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AN ORDINANCE AMENDING AND READOPTING THE ORDINANCE ESTABLISHING ZONING REGULATIONS AND CREATING A BOARD OF ZONING APPEALS AND A MUNICIPAL PLANNING COMMISSION FOR THE CITY OF GLENVILLE AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND FURTHER PROVIDING FOR PENALTIES FOR ITS VIOLATION; REPEAL OF ANY PART OF ANY INCONSISTENT ORDINANCE THAT IS IN CONFLICT HEREWITH.

WHEREAS, it is deemed necessary by the Common Council of the City of Glenville, in order to protect the health, welfare, and safety of the citizens of the City of Glenville, to enact a zoning ordinance and create a Board of Zoning Appeals and a Municipal Planning Commission, and to provide for its administration, enforcement, penalties, and future amendment if needed; and

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GLENVILLE, STATE OF WEST VIRGINIA, THAT;

FIRST: The Common Council of the City of Glenville makes the following findings of fact:

WHEREAS, Article 24, Chapter 8, of the Code of West Virginia, as amended or as may be amended, empowers the City of Glenville to adopt such ordinance to do the following:

1. To classify, regulate, and limit the height, area, bulk, and use of buildings or structures hereafter to be erected or placed,
2. To regulate and determine the area of front, rear, and side yards, courts and other open spaces and parking spaces about such building or structures,
3. To regulate and determine the use, and intensity of use, of land and lot areas,
4. To classify, regulate, and restrict the location of trades, callings, industries, residential and commercial enterprises, and location of buildings or other structures designed for specified uses,
5. To classify and designate the rural lands among agricultural, industrial, commercial, residential, and other uses and purposes,
6. To divide the city of Glenville into districts, wards, or areas of such kind, character, number, shape, size, and area as may be deemed necessary to carry out the purposes of this ordinance,

7. To hereby establish a zoning ordinance consisting of text and map, or maps, and both together will be known hereafter as “The Glenville Zoning Ordinance.”

Section 1: Purpose

The zoning regulations and districts, wards, or areas as herein described have been established for the purpose of securing adequate light, air, conveniences of access, and safety from fire, flood, and other danger; that congestion in the public streets may be lessened or avoided; that the public health, safety, comfort, morals, convenience, and general public welfare may be promoted; that the future development of the city may be planned for to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, education, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.

Section 2: General

Unless a contrary intention clearly appears, the following words and phrases shall have for the purpose of this ordinance the meanings given in the following clauses.

Section 3: Inclusions

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

1. Words used in the present tense include the future.
2. The singular includes the plural.
3. The plural includes the singular.
4. The word “person” includes a corporation, unincorporated association, or a partnership as well as the individual.
5. The word “lot” includes the word “plot” or “parcel”.
6. The term “shall” is always mandatory.
7. The word “building” includes the word “structure” and shall be construed as if followed by the phrase “or part thereof”.
8. The word “street” means a way for vehicular traffic, whether designed as a court, boulevard, avenue, expressway, highway, lane, and road or however otherwise designated whether open and used or not.
9. The word “watercourse” includes channel, creek, ditch, drain, dry run, spring, stream, or river.

Section 4: Definitions

1. Accessory Building: A building subordinate to the principal building on a lot, used for purposes customarily incidental to those of the principal

buildings, and not to be used for residential purposes unless such building was originally designated for residential use, as in conjunction with an institution.

2. Accessory Use: A use subordinate to principal use of land or of a building on a lot and customarily incidental thereto.

3. Apartment: A room or group of rooms in an apartment house or an apartment hotel designated for and occupied exclusively as a residence for only one family.

4. Apartment House: See Dwelling, Multiple.

5. Attached Dwelling: See Dwelling, Attached.

6. Board: The Board of Zoning Appeals of the Municipality.

7. Building: A building is any structure which is built for the support, shelter, or enclosure of person, animals, chattels, or property of any kind.

8. Building Area: The ground area utilized by the building on a lot, excluding cornices, eaves, gutters, or chimneys projecting not more than 30 inches from the walls of the building; steps, one-story open porches, bay windows, and balconies not extending through more than one story and not projecting more than 5 feet from the walls of the building; balconies and terraces.

9. Building Line: The line which establishes the minimum depth of front yard for the particular district as measured from the right-of-way line.

10. City: The word "City" or Municipality" shall refer to the City of Glenville,

11. Commission: The word "Commission" shall refer to the Glenville Planning Commission.

12. Council: The word "Council" shall refer to the Glenville City Council.

13. District, Ward, or Area: An area of the City delineated on the Official Map or Maps within which area the regulations of this Ordinance are uniform throughout.

14. Duplex: A two-family residential structure, the residential units arranged above the other or having a common party wall.

15. Dwelling: A dwelling unit.

Municipal

Zoning

Ordinance are uniform

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16. Dwelling, Attached: One of two or more residential buildings having a common or party wall separating dwelling units.
17. Dwelling, Detached: A residential building entirely surrounded by open space on its building lot.
18. Dwelling, Multiple: A building constructed to contain two or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided. For purposes of this Ordinance, apartment houses and townhouses are multiple dwellings.
19. Dwellings, Portable: A unit built on a chassis, having wheels or designed to be transported on wheels, designed to be used as a dwelling when attached to a foundation and when connected to the required facilities.
20. Double-Wide or Triple-Wide Portable Dwelling: A portable dwelling consisting respectively of two or three sections combined horizontally at the site to form a single dwelling.
21. Dwelling, Single: A residential dwelling unit, or a portable dwelling, designed for and occupied by one family only.
22. Dwelling, Two Family: A residential building containing not more than two dwelling units, arranged one above the other or side by side, designed to be occupied by not more than two families.
23. Dwelling Unit: One room, or rooms, connected together, constituting a separate independent housekeeping establishment, for owner occupancy, or can be rented or sold.
24. Exception: See Special Exception.
25. Family: Two or more person related by blood, marriage, or legal adoption, or not more than four unrelated persons, occupying a dwelling unit and maintaining a common household.
26. Floor Area, Gross: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, to include basements but not to include unfinished attics. Floor area for use in determining off-street parking requirements shall not include space devoted to storage. Gross floor area includes covered porches, decks, and patios.
27. Floor Area, Habitable: The floor area within outside walls, exclusive of accessory building, and basements and open porches, and excluding garages, hallways serving more than one

dwelling unit.

28. Floor Area, Ratio: The ratio of the floor area to the lot area.
29. Glenville Utility: A public utility franchised by the P.S.C. (Public Service Commission) to supply water and sewer services to the public and which is owned by the City of Glenville.
30. Height of Building: A building's vertical measurement from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof, provided that chimneys, spires, towers, elevator penthouses, tanks and similar projections shall not be included in calculating the height.
31. Home Occupation: Any occupation or profession carried on by a member of the immediate family residing on the premises, without advertising, in connection with which there is used no sign or display that will indicate from the exterior that the building is being used in whole or in part for any purpose other than that of a dwelling; that there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises. A professional person may use his residence for infrequent consultation, emergency treatment, or performance of religious rites, but not for the general practice of his profession.
32. House Trailers; See Mobile Home.
33. Lot: For the purposes of this Ordinance, a lot is a parcel of land at least sufficient size to meet minimum zoning requirements for the zoning district within which it lies for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an "improved public street" or "approved private street".
34. Lot Area: The lot area is the area of a horizontal plane bounded by the front, side, and rear lot lines of a building lot, and for purposes of this Ordinance, shall include any portion of an easement which may exist within such property lines.
35. Lot Depth: The lot depth is the length of a line connecting the mid-points of the front and rear lot lines.
36. Lot Line: A lot line is a boundary line of a lot.

