# ORDINANCE #41 ZONING

WHEREAS, the Village of Beech Bottom has enacted Ordinance 41;

WHEREAS, the Village of Beech Bottom has from time to time amended Ordinance 41;

WHEREAS, the Village of Beech Bottom is desirous to recodify Ordinance 41 simply for technical clarification and organizational purposes;

NOW THEREFORE, the Village of Beech Bottom hereby reenacts Ordinance 41 as follows:

AN ORDINANCE OF THE VILLAGE OF BEECH BOTTOM. WEST VIRGINIA, STATING THE VILLAGE OF BEECH BOTTOM ZONING ORDINANCE


ORDINANCE #41 ZONING ..... 1
Section 1. PURPOSE: ..... 2
Section 2. JURISDICTION: ..... 2
Section 3. ESTABLISHMENT OF DISTRICTS: ..... 2
Section 4. BOUNDARIES OF DISTRICTS: ..... 2
Section 5. APPLICATION OF REGULATIONS: ..... 2
Section 6. CONTINUANCE OF NON-CONFORMING USES: ..... 3
Section 7. OFF-STREET PARKING REQUIREMENTS: ..... 3
Section 8. SIGNS: ..... 4
Section 9. PROHIBITED USES: ..... 6
Section 10. SATELLITE STATIONS. DISH ANTENNAS AND WIRELESS TELECOMMUNICATIONS TOWERS ..... 6
Section 11. FENCES: ..... 7
Section 12. COMMERCIAL/INDUSTRIAL (CI) ZONE: ..... 7
Section 13. RESIDENTIAL/COMMERCIAL (RC) ZONE: ..... 9
Section 14. RESIDENTIAL/LOW-DENSITY (R- 1) ZONE: ..... 10
Section 15. LOT OF RECORD: VARIANCES ..... 13
Section 16. VIOLATION: ..... 13
Section 17. AMENDMENTS: ..... 13
Section 18. DOMESTIC PETS ..... 14
Section 19. RULES, REGULATIONS, AND LICENSE FEES FOR TRAILER CAMPS ..... 14
Section 20. SEVERABILITY ..... 15
Section 21. SHORT TITLE: ..... 15

**Section 1. PURPOSE:**

The purposes of the following chapters in this title are as follows:

i. protection of the health: safety and general welfare of the present and future citizens of the Village of Beech Bottom;

ii. promotion of the economic stability and growth of the community;

iii. preservation of the historic landscape and structures; and (iv) provision/or appropriate, efficient and compatible land use.

**Section 2. JURISDICTION:**

The provisions of this ordinance will govern all lands within the corporate limits of Village of Beech Bottom.

**Section 3. ESTABLISHMENT OF DISTRICTS:**

The following zoning districts are hereby established, and hereby are declared to be delineated as such on the zoning map of Village of Beech Bottom, August 4, 2004, which map was introduced with, is adopted as a part of, and is incorporated into this ordinance and which bears the contemporaneous dates and signatures of the town recorder and mayor

i. Commercial/Industrial (CI)

ii. Residential/Commercial (RC)

iii. Residential (R- 1 )

**Section 4. BOUNDARIES OF DISTRICTS:**

Unless otherwise indicated on the zoning map, the boundary lines of the districts follow lot lines, center lines of streets, alleys, or such center lines extended, center lines of creeks, corporate boundaries at the adoption of this ordinance, measured lines.

**Section 5. APPLICATION OF REGULATIONS:**

**(a) General**. No buildings or land shall hereafter be used and no building or part thereof shall be erected, move or altered unless for a use expressly permitted by and in conformity with the regulations for the district or districts in-which it is located.

**(b) Zoning of annexed areas**: All territory which may be annexed to the town shall from the time of annexation be considered as being in the RC Zone until changed by ordinance, unless the resolution of annexation by the town council provides for other zoning classification or classifications.

**(c) Location of zoning line in vacated street**: Whenever the town council vacates a street or alley, adjacent districts shall extend to the centerline of the vacation.

**(d) Re-designation of Public Use Properties**: Whenever a property which has been designated as Public Use on the zoning map shall cease to- be devoted to such use, the property shall, from date of cessation of such use, as determined by the board of zoning appeals, be considered as being in the same zoning district as that in which the predominant number of abutting properties are classified.

