT

SIGN DESC.	NUMBER	DISPLAY AREA IN SQ.FT.	ZONING DISTRICT	REMARKS
Sub Division	3	150	All	No advertising. Any one sign display area may not exceed 100 sq. ft. gross display area per entrance
Temporary Promotional Display	Not limited	Not limited	All	Duration limited to 30 days prior to and 7 days following event
Window Sign	Not limited	Not limited	All non- residential uses as permitted in all districts	

SECTION 4: PROHIBITED AND ILLEGAL SIGNS

4-1) In addition to any sign or advertising device that is not specifically permitted by these regulations, the signs identified in this section are prohibited in all zoning districts in the City. No variance shall be considered by the Planning and Zoning Commission in regard to any of these signs.

4-2) Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of words, symbols or characters in such a manner to interfere with, mislead or confuse pedestrian or vehicular traffic.

4-3) Any sign, located in a zoning district other than the commercial district or the rural district, that directs attention to a business, service, product or entertainment not sold or offered on the premises on which the sign is located. This provision shall be limited to billboards and other off-premise outdoor advertising signs with a display area greater than thirty-two (32) square feet.

4-4) Signs consisting of any moving, rotating, flashing or otherwise animated light or component, except for time and temperature displays and barber poles.

4-5) Any sign or sign structure identifying a previous use or activity that has not occupied the site for a period greater than ninety (90) days.

4-6) Strips or strings of lights outlining property lines, sales area, roof line, doors, windows, wall edges or other architectural features of a building. Such lighting is not prohibited alone or in combination with community or holiday decorations or a temporary promotional display.

4-7) Any sign, other than official traffic control devices or highway identification markers, which are erected within the right of way lines of any street or alley. Any sign that is erected or maintained outside the right of way and interferes with visual clearance along any street,

road or highway between the heights of three (3) and ten (10) feet above ground level.

4-8) Signs visible from a public right of way that use the word "stop" or "danger" or otherwise present or imply the need or requirement of stopping, caution, the existence of danger, or which for any reason are likely to be confused, with any sign displayed or authorized by a public authority.

4-9) Signs attached to trees, utility poles or similar structures and signs painted on or attached to rocks and other natural features.

4-10) Signs installed, erected, enlarged or structurally altered in violation of the provisions of this Article.

4-11) Signs judged to be dangerous because they are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure.

4-12) Signs that have become deteriorated or damaged to an extent that the cost of the reconstruction or restoration of such signs is in excess of fifty (50) percent of its replacement value exclusive of foundations.

4-13) Signs lettered in crude or amateurish fashion.

SECTION 5: PERMITS REQUIRED

5-1) It shall be unlawful for any person to erect, repair, alter, relocate, paint, repaint, replace the face of or change any of the working of any general business sign, or any sign determined to be non-exempt, within the City without first obtaining a sign permit, which has been duly issued by the City Recorder. This provision shall not apply to signs exempted by Section 3 hereof.

SECTION 6: MAINTENANCE

6-1) All signs and components thereof shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked panels and broken or missing letters. All signs, components, supports and their

surroundings shall be maintained in a safe, clean and attractive condition.

SECTION 7: GENERAL REQUIREMENTS APPLICABLE TO ALL SIGNS

7-1) PROJECTIONS. No sign shall project beyond a property line or into a public right of way, except as specifically permitted herein. (see Sec. 2-39)

7-2) BUILDING CODE REQUIREMENTS. All signs shall comply in every respect with the building code of the City, whether exempt or permitted by this Article.

7-3) OBSTRUCTION TO EXIT WAYS. No sign shall be erected, displayed or maintained so as to obstruct any fire escape, any required exit way, window or door opening used as a means of egress or to obstruct any other means of egress required by the Building Code of the City.

7-4) OBSTRUCTION OF VENTILATION. No sign shall be erected, displayed or maintained in a manner that interferes with any opening required for ventilation under the Building Code of the City.

