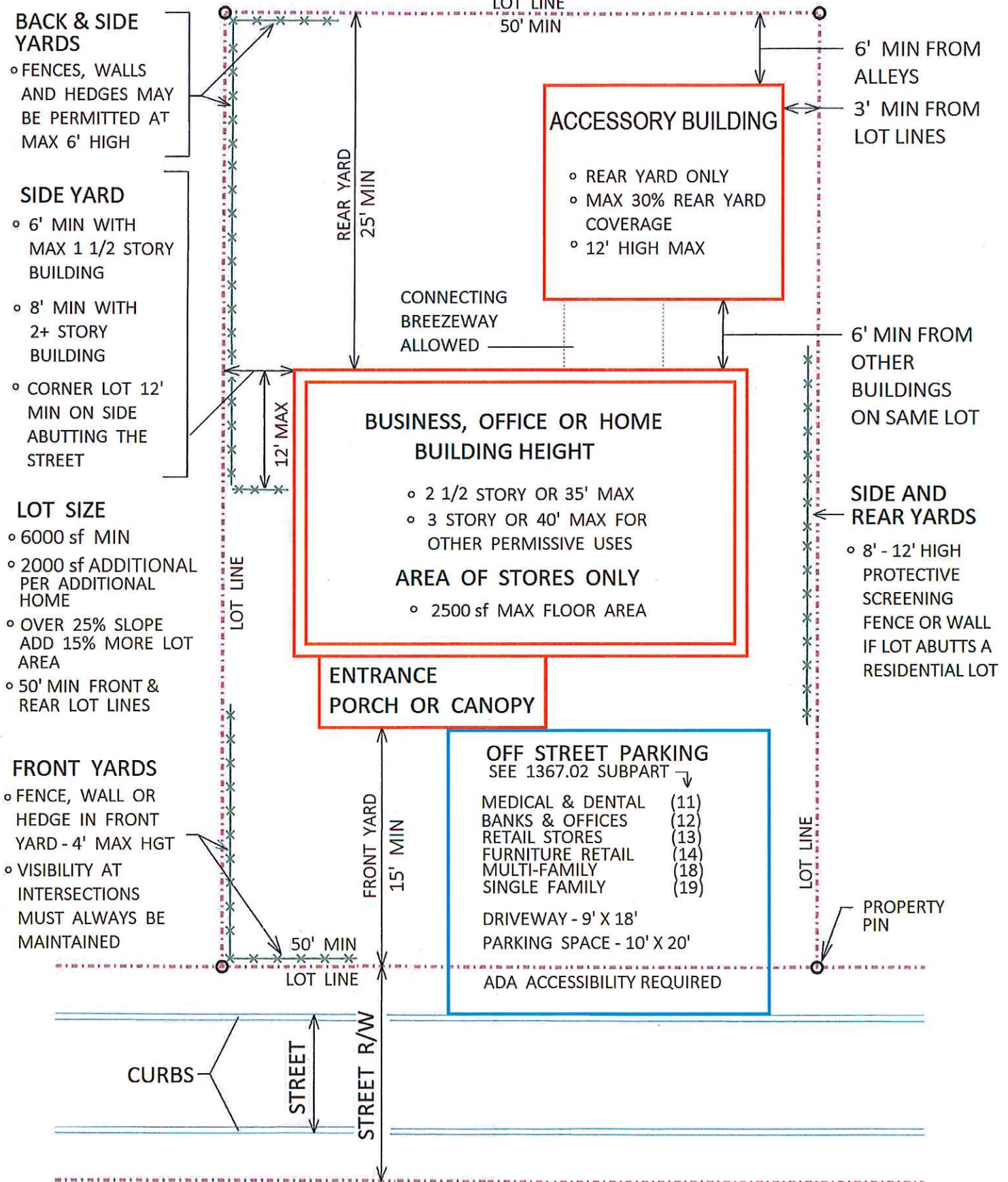


B-1 BUSINESS and RESIDENTIAL DISTRICT

PLANNING AND ZONING CODE - PART 13 - SEE ATTACHED ORDINANCE

City of Hurricane, WV



B-1 BUSINESS and RESIDENTIAL DISTRICT

USES, SIGNS, ACCESSORY BUILDINGS, DIMENSIONAL STANDARDS, OFF-STREET PARKING EXCERPTS FROM CITY OF HURRICANE, WV ORDINANCES – HURRICANE BUILDING DEPT.