**Section 6. CONTINUANCE OF NON-CONFORMING USES:**

Any lawful use of land or structures exists at the time of the adoption of this ordinance, or any lawful use existing at the time of any amendment, may be continued subject to the following limitations:

i. Any non-conforming use, which has been discontinued for a period of one (1) years or longer, shall not be re- established. Vacating off premises or a building or non-operative status shall be evidence of discontinued use.

ii. If no structural alterations are made, a non-conforming use of a building may be changed to another non- conforming use of the same or a more restricted classification if approved by the board of zoning appeals. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

**Section 7. PARKING REQUIREMENTS:**

**(a) General.** Off-street parking shall be provided on any lot on which any use is hereafter established. Each space shall have access to a street or alley. For purposes of computing, each space will be not less than nine (9) feet wide or twenty (20) feet long.

**(b) Minimum requirements for specific uses:**

i. For dwellings, there shall be one (1) space on the lot for each living unit in the building. For lodging houses, there shall be one (1) space on the lot for each lodging unit in the dwelling, such spaces may be contained in a garage or car port so long as the lot coverage provisions set forth below are not violated.

ii. For churches erected on new sites, there shall be one (1) parking space on the lot for each 10 seats in the main auditorium, but existing churches and additions to or enlargements of churches existing at the time of passage of this title shall be exempt from this requirement.

iii. For places of public assembly, including auditoriums and theaters, there shall be one (1) space for each 10 seats provided.

iv. For all schools except post-secondary institutions, there shall be two (2) spaces for each classroom.

v. For institutions, clubs, lodges and other public and semi-public buildings, there shall be three (3) spaces for each 1,000 square feet of floor area.

vi. For commercial and residential uses located on the same lot in the RC/CI District, there shall be one (1) space for each dwelling unit and one (1) space for each 1,000 square feet of commercial floor area, with a minimum of two (2) space required.

**(c) Exceptions**. Existing buildings not complying with off-street parking requirements may be remodeled, repaired or structurally altered, but any enlargements must provide the required parking spaces for said enlargement. A building permit application for any such enlargement shall describe the manner in which the project will conform to the provisions of this ordinance.

**(d) Exemptions**: The town council can issue a permit granting exemption from the above. In granting an exemption, the town council shall consider such non-exclusive factors such as land use, access to off-street parking, number of units, distance between neighbors, consent or objection of neighbors, and prior uses of the property.

**Section 8. SIGNS:**

**(a) Authority** - In adopting this section, the Village acts in its proprietary capacity as to property within the Village. This section is adopted pursuant to the Village's general and police powers, West Virginia Code Chapter 8 and 8A *et. seq.*, and other applicable state laws. In furtherance thereof, the Village specifically sets forth certain restrictions on the placing of signs on Village Property.

**(b) Definitions –**

i. Village Property shall be defined as land or other property in which the Village holds a present right of possession and control, Village road easements, and all public rights-of-way, regardless of ownership.

ii. Signs shall be defined as a physical object used to convey information, instructions, or a message of any type.

**(c) Signs on private property**

i. To serve the Village's interests in traffic flow and safety, no person shall display a sign on private property that impedes traffic or blocks the view or line of sight of any roadway, parking lot, or road/traffic sign within the Village.

ii. Any sign placed on private property must meet all other requirements of the law and the Village Ordinances, including all applicable building and safety codes.

**(d) Private party signs on Village Property prohibited** - Village Property may be used by private parties for the display of signs only as explicitly allowed by this section. All other private use of Village Property for display of signs is prohibited. Any unauthorized sign posted on Village Property may be summarily removed by the Village as a trespass and a public nuisance.

