

AN ORDINANCE OF THE TOWN OF STAR CITY AMENDING AND REENACTING ARTICLES 1305.01, 1317.02 AND 1321.01 OF THE ZONING CODE OF THE TOWN OF STAR CITY, REGARDING INDEPENDENT LIVING FACILITIES USES.

WHEREAS, these proposed amendments has been reviewed by the Planning Commission of the Town of Star City and found to be consistent with the Comprehensive Plan of the Town, as required by West Virginia Code Section 8A-7-8; and,

WHEREAS, by affirmative vote of its Members, the Town Council finds this proposed amendment to be consistent with the Comprehensive Plan of the Town and in the best interests of its Citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF STAR CITY, THAT ARTICLES 1305.01, 1317.02, AND 1321.01 OF THE ZONING CODE OF STAR CITY ARE AMENDED AND REENACTED AS FOLLOWS (additions underlined, deletions strike-through):

1305.01 TERMS.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section; the words "used for" include the meaning "designed for," and the word "building" includes the word "structure":

- (a) "Alley" means any roadway or public way dedicated to public use and twenty feet or less in width.
- (b) "Camp, public" means any area or tract of land used or designated to accommodate automobile house trailers, mobile homes or two or more camping parties, including cabins, tents or other camping outfits.
- (c) "Certificate of occupancy" means a statement, signed by the Mayor, setting forth whether a building complies with this chapter or that a building or parcel of land may lawfully be employed for specific uses, or both.
- (d) "Court" means an open, unoccupied space, other than a yard, on the same lot with a building, unobstructed from the lowest level to the sky.
 - (1) "Outer court" means a curb extending to a street or alley, or to a front or rear yard.
 - (2) "Inner court" means a court not extending to a street or alley, or to a front or rear yard.
 - (3) "Width of court" means the least horizontal dimension of a court at its lowest level.
- (e) "Curb level" means the elevation of the top of the curb or the established curb grade opposite the center of the building or portion thereof under consideration.
- (f) "Dwelling" means a building or portion thereof, used primarily as a place of abode for one or more human beings, but not including, hotels, motels, lodging or boarding houses, tourist homes, trailers or mobile homes.

"One-family dwelling" means a separate, detached building designed for and occupied exclusively as a residence for one family.

"Two-family dwellings" means a separate, detached building designed for and occupied exclusively as a residence for two families.

"Multiple dwelling" means a dwelling designed or occupied otherwise than as a one-family dwelling or a two-family dwelling. The term "multiple dwelling" shall be understood to include apartment houses, condos and all other family dwellings of similar character where apartments or suites are occupied and used as separate and complete housekeeping units, but not to include hotels or apartment hotels.

"Independent Living Facility" means a dwelling shared by four (4) or more handicapped persons, and resident staff, who live together as a single housekeeping unit. As used herein, the term "handicapped" means having a physical or mental condition that substantially limits one or more of such person's major life activities, and not including alcoholism or drug treatment centers or any housing serving as an alternate to incarceration.

(g) "Family" means:

An individual;

Two or more persons related by blood or marriage living together; or

A group of individuals of not more than two persons, including roomers, renters and boarders not related by blood or marriage but living together as a single housekeeping unit.

(h) "Garage."

"Private garage" means a garage for housing automobiles only, with a capacity for not more than two motor vehicles. A garage exceeding a two-vehicle capacity, intended primarily for housing of cars belonging to occupants of the premises, shall be considered a private garage if the lot whereon such garage is located contains less than 1,600 square feet for each vehicle capacity.

"Community garage" means a group of private garages, either detached or under one roof, arranged in a row or around a common means of access, and erected for the use of residents in the immediate vicinity.

"Public garage" means a building where automobiles are stored for a fee. A public garage may contain filling station facilities for the cars stored therein. A public garage may contain a room or rooms for displaying cars for sale.

"Service station" means a building where automobiles are serviced or repaired. A service station may be located in a public garage. When in a separate building, it may contain filling station facilities for the cars being serviced therein.

"Filling station" means a building or lot where motor vehicles are supplied with gasoline and lubricants and shall be understood to include facilities for washing and greasing such motor vehicles.

(i) "Height of Building" means the vertical distance measured from the curb level to the highest point of the roof adjacent to the street wall for flat roofs; to the deck line for mansard roofs; and to the mean height between eaves and ridge for gabled, hipped or gambrel roofs.

