



PLANNING COMMISSION

January 21, 2026

Public Safety Building

7:00 pm

- I. **CALLED TO ORDER**
- II. **ROLL CALL OF MEMBERS**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **APPROVAL OF MINUTES**
November 19, 2025
- V. **ELECTION OF OFFICERS**
- VI. **PUBLIC HEARINGS**

Please note that the format of the public hearings shall be:

- 1. Introduction of Petition by Staff
- 2. Petitioner Presentation
- 3. Staff Comments and Recommendations
- 4. Public Comments and Questions
 - a. Those in favor
 - b. Those opposed
 - c. Rebuttal and Clarification from Petitioner
- 5. Closing of Public Hearing / Discussion Among Commissioners
- 6. Commission Action

OLD BUSINESS

None

NEW BUSINESS

PC 25-09 – Veritas Contracting is applying to rezone a 0.62 acre parcel known as Marion County District 4, Map 7, Parcel 98.2 from General Residential to Main Corridor Commercial. The property is located on Fairmont Avenue north of 1565 Fairmont Avenue.

PC 25-10 – John and Carrie Menas are applying to rezoning property off of Kaufman Dr from General Residential to Neighborhood Residential. Total area to be rezoning is approximately 41 acres. The property is also known as Marion County Tax District 4, Map 2, Parcels 12, 14, 15, and 48.

PC 26-01 – City of Fairmont is petitioning to rezone what is known as the Sharon Steel site on Lafayette St from Highway Commercial to Industrial, the 1800 block of Oregon Ave and properties north of The Drive from Highway Commercial to General Residential, properties north of Cherry Ln and west of Dixie Ave up to Lafayette St from Highway Commercial to Neighborhood Residential, and block C lots 1 and 2 and block D lots 1 through 7 from Highway Commercial to Neighborhood Residential to promote the adaptive reuse of Sharon Steel and protect the existing, adjacent housing with residential zoning districts.

PC 26-02 – City of Fairmont is petitioning to repeal and replace Article 5.3 Signs and Similar Structures to better define and regulate all forms of signage.



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VII. CITIZENS PETITION (FOR ITEMS NOT LISTED ON THE AGENDA)

None

VIII. DISPOSITION OF PAST PETITIONS

PC 26-06 – Twin Creek Builders, Inc. is petitioning for the approval of a Major Subdivision to divide one parcel at 800 Country Club Rd into three parcels for the construction of single-family homes. The parcel being divided can be identified as Tax District 3, Map 8, Parcel 69 and is zoned General Residential.

Still pending. No further update on utility extensions at this time.

IX. OTHER BUSINESS

1. Proposed Capital Plan Review
2. 2025 Annual Report
3. Comprehensive Plan RFP

X. ADJOURNMENT

The public hearing meeting of the Planning Commission was held at 7 pm November 19, 2025, in the Public Safety Building located at 500 Quincy Street.

President Jamie Greene called the meeting to order at 7:01 pm.

I. ROLL CALL OF MEMBERS:

Commissioner Terry Burton	Absent
Commissioner Rebecca Moran	Present
Commissioner Jarred Drennen	Present
President Jamie Greene	Present
Commissioner Mike Jura	Present
Commissioner Hanna Turner	Present
Commissioner Houston Richardson	Absent
Commissioner Pamela Wean	Present
Commissioner Frank Yann	Present

CITY STAFF PRESENT:

Shae Strait, Director of Planning

IV. APPROVAL OF MINUTES FROM SEPT. 17, 2025:

President Greene asked for approval of minutes from September 17, 2025, regular meeting, and October 15, 2025, work session. Director Strait said that Commissioner Wean had been incorrectly identified in the September minutes as speaking at a meeting where she was not present. Director Strait said that the correction is that each time Commissioner Wean is speaking, it is actually Commissioner Turner. One additional correction was a misspelling of the Code Enforcement Official Scott Joliff’s name.

President Greene moved that the corrected minutes be approved. Commissioner Drennen seconded. All approved.

V. PUBLIC HEARING

PC 25-06 – Twin Creek Builders, Inc. is petitioning for the approval of a Major Subdivision to divide one parcel at 800 Country Club Rd into three parcels for the construction of single-family homes. The parcel being divided can be identified as Tax District 3, Map 8, Parcel 69 and is zoned General Residential.

Director Strait said the lot currently has a home that has been renovated that faces Country Club Road and is located between Jo Harry Drive and Saltwell Street (dead end). The plat and zoning map of the area were provided in the packet. Because the area is a fully residential neighborhood, the petitioners and staff had believed there to be utilities provided throughout the site, however, on further investigation that was not accurate, so a utility plan is not provided in the packet, however, the petitioner meets all other requirements for a subdivision.

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Marty Miller spoke on behalf of the subdivision, noting that they are currently working with CEC to get the utility extensions mapped out.

Commissioner Drennen asked if they had given any thought to how narrow the street is in consideration of access by emergency services. Mr. Miller said that he had not spoken to anyone in public works, but the lots would have driveway access on Saltwell. Director Strait reviewed some of the possibilities of addressing this issue as the three lots are developed but noted that the code did not mandate that the street be updated.

Commissioner Yann asked if the neighboring property owners had been notified. Director Strait said they had not been notified, but since staff's recommendation is to hold this request until the utilities had been extended and neighboring property owners could be notified at that time.

Mr. Miller asked if, as they were not planning to build for 6-8 months, is there an option such as posting a bond for utilities to allow the project to move forward. Director Strait said there are two options: 1) install the utilities and 2) plan the utility extension and post a bond for the anticipated improvements. Director Strait informed the petitioner that they could obtain the bond and submit that with their documents.

Mr. Miller asked if it was correct that the Planning Commission needed the permission of the petitioner to postpone a decision. President Greene asked Director Strait to explain the state law related to this question.

Director Strait said that in Chapter 8A, Article 13, all boards, commissions and governing bodies must rule on anything related to land use law within 60 days, and as it has taken 30 days to get this item on the agenda, the Planning Commission was already halfway through that time period.

Commissioner Moran asked the petitioner if that's what they were seeking and Mr. Miller replied that yes, they are seeking a 90-day extension. Mr. Miller confirmed that they are asking for the extension. Director Strait noted that he is comfortable with the extension.

Commissioner Greene then closed the public meeting and called for a vote to layover the petition, giving the petitioner a 90-day extension prior to making a ruling on the application for a major subdivision.

The motion was approved unanimously.

PC 25-07 – Tri City Electric, on behalf of Gateway United Methodist Church, is petitioning for the approval of a Major Subdivision for the consolidation of eight adjacent parcels at 301 Diamond St into two parcels. The parcels being merged can be identified as Tax District 5, Map 7, Parcels 108, 108.1, 108.2, 109, 150, 157, 158, & 159 and are zoned City Center.

Director Strait introduced the petition as no one was present to speak on behalf of the issue. Director Strait noted that staff had reviewed the requested merger, and it was found to be consistent with the zoning code and the petitioner was planning additional improvements for ADA accessibility and walkability to the site. Staff recommends approval.

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President Greene asked if there was anyone to speak for or against the petition. With no one present to speak, he closed the public hearing.

Commissioner Drennen noted that Rich Street is a narrow street and asked if there was any consideration of making that street a one-way street. Director Strait said he would take the question back to the petitioner and the City's Public Works Department, adding that the new configuration and parking will also improve traffic flow on the site.

