

**ARTICLE 1700  
SUPPLEMENTARY PROVISIONS**

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**1700.01 STATEMENT OF LEGISLATIVE INTENT**

It is the intent of the supplementary provisions to:

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

**1700.02 ALIGNMENT PROVISION FOR FRONT SETBACK**

In any residential district, when the front setbacks of the dwellings located on both sides of a lot exceed the minimum front setback as prescribed in this ordinance, the new dwelling shall set back at least the same distance as one of the said dwellings. In the event there is only one adjacent lot with an existing dwelling, and that dwelling exceeds the minimum front setback, the new dwelling shall set back at least the average of the existing dwelling setback and the required setback in that district. Where there are two adjacent dwellings, only one of which exceeds the minimum front setback, the minimum setback requirement of this ordinance shall apply to the new dwelling.

**1700.03 PROJECTIONS INTO SETBACKS**

- A. Architectural features may project into a required setback as provided below:
  - 1. Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters, or other similar features a distance not exceeding three feet into the required setback, except that such features must not extend closer than three feet from the property line
  - 2. Uncovered stairs, landings, and porches, none of which shall be more than five feet above ground level, a distance not to exceed three feet into the required setback.
- B. No permitted projection noted in (A) above shall extend within three feet of an accessory building.

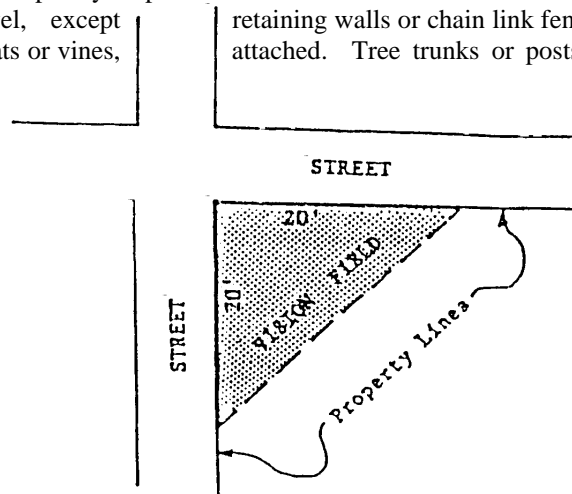
- C. Fences, walls, terraces, steps, or other similar features may project into a required setback, except as provided under Section 1700.04 - Vision Field, but shall not exceed eight feet in height.

However, retaining walls (and fences in commercial and industrial districts) may exceed eight feet in height, provided they do not violate the provisions of Section 1700.04 - Vision Field.

**1700.04 VISION FIELD**

A vision field shall be provided at every street intersection. A vision field shall be a triangular area at the street intersection of a corner lot, the space being defined by a line across the corner of the lot, the ends of which are on the street lines 20 feet from the corner and containing no plantings, walls, structures, landfills, or temporary or permanent vision obstruction from two and one-half feet in height above the street level, except retaining walls or chain link fences with no additional sight attached. Tree trunks or posts may penetrate the vision field.

**VISION FIELD**



**1700.05 EXCEPTIONS TO HEIGHT LIMITATIONS**

The district height limitations, shall not apply to the following, provided such structures do not interfere with airplane flight patterns:

- A. Church spires, belfries, cupolas, or domes, not for human occupancy.
- B. Water, fire, hose, or observation towers.
- C. Chimneys, derricks, conveyors, or flagpoles.
- D. Elevator penthouses, water tanks, or monitors.
- E. Cooling tower, smokestack, or other structure where the manufacturing process requires a greater height.
- F. Parapet wall not extending more than four feet above the limited height of the building upon which it rests.
- G. Situation as provided for under Section 1700.06 - Incentive Provisions.
- H. Communication Towers.
- I. Height standards may be exceeded if for every five feet (5') of additional height, the minimum side and rear yard setbacks requirement shall be increased by five feet (5') within a maximum of three (3) stories.



**1700.06 INCENTIVE PROVISIONS**

In any district, when a floor or floors of enclosed parking are provided within a building, those parking floors shall not count in determining the height of the building.

