

AN ORDINANCE OF COUNCIL AMENDING, MODIFYING AND RE-ENACTING PART THIRTEEN, ARTICLE 1315, 1320, AND 1341 OF THE CODIFIED ORDINANCES OF THE CITY OF HUNTINGTON, AS REVISED, CONCERNING PLANNING AND ZONING CODE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HUNTINGTON, CABELL AND WAYNE COUNTIES, WEST VIRGINIA, that Part Thirteen, Articles 1315, 1320, and 1341 of the Codified Ordinances of the City of Huntington, as revised, is hereby **AMENDED, MODIFIED AND RE-ENACTED** to read as follows:

**PART THIRTEEN
PLANNING AND ZONING CODE**

**ARTICLE 1315
DEFINITIONS AND MEASUREMENTS**

ARTICLE 1315.02 – MEANING OF WORDS

Unless otherwise stated, the following words shall, for the purpose of this Ordinance have the following meanings:

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KENNELS AND ANIMAL BOARDING AND TRAINING - A facility for the boarding, raising, grooming, selling, training, or other animal husbandry activities for dogs, cats, or other animals for financial or other compensation.

* * *

AUTO SERVICE STATION AND REPAIR SHOP – Any structure or premises used for dispensing or sale of automotive vehicle fuels or lubricants, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses may include the retail sale of parts and minor services that include, but is not limited to, oil changes, replacement of tires, and replacement of batteries and other minor parts that typically occurs while the customer waits, primarily for the servicing and repair of motor vehicles. May include minor repair work – including not limited to, oil changes, replacement of tires, and replacement of batteries – and major repair work – including but not limited to motor replacement, body and fender repair, or spray painting.

AUTOMOTIVE AND OTHER VEHICLES SALES AND SERVICES - Any building or land used for the display, sale or rental of new or used motor vehicles in operable condition. Such use may also include the display, sale, or rental of motorcycles, mopeds, or other motorized two or three-wheeled vehicles. Auto services and repairs are a permitted accessory use.

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FLAG – Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

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MANUFACTURING AND SALES, ARTISAN – The manufacturing, processing, fabrication, packaging, or assembly of products within a fully enclosed structure which includes retail sales for the products produced within the same structure. Retail sales may include products produced offsite. No processes or equipment may be used that creates heat, glare, dust, smoke, fumes, odors, or vibration beyond its lot line. ~~The~~ Retail space may be included on site and shall ~~must~~ be located at the primary entrance of the structure.

* * *

PET STORE/PET SERVICES –A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry. May also include the sale of supplies, and accessory services such as: boarding, ~~and provide~~ grooming, and/or training services.

* * *

SIGN - Any object, device, display, painting, decal, ~~or~~ structure, or part thereof, situated outdoors or indoors, which is used to advertise, announce, identify, inform, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images, including all associated brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes. ~~excluding national or state flags, window displays, graffiti, athletic scoreboards, or the official announcements or signs of government.~~ See Figure 1315.D.

* * *

SIGN AREA - The entire face of a sign ~~including the advertising surface~~ and any framing, trim or molding, but not including the supporting structure. ~~The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or device.~~

* * *

SIGN, BANNER - A temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

* * *

SIGN, BLADE - A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

SIGN, BUSINESS— A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

SIGN, BUSINESS PARK IDENTIFICATION— A sign which identifies the name of the integrated business park and/or the individual tenants and addresses of the individual tenants of the business park. Such signs are usually located at the principal access points of the business park.

SIGN, CHANGEABLE COPY - A sign which is designed to be changed on a regular basis and does not have one permanent message. Such signs usually have a sign board with consisting of interchangeable letters, numbers, and/or logos can be attached in order to advertise special sales or advertise special items for sale. Also **ELECTRONIC MESSAGE BOARDS**

SIGN, COMMERCIAL MESSAGE – one where the message concerns goods or services offered for consideration by a person or entity engaged in a profit-oriented business, includes any written representation, emblem, graphic, logo, symbol or other display that names, advertises or references a business, operator, product, service or other for-profit activity.

* * *

SIGN, ELECTRONIC MESSAGE BOARDS - an electrically activated display whose variable message and/or graphic presentation can be electronically programmed. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.

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SIGN, LIGHT POLE BANNER - A temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure, and where the temporary sign element can be changed without modifying the permanent structure.

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SIGN, PORTABLE MESSAGE CENTER - A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels. Such signs may include changeable copy or electronic message boards.

* * *

SIGN, SIDEWALK - A freestanding sign which is ordinarily in the shape of an “A,” “T” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.

SIGN, SUSPENDED OR PROJECTION – a two-side sign that projects outward from the exterior wall of a structure.

SIGN, TEMPORARY – are signs not affixed to a permanent structure in any permanent way. Such signs are usually constructed with material not intended to be permanent or material susceptible to damage through exposure to ordinary weather or seasonal changes.

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SIGN, VEHICULAR OR TRAILER - A sign permanently or temporarily attached to or placed on a vehicle or trailer and used primarily as a stationary sign.

SIGN, WALL - a sign that is painted to, attached flat to or mounted away from, but parallel to, any exterior wall of a structure.

ARTICLE 1320 PERMITTED USES

Section 1320.04 Permitted Uses

The chart in this section lists all permitted uses, conditional uses, and use-specific standards.