7-5) ILLUMINATION DEVICES. Devices that illuminate a sign or signs shall be placed and shielded so that the direct light rays therefrom, or from the sign itself, shall not be cast into the eyes of any passing motorist.

SECTION 8: GENERAL BUSINESS SIGNS

8-1) It shall be unlawful to erect, permit the erection of, display or permit the display of any general business sign in any zoning district unless such sign is expressly permitted by this Section, subject to all of the limitations and provisions stated herein.

8-2) Signs permitted by Section 3 are exempt signs and may not exceed the size, height or setback requirement set forth herein. Neither shall they be added to the maximum total display area of general business signs permitted on any lot, parcel or premises. In the case where an exempt sign exceeds the display area specified in Section 3 for such

sign; the sign shall be considered a general business sign and shall be subject to every requirement of this article governing such signs.

8-3) General business signs may be reader boards, canopy signs, ground signs, projecting signs, off-premises signs, elevated signs, roof signs, wall signs, portable signs, subject to the limitations set forth in this Article. Each general business sign may communicate an advertisement for more than one product, service or subject. Off-premises signs and portable signs shall be counted against the maximum total display area of general business signs permitted on the lot, parcel or premises, on which it is located.

8-4) In the commercial district, C-1, C-2, C-3, and industrial districts, the maximum total display area of all general business signs on any single lot or premises may not exceed five hundred (500) square feet, plus one additional square foot of display area for each foot of setback beyond the setback required by the district in which the development is located. In the shopping center, the center is entitled to the full display area of signage and each separate business in the shopping center is likewise entitled to the same aggregate display area of signage. Furthermore, this allowance is applicable to office and industrial buildings that house more than one business, service or manufacturing operation. However, there shall be no more, than one (1) freestanding sign per road frontage for the entire shopping center or multi-occupancy building. An out parcel at a shopping center may also have one freestanding sign per street frontage.

8-5) No freestanding sign permitted by this Article shall exceed the maximum height allowed for all principal structures in the district in which it is located. Hence, when a building is erected to the maximum height allowed in a district, a roof sign may thereby be prohibited.

8-6) In no case shall any sign or signs, whether exempt or a general business sign, be permitted in a zoning district that exceeds the size, height and setback requirements established by this ordinance.

Furthermore, these limits shall not be considered the subject for variance from the terms of this ordinance.

TABLE 2

GENERAL BUSINESS SIGNS

SIGN DESCRIPTION DISPLAY AREA SIZE REGULATIONS

Billboard	Off-premises advertising sign of greater than 32 square feet in display area, shall not be permitted in the corporate limits of any zoning district
Canopy Signs	Greater than 2 square feet per sign, but not to exceed 50 square feet per sign. See subsections 2-4
Elevated Signs	Not to exceed 300 square feet per sign
Ground Sign	Not to exceed 100 square feet per sign.
Off-premises sign	Not to exceed 32 square feet per sign
Open Letter Sign	Not to exceed 200 square feet per sign calculated in accordance with subsection 2-33
Portable Sign	Only one (1) such sign per lot, lot-of-record, parcel or premises. Not to exceed 40 sq. ft. per sign. Permitted only C-1 district.
Projecting Sign	Not to exceed 100 square feet per sign
Reader Board	Not to exceed 100 square feet per sign
Roof Sign	Not to exceed 300 square feet per sign
Wall Sign	Not to exceed 300 square feet per sign
Exempt Sign	Any exempt sign permitted in a non-residential district that exceeds the maximum display area for exemption specified in Section 3 is a general business sign and is therefore regulated by Section 7

SECTION 9: PORTABLE SIGNS

9-1) Portable signs are permitted in the. C-1 commercial district only. They are limited, by definition, to forty (40) square feet, or less, in display area and may be illuminated, but not flashing. A portable sign permit is good for one hundred eighty (180) days, at which time the sign must be removed from the permitted lot, parcel or premises, unless the permit is renewed as provided in section 11-3. All displayed portable signs must obtain a portable sign permit within ninety (90) days from the effective date of this ordinance, or be removed from the premises.