**1700.07 DESIGN STANDARDS FOR SINGLE FAMILY DWELLINGS ON LOTS OF RECORD**

It is the intent of this Ordinance to encourage the provision of affordable housing by permitting the use of affordable homes, as defined in this Code.

There shall be three classifications of single family dwellings established under this Zoning Ordinance: Class "A", Class "B" and Class "C". The regulations for such are as follows:

**A. Class "A" Single Family Dwelling**

1. The single family home shall have a minimum length of 40 and width of 20 feet.
2. All single family homes are required to have a perimeter enclosure of masonry and/or concrete from the sill to the ground.
3. All tow bars shall be removed when the dwelling is installed on the residential lot.
4. The main structure shall have a pitched roof.
5. The main structure shall have a roof surface of wood shakes, asphalt, composition or wood shingles, clay, concrete, or metal tiles, slate, built-up pitch with gravel surface or factory painted architectural panels fabricated from galvanized or galvalume coated steel or non-ferrous base metals, or modified EPDM rubber may be used for the roof, fascia, soffit, wall, or gable coverings. Unpainted panels fabricated from copper may also be used for roof, fascia, soffit, wall or gable coverings.
6. The main structure shall have exterior siding material consisting of either wood, masonry, concrete, stucco, masonite, or vertically or horizontally grooved siding or lap siding in appearance, or factory painted architectural panels fabricated from galvanized or galvalume coated steel or non-ferrous base metals.
7. Use of smooth flat metal sheets for exterior walls or roof coverings is prohibited.
8. The planning officer may approve deviations from one or more of the standards on the basis of written findings that the architectural style proposed provides compensating design features and that the proposed structure will be compatible and harmonious with existing structures in the vicinity. The determination of the planning officer may be appealed to the Board of Zoning Appeals.

**B. Class "B" Single Family Dwelling**

1. The single family home shall have a minimum length of 40 and width of 14 feet.
2. All single family homes are required to have a perimeter enclosure of masonry and/or concrete from the sill to the ground.
3. All tow bars shall be removed when the dwelling is installed on the residential lot.
4. The main structure shall have a pitched roof.
5. The main structure shall have a roof surface of wood shakes, asphalt, composition or wood shingles, clay, concrete, or metal tiles, slate, built-up pitch with gravel surface or factory painted architectural panels fabricated from

galvanized or galvalume coated steel or non-ferrous base metals, or modified EPDM rubber may be used for the roof, fascia, soffit, wall, or gable coverings. Unpainted panels fabricated from copper may also be used for roof, fascia, soffit, wall or gable coverings.

6. The main structure shall have exterior siding material consisting of either wood, masonry, concrete, stucco, masonite, or vertically or horizontally grooved siding or lap siding in appearance, or factory painted architectural panels fabricated from galvanized or galvalume coated steel or non-ferrous base metals.
7. Use of smooth flat metal sheets for exterior walls or roof coverings is prohibited.
8. The planning officer may approve deviations from one or more of the standards on the basis of written findings that the architectural style proposed provides compensating design features and that the proposed structure will be compatible and harmonious with existing structures in the vicinity. The determination of the planning officer may be appealed to the Board of Zoning Appeals.

C. Class "C" Single Family Dwelling

1. The single family home shall have a minimum of 400 square feet.

**1700.08 COMMERCIAL AND INDUSTRIAL USES**

Manufactured homes built to the Federal and National Manufacturing Housing and Safety Construction Act shall not be permitted as commercial or industrial structures in any district.

**1700.09 LEASE COMMUNITY**

A. Compliance with Standards

Any lease community shall comply with standards of the multi-family standards of this ordinance and single family dwellings in a lease community shall also comply with the Mobile Home Park Regulations of the West Virginia Board of Health, if applicable.