- lot
37. Lot Width: The lot width is the length of a line (drawn perpendicular to the depth line) connecting the side lot lines.
- having
See also: Shopping
38. Mall: Group of two or more business establishments bordering on and customers entrances from an enclosed common area.
Center.
- House Trailers and
39. Mobile Home: See Dwelling, Portable and Dwelling, Single, Section 36A Mobile Homes and Trailer Courts and see section 36B Mobile Homes.
- used
building site into a
intended to apply to major assemblies, and
prefabricated panels, trusses, plumbing trees, and other
prefabricated sub-elements incorporated into a structure at the site.
40. Modular Unit: A factory-fabricated transportable building designed to be by itself or to be incorporated with similar units at a modular structure. The term is does not include
- districts, in
41. Nonconforming: A building use, or lot, which by reason of design, size, or use does not conform with the requirements of the district, or which it is located.
- which is accessible
which is not part of a roof.
42. Open Space: Open space is that part of a lot including courts or yards which is open and unobstructed from its lowest level to the sky, to all residents upon a building lot and
- square feet
or other means of circulation or access.
43. Parking Space: A space available for the parking of one motor vehicle, not less than 9 feet wide and having an area not less than 180 exclusive of passageways, driveways,
- transported
make a singular dwelling.
44. Sectional Home: A dwelling made of two or more modular units to the home site, put on a foundation and joined to
- having
which has limited
Mall.
45. Shopping Center: Group of two or more business establishments each its outside customer entrance to a shared parking area, designated entrance points. See also:
- appropriate
zoning district but which, if
location, or relation to the neighborhood,
promote the public health, safety, welfare, morals, order, comfort,
46. Special Exception: A special exception is a use that would not be generally or without restriction throughout the controlled as to number, area, would

convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exceptions in accordance with Section 38 Paragraph 6 herein. A special exception shall apply to the specific business for which granted and shall run with the ownership of the person or person to whom granted. On the death of the person or person to whom granted, or on the cessation of the activity for which the special exception is granted, the special exception terminates. The business, specifically, cannot be sold, give away, or bequeathed with the benefit of the special exception.

47. Spot Zoning: Granting of a zoning classification to a piece of land that differs from that of the other land in the immediate area. The term refers to zoning which singles out an area for treatment different from that of similar surrounding land and which cannot be justified on the basis of health, safety, morals, or general welfare of the community and which is not in accordance with a comprehensive plan.

48. Street: A public or privately owned right-of-way, serving as a means of vehicular and pedestrian travel, and furnishing access to abutting properties, whether open and used or not.

50. Structure: Anything constructed or erected with a fixed location on the ground, or attache to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, and fences.

51. Trailer Coach: See Mobile Home.

52. Variance: Permission to depart from the literal requirements of a zoning ordinance. An authorization to a property owner to depart from literal requirements of zoning requirements in utilization of his property in cases in which strict enforcement of the zoning regulations would cause undue hardship.

53. Yard: The required open, unoccupied space on the same lot with a building, open and unobstructed from the ground to the sky.

54. Yard, Front: A yard extending the full width of the lot along the street line, and not less in depth, measured from the street line, than the minimum required in each district.

55. Yard, Side: A yard extending along the side lot line from the front yard to the rear yard, and not less in width, measured from the side lot line, than the minimum required in each district.

56. Yard, Rear: A yard extending the full width of the lot along the rear lot line, and not less in depth, measured from the rear lot line, than the minimum required in each district.

57. Zone: See District.

INTERPRETATION AND CONFLICTS

Section 5: Interpretation of the Ordinance

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, or general welfare.

Section 6: Conflicts with Other Laws

Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance, or regulation shall be controlling.

Section 7: Existing Uses Safeguarded

Nothing in this Ordinance shall be deemed to prohibit the continuance of the use of any land, building, or structure for the same purpose for which such land, buildings, or structure is used at the time the Ordinance takes effect. Also see Section 8.

GENERAL PROVISIONS

Section 8: Nonconforming Uses, Structures, and Lots

1. The lawful use of any building, structure, land, parking lot, or etc., existing on the effective date of this Ordinance may be continued, although such use does not conform with the provisions of this Ordinance.

2. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance, or said amendment, by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued,, but subject to the following provisions:

(a) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(b) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to zoning regulations.

(c) If a nonconforming use has been abandoned, any future use of such land, building, or structure shall be in conformity with the provisions of the Ordinance regulating the use in the district in which such land, building, or structures may be located; provided, however, that abandonment of any particular agricultural or manufacturing process shall not be construed as abandonment of agricultural or manufacturing use.

Section 9: Prohibited Uses and Performance Standards

1. No use shall be permitted which is noxious or offensive in any area by reason of odor, dust, smoke, gas, vibration, illumination, or noise, or which constitutes a public hazard whether by fire, explosion, or offensive use, or otherwise. In determining whether a proposed use is noxious, hazardous, or offensive, the following standards shall apply. The propose operation shall not:

- I. Constitute any nuisance whatsoever beyond the boundary of the site on which the use is located by reason of dissemination of noxious, toxic, or corrosive fumes, smoke, odor, or dust.
- II. Result in noise or vibration exceeding the average intensity of noise or vibration occurring from other causes at the boundary line.
- III. Endanger surrounding areas by reason of fire or explosion.
- IV. Produce objectionable heat, glare, or radiation beyond the property line.
- V. Result in electrical disturbance in nearby residences, or adversely affect the operation of equipment other than on the property on which the disturbance is located.
- VI. Discharge any untreated sewage, or any industrial waste into any stream or the air or otherwise contribute to the pollution of the ground surface, air, or underground waters.

- VII Create any other objectionable condition in an adjoining area that would create a less attractive economic or business climate, or which might endanger public health or safety or be detrimental to the proper use of the surrounding area or tend to lower morals or property values.
 - VIII No building permit or city business license will be issued or city water or sewer service connected by Glenville Utility to or for any building or structure which use falls under this “Prohibited Use and Performance Standards” unless said applicant appears before the Board for approval.
 - IX If a business is in operation in a B-1 Business District or if approval be given for a type of business to operate within the B-1 Business District and a person wants to change and operate a different type of business, in this B-1 Business District, at the same location, then a request must be made to the Board for approval.
- 2. When requested by the Board, an applicant for a proposed use shall demonstrate as a condition of approval that adequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to insure that the proposed use will not be noxious, hazardous, or offensive as defined above. If required, the applicant shall submit supplemental information, plans, and impartial expert judgments, and the Board may require the expert advice of official agencies or private consultants and such reasonable tests as are deemed necessary, the costs of which shall be borne by the applicant.

Section 10: Parking, Driveways, and Loading Facilities

In order to minimize traffic congestion and hazard, control street access in the interest of public safety, and encourage the appropriate development of street or highway frontage:

- 1. Each separate use, shopping centers, malls, planned business center, or similar grouping of buildings shall have not more than two access ways to any one public street or highway for each 300 feet of frontage and, where practicable, access to parking areas shall be provided by a common service driveway or minor street in order to avoid direct access on a major street or highway. No such access way shall be less than 20 feet or more than 30 feet in width, and the location of any access way or driveway to a public street shall be in accordance with the regulations of the Municipality. Such access way shall comply with any more restrictive requirements of the West Virginia State Highway Department relative thereto.
- 2. In the case of a required buffer area, no more than one entrance and one

exit shall be permitted from a lot to each street on which the lot abuts, except that an additional entrance and exit through a buffer area may be permitted when authorized as a special exception.