President Greene asked for a motion to approve the petition as requested. Commissioner Wean moved. Commissioner Moran seconded. The roll call vote was as follows:

Commissioner Rebecca Moran	Yes
Commissioner Jarred Drennen	Yes
President Jamie Greene	Yes
Commissioner Mike Jura	Yes
Commissioner Pamela Wean	Yes
Commissioner Frank Yann	Yes
Commissioner Hanna Turner	Yes

The motion was approved unanimously.

PC 25-09 – Veritas Contracting is applying to rezone a 0.62 acre parcel known as Marion County District 4, Map 7, Parcel 98.2 from General Residential (GR) to Main Corridor Commercial (MCC). The property is located on Fairmont Avenue north of 1565 Fairmont Avenue.

Director Strait introduced the petition as no one was present to speak on behalf of the issue. He reviewed the parameters of the site noting that while it is primarily situated within a single-family residential area, it does share a boundary with the MCC district and nearby varying and some non-conforming land uses including a doctor's office, apartment building and long-term care facility. The petitioner has stated they are seeking a zoning change in order to build townhomes on the site, which are not permitted in a GR district.

Director Strait also noted that there has been a petition submitted to rezone all the property across Fairmont Avenue to Neighborhood Residential, which would allow for greater density in that area as well. Director Strait noted that in the petitioner's case, they felt the best option was to extend the adjacent MCC zoning and would thereby not be considered spot zoning,

In his report, Director Strait noted that the MCC zoning would allow for uses that could have a negative impact on the adjoining single-family homes. Instead, Director Strait said, staff recommends, especially in light of the upcoming rezoning petition across the street, the property be rezoned to either Neighborhood Residential or Neighborhood Mixed-Use. Along with this recommendation, staff recommends that the three currently non-conforming parcels to the south be rezoned in coordination with the petitioner's property to allow for

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Director Strait said that he had called neighboring property owners regarding the rezoning options. Director Strait said he spoke to Dr. John Jezioro to ask if he wanted his property, in which he has a non-conforming medical office adjacent to the petitioner's site, to be included in the MCC rezoning. Director Strait said that Dr. Jezioro was not interested in rezoning his own property, and did not have an opinion on the request before the Commission.

President Greene opened the public hearing. As no one was present to speak, the public hearing was closed.

Commissioner Turner moved to layover the petition for rezoning to be heard in conjunction with petition 25-10 which will be for a rezoning on Fairmont Avenue across from the property at 1565 Fairmont Ave. Commissioner Moran seconded. The roll call vote was as follows:

Commissioner Rebecca Moran	Yes
Commissioner Jarred Drennen	Yes
President Jamie Greene	Yes
Commissioner Mike Jura	Yes
Commissioner Pamela Wean	Yes
Commissioner Frank Yann	Yes

The motion was approved unanimously.

VI. CITIZEN PETITIONS

There were no citizens petitions.

VII. DISPOSITION OF PAST PETITIONS

There were no past petitions.

VIII. OTHER BUSINESS

There was no other business.

ADJOURNMENT:

President Greene adjourned the meeting at 7:59 p.m.



PLANNING COMMISSION

PC 25-09 – FAIRMONT AVENUE REZONING NEAR KINGMONT ST

November 19, 2025

Introduction

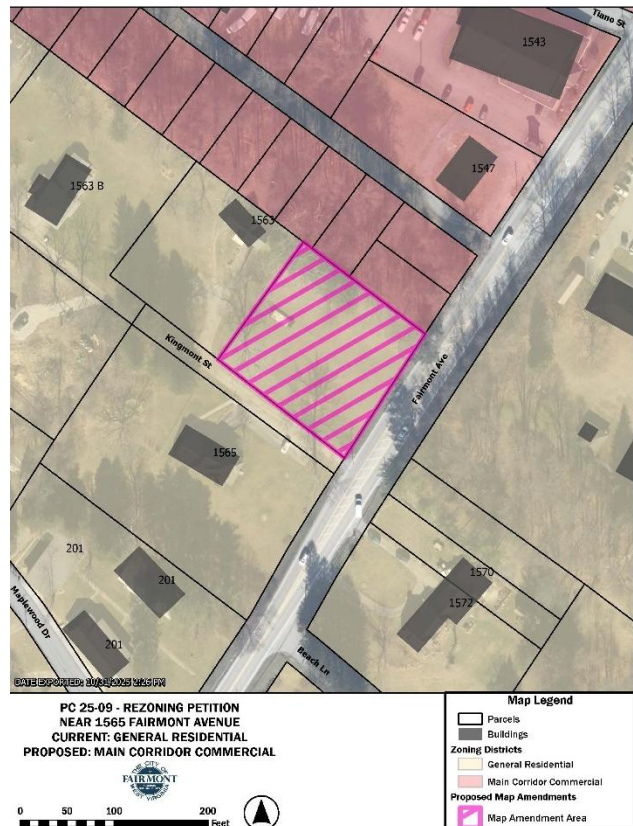
Triad Property Dev LLC is petitioning to rezone a property on Fairmont Ave and at the intersection of a private road known as Kingmont St, north of Maplewood Dr. The current zoning is General Residential and the proposed zoning is Main Corridor Commercial. This parcel is also known as Marion County tax district 4, map 7, parcel 97.2.

Existing Conditions

The parcel, approximately 0.59 acres in size, requested to be rezoned is zoned General Residential and is currently vacant being covered in primarily grass with some trees and bushes mostly along the northern interior lot line. To the south, west, and east, the land uses are detached single-family dwellings and are zoned General Residential. The only exceptions are the single-family dwelling at 1565 Fairmont Avenue which contains a non-conforming Home Occupation for Appalachian Family Chiropractic run by Dr. John Jezrioro’s and 201 Maplewood Drive which has three multi-family dwellings. The lots to the north are vacant and primarily covered with forest and are zoned Main Corridor Commercial. Past those lots is an office building.

This lot only has access to one public ROW which is Fairmont Avenue. This parcel is close to the top of what is locally called “Watson Hill” within the Watson Addition of Fairmont. The road is two

lanes with an adjacent speed limit of 45 MPH and then reducing to 35 MPH just north of the parcel. The average daily traffic count on this section of Fairmont Avenue is 11,691 according to the 2023 data points from WV DOH. 593 of those vehicles are estimated to be trucks.



Map of area proposed to be rezoned



Google Street View of the property looking north from Fairmont Avenue



Google Street View of the property looking south from Fairmont Avenue; Note Appalachian Family Chiropractic in the background which is within a single-family home that Dr. Jezrioro also lives in

Proposed Map Amendment

The proposed zoning map amendment would change the property from General Residential (GR) to Main Corridor Commercial (MCC). The petitioner states the intent is to develop townhouses on this property. However, it should be noted in a zoning map amendment petition that all potential land uses and their impacts should be considered. The Planning Commission should not look at this petition with the understanding it may only be townhouses.