B. Design Standards

There shall be three classifications of single family dwellings established under this Zoning Ordinance: Class "A", Class "B" and Class "C". The regulations for such are as follows:

1. Class "A" Single Family Dwelling

- a. The single family home shall have a minimum length of 40 and width of 20 feet.
- b. All single family homes are required to have a perimeter enclosure of masonry and/or concrete, conventional vinyl underpinning, or other industry accepted alternative as approved by the planning officer.
- c. The main structure shall have a pitched roof.
- d. The main structure shall have a roof surface of wood shakes, asphalt, composition or wood shingles, clay, concrete, or metal tiles, slate, built-up gravel materials or factory painted architectural panels fabricated from galvanized or galvalume coated steel or non-ferrous base metals that may be used for the roof, fascia, soffit, wall, or gable coverings. Unpainted panels fabricated from copper may also be used for roof, fascia, soffit, wall or gable coverings.
- e. The main structure shall have exterior siding material consisting of either wood, masonry, concrete, stucco, masonite, or vertically or horizontally grooved siding or lap siding in appearance, or factory painted architectural panels fabricated

from galvanized or galvalume coated steel or non-ferrous base metals.

- f. Use of smooth flat metal sheets for exterior walls or roof coverings is prohibited.
- g. The planning officer may approve deviations from one or more of the standards on the basis of written findings that the architectural style proposed provides compensating design features and that the proposed structure will be compatible and harmonious with existing structures in the vicinity. The determination of the planning officer may be appealed to the Board of Zoning Appeals.

2. Class "B" Single Family Dwelling

- a. The single family home shall have a minimum length of 40 and width of 14 feet.
- b. All single family homes are required to have a perimeter enclosure of masonry and/or concrete, conventional vinyl underpinning, or other industry accepted alternative as approved by the planning officer.
- c. The main structure shall have a pitched roof.
- d. The main structure shall have a roof surface of wood shakes, asphalt, composition or wood shingles, clay, concrete, or metal tiles, slate, built-up gravel materials or factory painted architectural panels fabricated from galvanized or galvalume coated steel or non-ferrous base metals that may be used for the roof, fascia, soffit, wall, or gable coverings. Unpainted panels fabricated from copper may also be used for roof, fascia, soffit, wall or gable coverings.
- e. The main structure shall have exterior siding material consisting of either wood, masonry, concrete, stucco, masonite, or vertically or horizontally grooved siding or lap siding in appearance, or factory painted architectural panels fabricated from galvanized or galvalume coated steel or non-ferrous base metals.
- f. Use of smooth flat metal sheets for exterior walls or roof coverings is prohibited.
- g. The planning officer may approve deviations from one or more of the standards on the basis of written findings that the architectural style proposed provides compensating design features and that the proposed structure will be compatible and harmonious with existing structures in the vicinity. The determination of the planning officer may be appealed to the Board of Zoning Appeals.

3. Class "C" Single Family Dwelling

- a. The single family home shall have a minimum of 400 square feet.

C. Property Development Standards

Minimum Setback from Edge of Road Surface	<ul style="list-style-type: none"><li>• 20 Feet</li></ul>
Minimum Setback from Rear of Lot	<ul style="list-style-type: none"><li>• 10 Feet</li></ul>
Minimum Distance between Buildings	<ul style="list-style-type: none"><li>• 15 Feet</li></ul>

**1700.10 TEMPORARY PERMITS**

A. Temporary Uses

1. Night watchman
2. Temporary site offices for owners of businesses whose offices have been destroyed by fire, flood, wind or other act of God. The applicants for such a permit shall make written application. These temporary offices must be accessible to the general public for use during construction or remodeling
3. Temporary building space for education, non-profit organizations, and government agencies
4. Temporary site offices for construction companies on construction sites and sales offices for residential subdivisions

B. Unique Temporary Uses

1. Planning Commission may, upon a written finding that public health, safety, welfare, morals, or convenience requires it, issue a temporary permit authorizing a use of land not otherwise permitted in this ordinance. The processing of a temporary permit shall be in accordance with the procedures set forth in Article 2000 - Amendments and Hearing Procedures.
2. Planning Commission may attach such restrictions on a use proposed under a temporary permit as may be necessary to protect public health, safety, welfare, morals, or convenience.
3. A temporary permit shall be issued for a period not to exceed one year from date of Planning Commission approval. Said permit may be renewed, upon realization, for a period not to exceed one year. In no event, however, shall a permit be allowed to extend beyond a period of three consecutive years from the date of initial Commission approval. Also, no temporary permit shall be renewed after the three year period has expired.
4. Each temporary permit shall set forth the date of termination. Upon termination, and if said permit is not renewed, the use covered by the permit shall cease within 30 days.
5. A temporary permit issued under this section may be revoked at a regular or special meeting of Planning Commission. Revocation of a temporary permit prior to the automatic termination date, as set forth in the permit, shall follow the procedure outlined in Article 2000 - Amendments and Hearing Procedures, insofar as notice and public hearing are concerned. Upon revocation of a permit, the use covered by the permit shall cease within 30 days of the date of such action by Commission.
6. A temporary permit for a sales office for a residential subdivision may be issued and shall expire at the time of the last home sale within the subdivision.