3. Where practicable (1) all parking, loading, or service areas used by motor vehicles shall be located entirely within the lot lines of the property, (2) all access ways to a public street or highway shall be located not less than 50 feet from the intersection of any street lines, and (3) all streets and access ways shall be designed in a manner conducive to safe exit and entrance and shall conform to the highway specifications and subdivision requirements of the Municipality.
4. An outdoor parking space or spaces are part of the open space on the lot on which it is located, and parking spaces in front yards of a residential use are permissible provided they are paved or graveled so not to track mud out onto street.
5. Adequate off-street loading and unloading space with proper access from a street, highway, common service driveway, or alley shall be provided on any lot on which a building requiring frequent service by delivery-type trucks is located. All such areas for the loading and unloading of delivery trucks and other vehicles and for the servicing of establishments or shops by refuse collection, fuel, and other service vehicles, shall have adequate and unobstructed access from a street, service driveway or alley and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile access ways, parking facilities, or pedestrian ways.
6. Automotive vehicles or trailers of any kind or type without current license plates and current state inspection sticker shall not be parked or stored on any residentially zoned property, whether it be zoned for Single or Multiple Dwellings other than in a completely screened space, garage, or carport and kept from the other than in a completely screened space, garage, or carport and kept from the public view. Automotive vehicles or trailers of any kind or type without current license plates and a current state inspection sticker, shall be allowed in any area zoned as a Business District, provided, they be located on an approved, licensed, sales lot, or on the property of a business that is approved and licensed, that paints or repairs said items.

Section 11: landscaping

The land surrounding any permitted use shall be landscaped except for paved area, such as walkways, access ways, play areas, and necessary parking and service areas. All planting, fences, walls, or similar structures used for screening shall be installed in such a manner as to maintain the intent of the yard areas and shall be in harmony

with the general architectural design of the principal building or buildings on the lot; and shall not interfere with the safe movement of vehicular and pedestrian traffic by obstructing vision.

Section 12: Flood Plain Requirements

No dwelling, structure, or anything of any type shall be permitted close to a stream or any body of water in any location within the city which could obstruct the natural flow or passage of water which could result in damage to any person or property.

Section 13: Mobile homes (See Dwelling, Portable and Dwellings, Single, see Section 36A Mobile Home and Trailer Courts

The City of Glenville has an ordinance regulating occupied house trailers or mobile homes and that ordinance or amendments will still be in effect and enforced and will regulate their use within the City limits, and the enforcement of this said ordinance will now be the responsibility of the Board of Zoning Appeals, or the City of Glenville. This new ordinance does amend that ordinance and now a house trailer or mobile home shall be regulated by this Zoning ordinance and shall come under and be regulated by the additional definitions as a “Dwelling, Portable” and also by “Dwelling, Single” and also under any other appropriate regulations in this Zoning Ordinance.

Section 14: Structures to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street or improved private street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

Section 15: Private Street Construction Standards

1. Private streets hereinafter constructed in the City shall meet the following standards prior to being accepted by the Board and also before the City or anyone may issue a building permit for any other type of construction on said property.
2. All private streets shall have:
 - a: a minimum wearing surface 18 feet wide, not including shoulders
 - b: an aggregate base of crusher run stone at least six (6) inches deep, to include shoulders
 - c: a surface of a least two (2) inch base bottom and one (1) inch wearing course of asphalt or a wearing surface of at least three (3) inches of asphalt or concrete construction of comparable strength with crown of at least one-fourth (

1/4) inch per foot.

- d: a shoulder at least two (2) feet wide on either side.
- e: an adequate drainage system.
- f: an overall right-of-way width at least thirty (30) feet wide.
- g: the approval of the Board and City Building Inspector concerning each of the above.

Section 16: Accessory Buildings

Use of accessory buildings is permitted in all districts. Front and side yard size limitations apply with the further proviso that no accessory or detached structure is permitted to be closer to a street than the principal structure. A setback of five (5) feet from the rear boundary is required. A building permit is required for each accessory building.

Section 17: Site Plans

1. As a prerequisite to the issuance of a building permit, a site plan is required for any structure in a D-2, B-1, B-2 or B-3 Zoned District, for any type of construction. A site plan shall also be required for any single family dwelling, in a D-1 Zoned District, when the Board or City Building Inspector determines there is a need for one.
2. A site plan shall portray the existing site conditions, to include terrain relief, existence of rock ledges, sink holes, structures, and trees six (6) inches in diameter and greater. It shall portray the planned end result, including landscaping, screening or buffering, disposition of excess materials from the site and measures to prevent any harm to other area properties.

Section 18: fencing

Fencing and retaining or privacy walls in excess of four (4) feet in height require a special permit. If, in the judgment of the Board, the proposed fence or wall will not be in consonance with proper neighborhood development, the permit will be denied. Materials for permanent fences shall be durable; materials such as snow fencing and poultry wire are not permitted.

Section 19: Satellite Dishes

A satellite Dish shall be considered an accessory structure and, as such, shall require a building permit and approval in the same manner as an accessory building.

Section 20: Bed and Breakfast Establishments

A Bed and Breakfast Establishment shall be located in a D-2 Zoned District as defined in this Zoning Ordinance, and shall be further defined as a private home which offers no more than two bedrooms per night for public accommodation. Homes offering more than two bedrooms per night shall be required to meet the provisions of the “Tourist and Resort Camp Regulations: and as such, may locate only in a B-1 Zoned District.

Section 21: Prohibited Uses in All Districts

In addition to the restrictions stated in Section 9 the following specific uses are prohibited:

1. Slaughter houses and livestock markets
2. Junk yards, automobile wrecking yards, scrap metals, scrap paper and rag storage of raw fur pelts
3. Chemical plants, paper mills, tanneries, or storage, recycling centers, and dumps
4. Stone crushing, concrete mixing and asphalt plants
5. Any plant using or manufacturing nuclear energy
6. Salvage yards, used parts yards, appliance graveyards, or the operation of secondhand stores or outlets in a Single Dwelling area.

Section 22: Parking Regulations

1. Off-street parking space, with proper access from a street, alley, or driveway, shall be provided in all districts in the amounts indicated below. Such parking space shall be provided on any lot on which a dwelling is hereafter erected or converted, or, in the case of any other use, on or near the lot on which any main building is hereafter erected or converted. All parking areas must be paved or graveled so to prevent any mud being tracked out onto any street.

2. Off-Street Parking Requirements

	<u>Usage</u>	<u>Required Spaces</u>
a:	one-family dwelling	2 spaces for first bedroom and 1 per each additional bedroom
b:	multiple dwelling	1 space for each bedroom

c:	mobile home/house trailer	Same as for one-family dwelling
d:	motel/tourist home	1 space per bedroom plus one space for each employee on duty.
e:	hotels, clubs with overnight accommodations	same as for Motel or tourist home
f:	nursing home/rest home	1 space per five beds plus one space for each employee on duty
g:	theater, church, recreational establishment or place of public or private assembly	1 space per five seats
h:	dance halls/assembly halls without seat	1 space for each 100 square feet used assembly or dancing
i:	retail stores, service or repair shops	1 space for each 400 square feet of area
j:	banks and offices	1 space for each 300 square feet of area
k:	medical/dental clinics	1 space for each 200 square feet of area
l:	industrial establishment	1 space for each 1000 square feet of area or 1 space per two employees on the largest shift, whichever is greater.
m:	warehouse/terminals	1 space per 5000 square feet area or 1 space per two employees on largest shift, whichever is greater
n:	middle/junior schools	3 spaces per classroom
o:	junior high school	5 spaces per classroom

- p: building or use other than specified above Provisions of a similar use shall apply
3. Two or more establishments may join in meeting the requirements of this section, provided that the total area for parking is the sum of the individual requirements.
 4. All such parking areas existing on the effective date of this Ordinance, are exempt from the regulations of this ordinance but shall not be subsequently reduced in size to an amount less than required under this Ordinance.