The map amendment would have the following changes on permitted uses:

Chart Legend:

Permitted or Permitted with Conditions (●)

Conditional Use (○)

Prohibited (blank cell)

Table 3.A Permitted Principal Uses														
	GR	NR	MHN	MHP	NMU	CC	MCC	HC	I	T	E	R	Reserved	Use Standards
Residential														
Accessory Dwelling Units (ADUs)	●	●	●		●	●	●	●	●					4.25
Detached Dwelling	●	●	●	●	●	●	●		●					
Attached Dwelling (Single-Family Duplex)	●	●	●		●	●	●		●					
Attached Townhouse Dwelling		○			●	●	●	●	●					
Accessory Dwelling Units (ADUs)	●	●	●		●	●	●	●	●					
Other Dwellings														
Boarding Houses, Lodging Houses, and Congregate Facilities	●	○			●	●	●		●					4.18
Dormitory	●	○			●	●	●				●			4.37
Group Residential Facilities	●	●			●	●	●	●	●					
Group Residential Homes	●	●	●	●	●	●	●	●	●					
Mobile Home Parks				●										4.23
Multi-Family Dwelling	●	○			○	●	●	●	●					
Residential Care Facility	●	●			●	●	●	●	●					
Residential Based Businesses														
Day Care Home	○	●	●	●	●	●	●	●	●					4.7
Home Occupations, Minor	●	●	●	●	●	●	●	●	●	●	●	●		4.17
Home Occupations, Major		●	●	●	●	●	●	●	●	●	●	●		4.17
Live-Work Units	●				●	●	●	●	●					4.22
Lodging														
Bed & Breakfast Inns	●	●			●	●	●	●	●					4.5
Hotel	●					○	○	●	●	○		○		4.14
Inns	●						○							4.14
Motels	●						○							4.14

Table 3.A Permitted Principal Uses														
	GR	NR	MHN	MHP	NMU	CC	MCC	HC	I	T	E	R	Reserved	Use Standards
Civic														
Assembly					●	●	●	●	●	●	●			
Cemetery	○	○	○		○		○					○		4.6
Civic Uses	○	○			●	●	●	●	●	●	●	●		4.9 & 4.19
College / University					●	●	●	●	●	●	●			4.9
Emergency Shelter					○	○	●	○						4.41
Medical Institution					○	○	○	○	○	○				4.14
Primary / Secondary School	○	○			○	○	○				○			4.9
Religious Uses	○	○	○	○	●	●	●	●	●		○			4.8
Commercial														
Accessory Structures (as a Principal Use)											●			4.16
Adult Entertainment									○					4.2
Animal Boarding Establishment								●	●					4.44
Animal Care Establishment					●	○	●	●	●					4.44
Bars and Nightclubs						○	○	○						4.4
Bars, Neighborhood					○	●	●	●	○					
Brewpub						●	●	●	●					
Car Wash							○	●	●					4.38
Child Care Center					●	●	●	●	●	●				4.7
Child Care Facility		○	○	○	○	●	●	●	●	●				4.7
Commercial School					○	●	●	●	●	●	○			
Consumer Fireworks Retail Sales Establishment							●	●	●					4.35
Convenience Store (with Fuel Sales)							○	●	●					4.11 & 4.3
Craft Production Facility (Microbrewery / Microdistillery / Microcidery)						○	○	●	●					
Crematorium							○	●	●					4.51
Drive-through Facilities						○	○	●	●					4.13
Dry Cleaning Establishments									●					
Entertainment Uses						○	○	●	●					
Funeral Services					○	○	●	●	●					4.51
Limited Video Lottery						○		○						4.21
Manufacturing and Sale, Artisan					●	●	●	●	●					4.27
Medical Clinic					○	●	●	●	●	●				
Mixed-Use Buildings					●	●	●	●	●					4.22
Mobile Vending (Vehicle, Street, Sidewalk)						●	●	●	●			●		4.24
Nanobrewery						●	●	●	●					
Office Use, not to exceed 2,500 sq ft					●	●	●	●	●	●				4.27
Office Use, not to exceed 5,000 sq ft					○	●	●	●	●	●				4.27
Office Use, not to exceed 15,000 sq ft						●	●	●	●	●				4.27
Office Use, 15,000 sq ft to 30,000 sq ft						●	○	●	●	●				4.27
Office Use, exceeding 30,000 sq ft						○		○	○	●				4.10 & 4.27
Recreational Facilities	○	●	○	○	●	○	○	●	●	●		●		4.30
Restaurants					●	●	●	●	●	●				
Restaurant with Alcohol Sales					○	●	●	●	●	○				4.31
Retail and Service use, not to exceed 2,500 sq ft					●	●	●	●	●					4.27

Table 3.A Permitted Principal Uses														
	GR	NR	MHN	MHP	NMU	CC	MCC	HC	I	T	E	R	Reserved	Use Standards
Retail and Service use, not to exceed 5,000 sq ft	●				○	●	●	●	●					4.27
Retail and Service use, not to exceed 15,000 sq ft	●					●	●	●	●					4.27
Retail and Service use, 15,000 sq ft to 30,000 sq ft	●					●	○	●	●					4.27
Retail and Service use, exceeding 30,000 sq ft						○		○	○					4.10 & 4.27
Retail and Services, Heavy								○	●					4.3
Temporary Uses	●				●	●	●	●	●					4.35
Vehicle Repair, Major								○	●					4.42
Vehicle Repair, Minor	●						○	●	●					4.42
Vehicle Rental or Sales								●	●					4.43
Industrial														
Manufactured Home Sales and Service								○	○					4.3 & 4.32
Manufacturing, Heavy									○					
Manufacturing, Light								○	●	●				4.20 & 4.33
Outdoor Storage									○					4.28
Outdoor Storage, as an accessory use								○	●					4.28
Recycling, Indoor									○					
Self-Storage Facility									●					
Towing Services									●					4.38
Warehouse or Distribution								○	●					
Wholesale Establishment								●	●					
Wholesale Establishment, Consumer Fireworks									●					
Agriculture														
Agricultural Tourism	○													4.50
Commercial Greenhouse	●				●	●	●	●	●					4.47
Community Garden	●	●	●	●	●							●		
Market Farm	●	○	○	○	●		●	●						4.48
Private Garden	●	●	●	●	●									4.49
Urban Farm	○													4.50
Infrastructure														
Essential Services	●	●	●	●	●	●	●	●	●	●	●	●		
Solar Farm								●	●	●	●			
Wind Farm									●	●		○		4.45
Wireless Communications	○	○	○	○	○	○	○	●	●	●				4.34
Transportation														
Bicycle Parking Station	●				●	●	●	●	●	●	●	●		
Bus Shelters	●	●	●	●	●	●	●	●	●	●	●	●		
Heliport							○	○	○	○	○			
Parking Lot, Commercial						○	●	●	●	●	●			
Parking Structure						●	●	●	●	●	●			
Passenger Terminal					●	●	●	●	●	●				
Marina, Recreational						●	●	●	●			●		
Pedestrian or Bicycle Path	●	●	●	●	●	●	●	●	●	●	●	●		
Railway Facilities	●						●	●	●	●	●			

The proposed amendment would also adjust the following development standards:

	GR	MCC					
	Detached Single-Family	Detached Single-Family	Duplex	Townhouses	Commercial or Mixed-Use	Civic Uses	Multi-Family Dwellings
Lot							
Lot area (min)	3,600 SF	2,400 SF	3,200 SF	1,600 SF	2,000 SF	N/A	2,400 SF
Lot width (min/max)	40'	30' / 120'	40' / 120'	15' / 40'	30' / 200'	N/A	30' / 160'
Lot coverage (max)	60%	70%	70%	70%	100%		
Building coverage (max)	40%	60%	60%	60%	90%		
Setbacks							
Front yard (min/max)	Prevailing Setback (min & max) or 20' / -	10' / 25', or Prevailing Setback	10' / 25', or Prevailing Setback	10' / 25', or Prevailing Setback + 10' ¹	0' / 10'	0' / 50'	0' / 10'
Built-to percentage, front façade (min)	50% but no greater than a 40' min	50% but no greater than a 40' min	60%	50%	75%	N/A	75%
Side yards (min total/min each side)	20% of lot width / 8'	20% of lot width / 5' ₂	20% of lot width / 5' ₂	20% of lot width / 5'; common walls have a setback of 0'	0'		
Rear yard (min)	25'	25'			15' or 0' when adjacent to an alley		
Building Height							
Building height, principal uses (min/max)	3 stories / 40'	3 stories / 40'			26' or 2 stories / 40' or 3 stories		
Building height, accessory buildings (max)	15'	15'			May not exceed the height of the principal structure		
Finished ground floor height (min/max)	0'/4'	0'/4'			0'/4'	0'/5'	0'/4'
Roof Slope (min)	4/12	-			-	-	-
Transparency							
Ground floor transparency, front facade (min)	20%	20%			70%	20%	40%
Ground floor transparency, corner side facade (min)	20%	20%			50%	20%	40%
Upper floors transparency, front facade (min)	15%	15%			20%	20%	20%
Upper floors transparency, corner side facade (min)	15%	15%			20%	20%	15%
Transparency, all other ground or upper floor facades (min)	-	15%	15%	15%	10%	15%	15%
Ground floor blank wall width	-	-			8' front façade; 20' corner side facade	-	8' front façade; 20' corner side facade
Building Orientation and Pedestrian Access							
Main entrance location (required)	Front facade						

Staff Comments

The proposed zoning map amendment to Main Corridor Commercial would permit, permit with conditions, or conditionally permit a number of new commercial uses which may not be conducive for this location. Those new commercial uses include:

- Hotel
- Inns
- Motels
- Animal Care Establishment
- Bars and Nightclubs
- Bars, Neighborhood
- Brewpub
- Car Wash
- Child Care Center
- Child Care Facility
- Commercial School
- Consumer Fireworks Retail Sales Establishment
- Convenience Store (with Fuel Sales)
- Craft Production Facility (Microbrewery / Microdistillery / Microcidery)
- Crematorium
- Drive-through Facilities
- Entertainment Uses
- Funeral Services
- Manufacturing and Sale, Artisan
- Medical Clinic
- Mixed-Use Buildings
- Mobile Vending (Vehicle, Street, Sidewalk)
- Nanobrewery
- Office Use, not to exceed 2,500 sq ft
- Office Use, not to exceed 5,000 sq ft
- Office Use, not to exceed 15,000 sq ft
- Office Use, 15,000 sq ft to 30,000 sq ft
- Recreational Facilities
- Restaurants
- Restaurant with Alcohol Sales
- Retail and Service use, not to exceed 2,500 sq ft

- Retail and Service use, not to exceed 5,000 sq ft
- Retail and Service use, not to exceed 15,000 sq ft
- Retail and Service use, 15,000 sq ft to 30,000 sq ft
- Temporary Uses
- Vehicle Repair, Minor
- Commercial Greenhouse

This change would also prohibit a number of residential related uses such as community gardens and private gardens (on their own parcel).

Since a number of these commercial uses could substantial increase vehicle counts and thus increase the risk of vehicle collisions on Fairmont Avenue, increase noise, increase light pollution, increase odor, and potentially have a negative impact on the primary corridor and nearby residential land uses, this rezoning, as proposed, may have a significant negative impact on the health, safety, and general welfare of the residents and businesses in Fairmont.

Neighborhood Residential (NR) is the next zoning district that is more intense than General Residential. However, this district makes Townhouses and Multi-Family Dwelling Conditional Uses, requiring approval by the Board of Zoning Appeals and creating additional barriers to increasing the housing diversity and availability along Fairmont Avenue.

In contrast to MCC and NR, a zoning district such as Neighborhood Mixed Use (NMU) is significantly more limited in which commercial uses are permitted and includes uses with lower vehicle trips, less risk of impacts to nearby residential land uses, or are even complimentary to neighborhoods such as small retail, small offices, and smaller medical offices. NMU also permits all types of residential land uses as well as their

supporting uses such as private gardens and community gardens.

There is also a non-conforming Medical Clinic at 1565 Fairmont Avenue and non-conforming multi-family dwellings at 201 Maplewood Dr which also front Fairmont Avenue. Staff has called both of the land owner's and discussed the potential rezoning of their property as well. Appalachian Family Chiropractic did not make a decision but appeared to be interested in the rezoning. RDC Properties stated verbally they are in favor of an upzoning of their property to be conforming.

Another rezoning petition (PC 25-10) for the property across Fairmont Avenue, formerly known as the Kaufman Property, has also been filed and will come before the Planning Commission in the near future. That petition is to rezone that land from Fairmont Avenue to the Tygart River from General Residential to Neighborhood Residential.

Comprehensive Plan

Goal N1 of the Comprehensive Plan calls for encouraging new housing developments that can attract young professionals and families, and to review and update the City's zoning ordinance to encourage flexibility and adaptive re-use to ensure that the current housing stock can meet future demands.

Goal S3 of the Comprehensive Plan calls for the update of the City's Planning and Zoning Code to implement the preferred development areas and overall vision.

The vision is in Chapter 3 of the Comprehensive Plan and identifies issues for neighborhoods as substandard housing, safety and security, lack of sidewalks, and maintenance of city parks. To address these issues, the comprehensive plans goals recommend addressing "missing middle" housing and density, which sits somewhere

between detached single-family homes and multi-family dwellings. This includes ADUs, cottage housing, townhouses, and low or mid-rise apartments.