**(e) Temporary signs displaying messages on Village Property:** In traditional public forum areas, private persons may display temporary signs provided that the sign(s) conform(s) to all of the following:

i. The sign(s) must be personally worn or held by a person, or personally attended by one or more persons. "Personally attended" means that a person is physically present within five feet of the sign at all times.

ii. The signs may be displayed only during the time period of sunrise to sunset, except on occasions when the Village Council or other public body of the Village is holding a public hearing or meeting which is open to the public; on such occasions, the display period is extended to thirty (30) minutes after such meeting is officially adjourned.

iii. Signs displayed under this provision may not pose a fire hazard or other threat to public health safety and welfare, and may not be used to obstruct or impede pedestrian or vehicular traffic.

iv. To serve the Village's interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular traffic lane when a public roadway is open for use by moving vehicles and persons holding signs may not block the view or line of sight of any roadway, parking lot, or road/traffic sign within the Village.

v. Persons displaying signs on public sidewalks must give sufficient clearance so as not to impede or block pedestrian flow on the sidewalk.

**(f) Government speech on signs on Village Property; legally authorized signs.** The following signs may be erected and displayed on Village Property, subject to the rules set forth herein:

i. Traffic control and traffic directional signs erected by the Village or other governmental agencies acting in scope of their authority, including temporary traffic and traffic direction signs.

ii. Official notices required or authorized by law or valid court order.

iii. Signs placed by the Village in furtherance of its governmental functions.

iv. Signs placed by the Village on Village Property which express the Village's own message(s).

v. Historical markers delineating important events that occurred in the particular area of the sign.

**Section 9. PROHIBITED USES:**

The following uses are prohibited in all districts: junkyards (including those for storage and sale of scrap materials) and mobile homes on wheels, hereinafter "mobile homes." The prohibition on mobile homes shall not apply to those mobile homes situated within the corporate limits on or before passage of this section; specifically May 7, 2013.

**(a) Definition**. For purposes of this Section, the term "mobile home" shall have the meaning ascribed to-it in Section 37 -15-2(h) of the West Virginia Code, and shall also include vehicle or similar portable structure having no foundation other than wheels, jacks or skirting and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. It shall not include camping, travel or recreational trailers, manufactured homes or modular homes.

**(b) Permit**. The town council will issue a permit granting exemption from the mobile home prohibition to property owners applying for it and having a mobile home situated upon their property as of the previously mentioned date.

**(c) Abandonment**. In the event a mobile home is removed from the property for which a permit has been issued, the use of that space for a mobile home shall be considered abandoned and the permit for that mobile home will be revoked and will not be reinstated.

**(d) Transfer of Real Estate**. In the event that title to the real estate upon which a mobile home is located is transferred to another owner, the town recorder will reissue the permit to the new owner upon proper application.

**Section 10. SATELLITE STATIONS. DISH ANTENNAS AND WIRELESS TELECOMMUNICATIONS TOWERS**

The following provisions are specifically adopted in order to safeguard, preserve and protect the historic character and value of the town, its culture and heritage.

**(a) Definitions**.

i. "Satellite station" and "dish antenna" mean any special apparatus, dish antenna, receiver, transmitter and/or power supply, which is designed to 'transmit or receive television signals for man-made satellites traveling in orbits of the earth.

ii. "Wireless telecommunications tower" means a structure intended to support equipment used to transmit and/or receive telecommunications signals, including

monopoles, guyed and lattice construction steel structures. Such structure-s also are commonly known-as' cellular telephone towers.

**(b) Limitations.**

i. Within the corporation boundaries of the town, no satellite station and/or dish antenna in excess of one (1) meter in diameter shall be erected on any residential property, except that satellite stations and / or dish antennas erected for commercial, educational or institutional purposes may exceed one (1) meter in diameter as the board of zoning appeals shall approve, and upon such terms and conditions as the board of zoning appeals shall determine to be appropriate for the protection of other properties. All satellite station and/or dish antennas erected in accordance with this ordinance must be located out of public view from the font of the property.

ii. Within the corporation boundaries of the town, no wireless telecommunications tower shall be erected within 100 yards of any existing single-family dwelling. Any such wireless telecommunications tower or facility should be located, where possible, on existing structures. All setback requirements of the zoning district in which the tower is to be located must be complied with. Landscaping and finishing of such tower must be compatible with the residential uses of the area. No such tower shall be constructed or erected without the approval of town council, upon a finding of compliance with the provisions of this ordinance.