Sec. 1349.01. - Permissive uses.

The following buildings and uses are permitted in the B-1 Business and Residential Districts:

- (1) All uses permitted in R-2 General Residential Districts (see Section 1341.01).
- (2) Barber shops.
- (3) Beauty shops.
- (4) Business and professional offices.
- (5) Stores, limited to maximum floor area of 2,500 square feet.
- (6) Self-service laundries.
- (7) Antique shops.

(Code 1991, § 1349.01; Ord. of 10-3-1977)

Sec. 1349.02. - Special permit uses.

The following uses and buildings may be permitted in the B-1 Business and Residential Districts when authorized by the Municipal Planning Commission as a special exception:

- (1) Any special permit use permitted in R-2 Districts (see Section 1341.02).
- (2) Other service establishments or retail businesses which would not violate the intent of this Zoning Ordinance.

(Code 1991, § 1349.02; Ord. of 10-3-1977)

Sec. 1349.03. - Permitted accessory uses.

The following accessory buildings and uses shall be permitted in the B-1 Business and Residential Districts:

- (1) All R-2 General Residential District accessory uses (see Section 1341.03).
- (2) Accessory parking areas.
- (3) Other accessory uses customarily incidental to a permitted principal use, including signs attached flat against a building, and elevated signs not exceeding 50 square feet in area per face, provided these are at least five feet from any street lot line.

(Code 1991, § 1349.03; Ord. of 10-3-1977)

Sec. 1349.04. - Protective screening.

Those sides and rear of a commercial lot which abut a residential lot in the B-1 Business and Residential Districts shall be provided with a fence or wall with a height of eight to 12 feet constructed and maintained so as to prevent the passage of persons and to screen the property from view.

(Code 1991, § 1349.04; Ord. of 10-3-1977)

Sec. 1349.05. - Dimensional standards.

Dimensional standards which apply in R-2 General Residential Districts shall apply in B-1 Business and Residential Districts.

(Code 1991, § 1349.05; Ord. of 10-3-1977)

Sec. 1349.06. - Off-street parking and loading requirements.

Off-street parking and loading requirements in the B-1 Business and Residential Districts shall be scheduled according to Article 1367.

(Code 1991, § 1349.06; Ord. of 10-3-1977)

CROSS REFERENCES

The provisions of this Zoning Ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations:

Sec. 1365.06. - Street frontage required.

No lot shall contain any building used as a dwelling unless it abuts at least 20 feet on a street or has a permanent exclusive nonobstructed easement of access not less than 20 feet wide to a street. No building in the rear of a principal building on the same lot shall be used as a dwelling, unless, in addition to conforming to the open space requirements in this Zoning Ordinance for a principal building, it shall also conform with the above street frontage or easement of access requirements, and for the purpose of determining the front yard in such case, the rear line of the rear yard required for the principal building shall be considered the front lot line for the building in the rear.

(Code 1991, § 1365.06; Ord. of 10-3-1977)

Sec. 1365.07. - Special permits.

(a) The Municipal Planning Commission may, by special permit, authorize specific uses designated in this Zoning Ordinance, providing the following procedure is followed:

- (1) An application fee of \$100.00 is paid to the City which may be applied to advertisements, notices, postage, secretarial assistance or any other similar costs.
- (2) Two copies of the plot plan for the use drawn to an accurate scale and showing all pertinent information, including abutting property owners, shall accompany the application fee.
- (3) The Commission shall advertise in a newspaper of general circulation a public hearing at least ten days prior to such hearing.
- (4) The Commission shall give notice of public hearing to all abutting property owners by certified U.S. mail.
- (5) The Commission shall use as a basis for making decisions regarding special permits the "Statement of Legislative Intent" preceding the district in which the proposed use is to be located and also Section 1305.03, along with other considerations introduced at the public hearing. Consideration shall also be given to the effect of such use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to public health, public safety and general welfare.