CLASSIFICATION OF DISTRICTS

Section 23: Classes of Districts

For the purpose of this Ordinance, the City of Glenville is hereby divided into the following different types of districts, and designated as follows:

1. D-1 Single Dwelling (residential)
2. D-2 Multiple Dwelling
3. B-1 Business District
4. B-3 Recreational

Section 24: Official Zoning Map or Maps

1. The Municipality of Glenville is hereby divided into districts or areas as shown on the Official Zoning Map or Maps of the Municipality of Glenville which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
2. The Official Zoning Map or Maps shall be identified by the signature of the Mayor, attested by the Recorder, and bearing the seal of the Municipality of Glenville under the following words:

“This is to certify that this is the Official
Zoning Map or Maps referred to in the
Glenville Zoning Ordinance.”

3. No changes of any nature shall be made in the Official Zoning Map or Maps or matter shown thereon except in conformity with

the procedures set forth in this Ordinance.

4. Regardless of the existence of copies of the Official Zoning Map or Maps which may from time to time be made or published, the Official Zoning Map or Maps which shall be located in the office of the Recorder shall be the final authority of the current zoning status of land and water areas, buildings, and other structures in the Municipality.

Section 25: Rules for Interpretation of District Boundaries

1. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rule shall apply:
 - a: Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
 - b: Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
 - c: Boundaries indicated as approximately following Municipal limits shall be construed as following Municipal limits;
 - d: Boundaries indicated as parallel to or extensions of features indicated in Subsections (a) through (c) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
 - e: Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or Maps, or in other circumstances not covered by Subsections (a) through (d) above, the Board of Zoning Appeals shall interpret the district boundaries.

Section 26: Application of District Regulations

1. The regulations set by this Ordinance within each district or area shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, and particularly, except as hereinafter provided.

- a: No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, whether they be above, on ground, in ground, or underground, or constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

- b: No building or other structure shall hereafter be erected or altered:
 - a. to exceed the height;
 - b. to accommodate or house a greater number of families
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.

- c. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

- d. Pending a permanent zoning classification, all newly annexed territory shall be classified as D-1, Single Dwelling (residential).

USE REGULATIONS

Section 27: D-1 Single Dwelling Residential Districts

1. Single Dwelling Residential,
2. Agriculture (when associated with an existing agricultural operation, forest, fallow,
3. Schools, colleges, churches, hospitals,
4. Home occupations, municipal water storage tanks,
5. Cemeteries (when authorized by Board of Zoning Appeals),
6. Radio and television transmission aerial or relay tower (when authorized by Board of Zoning Appeals),
7. Any use customary to the above.

Section 28: D-2 Multiple Dwelling Districts

1. Multiple Dwelling, Bed and Breakfast Establishments,
2. Apartment houses, churches, schools, colleges,
3. Duplex Dwelling, attached or row-type structures, Trailer or Mobile Home Park,
4. Hospitals, cemeteries when authorized by Board,
5. Housing for the elderly and handicapped and group homes, exploratory drilling for gas and oil,
6. Radio and television transmission aerial or relay tower (when authorized by Board of Zoning Appeals),
7. Jails or prisons,
8. Any use customary to the above.

Section 29: B-1 Business Districts

1. Motels, filling stations, restaurants, offices
2. Stores, shops, laundries, hotels, farm equipment
3. Motor vehicles or tractor sales or repair garages, T.V. stations, schools, colleges, tourist homes, churches, clubs, bars,
4. Undertaking establishments, banks, tax offices,
5. Financial institutions, bus passenger offices,
6. Theater, assembly halls, billiards or pool parlors,
7. Newspaper plant, printing plant, parcel office,
8. Post office, building material sales, hardware,
9. Government institutions, taxi service,
10. Exploratory drilling for gas and oil, hospitals,
11. Other businesses or agencies that would benefit the City of Glenville.

Section 30: Industrial Districts.

1. Factories or other industrial plants,
2. Municipal water treatment plants,
3. Exploratory drilling for gas and oil,
4. Any use customary to the above.

Section 31: Recreational Districts

1. A public or private park or a recreation area operated by a public agency or a private agency.
2. Regulations are intended to control development so as to prevent construction that would be detrimental to the character of this area.
3. Any use customary to the above.

AREA AND HEIGHT REGULATIONS

Section 32: Area and Height Regulations for D-1 Single Dwelling Residential

1. The following schedules of regulations applying to the area of lots, the height of buildings, the yards and other open spaces to be provided therein, indicated for the various districts established by this Ordinance, are hereby adopted and declared to be part of this Ordinance.

<u>Minimum Required</u>		<u>Single Dwelling D-1 District</u>
a.	Total lot area	6,000 square feet
b.	Lot area per dwelling unit	6,000 square feet
c.	Lot width	60 feet
d.	Lot depth	100 feet
e.	Front yard	12 feet
f.	Each side yard	5 feet
g.	Rear yard	5 feet
<u>Maximum Permitted</u>		
a.	Height of building (stories)	2 ½ stories
b.	Height of building (feet)	35 feet

Section 33: Area and Height Regulations for D-2 Multiple Dwelling

<u>Minimum Required</u>		<u>Multiple Dwelling D-2 District</u>
a.	Total lot area	No minimum required
b.	Lot area per dwelling unit	No minimum required
c.	Lot width	No minimum required
d.	Lot depth	No minimum required
e.	Front yard	12 feet
f.	Each side yard	5 feet
g.	Rear yard	5 feet
h.	Side or rear yard if adjoining a D-1 zone	20 feet
i.	Maximum building height	for Board Approval

NOTE: The Board will determine the minimum on (a), (b), (c), and (d), above and maximum on item (i) above, based on building size and parking needs.

Section 34: Area and Height Regulations for B-1 Business, B-2 Industrial, and B-3 Recreational

- a. The board will determine any minimum and maximum area or height requirements on each applicant based on building sizes and parking needs,
- b. Buildings should be set back 12 feet from any public street.
- c. Each side yard and the rear yard to be at least 20 feet from any property in the D-1 Zone if it is adjoining said property.

Section 35: Comparison of Variance, Special Exception, and Spot Zoning

1. A “variance” is granted by the Board of Zoning Appeals, whereas “spot zoning” would originate or at least at some point go through the Planning Commission for approval.
2. A “variance” deviates from the present zoning while “spot zoning” is an actual change of zoning. All changes in the zoning districts will be done by the Planning Commission.
3. “Spot zoning” is viewed as arbitrary or discriminatory and thwarts the grand scheme of a zoning plan for the benefit of an individual landowner, while a “variance” is permission to use a parcel of land in a manner which does not meet the zoning requirements, but which use is necessary, due to the special condition of the land, in order to avoid causing undue or unnecessary hardship to the property owner.
4. “Spot zoning” is done contrary to the public interest, while a “variance” is intended to avoid individual hardship and still maintain the public interest.
5. Granting a “variance” is acceptable so long as undue hardship would result without such a grant and so long as the public interest can still be met, whereas “spot zoning” is not acceptable.

Section 36: A Brief Summary of the Classifications of the Different Zoning Districts as Designated on the Official Zoning Map or Maps

1. All property in the Camden Flats Addition, Town Run Addition, and property located along South Street shall be zoned D-1 Single Dwelling Residential with the exception that D-2 Multiple Dwelling and also B-1 Business District zones shall exist on all property bordering on South Lewis Street.