**Section 11. FENCES:**

**(a)** Every owner of a swimming pool shall keep the pool completely enclosed with fences or walls not less than five (5) feet in height with no openings greater than four (4) inches_ Every pool owner shall equip gate or door openings to the pool with self-enclosed and self-latching devices capable of keeping such gate or door securely closed at all times. This requirement shall apply to swimming pools, whether built in or above ground, having a capacity for water depth of greater than 24 inches.

**(b)** No fence going past the front corner of the house shall exceed three (3) feet in height.

**Section 12. COMMERCIAL/INDUSTRIAL (CI) ZONE:**

**(a) Declaration of public purpose.** The Commercial / Industrial (CI) zone is intended to maintain the existing businesses and industries and foster the growth of new businesses and industries within the boundaries of the Village of Beech Bottom. The CI zone is intended to promote economic growth and help create new jobs in the village. The council intends that the CI zone be established to provide for orderly growth of businesses and industries.

**(b) CI Zone Defined**. The CI zone shall consist of all properties on the west side of WV state RT#2 from the north to the south boundaries of the village.

**(c) Definitions**. For the purpose of this section, certain words used therein shall have their usual and customary meaning unless specifically defined below.

i. Automobile repair and service: Building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk, salvage and/or auto wrecking business.

ii. Bed-and-Breakfast establishment: A residence occupied by the owner or resident manager in which rooms are let for transients and in which no meal other than breakfast is served for payment.

iii. Hotel: Any building containing ten (10) or more guest rooms where, for compensation,- lodging, meals or bath are provided, excluding a fraternity or sorority house, school or college dormitory, or bed-and-breakfast establishment.

iv. Professional Office: Rooms and/or buildings used for the office purposes by a member of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, veterinarian and the like, but not including medical, dental or veterinary clinics

**(d) Uses permitted in the CI Zone**: The following uses shall be permitted if comprising not more than 3,000 square feet of floor area:

i. Any use permitted in the R-1 Zone.
ii. Transient lodgings including hotels, inns and bed-and-breakfast establishments.
iii. Retail outlets: furniture, department, clothing dry goods, shoe and variety stores, hardware, electrical appliance, paint and wallpaper stores.
iv. Specialty shops: gift shops, jewelry stores, art galleries or studios, magazine, book and stationery outlets, florist shops, camera and photography shops and studios, sporting goods and antique shops.
v. Food, Drug and Beverage: grocery, fruit and/or vegetable stores, delicatessens, drug stores, bakeries, restaurants, coffee shops, and the like.
vi. Service and recreation: nursery school or child care center, laundromats, barber and beauty shops, clothing shops, shoe repair and tailor shops, commercial recreation, repair shops for appliances and small articles, furnace, heating and plumbing shops, gas stations and-automobile repair shops.
vii. Business and professional offices, including but not limited to medical, dental, clinics, architectural engineering, law offices, banks, finance, and utility company offices, insurance and real estate offices.
viii. Public service buildings: libraries, museums, and community centers.
ix. Rest and nursing homes, provided one (D off-street parking space is provided for each attendant or worker, for each three (3) patients to be cared for therein, and provide yard requirements shall conform to those of a multi-family structure
x. Multi-family dwellings
xi. Accessory uses or buildings not used for dwelling.

**(e)** Special Uses. By special exception, as the board of zoning appeals shall approve, and upon such terms and conditions as the board of zoning appeals shall determine to be

i. Sanitary Land Fills. A business that receives commercial, industrial or residential waste or sewage and either buries or processes on their property.
ii. Salvage Yard. A salvage yard is a place, which is maintained, operated or used for the storing, keeping, buying, selling or processing of salvage, or for the operation and maintenance of a motor vehicle graveyard or recycling facility. The term salvage is defined as old or scrap copper, brass, rope, rags, batteries, papers, rubber, trash, waste junked, dismantled or wrecked machinery, machine or motor vehicles, iron steel and other old scrap ferrous or nonferrous materials.

**(f)** Uses not permitted in the CI Zone. Sanitary Land Fills and/or Salvage Yards shall not be permitted within the village of Beech Bottom.

**(g)** Lot Requirements. Thirty (30) foot right-of-way shall be maintained between adjoining properties for the building of roadways, except as authorized by the Board of Zoning Appeals.