(b) Any person or persons, firm or corporation jointly or severally aggrieved by special permit decisions of the Commission may present to the Circuit Court of Putnam County a petition duly verified, setting forth that such decision is illegal in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the Court within 30 days after the date of the decision.

(Code 1991, § 1365.07; Ord. of 10-3-1977)

Sec. 1367.01. - Off-street loading requirements.

In all zoning districts covered by this Zoning Ordinance, the loading and unloading of trucks and all other vehicles shall be conducted in such a manner that no part of the truck or vehicle, or the operations of the loading and unloading, shall extend onto the adjacent sidewalk or roadway or in any other manner hinder or impede the use thereof.

(Code 1991, § 1367.01; Ord. of 10-3-1977)

Sec. 1367.02. - Off-street parking requirements.

(a) In all zoning districts, off-street parking facilities shall be provided and satisfactorily maintained by the owner of the property for each building or land use which is erected, enlarged or altered according to the following minimum standards:

- (1) Motels and tourist homes: One space for each guestroom or suite.
- (2) Hospital, convalescent hospital, nursing home, sanitarium or rest home: 1.8 spaces per bed; however, hospital bassinets shall not be counted as beds.
- (3) Churches and school auditoriums: One space for every seven seats in the principal auditorium. Twenty inches of bench or pew shall be considered one seat.
- (4) Places of public assembly including stadiums, theaters, arenas, clubs, lodges, meeting rooms and auditoriums other than in subsection (a)(7) of this section: One space for every four seats. Twenty inches of bench or pew shall be considered one seat.
- (5) Dance halls and assembly halls without seats: One for each 100 square feet of floor area used for assembly or dancing.
- (6) Funeral home, mortuaries: Eight per repose room, plus one space per funeral vehicle, plus one space per employee.
- (7) Preschool nursery, kindergarten or elementary school: Two spaces for each classroom.
- (8) Middle school: Three spaces for each classroom.
- (9) Senior high school, college or commercial school: Six space for each classroom.
- (10) Restaurants, beer parlors: One space for each 200 square feet of floor area.
- (11) Medical and dental clinics: One space for each 200 square feet of gross floor area.
- (12) Banks and offices: One space for each 300 square feet of gross floor area.
- (13) Retail stores, service or repair shops: One space for each 400 square feet of gross floor area.
- (14) Service or repair shops and retail stores that handle bulky merchandise such as furniture, large household appliances or motor vehicles: One space for each 800 square feet of gross floor area.
- (15) Industrial establishments: One space for each 1,000 square feet of gross floor area or one space for each four employees on the largest shift, whichever is greater.
- (16) Wholesale establishments, warehouse, air, rail or trucking freight terminals: One space for each 5,000 square feet of gross floor area, or one space for each four employees on the largest shift, whichever is greater.
- (17) Bowling alley: Three spaces for each alley.
- (18) Multifamily dwelling (double family and apartment houses inclusive): Three spaces for each dwelling unit. Two spaces shall be provided for motor vehicles owned by the dwelling unit's occupants and one extra space shall be provided for visitors.
- (19) Single-family dwelling: Two spaces for the dwelling unit's occupants with the garage or carport being considered as one space.
- (20) In the case of any building, structure or premises, including governmental buildings and those of boards or commissions of government, the use of which is not specifically mentioned herein, the provisions for a similar use which is mentioned shall apply.

(b) All parking spaces provided pursuant to the above requirements shall be on the same lot with the building, except that the Board of Appeals may permit parking spaces to be on any lot within 500 feet of the building if it determines that it is impractical to provide parking on the same lot with the building.

(c) For parking area for minimum driveway or parking lot parking space sizes, see Section 1309.02(39).

(Code 1991, § 1367.02; Ord. of 10-3-1977)