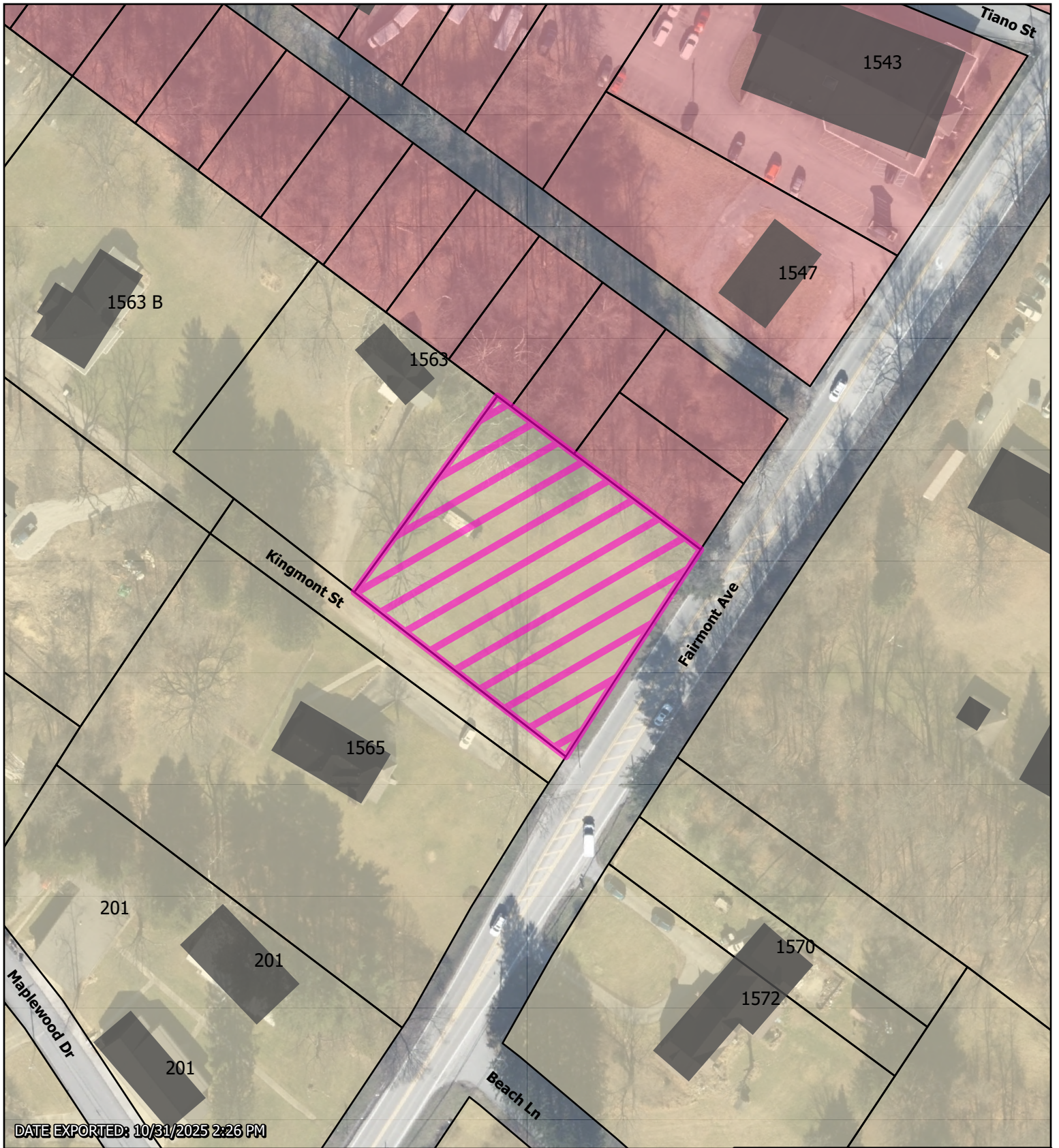
Staff Recommendations

Staff recommends rezoning the request parcel of land to Neighborhood Residential (NR), but staff does not recommend Main Corridor Commercial due to the much higher risk of negative impact of the health, safety, and general welfare of the public, particularly to the existing housing on Maplewood Dr and across Fairmont Ave.

This should be done at the same time as the proposed rezoning of land across the street for The Landing at St Johns (PC 25-10) by combining the two petitions into one for City Council approval. This prevents any spot zoning for this petition.

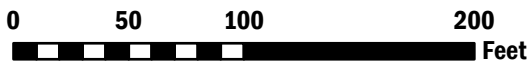
Attachments

Attached are the petition, maps, and related documents.








DATE EXPORTED: 10/31/2025 2:26 PM

**PC 25-09 - REZONING PETITION
NEAR 1565 FAIRMONT AVENUE
CURRENT: GENERAL RESIDENTIAL
PROPOSED: MAIN CORRIDOR COMMERCIAL**



Map Legend

-  Parcels
-  Buildings
- Zoning Districts**
-  General Residential
-  Main Corridor Commercial
- Proposed Map Amendments**
-  Map Amendment Area



**APPLICATION FORM
ZONING MAP AMENDMENT**

Planning & Zoning Department
200 Jackson St., Fairmont WV 26554
Phone (304) 366-6211, Ext 333

<i>Office Use</i>		
Date Received _____	Hearing Date _____	Fee Paid _____
Staff Initials _____	Petition Num. _____	

I. PRIMARY APPLICANT INFORMATION

NAME Samuel O Proctor

ADDRESS 246 Business Park Drive

CITY Fairmont STATE WV ZIP 26554

PHONE 304-598-2285 EMAIL _____

II. PROPERTY INFORMATION

AREA DESCRIPTION OF PROPERTY TO BE REZONED Kingmont Street / Fairmont Avenue

ADDRESS(ES) Corner of Kingmont Street and Fairmont Avenue, Fairmont Ave Fairmont, WV 26554

PROPERTY TAX MAP AND PARCEL NOS. 24-04-0007-0098-0002

CURRENT ZONING DISTRICT(S) GR

PROPOSED ZONING DISTRICT MCC

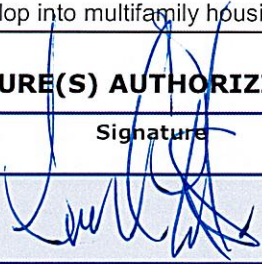
REASON(S) FOR PROPOSED ZONING CHANGE Plans to Divide into 4 lots and build townhomes

CURRENT USE(S) OF PROPERTY undeveloped

DATE PRESENT USAGE(S) ESTABLISHED 09/2024

PROPOSED USE(S) OF PROPERTY develop into multifamily housing.

III. PROPERTY OWNER(S) SIGNATURE(S) AUTHORIZING & SUPPORTING THIS PETITION

Name of Owner or Agent, & Name of Corporation (if applicable)	Signature	Date	Mailing Address & Phone Number
<u>Triad Property Dev. LLC.</u>		<u>10-24-25</u>	<u>1564 Mary Lou Retton Dr. Fairmont, WV 26554</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Please add additional attachments if needed for more signatures or supporting documents such as maps.



**APPLICATION FORM
ZONING MAP AMENDMENT**

Planning & Zoning Department
200 Jackson St., Fairmont WV 26554
Phone (304) 366-6211, Ext 333

Signatures of property owners on this petition must comprise of owners of fifty percent or more of the real property in the proposed area, per state code §8A-7-9(a). Failure to obtain signatures of owners of fifty percent or more of the real property in the proposed area will result in the rejection of the application.

IV. GENERAL INFORMATION ABOUT PETITIONS AND APPROVAL REQUIREMENTS

Within sixty days after a petition to amend the zoning ordinance is received by the planning commission staff, the planning commission must hold a public hearing after giving public notice. The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area affected by the proposed zoning ordinance, as a Class I legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of state code, at least fifteen days prior to the public hearing.

If the petition to amend the zoning ordinance is from the owners of fifty percent or more of the real property in the area, then before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.

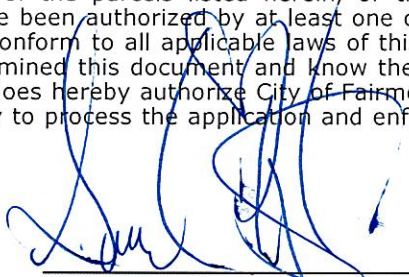
Because rezoning can often be controversial, it is strongly recommended that the applicant have the support of all property owners within the proposed rezoning area and the support of adjacent land owners and occupants as well prior to applying for rezoning.

V. ATTEST

I hereby certify that I am the owner of record of one of the parcels listed herein, or that this application is authorized by one of the owners' of record and that I have been authorized by at least one of the owners to make this application as their authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize City of Fairmont representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.