**(h)** Special Uses. Any electrical power sub stations shall be located only in the CI zoned areas. By special exception, as the board of zoning appeals shall approve, and upon such terms and conditions as the board of zoning appeals shall determine to be appropriate for the protection of other properties and other owners, commercial ventures requiring more than 3,000 square feet of floor area may be allowed.

**(i)** Off-street Parking and Loading. As defined in section 7 (vii) with the addition of lighting Around the facility.

**(j)** Fire Protection. Any commercial facility employing five or more people shall have a sprinkler system and install a fire hydrant if one does not exist within three hundred (300) feet.

**(k)** Ninety (90) days prior to construction of a new facility or addition to an existing facility or house, a complete blue print or architectural drawing must be submitted to the planning commission.

**Section 13. RESIDENTIAL/COMMERCIAL (RC) ZONE:**

a) Declaration of public purpose. Council declares the purpose of the Residential /Commercial (RC) zone is to reinforce the economic base of the village by preserving the central business, Secondly, the RC zone is intended to complement the R- I-zone to more effectively preserve the residential setting of the town while safeguarding the towns cultural, social, economic, political and architectural history. Council intends that stores and other facilities be grouped in a convenient manner with particular attention being paid to adequate circulation of pedestrians and vehicles, accessibility from the central community and the area, off-street parking and loading, and protection of adjoining areas of other use.

b) RC Zone Defined. The RC zone shall consist of properties fronting the east side of WV State RT #2.

c) Definitions. For purposes of this section, certain terms or words used herein shall have their usual and customary meanings, unless specifically defined below appropriate for the protection of other properties and other owners, commercial ventures requiring more than 3,000 square feet df floor area may be allowed.

d) Lot requirements in the RC Zone. The following minimum lot requirements shall apply in the RC Zone:
   i. Lot size must be at a maximum 120 feet in depth for lots.
   ii. Buildings fronting along WV State RT# 2 must be set back no further from the right-of-way of WV State RT# 2 than the structure on the adjoining property that is closest to the right-of-way, except as authorized by the Board of Zoning Appeals.
   iii. At least one side yard shall be provided at a minimum depth of 10 feet.
   iv. For a single-family use, which may include two (2) commercial, uses, minimum lot Size shall be 5,000 square feet
   v. For a two-family use, which may include two (2) commercial, uses, minimum lot size shall be 5,000 square feet
   vi. For townhouse use, which may include one (1) commercial use per unit, minimum lot size shall be 3,000 square feet per unit.
   vii. For multi-family use, which may include one (1) commercial use per unit, minimum lot size shall be 2,500 square feet per unit.
   viii. For commercial use without residential use, minimum lot size shall be 5,000 square feet (D Building height regulations in RC Zone. No structure in the RC Zone shall exceed three (3) stories or 45 feet in height, except as authorized by the board of zoning appeals.

e) Fire Protection. Any commercial facility, hotel, apartment complex or bed and breakfast employing or capable of lodging five or more people shall have a sprinkler system and install a fire hydrant if one is not within three hundred (300) feet.

f) Ninety (90) days prior to construction of a new facility or addition to an existing facility or house, a complete blue print or architectural drawing must be submitted to the planning commission.

**Section 14. RESIDENTIAL/LOW-DENSITY (R- 1) ZONE:**

(a) Declaration of public purpose The Residential/Low Density (R-1) Zone is intended to provide an attractive, pleasant living environment at a sufficient density to preserve and encourage the development of single-family residential neighborhoods free from land usage which might adversely affect such development. The R-1 Zone consists of all areas not designated to be within the RC Zone or the CI zone.

(b) Permitted Uses in the R-1 Zone. Subject to Special Uses set forth herein, the following uses shall be permitted in the R-1 Zone: single family, duplex dwellings, or apartments for home occupation.

(c) All single-family dwelling units shall comply with the following standards regardless of the zoning district in which they are located:

1) Roof pitch shall be a minimum of 3:12

2) Roof material shall be of a type that is in compliance with the WV State Building Code

3) Roof overhang or eaves shall be designed for a minimum if six inches as measured from the vertical side of the building and not including the rain gutters, which are required

4) The unit's exterior finish shall be wood siding, vinyl siding, composite siding (cement board), stone, brick or other material approved by the WV State Building Code

5) A perimeter enclosure is required in accordance with WV State Code. For manufactured housing units, all tow bars, axels and wheels shall be removed. The housing unit shall rest on a required center support and meet tie-down requirements per the WV State Building code.