2. All property in Brooklyn Addition shall be zoned D-1 Single Dwelling Residential and also B-3 Recreational with the exception that D-2 Multiple Dwelling and also B-1 Business District zones shall exist on all property bordering on South Lewis Street. The Commission shall take into consideration that, if funds become available, all or part of the area known as Brooklyn Addition and zoned as D-1 and also B-3 should be made into and exclusively zoned as B-3 Recreational. Should this happen, the Board shall not allow any future construction of any new additional dwelling units in this area.
3. All property located along East Main Street, West Main Street, and Powell Street, shall be zoned D-2 Multiple Dwelling and also B-1 Business District with the exception that B-2 Industrial shall be zoned in the Industrial Park Area and vicinity where the Kinney Shoe Building was located, which is adjacent to the Stalnaker Cemetery, as indicated on the zoning map or maps.
4. All property bordering along Howard Street shall be zoned D-1 Single Dwelling Residential with the exception where D-2 Multiple Dwelling and also B-1 Business District zones are indicated on the zoning map or maps.
5. Property bordering along the West Side of North Court Street from Main Street to Church Street shall be zoned D-2 Multiple Dwelling and also B-1 Business District.
6. Property bordering along the East side of North Court Street from Main Street to Howard Street shall be zoned D-2 Multiple Dwelling and also B-1 Business District.
7. Property bordering along the East side of North Court Street from Howard Street to High street, and all property bordering both sides of High Street, and all property bordering Locust Court shall be zoned D-1 Single Dwelling Residential, and any future construction of any new additional dwelling units may not be allowed in these areas due to future expansion needs of Glenville State College. The Board of Zoning Appeals shall ascertain any future plans of expansion from Glenville State College prior to approving any new units in these areas.
8. All property located along Beall View Drive, Johnson Street, and College Street shall be zoned D-1 Single Dwelling Residential with the exception that D-2 Multiple Dwelling and also B-1 Business District Zones shall exist on all property bordering on

East Main Street.

9. All property located in North view Addition, Bailey Addition, and Pine Manor Addition, and all property located along Pine Street, Norris Road, Sumac Court, Bailey Street, Center Street, Spring Street, Hale Street, Linden Street, Mineral road, and also all property located along Walnut Street shall be zoned D-1 Single Dwelling Residential with the exception of where Walnut Street intersects with West Main Street. All property bordering West Main Street shall be zoned D-2 Multiple Dwelling and also B-1 Business District.
10. All property located along Elm Street shall be zoned D-1 single Dwelling Residential with the exception that B-2 Industrial shall be zoned in the area surrounding the City of Glenville's property and also the property which surrounds the City Water Treatment Plant and Pump Station.
11. All property located in Beverly Drive Addition, and all property located along Glass Factory Road, Beverly Drive, and Maple Street shall be zoned D-2 Multiple Dwelling with the exception that D-2 Multiple Dwelling and also B-1 Business District zones shall exist on all property bordering on North Lewis Street.
12. All property located along North Lewis Street and South Lewis Street shall be zoned D-2 Multiple Dwelling and also B-1 business District with the exception that B-2 Industrial shall also exist on the East Side of North Lewis Street commencing near the intersection of WV Route 5 East and U.S. Route's 33 and 119 North in the Hays City Addition area and proceeding North to the end of the City Limits. The East side of North Lewis Street shall be triple zoned as D-2, B-1, and B-2 in the said area.
13. All property located along WV Route 5 and commencing at the intersection of WV Route 5 and U.S. Routes 33 and 119 North in the Hays City Addition and proceeding East along WV Route 5 to the end of the City Limits, shall be zoned as D-2 Multiple Dwelling and B-1 Business District. Some areas shall also be zoned B-2 Industrial. The different zones are indicated on the zoning map or maps.
14. All property located in the River Street Addition and all property located between the Little Kanawha River and River Street and all property located along River Street or any street that connects to it, or is in the vicinity of it, shall be zoned D-2 Multiple Dwelling with the exception that D-2 Multiple Dwelling and also B-1

District Zones shall exist on all property bordering on South Lewis Street.

Section 36A: Mobile Homes and Trailer Courts

1. DEFINITIONS

Permit: Permit shall mean a written permit by the Mayor permitting a mobile home or a trailer court to be located within the city limits of Glenville under this Ordinance and regulations promulgated thereunder.

Trailer Court: Trailer Court shall mean any plot or ground upon which one or more mobile home (s) occupied for dwelling purposes, are located and which is of sufficient size to accommodate a minimum of three mobile homes located in accordance with the space regulations as hereinafter set forth.

Mobile Home: Mobile Home shall mean any vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such manner as will permit occupancy thereof as a dwelling place for one or more persons.

Mobile Home space: Mobile Home Space shall mean a plot of ground within a trailer court designated for the accommodation of one mobile home.

2. PERMITS AND FEES

It shall be unlawful for any person to construct, maintain, operate, or alter any trailer court or use and occupy any mobile home within the limits of the City of Glenville unless and until he obtains a valid permit issued by the Mayor in his name for the specific trailer court or mobile home and unless and until he registers said trailer court or mobile home with the Mayor of the City of Glenville and is issued a Certificate of Occupancy by said Mayor. The Mayor is authorized to issue, suspend or revoke permits in accordance with this Ordinance and regulations promulgated thereunder. Said permit shall be secured prior to location of any mobile home, and at any time the mobile home moves to a new location, a new permit shall be required. The cost of each mobile home permit and each trailer court shall be \$10.50 (Ten Dollars and fifty cents). No permit for a mobile home will be issued unless it is to be located on a trailer court as herein described.

3. LOCATION, SPACE AND GENERAL LAYOUT:

All trailer courts and mobile homes shall be located on a well-drained site, shall be so located that their drainage will not endanger any water supply, and shall be in conformity with a plan approved by the City Council. The City Council shall promulgate regulations for trailer court location plan approval which shall provide for adequate drainage, space, lighting, and other sanitary facilities necessary to protect the public health and prevent nuisances. Single units and all trailers on courts must be placed and constructed so as to comply with the set lines herein

established as follows: set back from curb line, eight (8) feet; set back from property line three (3) feet; set back from alley; six (6) feet, and set back from sidewalk; two (2) feet. Mobile homes shall be set on centers which are no less than 30 feet apart, and shall be aligned side by side with the ends in an even and straight line. The Board of Zoning Appeals shall have the power and authority to grant variances concerning the requirements set forth in #3 of this section in accordance with the provisions of this ordinance.

4. WATER SUPPLY AND PLUMBING:

An accessible, adequate, safe and potable supply of water shall be provided in each trailer court. Where a public supply of water of such quality is available, connection shall be made thereto and its supply shall be used exclusively. The development of an independent water supply to serve the trailer court shall be made only after express approval has been granted by the City Council. All plumbing in the trailer court shall comply with State and local plumbing laws and regulations.

5. SEWAGE DISPOSABLE

Trailer courts shall be served by a public sewer system, or by a private disposal system which has the approval of the health officer. Each mobile home space shall be provided with a satisfactory sewer connection. All sewage-disposal apparatus, including appurtenances thereto, shall be provided, maintained, and operated so as not to create a nuisance or health hazard.

6. REFUSE DISPOSAL

The storage, collection and disposal of refuse in the court shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be provided in sufficient number and capacity to prevent any refuse from over-flowing.

7. ELECTRICITY

An electrical outlet supplying at least 110 volts shall be provided for each mobile home space. The installation shall comply with all State and local electrical codes and ordinances. Such electrical outlets shall be weatherproof. No power line shall be permitted to lie on the ground, and shall be suspended high enough to avoid contact with any persons or conveyances that have access to the property.