Print Name of Applicant



Signature of Applicant

10-24-25

Date



PLANNING COMMISSION

PC 25-10 – REZONING FOR THE LANDING AT ST JOHNS SUBDIVISION

January 21, 2026

Introduction

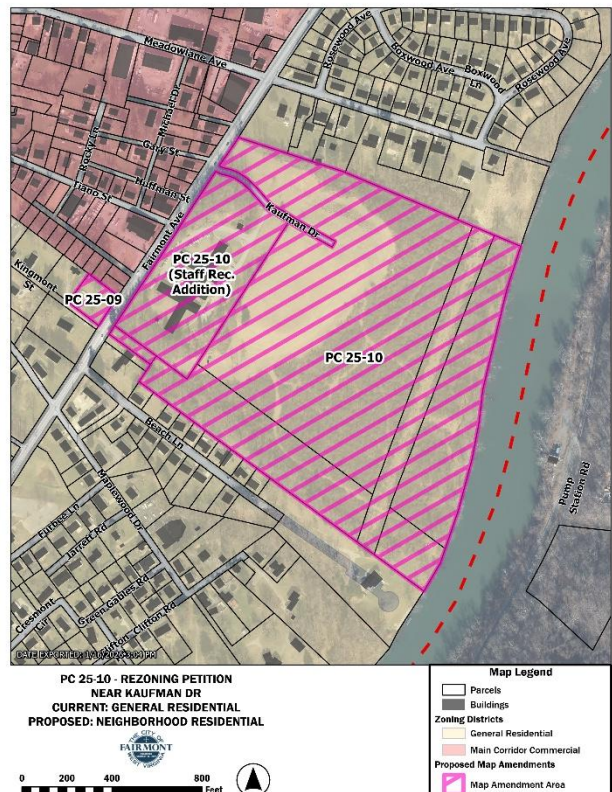
John and Carrie Menas are petitioning to rezone a property on Fairmont Ave and at the intersection of Kaufman Drive and across from a private road called Kingmont Street. The current zoning is General Residential and the proposed zoning is Neighborhood Resident. Total area to be rezoning is approximately 41 acres. The property is also known as Marion County Tax District 4, Map 2, Parcels 12, 14, 15, and 48.

Existing Conditions

The parcels, approximately 41 acres in size, requested to be rezoned are currently zoned General Residential and are currently vacant being covered in primarily grass with some trees and bushes. To the south and north, the land uses are detached single-family dwellings and are zoned General Residential. To the west, although encompassed north and south by these parcels, is a long-term care facility which is also zoned General Residential. West across Fairmont Avenue, the properties are zoned Main Corridor Commercial and have a mix of single-family dwellings and various commercial uses, although primarily offices.

This area only has access to one public ROW which is Fairmont Avenue. These parcels are close to the top of what is locally called “Watson Hill” within the Watson Addition of Fairmont. The road is two lanes with a center turn lane near Kaufman Drive

with an adjacent speed limit of 35 MPH in the northern section and 45 in the southern section MPH. The average daily traffic count on this section of Fairmont Avenue is 11,691 according to the 2023 data points from WV DOH. 593 of those vehicles are estimated to be trucks.



Map of area proposed to be rezoned; note this includes an adjacent rezoning petition and a staff recommended inclusion

Proposed Map Amendment

The proposed zoning map amendment would change the property from General Residential (GR) to Neighborhood Residential. The petitioner states the intent is to develop patio homes and similar single-family dwellings on this property.

Below is the permitted use chart to see how this rezoning would impact land uses.

Chart Legend:

Permitted or Permitted with Conditions (●)

Conditional Use (○)

Prohibited (blank cell)

Table 3.A Permitted Principal Uses														
	GR	NR	MHN	MHP	NMU	CC	MCC	HC	I	T	E	R	Reserved	Use Standards
Residential														
Accessory Dwelling Units (ADUs)		●	●		●	●	●	●	●					4.25
Detached Dwelling	●	●	●	●	●	●	●		●					
Attached Dwelling (Single-Family Duplex)		●	●		●	●	●		●					
Attached Townhouse Dwelling		○			●	●	●	●	●					
Accessory Dwelling Units (ADUs)		●	●		●	●	●	●	●					
Other Dwellings														
Boarding Houses, Lodging Houses, and Congregate Facilities		○			●	●	●		●					4.18
Dormitory		○			●	●	●				●			4.37
Group Residential Facilities	●	●			●	●	●	●	●					
Group Residential Homes	●	●	●	●	●	●	●	●	●					
Mobile Home Parks				●										4.23
Multi-Family Dwelling		○			○	●	●	●	●					
Residential Care Facility	●	●			●	●	●	●	●					
Residential Based Businesses														
Day Care Home	○	●	●	●	●	●	●	●	●					4.7
Home Occupations, Minor	●	●	●	●	●	●	●	●	●	●	●	●		4.17
Home Occupations, Major		●	●	●	●	●	●	●	●	●	●	●		4.17
Live-Work Units					●	●	●	●	●					4.22
Lodging														
Bed & Breakfast Inns		●			●	●	●	●	●					4.5
Hotel						○	○	●	●	○		○		4.14
Inns							○							4.14
Motels							○							4.14
Civic														
Assembly					●	●	●	●	●	●	●			
Cemetery	○	○	○		○		○					○		4.6

Table 3.A Permitted Principal Uses														
	GR	NR	MHN	MHP	NMU	CC	MCC	HC	I	T	E	R	Reserved	Use Standards
Civic Uses	○	○			●	●	●	●	●	●	●	●		4.9 & 4.19
College / University					●	●	●	●	●	●	●			4.9
Emergency Shelter					○	○	●	○						4.41
Medical Institution					○	○	○	○	○	○				4.14
Primary / Secondary School	○	○			○	○	○				○			4.9
Religious Uses	○	○	○	○	●	●	●	●	●		○			4.8
Commercial														
Accessory Structures (as a Principal Use)											●			4.16
Adult Entertainment									○					4.2
Animal Boarding Establishment								●	●					4.44
Animal Care Establishment					●	○	●	●	●					4.44
Bars and Nightclubs						○	○	○						4.4
Bars, Neighborhood					○	●	●	●	○					
Brewpub						●	●	●	●					
Car Wash							○	●	●					4.38
Child Care Center					●	●	●	●	●	●				4.7
Child Care Facility		○	○	○	○	●	●	●	●	●				4.7
Commercial School					○	●	●	●	●	●	○			
Consumer Fireworks Retail Sales Establishment							●	●	●					4.35
Convenience Store (with Fuel Sales)							○	●	●					4.11 & 4.3
Craft Production Facility (Microbrewery / Microdistillery / Microcidery)						○	○	●	●					
Crematorium							○	●	●					4.51
Drive-through Facilities						○	○	●	●					4.13
Dry Cleaning Establishments									●					
Entertainment Uses						○	○	●	●					
Funeral Services					○	○	●	●	●					4.51
Limited Video Lottery						○		○						4.21
Manufacturing and Sale, Artisan					●	●	●	●	●					4.27
Medical Clinic					○	●	●	●	●	●				
Mixed-Use Buildings					●	●	●	●	●					4.22
Mobile Vending (Vehicle, Street, Sidewalk)						●	●	●	●			●		4.24
Nanobrewery						●	●	●	●					
Office Use, not to exceed 2,500 sq ft					●	●	●	●	●	●				4.27
Office Use, not to exceed 5,000 sq ft					○	●	●	●	●	●				4.27
Office Use, not to exceed 15,000 sq ft						●	●	●	●	●				4.27
Office Use, 15,000 sq ft to 30,000 sq ft						●	○	●	●	●				4.27
Office Use, exceeding 30,000 sq ft						○		○	○	●				4.10 & 4.27
Recreational Facilities	○	●	○	○	●	○	○	●	●	●		●		4.30
Restaurants					●	●	●	●	●	●				
Restaurant with Alcohol Sales					○	●	●	●	●	○				4.31
Retail and Service use, not to exceed 2,500 sq ft					●	●	●	●	●					4.27
Retail and Service use, not to exceed 5,000 sq ft					○	●	●	●	●					4.27
Retail and Service use, not to exceed 15,000 sq ft						●	●	●	●					4.27
Retail and Service use, 15,000 sq ft to 30,000 sq ft						●	○	●	●					4.27