Legend	
Permitted Use	●
Conditionally Permitted Use	○
Prohibited Use	

Table 1320.A: Permitted Uses

Districts

Use Type	R-1 & R-2	R-4	R-5	C-1	C-2	C-3	I-1	I-2	(Reserved)	Use-Specific Standards
Commercial										
Animal Hospital / Clinic				○	●	●	○	●		
Animal Boarding and Training				○	●	●	○	●		1341.53
Auto Service Station and Repair Shop				○	●	○	○	●		1341.11
Automotive and Other Vehicles Sales and Services					●			●		
Banquet Halls or Conference Centers				○	●	●	●	●		
Fuel Sales				○	●	○	○	●		1341.54
Pet Store / Pet Services				●	●	●	●	●		
Civic/Community										
Open Space	○	●	●	●	●	●	●	○		

ARTICLE 1341 GENERAL REGULATIONS

Section 1341.11 Auto Service Station and Repair Shop

- A. All storage areas, pits, lifts and working areas shall be within a building. All lubrication, repair, painting, or similar activities shall be performed in an enclosed building, and no dismantled parts shall be placed outside.
- ~~B. All gasoline pumps and islands upon which pumps are normally located shall be set back a minimum of fifteen (15) feet from the front yard property line and at least fifty (50) feet from other property lines. Layout of all pumps shall conform to the requirements of the Building Code.~~
- ~~C. Canopies shall be set back a minimum of ten (10) feet from all lot lines and twenty five (25) feet from all adjacent residential lot lines.~~
- ~~D. In districts other than C-2 Highway Commercial and I-2 Heavy Industrial, all gasoline pumps, air pumps, and islands upon which the pumps are normally located, shall only be permitted when in the side yard or rear yard. In no case shall such uses be located in between the principal building and a street.~~

- E. No junked motor vehicle or part thereof or no unregistered motor vehicle shall be permitted outside an enclosed service station, except that not more than six (6) motor vehicles may be located outside a building for a period not to exceed five (5) days for each vehicle, provided that the owners are awaiting the repair of the motor vehicle.
- F. The exterior display and parking of equipment or vehicles for rent or sale shall be permitted, provided that the area devoted to this purpose is in addition to the minimum lot size required for a service station, the area devoted to this purpose does not exceed twenty (20%) percent of the total area of the entire site, the maximum sign area for a service station is not exceeded and the location of the equipment or vehicles being rented or sold does not interfere with the required off-street parking requirements for the service station and does not interfere with the on-lot traffic circulation indicated on the approved land development plan.
- G. The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable Federal, State, and local requirements.
- H. Outdoor solid waste and recyclable storage areas shall be screened in accordance with Section 1347.07.

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Section 1341.53 Animal Boarding and Training

- A. These regulations apply to any location providing animal training and/or boarding services. This section shall not apply to any establishment whose principle use is an Animal Hospital/Clinic or Pet Store/Pet Services use.
- B. Distance. No training and animal boarding facilities may be directly adjacent to residentially zoned property.
 - a. The distance restriction may be eliminated when adjacent to a residentially zoned property if sound proofing techniques approved by the Fire Marshal and Chief Building Inspector are utilized.
 - b. In granting a conditional use or any special exception under this section, the Board of Zoning Appeals may impose additional conditions or restrictions, such as increasing buffers, requiring odor, noise, or animal waste disposal mitigation, and setting limits on the number dogs, to ensure that the proposed use will not be detrimental to the health, safety, or general welfare of the surrounding area.
- C. Measurement of Distance. The distance between the animal boarding and training facility shall be measured in a straight line, without regard to intervening structures, from the closest property line of the animal boarding and training facility to the closest property line of the residential zone.
- D. Outdoor yard. If an outdoor yard is present, in no event shall it operate between the nighttime hours of 9:00 p.m. and 7 a.m. on weekdays and 9:00 p.m. to 9:00 a.m. on weekends and local legal holidays (*Ref. Article 527*).
 - a. An outdoor yard shall be screened with privacy fencing, minimum 6 ft. in height or landscaped to keep animals from view of the property lines.

Section 1341.54 Fuel Sales

1. All gasoline pumps and islands upon which pumps are normally located shall be set back a minimum of fifteen (15) feet from the front yard property line and at least fifty (50) feet from other property lines. Layout of all pumps shall conform to the requirements of the Building Code.
2. Canopies shall be set back a minimum of ten (10) feet from all lot lines and twenty-five (25) feet from all adjacent residential lot lines.
3. In districts other than C-2 Highway Commercial and I-2 Heavy Industrial, all gasoline pumps, air pumps, and islands upon which the pumps are normally located, shall only be permitted when in the side yard or rear yard. In no case shall such uses be located in between the principal building and a street.

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BE IT FURTHER ORDAINED that all other articles, sections and subsections of Section Thirteen of the Codified Ordinances of the City of Huntington, as revised, shall remain in full force and effect until further Ordinance of this Council.

BE IT FURTHER ORDAINED that these amendments to the Codified Ordinances of the City of Huntington, as revised, shall become effective upon its adoption by Council and approval by the Mayor.

SPONSORED BY COUNCILMAN DURON JACKSON

APPROVED AS TO FORM BY EBH

FIRST READING 5/23/2022 - ORDERED ADVERTISED

SECOND READING 6/13/2022 - ADOPTED UNANIMOUSLY (10 yeas, 0 nay and 1 absent Sweeney).

DATE 6/13/2022

Lisa Adams, Asst. City Clerk
BARBARA MILLER, CITY CLERK

DATE 6/13/2022

Steve Williams
STEVE WILLIAMS, MAYOR

✓
APPROVE

DATE JUNE 14, 2022

VETO