**1700.11 AWNINGS AND CANOPIES**

Awnings and canopies, wherever permitted, shall be subject to the following restrictions:

- A. Awnings and canopies shall be maintained in good and safe structural condition.
- B. An awning or canopy shall not extend over more than one-half of a public sidewalk nor be lower than nine feet above a public sidewalk.
- C. Posts or columns beyond the building line shall not be permitted on public property.

**1700.12 SATELLITE DISH ANTENNA**

Satellite dish antennae, wherever permitted, shall be subject to the following additional restrictions:

- A. Satellite dish antenna located in the rear yard and on the ground, except that 36" or smaller dish can be located anywhere except the front yard.
- B. A variance may be applied for if reception is not possible in allowed areas.

**1700.13 ELDERLY AND DISABLED HOUSING OPPORTUNITY (EDHO)**

EDHO units provide arrangements to increase housing opportunities for the elderly and disabled. EDHO units may be either detached, constructed within, or attached to a primary single family residence. EDHO units shall be permitted with the following limitations:

- A. Detached EDHO units must be located on the same lot as the primary residence of the property owner. A primary single family residence which contains or has an attached EDHO unit must also be occupied by the owner.
- B. Occupancy of EDHO units is restricted to not more than two persons, one of whom is either related by blood, marriage, or adoption to the owner of the single family residence and is disabled (as defined in WV State Code), or is at least 55 years of age.
- C. Detached EDHO units must be able to meet the setback requirement for the district in which the unit is to be located.
- D. Applicants for EDHO units must prove to the Planning Officer, when applicable, that proper permits and approval have been received for water and sewage system.
- E. In no case shall any EDHO unit be permitted to convert to an apartment or rental unit after the need for the EDHO unit has ceased, unless such use is otherwise permitted in the district.
- F. Floor space of EDHO units shall not exceed 30% of the floor space of the existing living area of the primary residence or 500 square feet, whichever is greater.
- H. The applicant shall submit a scaled site plan that appropriately depicts the siting of the EDHO
- I. Planning Officer may require additional conditions for issuing a permit, in order to assure the proper integration of EDHO into the surrounding neighborhood and for the protection of the public health, safety and general welfare.

**1700.14 MAINTENANCE OF PROPERTY**

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

**1700.15 STEEP SLOPES**

- A. **General.** Hillside with slopes of 10 percent or more are sensitive areas which are frequently not able to tolerate subdivision development as it is practiced on flatter land. The instability of such areas requires careful planning and design before development takes place. Natural slopes, trees, rock formations, and other features such as views can best be preserved if subdivision development is allowed to be flexible and creative. In general, the integrity and durability of a hillside is inversely related to the amount of construction activity (particularly earthwork) that takes place on the hillside.

- B. **Principles and Regulations.** Hillside subdivision proposals will be reviewed and considered on an individual independent basis. The natural features of each hillside will determine final subdivision design configuration. The most informal development, consistent with principles of good access, proper drainage, and resource conservation, shall be considered.

Planning Commission review of hillside subdivision proposals shall be based upon the following:

1. Minimize the alteration of natural terrain and the removal of topsoil and vegetative cover.
2. Allow flexibility in density, lot size, lot shape, and setback so that the more buildable areas of a hillside can be developed, and the less buildable areas left in a natural condition.
3. Consider narrow rights-of-way and roads (possibly one-way roads with convenient pull-offs) so that earthwork may be minimized to access developable areas.
4. Consider roadside parking bays.
5. Design and construct roads that are parallel to contour lines; preferably design and construction roads on ridges and in valleys to minimize cuts and fill. Use retaining walls where possible to minimize cuts and fill.
6. Consider lot layouts which minimize on-site (on-lot) grading and earthwork for access, parking and building construction.
7. Design, engineer and construction entrances to individual lots before lots are sold.
8. Select building sites and areas for the construction of septic system drain fields before lots area sold.
9. Include provisions within deeds of sale that require property owners to protect the hillside, woodland, etc. From destruction.