Table 3.A Permitted Principal Uses														
	GR	NR	MHN	MHP	NMU	CC	MCC	HC	I	T	E	R	Reserved	Use Standards
Retail and Service use, exceeding 30,000 sq ft						○		○	○					4.10 & 4.27
Retail and Services, Heavy								○	●					4.3
Temporary Uses					●	●	●	●	●					4.35
Vehicle Repair, Major								○	●					4.42
Vehicle Repair, Minor							○	●	●					4.42
Vehicle Rental or Sales								●	●					4.43
Industrial														
Manufactured Home Sales and Service								○	○					4.3 & 4.32
Manufacturing, Heavy									○					
Manufacturing, Light								○	●	●				4.20 & 4.33
Outdoor Storage									○					4.28
Outdoor Storage, as an accessory use								○	●					4.28
Recycling, Indoor									○					
Self-Storage Facility									●					
Towing Services									●					4.38
Warehouse or Distribution								○	●					
Wholesale Establishment								●	●					
Wholesale Establishment, Consumer Fireworks									●					
Agriculture														
Agricultural Tourism	○													4.50
Commercial Greenhouse					●	●	●	●	●					4.47
Community Garden	●	●	●	●	●							●		
Market Farm	●	○	○	○	●		●	●						4.48
Private Garden	●	●	●	●	●									4.49
Urban Farm	○													4.50
Infrastructure														
Essential Services	●	●	●	●	●	●	●	●	●	●	●	●		
Solar Farm								●	●	●	●			
Wind Farm									●	●		○		4.45
Wireless Communications	○	○	○	○	○	○	○	●	●	●				4.34
Transportation														
Bicycle Parking Station					●	●	●	●	●	●	●	●		
Bus Shelters	●	●	●	●	●	●	●	●	●	●	●	●		
Heliport							○	○	○	○	○			
Parking Lot, Commercial						○	●	●	●	●	●			
Parking Structure						●	●	●	●	●	●			
Passenger Terminal					●	●	●	●	●	●				
Marina, Recreational						●	●	●	●			●		
Pedestrian or Bicycle Path	●	●	●	●	●	●	●	●	●	●	●	●		
Railway Facilities							●	●	●	●				

The development standards would primarily change setbacks by reducing the front and side yard requirements. Homes will also be required to remain closer to the front of the lots because of the built-to zone in Neighborhood Residential.

Staff Comments

The proposed zoning map amendment to Neighborhood Residential would permit, permit with conditions, or conditionally permit a number of new residential uses which are much desired within Fairmont. Those uses include ADU's, Townhouses, Duplexes, and Multi-Family Dwellings.

A minor commercial use which would be conditionally permitted is a Childcare Facility.

Comprehensive Plan

Goal N1 of the Comprehensive Plan calls for encouraging new housing developments that can attract young professionals and families, and to review and update the City's zoning ordinance to encourage flexibility and adaptive re-use to ensure that the current housing stock can meet future demands.

Goal S3 of the Comprehensive Plan calls for the update of the City's Planning and Zoning Code to implement the preferred development areas and overall vision.

The vision is in Chapter 3 of the Comprehensive Plan and identifies issues for neighborhoods as substandard housing, safety and security, lack of sidewalks, and maintenance of city parks. To address these issues, the comprehensive plans goals recommend addressing "missing middle" housing and density, which sits somewhere between detached single-family homes and multi-family dwellings. This includes ADUs, cottage housing, townhouses, and low or mid-rise apartments.

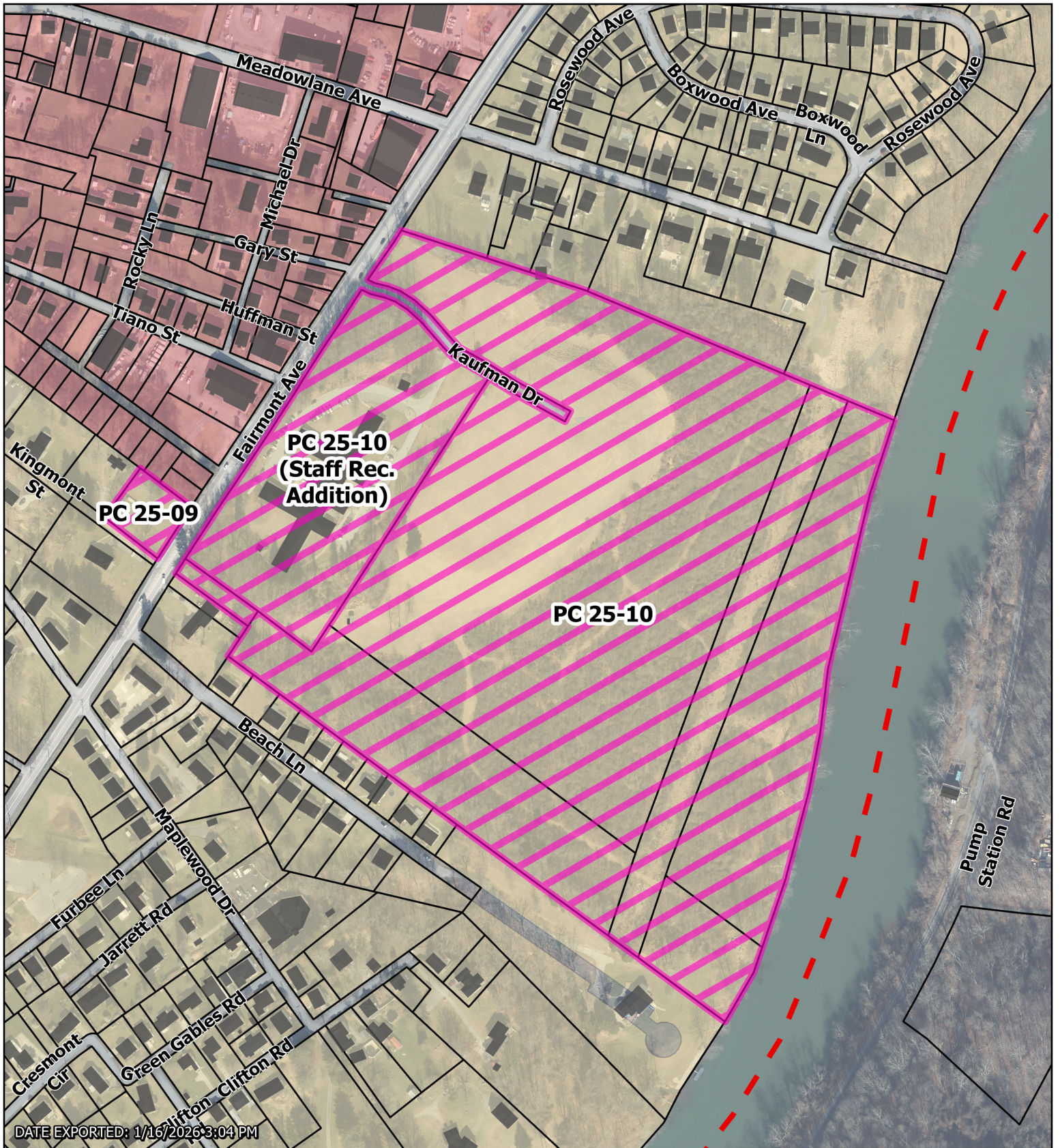
Staff Recommendations

Staff recommends rezoning the requested parcels of land to Neighborhood Residential (NR), and if the long-term care facility doesn't object, to add their parcel into the rezoning as well so ensure the zoning district and regulations are consistent.