8. FUEL

Liquefied petroleum gas for cooking purposes shall not be used at individual mobile home spaces unless the containers are properly connected by copper or other metallic tubing. Liquefied petroleum gas cylinders shall be securely fastened in place, and adequately protected from the weather. No cylinder containing liquefied petroleum gas shall be located in a mobile home, nor within 5 feet of a door thereof.

9. FIRE PROTECTION

The court area shall be subject to the rules and regulations of the City of Glenville Fire Prevention authority and State Fire Marshal.

10. SEPARABILITY CONFLICT

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not effect the validity of the remaining thereof.

11. PENALTIES

Any person who violates any provisions of the Ordinance, or any provision of any regulation adopted by the City Council pursuant to authority granted by this Ordinance, shall upon conviction be punished by a fine for not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars or by imprisonment for not less than ten (10) days nor more than thirty (30) days, or both fine and imprisonment, and each day's failure of compliance with any such provision shall constitute a separate violation.

This ordinance is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health and safety, and shall, therefore, in accordance with the Charter, take effect from its passage. Approved August 16, 1962.

Section 36B: House Trailers or Mobile Homes

1. Definitions as used in this ordinance are:

1. **“House Trailers or Mobile Homes”** means any vehicle or similar portable structure, having no foundation other than wheels, jacks or skirting, or any vehicle or similar portable structure which originally had no foundation other than wheels, hacks, or skirting and which has been mounted on block or other foundations, or is otherwise situate and located within the corporate limits of the City of Glenville, and which is designated or constructed so as to permit occupancy for dwelling or sleeping purposes.
2. **“Person”** means any natural individual, firm, trust, partnership, co-partnership, association, group, or corporation.
3. It shall be unlawful hereafter for any person, company, or

any organization to place or locate any house trailer or mobile home in or on any lot or area of the City of Glenville without complying with each and every city ordinance and also with the laws of the State of West Virginia.

4. The location and occupancy of house trailers or mobile homes in the City of Glenville shall be in accordance with the provisions of any ordinance of the City of Glenville, now in existence or hereinafter enacted, regulating house trailer or mobile home parks, and, in no event, shall any house trailer or mobile home be placed on a lot contain less than five thousand square feet (5, 000 sq. Ft.) for each house trailer or mobile home not having available city sewerage and water facilities.
5. One (1) house trailer or mobile home may be placed upon any lot or other area of land containing at least five thousand square feet (5,000 sq feet), however the Board of Zoning Appeals shall have the power and authority to grant variances concerning the requirements that the area or which the house trailer or mobile home be placed on at least five thousand square feet (5, 000 sq ft) this is in accordance with the provisions of this ordinance. Providing that at least seventy-five percent (75%) of the owners of each and every residential house shall consent, having one (1) vote for each and every house owned that is used for dwellings purposes, that is situated within three hundred feet (300 ft.) measured from the boundary line to the boundary line of the proposed lot or area of land, in any direction shall consent, in writing, prior to the location or placement of said house trailer or mobile home, and providing that said written consent is filed with the Common Council of the City of Glenville, and providing a permit for the location of said house trailer or mobile home is granted by the Common Council of the City of Glenville.
6. In order to aid the enforcement of this ordinance, no building, wiring, plumbing or other required permits shall be hereafter granted for any house trailer or mobile home which is located, or attempted to be located, on any lot or other area in violation of the provisions of this ordinance and no connections to or with the sanitary sewerage system of the City of Glenville or no connections with the water system of the City of Glenville for said house trailer or mobile home shall be permitted.

7. All trailer permits issued will have an expiration date of 90 calendar days from the date of issued effective December 4, 1995.
8. Any person violating any provision of this ordinance shall be fined not more than One Hundred Dollars (\$100.00), or be imprisoned for a term, not exceeding thirty (30) days, or both, and a further fine of Ten Dollars (\$10.00) shall be imposed for every twenty-four hour period such violation is suffered to remain.
9. The City of Glenville may enforce the provisions of this ordinance and require the removal of any house trailer or mobile home located on any lot in violation of this ordinance.
10. It is the intent of the Common Council of the City of Glenville that each separate provisions of this ordinance shall be deemed independent of all other provision herein, and it is further the intention of the Common Council of the City of Glenville that if any provision of this ordinance be declared to be invalid, all other provisions therein shall remain valid and in full force and effect, and enforceable.
11. All ordinances, or parts of ordinances, in conflict herewith, or inconsistent herewith, are hereby repealed to that extent and no further.
12. This ordinance shall be in effect immediately upon final passage by the Common Council of the City of Glenville.

MUNICIPAL PLANNING COMMISSION

Section 37: Creation, Membership, Terms, Vacancies, Powers, and Duties

1. Creation

Ordinance
the

The Municipal Planning Commission shall be created by this
and shall be established and shall continue to operate on or after
effective date of this Ordinance.

2. Membership,

The Municipal Planning Commission shall consist of five individuals, all of whom shall be freeholders and residents of the Municipality, who shall be qualified by knowledge and experience in matters pertaining to the development of the Municipality, who shall include representatives of business, industry and labor, and who shall be nominated by the administrative authority and confirmed by the governing body of the Municipality.

At least three-fifths of all of the members must have been residents of the Municipality for at least one year prior to appointment. One member of the Commission shall also be a member of the governing body of the Municipality and one member shall also be a member of the administrative department of the municipality, the term of these two members to be coextensive with the term of office to which they have been elected or appointed, unless the governing body and administrative authority of the Municipality at the first regular meeting of the Commission each year designate others to serve as the Municipality's representatives.

The remaining members of the Commission first selected shall serve respectively for terms of one year, two years, and three years, divided equally or as nearly equal as possible between these terms. Thereafter, members shall be selected for terms of three years each. Vacancies shall be filled for the unexpired term only, in the same manner as original selections are made. Members of the Commission shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.

3. Advisory Members

In the event a Municipality which shall establish a Planning Commission is located within or partly within a county which has or shall have a County Planning Commission, a designated representative of the County Planning Commission shall be an advisory member of the Municipal Planning Commission. A designated representative of a Municipal Planning Commission of a municipality located within or partly within a county which shall have a County Planning Commission shall be an advisory member of the County Planning Commission. All such advisory members shall have all the privileges of membership except the right to vote.

4. Regular and Special Meetings.

The Commission shall fix the time for holding regular meetings, but it shall meet at least once in the months of January, April, July, and October.

Special meetings of the Commission may be called by the president or by at least two members upon written request to the secretary. Whether called by the president or by two or more members, the secretary shall send to all of the members, at least two days in advance of a special meeting, a written notice fixing the date, time, and place of the meeting, but written notice of a special meeting is not required if the date, time, and place of the special meeting have been fixed in a regular meeting, or if all of the members are present at the special meeting.

5. Quorum

In order to conduct a Commission meeting, a quorum of the members must be present. A majority of the members of the Commission shall be official unless authorized by a majority of the members present at a regular or properly called special meeting. The president shall be a voting member of the Commission.

The secretary shall have no vote, but shall record the minutes of each meeting and shall perform other duties as required or needed by the Commission.

6. Offices; Appropriation for Expenses

The Municipality shall provide the Commission with suitable offices for holding of meetings and the preservation of plans, maps, documents and accounts, and shall provided by appropriation a sum sufficient to defray the reasonable expenses of the Commission.

7. Election of Officers

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

8. Appointment, Duties, and Compensation of Secretary and Employees; Special and Temporary Services; Legal Assistance.

The Commission shall appoint and prescribe the duties and fix the compensation of a secretary and such employees as are necessary for the discharge of the duties and responsibilities of the Commission. All such compensation, however, shall be in conformity to and in compliance with the salaries and

compensation theretofore fixed by the governing body of the Municipality.