(j) "Home occupation:" Work for compensation conducted within a dwelling by a person or family residing therein. Home occupations are extensions of traditional home-making activities and crafts or professions which do not customarily have regular hours for general public access. Customary home occupations include, but are not limited to, dress making, seam stressing, cooking and baking, quilting, hairdressing, music instructing, insurance salespersons, accountants, bookkeepers, consultants, and manufacturers' sales representatives. (Passed 6-6-23)

(k) "Lot" means a parcel of land which is or may be occupied by a building and accessory buildings, including the open spaces required under this chapter.

(1) "Depth of lot" means the mean horizontal distance between the front lot line and rear lot line.

(2) "Corner lot" means a lot abutting on two or more streets at their intersection.

(3) "Interior lot" means a lot the side lines of which do not abut on a street.

(4) "Through lot" means an interior lot having frontage on two streets.

(5) "Unit of property" means any lot or group of contiguous lots under one ownership.

(l) "Mixed occupancy" means occupancy of a building or land for more than one use.

(m) "Nonconforming use" means a use of a building or land not in conformity with the regulations of the use district in which it is situated.

(n) "Porch" means a roofed, open structure projecting from the front, side, or rear wall of a building, and having no enclosed features of glass, wood or other material more than thirty-six inches above the floor thereof except the necessary columns to support the roof.

(o) "Retail beer outlet" means any person selling, serving, delivering or otherwise dispensing cereal malt beverages or products of the brewing industry, commonly referred to as beer, lager beer, ale or other mixtures and preparations produced by the brewing industry, and containing not more than five percent (5%) of alcohol by weight.

(p) "Signboard" means any structure or part thereof on which lettered or pictorial matter is displayed for advertising or notice purposes.

(q) "Story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it then the space between such floor and the ceiling next above it.

(r) "Half-story" means a story under a gabled, hipped or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three and one-half feet above the finished floor of such story.

(s) "Structural" means anything constructed or erected the use of which demands permanent location on the land, or anything attached to something having a permanent location on the land.

(t) "Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams or girders, roof or major supports.

(u) "Street" means any roadway or public way dedicated to public use, except any alley.

(v) "Telephone exchange building" means a building, with its equipment, used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers and other business of the telephone company; but, in a residence district, as established by this chapter, not to include public business facilities, repair facilities, storage of plant materials or spare parts (other than those carried for the particular building) or storage of equipment, automobiles or trucks, or housing or quarters for installation repair crews or work crews.

(w) "Terrace" means a natural or artificial embankment between a building and its lot lines. "Height of terrace" means the difference in elevation between the curb level and the top of the terrace at the center of the building wall.

(x) "Video Lottery or Gaming Establishment (Limited Video Lottery Retailer)" means an establishment at which any form of gambling or game of chance is permitted or played, including "video lottery" machines licensed by the West Virginia Lottery Commission pursuant to §29-22B-1 et seq., of the West Virginia Code. (Passed 12-20-05.)

(y) "Yard" means an open, unoccupied space, other than a court, on the same lot with a building, unobstructed from the ground to the sky, except as otherwise provided herein.

"Front yard" means a yard across the full width of the lot, extending from the front line of the building to the front line of the lot.

"Rear yard" means a yard across the full width of the lot, extending from the rear line of the building to the rear line of the lot.

"Side yard" means a yard between the side lines of the building and the adjacent sideline of the lot, extending from the front yard to the rear yard. If there is no front yard, the side yard shall be considered as extending to the front line of the lot and, if there be no rear yard, the side yard shall be considered as extending to the rear line of the lot.

1317.02 "B" RESIDENCE DISTRICTS.

In a "B" residence district, land may be used, and buildings may be erected, altered, or used only for the following:

- (a) Any use permitted in an "A" residence district.
 - (b) Two-family dwelling.
 - (c) Multiple dwellings.
 - (d) Lodging house or boarding house.
 - (e) Fraternity house, sorority house or dormitory.
 - (f) Clubhouse (not including a club, the chief activity of which is a service customarily carried on as a business).
 - (g) Hospital, other than a hospital for persons suffering from insanity or from diseases such as are commonly isolated in a separate building.
 - (h) Public or semi-public institution, educational or charitable (not including a jail, reformatory or other correctional institution).
 - (i) Independent Living Facility
 - (j) Accessory uses incident to any of the principal uses above listed and not involving the conduct of a business.
- (passed 10.03.2023)

1321.01 SCHEDULE OF REGULATIONS.

In any district, the maximum height of buildings, minimum lot size, minimum lot width, minimum front yard, minimum side yard, minimum rear yard, minimum ground floor area (living space), maximum lot coverage, minimum number of parking spaces and other related requirements shall be as shown on the following schedule:

SCHEDULE OF HEIGHT AND AREA REGULATIONS

A. REQUIREMENT STANDARDS FOR DWELLINGS

(1) RESIDENTIAL "A" DISTRICT

SPECIFICATIONS		
Minimum Lot Size, sq. ft. per dwelling	Single	7,200
	Double	-
Multiple Dwelling:	Dormitory	-
	Efficiency	-
	One Bedroom	-
	Two Bedroom	-
	Three + Bedroom	-
Minimum Lot Width, in Feet:	Single	72
	Double	-
	Multiple	-

SPECIFICATIONS		
Maximum Building Height, in Feet:	Single	35
	Double	-
	Multiple	-
Minimum Front Yard, in Feet:	Single	25
	Double	-
	Multiple	-
Minimum Side Yard, in Feet:	Single	10
	Double	-
	Multiple	-
Minimum Rear Yard, in Feet	Single	25
	Double	-
	Multiple	-
Minimum, Ground Floor Area (Living Space), in Feet:	Single	960
	Double	-
	Multiple	-

(2) RESIDENTIAL “B” DISTRICT

SPECIFICATIONS		
Minimum Lot Size, sq. ft. per Dwelling	Single	6,000
	Double	3,000
Multiple Dwelling:	Dormitory	195
	Efficiency	700
	One Bedroom	1,050
	Two Bedroom	1,400
	Three + Bedroom	1,800
Minimum Lot Width, in Feet	Single	60
	Double	60
	Multiple	60
Maximum Building Height, in Feet:	Single	35
	Double	35
	Multiple	35
Minimum Front Yard, in Feet:	Single	25
	Double	25
	Multiple	25
Minimum Side Yard, in Feet:	Single	5
	Double	5
	Multiple	5
Minimum Rear Yard, in Feet:	Single	15, NOTE 3
	Double	15, NOTE 3
	Multiple	15, NOTE 3

SPECIFICATIONS		
Minimum Ground Floor Area (Living Space), in Feet	Single	960
	Double	960
	Multiple	960+400, NOTE 4

(3) RETAIL BUSINESS DISTRICT

SPECIFICATIONS		
Minimum Lot Size, sq. ft. Per Dwelling	Single	5,000
	Double	2,500
Multiple Dwelling:	Dormitory	120
	Efficiency	500
	One Bedroom	800
	Two Bedroom	900
	Three + Bedroom	1,100
Minimum Lot Width, in Feet:	Single	40
	Double	40
	Multiple	40, NOTE 1
Maximum Building Height, in Feet:	Single	35
	Double	35
	Multiple	100
Minimum Front Yard, in Feet:	Single	15
	Double	15
	Multiple	15
Minimum Side Yard, in Feet:	Single	5
	Double	5
	Multiple	5
Minimum Rear Yard, in Feet:	Single	15
	Double	15
	Multiple	15
Minimum Ground Floor Area (Living Space), in Feet:	Single	972
	Double	972
	Multiple	972 + 400, NOTE 4

The sale, conveyance, transfer, or subdivision of property whereby such action(s) would cause the Lot Size, to fall below the Minimum Lot Size indicated above, is expressly prohibited.

note 1: When building a multiple dwelling in a retail business district, the specifications and requirements of "B" residence shall govern where applicable.

note 2: If the rear yard opens into an alley, no portion of the alley shall be used in computing the fifteen feet, as permitted in subsection 1321.07(b).

note 3: In addition to the minimum square feet, neither the length nor the width of the structure shall be less than eighteen feet.

note 4: Additional ground floor area per dwelling unit.

For any Building meeting the lot sq. ft. requirements, whether by having the proper lot size or by obtaining a variance, the size of that lot or lots must be held as part of that building and portions

of that lot or lots may NOT be sold to adjoining lots for the purpose of obtaining proper lot sq. ft. requirements to build on any adjoining lot or lots.

Parking spaces:

Parking in "A" Residence District must be on-site.

Regarding multiple dwellings in any eligible district, with the exception of independent living facilities, there shall be provided two paved and marked off-street parking spaces for each unit in such dwelling. Regarding independent living facilities, there shall be provided one paved and marked off-street parking space for each unit in such dwelling. These parking spaces shall be eight feet by twenty feet and shall be able to be fully utilized. There shall also be provided, at least one off-street parking space for single family dwellings in any eligible district. It shall further be the obligation of the landlord and/or owner of such dwelling to inform the occupants of the availability of these parking spaces and advise the occupants to use same. This obligation shall be performed by a specific clause in any lease agreement or other means approved by the Mayor and Council. This ordinance becomes effective upon passage.

(passed 10-3-2023)

First Reading: September 19, 2023

Second Reading and Adoption: October 3, 2023



Mayor



Official – Town Recorder