SECTION 10: _NON-CONFORMANCE OF EXISTING SIGNS

10-1) All existing signs that are not specifically permitted or that do not comply with all the provisions of this article shall be considered nonconforming signs and may not, after the effective date of this article, be enlarged, structurally altered or extended unless such signs shall be made to comply with all the provisions of this article.

10-2) Normal repairs and repainting of nonconforming signs is permitted. However, when a nonconforming sign is structurally repaired, damaged or destroyed by any means to the extent of more than fifty percent (50%) of its actual cash value at the time of loss, exclusive of foundations, it shall not thereafter be restored, unless such sign shall be made to conform to all the provisions of this article.

10-3) All existing billboards located in any zoning district, shall be considered non-conforming.

10-4) All existing portable signs located in any zoning district, except in the commercial conservation district, shall be considered nonconforming and shall be removed no later than ninety (90) days from the effective date of this ordinance.

SECTION 11: FEES

11-1) Signs permitted under Section 3 of this ordinance do not require a sign permit and do not require, the payment of a fee. However, the sign and its supporting structure may require a building permit, which requirement is not waived.

11-2) Each application for a general business sign or signs shall be accompanied by a check made payable to the City of Summersville, or cash in the amount of Twenty-five Dollars (\$25.00) for signs of less than thirty-two (32) square feet in display area, and Fifty Dollars (\$50.00) for signage greater than thirty-two (32) square feet in display area. This fee shall be to defray the cost of processing and shall be in addition to any building permit fee or any other fee associated with the approval of a proposed or existing development.

11-3) Portable sign permit applications shall be accompanied by a fee in the amount of Twenty-five Dollars (\$25.00) for each sign. The permit shall be for a duration of not longer than one hundred eighty (180) days. Upon expiration of said permit the sign must be removed from the lot, parcel or premises, unless permit is renewed or re-issued for a like period and upon payment of an additional fee of twenty-five dollars (\$25-00).

SECTION 12: APPROVAL OF PLANS AND ISSUANCE OF SIGN PERMIT

12-1) It shall be unlawful for any firm, corporation, company or individual to construct or alter any sign without first securing a building permit as outlined in this Ordinance. The City Recorder shall, therefore, require a plan of the proposed sign that indicates the scale of the drawing or is property dimensioned.

12-2) In order to satisfy himself as to the conformity of the proposed sign with this ordinance, the City Recorder may also require the submission of a survey of the lot or parcel upon which the sign is to be placed and which indicates its proposed location on the lot; the general location of existing and proposed buildings and other structures on the

lot and the setbacks of said structure; and the existing and intended use of any and all structures, whether existing or proposed.

12-3) If the proposed sign as set forth in the application, is in conformity with all the provisions of this ordinance, and other City ordinances, the City Recorder shall issue a sign permit. If, on the other hand, the application for a sign permit is not approved, he shall state in writing on the application the cause for his disapproval, and return a copy of the same to the applicant, regular mail.

SECTION 13: VIOLATIONS

Any person, persons, firm, corporation, or association violating any of the provisions of this ordinance of failing to comply with any of its mandatory provisions shall be deemed guilty of misdemeanor and upon conviction, shall be fined not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00), and each person or persons, firms, corporation or association shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of any provision of this ordinance is committed, continued or permitted by such person.

In addition, any condition caused or permitted to exist in violation of the provisions of this ordinance shall be deemed a public nuisance and may be abated by appropriate legal action of the City of Summersville.

SECTION 14: VALIDITY

If any section, clause, provision or portion of this ordinance be held to be invalid or unconstitutional by any Court competent jurisdiction, such holding shall not affect or impair the validity of any other sections, clause, provision or portion of this ordinance.

SECTION 15: CONFLICTION

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

This ordinance shall be effective upon passage.

Approved as to form	October 5, 1999 - Planning & zoning
First Reading	October 12, 1999 City Council
Second Reading	October 25, 1999 City Council

Effective this date.

Approved

October 25, 1999

Date