6) No housing unit shall be less than twenty-four feet in width

7) The minimum lot width in the R-1 zone shall be 30 feet; the minimum lot depth shall be 120 feet.

8) Any new construction at front property line shall be set back to typical existing or adjoining structures. No new construction shall be closer to any rear lot line than 25 feet or with the exception of a garage which will be 10' or to any side lot line than 5 feet.

9) Building height regulations in the R-1 Zone. No dwelling of type shall exceed three stories or 45 feet in height.

10) Off-street Parking and Loading. Adequate off-street parking and loading areas shall be Provided in the R-1 Zone in accordance with the requirements of section 7 above.

11) Townhouses and duplex dwellings, shall contain no less than 1,500 square feet with one (1) apartment of no less than 1,000 square feet, which apartment shall contain no more than three (3) additional persons not members of the family residing in the dwelling unit.

12) That there is no exterior evidence, other than a permitted sign, to indicate that the building is being used for any purpose other than that of a dwelling;

13) That the structure does not contain windows designed for display purposes;

14) That the total area devoted to the office does not exceed 30 percent of the square footage of the dwelling unit.

(d) Home occupations, defined for the purposes of this section as an occupation conducted entirely within a dwelling or accessory structure by a member or members of the immediate family residing therein, providing that:

1) in connection with which there is used no display except one (1) sign affixed to the binding not exceeding a total area of four (4) square feet and not illuminated, that will indicated from the exterior that the building is being utilized in whole or in part for purposes other than that of a dwelling;

2) in connection with which no more than two (2) persons are employed in the conduct of the home occupation;

3) equipment used in the course of the occupation does not emit uncomfortable or harmful amounts of noise, vibration, heat, glare, smoke, odor or other obnoxious elements;

4) no product is sold on the premises, unless it is produced in whole or in part on the premises;

5) in connection with which no more than 30 percent of the square footage of the structure is dedicated to the occupation; and

6) boarding and rooming houses, tourist homes, private educational institutions, and restaurants shall not be deemed home occupations

(e) Special Uses. The board of zoning appeals can consider special use exemptions so long as the exemption does not interfere with the nature of the R-1 Zone. The following are a non-exclusive list of such special uses:

1) Two-family dwellings with one (1) off-street parking space per dwelling unit.

2) Bed-and-breakfast establishments provided off-street parking of one (1) space per rental unit is provided and, provided further, that yard requirements shall conform to those of a multi-family structure.

3) Nursery school or child care centers, provided that such property contains an adequately sized play area, fully fenced and enclosed, and the main structure is no closer than-20 feet from any adjacent district line or lot line.

4) The office of a resident physician, dentist, architect, engineer, accountant, attorney, beauty shop, barber shop, similar professional person located in that person's home, under such conditions as to not interfere with the nature of the R-1 Zone.

5) A “tiny-house” that does not meet the requirements for lot sizes set forth above, but is a permanent structure; this does not include “mobile homes” as defined herein.

**Section 15. LOT OF RECORD: VARIANCES**

If any lot of record at the time of adoption of this ordinance fails to meet the requirements of this, ordinance for lot width and lot depth, the board of zoning appeals on application, notice and hearing, are required by law; may grant a variance of this ordinance to the minimum degree necessary to avoid hardship and to permit such new construction as may comply with applicable building, fire and health codes.

**Section 16. VIOLATION:**

Any violation of this ordinance shall be a misdemeanor and shall be result in the imposition of a fine for not less than one hundred ($ 100) dollars nor more than five hundred ($ 500) dollars for each separate offense, and each day in which such person, firm, co-partnership, association or corporation is in violation of this ordinance shall constitute a separate offense and may be proceeded against by separate prosecution.