- C. **Natural Areas.** Hillside subdivision developments shall include the retention of land in a natural, undisturbed condition. The following table shall be used to determine the area of land that must be maintained in a substantially natural condition (no clearing, cutting, filling):

*Slope of Land (Percent)	Percentage of Land to be Maintained in a Natural Condition
10 – 14.9	25
15 – 19.9	40
20+	55

\*Slope shall be determined on an appropriate grid cell basis, which would be placed over the subdivision topographic map. Within each cell the average slope shall be determined by measurement using the longest line that can be drawn perpendicular to topographic contour lines passing through the cell.

For any lot where the slope is 10% or more, the percentage of slope of the land and the percentage of land to be maintained in a natural condition must be designated on the preliminary and final subdivision plats for that lot.

The Planning Commission may allow the disturbance of additional small areas where that disturbance will alleviate potential health or safety problems and will not significantly harm the overall environmental quality of the site. The Planning Commission may allow the disturbance of larger areas of steep slopes than described above for large scale developments. In such cases, strong consideration shall be given to hillside stability, drainage and aesthetics.

**1700.16 TOXIC MATERIALS**

Land uses that handle materials that could contaminate the drinking water are required to meet all federal, state, and local rules and regulations.

**1700.17 REQUIREMENTS FOR UNIQUE LAND USES**

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

A. Child care center

1. The County Health Department shall approve the proposed plans
2. The County Emergency Services shall approve the proposed plans.
3. The use shall not constitute a nuisance because of traffic, number of children being cared for, noise, or types of physical activity.

B. Communication or broadcasting tower and related equipment.

1. The lot on which a tower, antenna, or station is located shall be of such dimensions that an imaginary line drawn from the top of the tower, or the guy wire from the top of the tower, shall not exceed a 60 degree angle to the horizontal, relating to the base of the tower.
2. All guy wires shall be attached to the ground on the property under the control of the owner or operator of the tower, antenna, or station.
3. A tower or antenna without guy wires shall be calculated with the same 60 degree angle as to the imaginary line and the lot dimensions.
4. Station structures shall be comparable to existing structures in the area.
5. All radio antennae or supporting structures shall be in conformance with all federal and state laws or regulations. Violation of any federal or state law or regulation regarding radio antenna or supporting structures also shall constitute a violation of this ordinance.

C. Group home

1. A special permit application for approval of a group home shall be accompanied by the following information:
  - a. Location of the proposed facility; and
  - b. Number of persons to be served by the facility; and
  - c. Type of problem and age of persons to be served by the facility; and
  - d. Description of proposed use for the premises; and
  - e. Architectural sketches indicating the external appearance and size of the completed building, if a new building is to be built or an existing building externally remodeled within a residential zoning district; and
  - f. Agency's state license to operate the type of group home proposed. If the agency is not licensed by the state to maintain a group home, information shall be submitted demonstrating the agency's capacity to establish and operate the group home, including information about the agency's overall activities and, with regard to operating a group home, the agency's standards of care, staffing, financial stability, experience, intent, and governing board.

2. A group home shall have adequate supervision by a trained staff 24 hours a day, unless the applicant demonstrates that 24-hour supervision is not necessary.
3. If an existing building is to be used for a group home, reports shall be received on the condition of the building and its appropriateness for the proposed use, prior to action on the application.
4. If a group home is to be located in a residential zoning district, the minimum lot area requirements for the applicable district shall be met, based on a "family" being equivalent to one dwelling unit. If a group home is in a commercial district, minimum lot area requirements shall not apply.
5. If a group home is to be located in a residential zoning district, the County Planning Commission shall determine whether or not the building's external appearance and size will be compatible with other buildings in the area.
6. Complaints filed against a group home shall be investigated by the Planning Director.
7. A special permit for a group home may be revoked by the County Planning Commission after a special public hearing. In order to revoke a permit, the Commission shall find that either:
  - a. A violation of this ordinance has occurred, causing harm to the residents of the home, neighbors, or the general public, or
  - b. The home has violated provisions of the special permit repeatedly or in a flagrant manner.

