

AN ORDINANCE AMENDING AND REENACTING ARTICLES 1321.01, 1321.07 AND 1321.09 OF THE ZONING CODE OF THE TOWN OF STAR CITY, AS AUTHORIZED BY WEST VIRGINIA CODE 8A-7-8, REGARDING LOT SIZE CALCULATIONS AND REQUIREMENTS.

AN ORDINANCE to amend certain portions of the zoning code of the Town of Star City, West Virginia.

WHEREAS, West Virginia Code §8A-7-8 authorizes the governing body to amend the Town of Star City zoning code without election; and,

WHEREAS, Star City Town Code §1313.01 authorizes the governing body to order amendment of the zoning code; and,

WHEREAS, upon receipt of a petition by the administration to reclassify lot size requirements, the Star City Planning Commission found that the proposed zoning code amendment is consistent with the Town of Star City Comprehensive Plan; and,

WHEREAS, the Town Council finds that the proposed zoning code amendment is consistent with the Town of Star City Comprehensive Plan; and,

WHEREAS, the Town Council finds that the proposed zoning code amendment does not impose a significant burden on property owners compared to the relative gain for the public; and,

WHEREAS, the Town has provided the required written and published notice of the proposed zoning code amendment; and

WHEREAS, the governing body has conducted a duly noticed public hearing regarding the proposed zoning code amendment. (*Note: deletions strike-through*):

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	-
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 an A" Residence District must be on-site.

Regarding multiple dwellings, in any eligible district, there shall be provided two paved and marked off-street parking spaces 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.

B. REQUIREMENTS STANDARDS FOR BUSINESSES

(1) RETAIL BUSINESS DISTRICT

SPECIFICATIONS

Maximum Building Height, in Feet:	100
Minimum Front Yard, in Feet:	15, NOTE 5
Minimum Side Yard, in Feet:	5
Minimum Rear Yard, in Feet:	15, NOTE 5
Maximum Lot Coverage in % of Lot:	90

(2) RIVERFRONT OVERLAY DISTRICT

SPECIFICATIONS

Maximum Building Height, in Feet:	100, NOTE 5 6
Minimum Front Yard, in Feet:	5
Minimum Side Yard, in Feet:	5
Minimum Rear Yard, in Feet:	5
Maximum Lot Coverage in % of Lot	90, NOTE 6 7

~~note 5: The minimum yard requirement may be entirely waived when not adjoining a residential district ("A" residence or "B" residence).~~

Note 5 6: The minimum distance between the first or ground floor and the second floor of any newly constructed structure in the Riverfront Overlay District shall be ten (10) feet.

Note 6 7: 20% of lot area must be green space.

Parking spaces: Regarding businesses, there shall be provided spaces of an eight foot by twenty-foot dimension, capable of being fully utilized, based on the following uses and specifications:

Motel and hotel: one parking space for each sleeping unit.

Business of a retail or service nature: one parking space for each one hundred and twenty-five square feet of floor space.

Business of a professional nature: one parking space for each five hundred square feet of floor space.

In addition to the above specifications:

(1) There shall also be provided one parking space for each three employees employed on the premises.

(2) Parking for any specific business or residence in a B, Retail, or Overlay District may not be more than 300 feet from the specific business or residence.

The use of any business shall be determined by the Mayor and Council as otherwise provided in this chapter. (Passed 5-17-22)

1321.07 REAR YARDS. (REPEALED)

~~—(a) The depth required by the schedule of height and area regulations for rear yards shall be the depth exclusive of any portion used for accessory buildings.~~

~~—(b) In computing the depth of a rear yards for any building where such yard opens into an alley, one half the width of such alley may be considered as a portion of the yard.~~

~~—(c) In measuring the depth of rear yards, in cases where the rear lot line is not parallel with the street line, average dimensions may be used.~~

~~—(d) In a retail business district located within an "A" or "B" residence district, a building not used in whole or in part as a dwelling shall not require a rear yard except when bordering on a residence district, in which case a rear yard at least fifteen feet in depth shall be required adjacent to such district.~~

~~—(e) In any residence district, no dwelling shall be so located on a lot that the rear thereof faces a street line unless such dwelling be located thirty feet or more from such street line.~~

~~(Passed 6-17-57; 8-8-78.)~~

EDITOR'S NOTE: Former Section 1321.07 was repealed by an ordinance passed November 7, 2023.

1321.09 LOT AREA PER FAMILY. (REPEALED)

~~—(a) Nothing in the area requirements of this chapter, relating to lot area per family shall be held to prohibit the erection of a one-family dwelling upon a lot the area of which is less than that prescribed as the lot area per family; provided, that such lot as of August 8, 1978, was held under a separate ownership from the adjoining lots; or provided, that as of August 8, 1978, such lot is shown to be a separate and distinct numbered lot, by a plan of lots which has been recorded and which depicts streets and alleys which have been legally dedicated to the public use.~~

~~—(b) In any district, the minimum lot area per family required under the schedule of height and area regulations may be reduced ten percent (10%) of a corner lot.~~

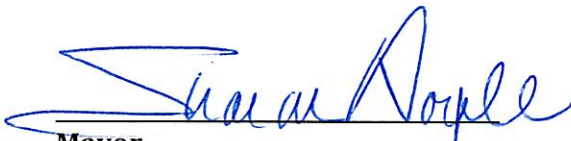
~~(Passed 6-17-57; 8-8-78.)~~

EDITOR'S NOTE: Former Section 1321.09 was repealed by an ordinance passed November 7, 2023.

These changes become effective upon adoption.

First Reading: October 17, 2023

Second Reading and Adoption: November 7, 2023



Mayor



Official - Town Recorder