**Section 17. AMENDMENTS:**

**(a) Procedure**. The town council may from time to time, on its own motion or on petition, amend, supplement, or repeal by ordinance the boundaries of districts, or the regulations or restrictions herein established. As provided in Chapter 8A of the West Virginia Code, no regulation, restriction, boundary or amendment thereto shall become effective until after at least one (1) public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days- notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in said town.

**(b) Proposed Change of Zoning Classification**. As provided Chapter 8A of the West Virginia Code, where the purpose and effect of a proposed amendment is to change one (1) or more zoning classifications, the town council shall make findings of fact in each specific case including, but not limited to, the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendation of the planning commission, and the relationship of such proposed amendment to the town's plan. Council may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the hearing and the votes of all members of the council shall be kept.

**(c) Concerning Prior Decisions**. An application for reclassification shall not be accepted for filing by the council if the application is for the reclassification of the whole or any part of land the reclassification of which has been denied by the council on the merits within twelve (12) months from the date of the council's decision.

**(d) Approval of Planning Commission**. No amendment shall be considered or acted upon by the town council unless it is first submitted to and approved by the planning commission for hearing (as required by law) and report. If the report shall contain a recommendation, a majority vote of the entire town council shall be required to take action different from that recommended by the planning commission. Failure of the planning commission to return a report within 90 days shall be deemed to be an approval of the proposed amendment.

**(e) Fee**. A filing fee of $100.00 shall be charged for processing an application for a change in zoning or exemption/special use permit.

**Section 18. DOMESTIC PETS**

**(a)** No person shall keep or allow to be kept on premises owned by him or subject to his control any kind of animal or fowl in any Zone as defined herein other than domestic pets such as dogs, cats, birds, and gold fish.

**(b)** The town council can issue a permit granting exemption from the above. In granting an exemption, the town council shall consider such non-exclusive factors such as types of animals to be kept beyond those allowed, distance between neighbors, consent or objection of neighbors, prior uses of the property, noise level of the animals, dangerous nature of the animals, size of the animal, smell emanated from animals, waste produced by the animals, and containment measures.

**Section 19. RULES, REGULATIONS, AND LICENSE FEES FOR TRAILER CAMPS**

**(a)** No person shall establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by him, a permanent or temporary trailer camp within the Village, without having first secured a license for each such camp pursuant to this article. Such license shall expire one year from the date of issuance but may be renewed under the provisions of this article for additional periods of one year.

**(b)** The application for such license or the renewal thereof are subject to approval and shall be filed with the Village and shall be accompanied by an annual fee of ten dollars ($10.00) for each proposed camp ground.

**(c)** The application for a License or the renewal thereof shall be made on forms furnished by the Village and shall include the name and address of the owner of the tract (or if some person other than the owner, a duly verified statement by the owner, that the applicant is authorized to construct or maintain the trailer camp and make the application), and such a legal description of the premises upon which the trailer camp is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by two copies of the camp plan showing the following, either existing or as proposed:

1) The extent and area used for camp purposes;
2) Roadways and driveways;
3) Location of units for trailers;

4) Method and plan of sewage removal;
5) Method and plan of garbage removal;
6) Plan for water supply;
7) Plan for electrical lighting of units;
8) Location in an existing (C 1) or (R C) Zone as identified in the city's zoning ordinance
9) The camp shall be situated on a parcel of land at least 1 acre and the usable plot thereon at least 1200 square feet
10) Comply with the flood plain regulations
11) For temporary camps, a site restoration plan detailing how the property will be utilized upon expiration of the license and/or denial of renewal.
12) The plan shall clearly set forth the location of all sewage and water lines

**Section 20. SEVERABILITY**
Council declares its intention that this ordinance shall be applied and enforced in such manner as best gives effect to its stated purposes, and any ambiguiy shall be resolved consistently with such purposes to the extent possible. If, however, one or more of the terms of this ordinance nevertheless be found invalid, unlawful or unenforceable, such provision or provisions shall be severed from the ordinance, and the other portions of this ordinance shall continue to be given their full force and effect.

**Section 21. SHORT TITLE:**
This ordinance shall be known as the Village of Beech Bottom Zoning Ordinance.

FIRST READING: 2/4/2025

SECOND READING: 2/18/2025

THIRD READING: 4/1/2025

_____ _____
RECORDER MAYOR