The Commission may reinstate approval of a special permit when it is satisfied that the provisions of this ordinance will be complied with.

8. After a special permit for a group home is approved by the Commission, any change in the type of persons to be served by the group home or a change calling for a different agency to operate the home shall require a new special permit application.

D. Helipad or heliport

1. A helipad or heliport shall not create a nuisance due to traffic, noise, or proximity to a residential zoning district.
2. Proposals shall be approved by the Federal Aviation Administration and a report submitted to the Commission prior to action.
3. A helipad or heliport shall be located so as to minimize the potential risk to the public and shall have flight paths that also minimize such risk, especially for the last 300 feet horizontal of the actual direction of approach.

E. Home Occupation

1. Home occupations shall be an accessory use which:
  - a. Is clearly incidental to or secondary to the residential use of a dwelling unit; and
  - b. Is customarily and traditionally carried on within a dwelling unit by one or more occupants of such dwelling unit; and
  - c. Is limited to members of the resident family.

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2. A home occupation shall be conducted wholly within the principal or accessory structure. It shall not be permitted to:
    - a. Sell upon the premises articles produced elsewhere;
    - b. Have exterior displays or a display of goods visible from the outside;
    - c. Store materials or products outside a principal or accessory structure;
    - d. Make external structural alterations which are not customary in residential buildings;
    - e. Display signs (except one non-illuminated sign not exceeding a total area of two square feet, affixed to the building, and not projecting more than one foot beyond the building) that will indicate from the exterior that the building is being utilized in part for purposes other than that of a dwelling; or
    - f. Generate traffic by such home occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
  3. Home occupations may include: fine art studios, professional offices, teaching of not more than two pupils simultaneously, seamstresses, cabinetmakers, real estate or insurance agents, and door-to-door sales of home or cosmetic products (excluding warehousing activity).
  4. Home occupations shall not include: dance studios, commercial repair or storage of automobiles or watercraft, mortuary establishments, bed and breakfast establishments or tourist homes, antique shops, or commercial kennels.
- F. Kennel
- The County Animal Relief Center and Putnam County Health Department shall approve the plans prior to action by the Commission.
- G. Livestock or poultry, keeping of (non-commercial)
1. A minimum site of one acre shall be required.
  2. Such proposal shall be reviewed by, and a report received from, the County Health Department prior to final action on the application.
- H. Motor vehicles - towing or wrecker service.
1. Storage areas shall be screened from view by a minimum six foot high opaque fence or wall.
  2. Stored vehicles must be currently licensed.
  3. Storage areas must be subordinate in area to the principal structure.
  4. Vehicles may be stored on premises for a maximum of 60 days.
  5. Storage areas must be paved.
- I. Movie theater, drive-in
1. The location of projection screens shall not interfere with surrounding areas or traffic flow.

2. An area capable of storing at least one-third as many cars as can be accommodated within the parking area shall be provided for waiting vehicles away from the flow of incoming or outgoing traffic.
3. At the points of ingress or egress, acceleration and deceleration lanes shall be provided to facilitate the continuous flow of traffic to and from the theater.

**J. Nursing home**

1. The proposed plan shall be approved by the County Health Department and County Emergency Services, prior to action on the application.
2. Such use shall not constitute a nuisance because of traffic generated.

**K. Oil and gas operation, exploration and production.**

These regulations shall apply to the drilling of new wells as well as re-drilling, fracturing, or other procedures for the extraction of or obtaining sources of oil or gas.

1. An Engineering report shall be submitted to the Commission on the adequacy of drainage provisions for natural or created water at or near the site, prior to action on the application by the Commission.
2. The applicant shall provide proof of state permit approval.
3. No well operation shall be permitted within 500 feet of any dwelling unit, church, school, nursing home, hospital or sanitarium.