The Commission may make contracts for special or temporary services and any professional counsel. The City Attorney, shall, render legal assistance and service to the Commission.

9. Appropriations, Expenditures; Disposition of Gifts, Participation in Federal Planning Assistance Programs.

After the governing body of the Municipality has adopted this Ordinance creating a Planning Commission, the governing body shall appropriate funds to carry out the duties of the Commission.

The Commission shall have the power and authority to expend, under regular municipal procedure as provided by law, all sums appropriated to it for the purposes and activities authorized under this article.

The Municipality may accept gifts and donations for Commission purposes. Any monies so accepted shall be deposited with the Municipality in a special nonreverting Commission fund to be available for expenditures by the Commission for the purpose designated by the donor. The disbursing officer of the Municipality shall draw warrants against such special nonreverting fund only upon vouchers signed by the president and secretary of the Commission.

The Commission is empowered and authorized to spend funds made available for the purposes of this article, and to accept and use funds provided for the purposes of this article by the government of the United States and any other agency or group whose interests are in harmony with such purposes, in accordance with federal requirements and subject to such conditions or limitations as the Constitution or law of the State may provide. In this connection the Commission is hereby expressly authorized to participate in the Federal planning assistance programs as set forth in the "Federal Housing Act of 1954," as amended, and any subsequent acts.

10. The Commission may make and recommend for adoption to the governing body of the Municipality a comprehensive plan for the physical development of the territory within its jurisdiction.

The Commission may prepare, and is empowered and authorized to adopt, a comprehensive plan and zoning ordinance for either the

entire city, or for any part or parts thereof which constitute an effective region or regions for planning and zoning purposes without the necessity of adopting a plan and ordinance for any other part. The Commission is empowered and authorized to recommend, to the Municipal Council, a change of or an amendment to any zoning ordinance already in effect before said Commission was created.

In determining what constitutes an effective region or regions for planning and zoning purposes, due consideration shall be given to such factors as population density, health, general welfare, flooding, water and sanitation requirements, and future potential for residential, commercial, industrial or public use.

The Commission is empowered with all the authority as stated in Article 24, Chapter 8, of the Code of West Virginia, as amended or as may be amended.

BOARD OF ZONING APPEALS

Section 38: Creation, Membership, Terms, Vacancies, Powers, and Duties

1. Creation

The Board of Zoning Appeals shall be created by this Ordinance and shall be established and shall continue to operate on or after the effective date of this Ordinance.

2. Membership

The Board of Zoning Appeals shall consist of five members to be appointed by the governing body of the Municipality.

The members of the Board shall be individuals who are freeholders and residents of the Municipality and at least three fifths of such members must have been residents of the Municipality for at least ten years preceding the time of their appointment. No member of the Board shall be a member of the Planning Commission nor shall any member hold other elective or appointive officer in the Municipal or County Government. Members of the Board shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.

Members of the Board shall be appointed for the following terms:

one for a term of one year, two for a term of two years; and two for a term of three years. The terms shall expire on the first day of January of the first, second, and third year, respectively, following their appointment. Thereafter, as their terms expire, each new appointment shall be for a term of three years.

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

3. Election of Officers, Quorum, Compensation of Secretary, and Employees.

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

A majority of the members of the Board shall constitute a quorum. No action of the Board shall be official, however, unless authorized by a majority of all members of the Board.

The Board may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duties, all in conformity to and in compliance with the salaries and compensation theretofore fixed by the Municipality. The chairman shall be a voting member of the Board. The secretary shall have no vote, but shall record the minutes of each meeting and shall perform other duties as required or needed by the Board.

4. Offices; Appropriation for Expenses.

The governing body of the Municipality shall provide the Board with suitable offices for the holding of meetings and the preservation of plans, maps, documents, and accounts, and shall provide by appropriation a sum sufficient to defray the reasonable expenses of the Board.

5. Rules and Regulations and Procedures; Minutes and Records.

The Board shall follow all rules and regulations spelled out in the City Zoning Ordinance or its amendments concerning the Board's duties or the filing of appeals, applications for variances and exceptions, the giving of notice and the conduct of hearings as shall be necessary to carry out its duties under the terms of this article.

The Board shall keep minutes of its proceedings, keep records of all official actions, and shall record the vote on all actions taken. All minutes and records shall be filed in the office of the Board and shall be public records.

All decisions by the Board will be contained in an order which sets forth findings of fact and conclusions of law. A written report, by the Official Recorder of the Board, will be forwarded to City Council prior to Regular City Council meetings.

6. Powers, Authority and Duties.

- a. Hear and determine appeals from and review any order, requirement, decision, or determination made by any person concerning “The Glenville Zoning Ordinance.”
- b. Permit and authorize exceptions to the district rules and regulations only in the classes of cases or in particular situations, as specified in the Ordinance.
- c. Hear and decide special terms of the Ordinance upon which the Board is required to act under the Ordinance; and
- d. In any instance where the Board is required to consider a request for a special exception or variance in accordance with the provisions of this Ordinance, the Board shall:
 1. Give full consideration to the size, scope, extent, and character of the exception desired and assure itself that such request is consistent with this Ordinance and will promote the harmonious and orderly development of the district in which it is located.
 2. Consider the suitability of the property for the use desired.
 3. Take into consideration the character and type of development in the area surrounding the location for which the request is made and determine that the proposed change or modification, as permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood. Consider, among other things: the zoning classification of the area affected; the effect, if any, on other properties in the area; the number, extent, and scope of nonconforming uses in the area; and the presence or the absence in the neighborhood of conditions or uses which are the same or similar in character to the conditions or use for which the applicant seeks approval.

4. Consider the suitability of the proposed location of a use with respect to traffic and streets in the area, and insure that adequate access and off-street parking arrangements are provided in order to protect major streets from undue congestion and hazard. Guide the development of major street frontage insofar as possible so as to limit the total number of access points, and encourage the frontage of buildings on parallel marginal roads or on roads perpendicular to the major street.
5. Make certain that the proposed change is reasonable in terms of the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police protection, fire protection, and public schools, and assure adequate arrangements for sanitation in specific instances.
6. Impose such conditions, in addition to those required, as are necessary to insure that the general purpose and intent of this Ordinance is complied with and that the use of the property adjacent to the area included in the proposed change or modification is adequately safeguarded, which conditions may relate to, but are not limited to harmonious design of building, aesthetics, planting and its maintenance as a sight or sound screen, landscaping, hours of operation, lighting, numbers of persons involved, allied activities, ventilation, noise, sanitation, safety, smoke and fume control, and the minimizing of noxious, offensive, or hazardous elements.
7. Determine that the proposed change will serve the best interests of the Municipality, the convenience of the community, the public health, safety, morals, and general welfare.
8. In the case of a requested variance, require the applicant to show that enforcement of the provisions of this Ordinance would result in unnecessary hardship. The written application for a variance shall demonstrate that:
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - c. The special conditions and circumstances do not result from the actions of the applicant.
 - d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 - e. The Board is empowered with all the authority as stated in Article 24,

Chapter 8, of the Code of West Virginia, as amended, or may be amended.

7. Hearing of Appeal

An appeal taken from any order, requirement, decision, or determination made by an administrative official or a board charged with the enforcement of any ordinance or rule and regulation adopted pursuant to this Ordinance or section thirty-nine through forty-nine (8-24-39 to 8-24-49) of the State Code as amended, or may be amended, shall be filed with the Board of Zoning Appeals.

The appeal shall specify the grounds thereof and shall be filed within such time and in such form as may be prescribed by the Board by general rule and regulation.