**L. Parking structure or lot, automobile (commercial).**

1. Such parking structure or lot shall be a principal commercial use.

**M. Retail Sales/Pawnshop/Firearms**

1. The sale of firearms and/or the loaning of money on the security of personal property pledged in their keeping shall not be permitted uses separate from the sale of other retail goods within a C-1 and C-2 zoning district.
2. Pawn shops which incorporate the sale of other retail goods are permitted.
3. A Retail Sales/Pawnshop/Firearms shall be located no closer than 300 feet from a church, school, or residential building.

**N. Video Lottery Establishments**

1. Location of Video Lottery Establishments
  - a. It shall be unlawful to operate or cause to be operated a video lottery establishment in any location in the zoned area of Putnam County except as provided in this Zoning Ordinance.
  - b. Petitioners seeking a Special Permit shall identify that it is pursuing licensure for a video lottery establishment through the State of West Virginia.
  - c. It shall be unlawful to operate a video lottery establishment within 600 feet of an existing establishment that already provides video lottery, within 500 feet of an existing religious institution, school, child care center, or public park, 300 feet from a business that sells petroleum products capable of being used as fuel in an internal combustion engine and 150 feet from a residentially zoned district or residential land use.

- d. One parking space shall be required for each video lottery machine on premise, in addition to any other parking requirements in accordance with this Zoning Ordinance.
- e. If a licensed video lottery establishment operated within 600 feet of the proposed video lottery establishment, then the applicant must submit documentation from the West Virginia Lottery Commission verifying the previous licensed video lottery establishment ceased operation at least one (1) year from the date of the proposed video lottery establishment's application.
- that
- f. The applicant shall submit three (3) copies of the site plan prepared by an engineer or surveyor, which include the following data:
1. Date of preparation, north arrow, and scale;
  2. Legal description and tax parcel;
  3. Applicant/owner name and address;
  4. Existing Zoning District;
  5. Location and dimensions of the proposed video lottery structure;
  6. Location and distance of residentially zoned districts within 150 feet of the proposed structure;
  7. Location and distance of residential land use within 150 feet of the proposed structure;
  8. Location and distance of existing religious institutions, schools, child care centers, or public parks within 500 feet of the proposed structure;
  9. Location and distance of a business that sell petroleum products capable of being used as fuel in an internal combustion engine within 300 feet of the proposed structure.
  10. Location and distance of existing video lottery establishments within 600 feet of the proposed structure;

2. Measurement Distance

The distance between any two (2) video lottery establishments shall be measured in a straight line, without regard to intervening structures, from the nearest exterior wall of each structure. The distance between any video lottery establishment and any religious institution, school, child care center, public park, business that sells petroleum products or residentially zoned district shall be measured in a straight line, without regard to intervening structures, from the nearest exterior wall of the video lottery establishment to the closest property line of the religious institution, school, child care center, public park, business that sells petroleum products or residentially zoned district. The distance between any video lottery establishment and any residential land use located in a nonresidential zoning district shall be measured in a straight line, without regard to intervening structures, from the nearest exterior wall of the video lottery establishment to the nearest exterior structural wall of the residential structure.

3. Nonconforming Use

A video lottery establishment lawfully operating is not rendered a nonconforming use by the subsequent location of a religious institution, school, child care center, public park, business that sells petroleum products or change in property zoning designation; however, if a licensed video lottery establishment ceases operation and the property has been vacant for a period of one (1) year or more regardless of any intent to resume operation, it may not recommence operation in that location if the video lottery establishment does not meet the requirements of *Section 1700.07 (M) (1)*.

An existing licensed video lottery establishment on the effective date of the adoption of this amendment is not exempt from these requirements. If the structure housing an existing video lottery establishment becomes damaged or destroyed by any cause, the structure may be replaced or reconstructed as long as action to reestablish the facility is initiated within 90 days.

**1700.18 FIRE HYDRANTS**

No person may:

- A. Obstruct the access to any fire hydrant by placing around, thereon or within 10 feet thereof, any stone, brick, lumber, dirt, rubbish or other material; or
- B. Impede access to any fire hydrant by allowing vehicles to be parked or any other objects to be placed within 10 feet thereof.