The administrative official or board from whom or which the appeal is taken shall, upon request of the Board, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken.

The Board shall fix a reasonable time for the hearing of an appeal. Public notice of the hearing shall be given in the manner specified in section eighteen (18-24-18) of the Code of West Virginia, as amended, or may be amended, and due notice shall be given additionally to the interested parties.

The Board may require the party taking the appeal to assume the cost of public notice to interested parties. The Board's Recorder shall take the minutes of the hearing and shall take custody of all exhibits presented at the hearing.

At the hearing, any party may appear in person, by agent, or by an attorney at law admitted to practice in this State.

8. Staying off Work Premises When Appeal Taken: Exception.

When an appeal has been taken and filed with the Board, all proceedings and work on the premises in question shall be stayed unless the official or person from whom or which the appeal was taken shall certify to the Board, that by reason of facts stated in the certificate, as stay would cause imminent peril to life or property.

A person has the right to appeal a decision of the Board to the Gilmer County Circuit Court. The petition must be presented to the Circuit Court within thirty days after the date of the decision of the Board if said person wishes to appeal.

9. Action by Circuit Court or Judge Thereof.

The Court or Judge may consider and determine the sufficiency of the allegations of illegality contained in the petition without further pleadings and may make a determination and render a judgment with reference to the legality of the decision or order of the Board of Zoning Appeals on the facts set out in the petition and return to the writ of certiorari.

If it shall appear to the Court or Judge that testimony is necessary for the proper disposition of the matter, the Court or Judge may take evidence to supplement the evidence and facts disclosed by the petition and return to the writ of certiorari, but no such review shall be by trial de novo.

In passing upon the legality of the decision or order of the Board of Zoning Appeals, the Court or Judge may reverse or affirm, in whole or in part, or may modify such decision or order.

10. Appeal From Final Judgment of Circuit Court or Judge Thereof.

An appeal may be taken to the Supreme Court of Appeals of this State from the final judgment of the Court or Judge reversing, affirming, or modifying the decision or order of the Board of Zoning Appeals within the same time, in the same manner, and upon the same terms, conditions, and limitations as appeals in other civil cases.

11. Injunction

The Commission, the Board, the City, may seek an injunction in the Circuit Court of the County to restrain a person or unit of government from violating the provisions of this article or of any ordinance or rule and regulation adopted pursuant hereto. The Commission, the Board, the City, may also seek a mandatory injunction in the Circuit Court directing a person or unit of government to remove a structure erected in violation of the provisions of this article or of any ordinance or rule and regulation adopted pursuant hereto. If the Commission, the Board, or the City is successful in any such suit, the respondent shall bear the cost of the action.

12. Regular and Special Meetings.

The Board shall fix the time for holding regular meetings and may hold special meetings as needed. Special meetings of the Board may be called by the chairman or by at least two members upon written request to the secretary. Whether called by the chairman or by two or more members, the secretary shall send to all of the members, at least two days in advance of a special meeting, a written notice fixing the date, time, and

place of the meeting, but written notice of a special meeting is not required if the date, time, and place of the special meeting have been fixed in a regular meeting, or if all of the members are present at the special meeting.

13. Special and Temporary Services; Legal Assistance.

The Board may make contracts for special or temporary services and any professional counsel. The City attorney shall render legal assistance and service to the Board.

Special 39: Requirements of Permits

1. A permit shall be required prior to the erection, alteration, repair, or dismantling of any building, structure, or portion thereof, prior to any work being started, unless said work is of an emergency nature which would cause imminent peril to life or property or is just a minor repair that is in full compliance with this Ordinance.

Other permits may be required by this Ordinance or other ordinances now in effect or as may be required in the future. The City Council will set any fee to be charged for any permit.

2. It is the landowner's or leaseholder's responsibility to apply for a permit, which responsibility he retains even when the actual preparation of the application is undertaken by someone else. Application for permit shall be made to the City Building Inspector's or someone designated by the City, on such forms as may be furnished by the Municipality. Each application shall contain all information necessary to ascertain whether the proposed erection, alteration, use, or change in use complies with the provisions of this Ordinance.
3. No improvement location permit or use permit shall be issued until the officer designated by the Municipality has certified that the property complies with all the provisions of this Ordinance and also that the Board has approved the permit.
4. Following the issuance of a permit for construction and use in accordance with approved plans, no change, deviation, or alteration shall thereafter be permitted except when authorized by the Municipality upon written application, which application shall be in the nature of an original application for permit. If the lot or tract for which the development has been approved is sold, the original conditions upon which approval was granted shall be fulfilled by the new owners.
5. If construction of an approved development is not undertaken within twelve (12) months from the time that approval was last granted by the Municipality, the application for development must be reviewed, and renewal of approval must be obtained.

Section 40: Certificate of Occupancy

1. After a permit has been approved and all work has been completed, the person or persons designated by the City of Glenville or the Board will then inspect the property for a final time and issued a signed statement titled a “Certificate of Occupancy”, stating that all construction complies with all the provisions of this Ordinance and all other ordinances, of the City of Glenville, and that the building, structure, or construction or parcel of land may be used or occupied or lawfully be employed for a specified use.
2. It shall not be lawful for anyone to use or occupy any structure, building, or construction or parcel of land without a current approved “Certificate of Occupancy.”

ADMINISTRATION OF THIS ORDINANCE

Section 41: Administration and Enforcement

1. This ordinance shall be enforced by the Board of Zoning Appeals, the City Building Inspectors, the City of Glenville, the City Police Department, the Municipal Planning Commission, or someone so designated by them.

Section 42: Violations

1. Failure to secure a permit, or an improvement, location or use permit, when required, previous to the erection, construction, extension, or alteration addition, to a building or the change of use, or installation or alteration, shall be one of the violations of this Ordinance.
2. The City of Glenville or the Board may enforce this Ordinance and require the removal of any building, structure, or item located in or upon or under any lot, which is in violation of this Ordinance.
3. Any person violating any provision of this Ordinance, or any person that fails to comply with any provision, rule, or regulation adopted pursuant to the provisions of this Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten (10) dollars nor more than three hundred (300) dollars, for each and every offense, and each day that he shall continue, such violation shall constitute a separate offense and be punishable by like fine.

AMENDMENTS

Section 43: Power of Amendment

1. The City Council may, from time to time, amend, supplement, or change the rules and regulations and districts or areas fixed by this Ordinance.

Section 44: Validity

1. It is the intent of the Common Council of the City of Glenville that each separate provision, article, section, subsection, paragraph, clause, rule, or regulation of this Ordinance shall be deemed independent of any other provision, article, section, subsection, paragraph, clause, rule, or regulation herein, and it shall be further the intention of the Common Council of the city of Glenville, that if any provision, article, section, subsection, paragraph, clause, rule, or regulation of this Ordinance be declared, by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of this Ordinance; and all other provisions, articles, sections, subsections, paragraphs, clauses, rules, or regulations contained therein, shall remain valid, and in full force and in effect and enforceable.
2. Any part of any inconsistent ordinance that is in conflict herewith is repealed to that extent and no further, See also Section 6, conflicts with other laws.

CERTIFICATE OF ENACTMENT

I, L. Joe Putnam, Mayor, do hereby certify that the foregoing Ordinance was lawfully amended and readopted and the final reading was held at the council meeting, on the 1st of June, 1999, and said Ordinance was enacted by the Common Council of the City of Glenville and said Ordinance shall be in immediate force and effective as of the 1st of June, 1999.

L. Joe Putnam, Mayor
L. Joe Putnam, Mayor

ATTEST:

Cathy Nolan
Cathy Nolan, Recorder