This should be done at the same time as the proposed rezoning of land across the street along Kignmont Street (PC 25-09) by combining the two petitions into one for City Council approval. This prevents any spot zoning for the Kingmont Street petition.

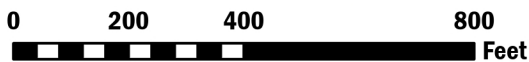
Attachments

Attached are the petition, maps, and related documents.








DATE EXPORTED: 1/16/2026 3:04 PM

**PC 25-10 - REZONING PETITION
NEAR KAUFMAN DR
CURRENT: GENERAL RESIDENTIAL
PROPOSED: NEIGHBORHOOD RESIDENTIAL**



Map Legend

-  Parcels
-  Buildings
- Zoning Districts**
-  General Residential
-  Main Corridor Commercial
- Proposed Map Amendments**
-  Map Amendment Area



**APPLICATION FORM
ZONING MAP AMENDMENT**

Planning & Zoning Department
200 Jackson St. Fairmont WV 26554
Phone (304) 366-6211 Ext 333

Office Use

Date Received _____

Hearing Date _____

Fee Paid _____

I. OWNER INFORMATION

NAME John & Carrie Menas

ADDRESS 1 Beach Lane

CITY Fairmont

STATE West Virginia

ZIP 26554

PHONE 304-288-6511

FAX _____

II. PROPERTY INFORMATION

PROPERTY TO BE REZONED Kaufman Drive Property between US Route 250 & Tygart River

PROPERTY ADDRESS Kaufman Drive, Fairmont, WV 26554

PROPERTY TAX MAP AND PARCEL NO. 2-12, 2-14, 2-15, & 2-48

PRESENT ZONING DISTRICT General Residential (GR)

PROPOSED ZONING DISTRICT Neighborhood Residential

REASON(S) FOR PROPOSED ZONING CHANGE Developing a proposed subdivision with multiple different types of housing units to best utilize terrain.

CURRENT USE OF PROPERTY Open Field and Woods

DATE PRESENT USAGE ESTABLISHED _____

PROPOSED USE OF PROPERTY Proposed Subdivision

IV. ATTEST

I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize City of Fairmont representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.

John E Menas / Carrie L. Menas
Print Name of Applicant

John E Menas / Carrie L. Menas
Signature of Applicant

10-29-25
Date



PLANNING COMMISSION

PC 26-01 – REZONING SHARON STEEL AND ADJACENT HOUSING

January 21, 2026

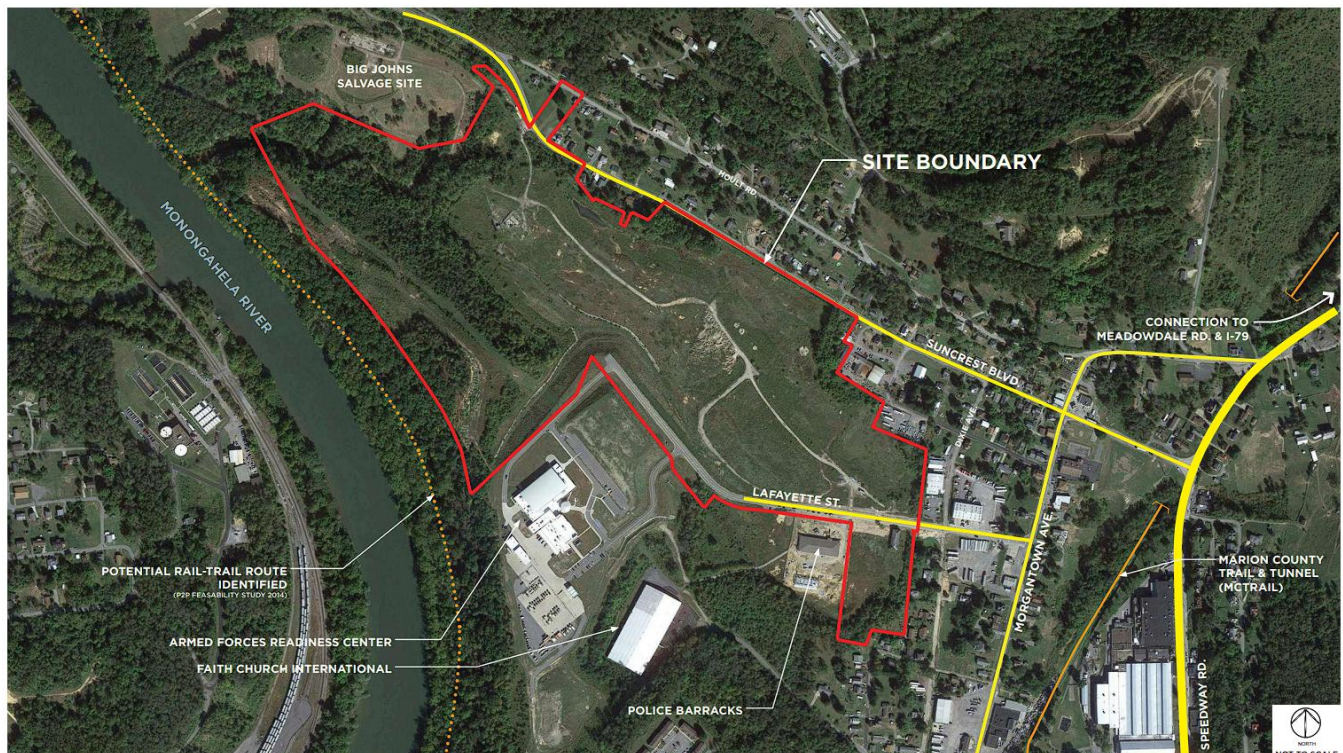
Introduction

The City of Fairmont is petitioning to rezone what is known as the Sharon Steel site on Lafayette St from Highway Commercial to Industrial, the 1800 block of Oregon Ave and properties north of The Drive from Highway Commercial to General Residential, properties north of Cherry Ln and west of Dixie Ave up to Lafayette St from Highway Commercial to Neighborhood Residential, and block C lots 1 and 2 and block D lots 1 through 7 from Highway Commercial to Neighborhood Residential to promote the adaptive reuse of Sharon Steel and protect the existing, adjacent housing with residential zoning districts.

Existing Conditions

Sharon Steel is an active Super Fund site under CERCLA. The site was added to this list in 1996. Cleanup has been ongoing for more than two decades with substantial progress being made.

The parcels to be rezoned are all currently zoning Highway Commercial. The portion of Sharon Steel to be rezoned is currently vacant land. The improved land in Sharon Steel is not being proposed for rezoning. The land proposed to be rezoned directly south of Sharon Steel is occupied by single-family dwellings and vacant land. The land to the east is occupied by single-family dwellings. The land to the north along Suncrest



Bldv is also occupied by single-family dwellings or is vacant and owned by the owners of those homes.

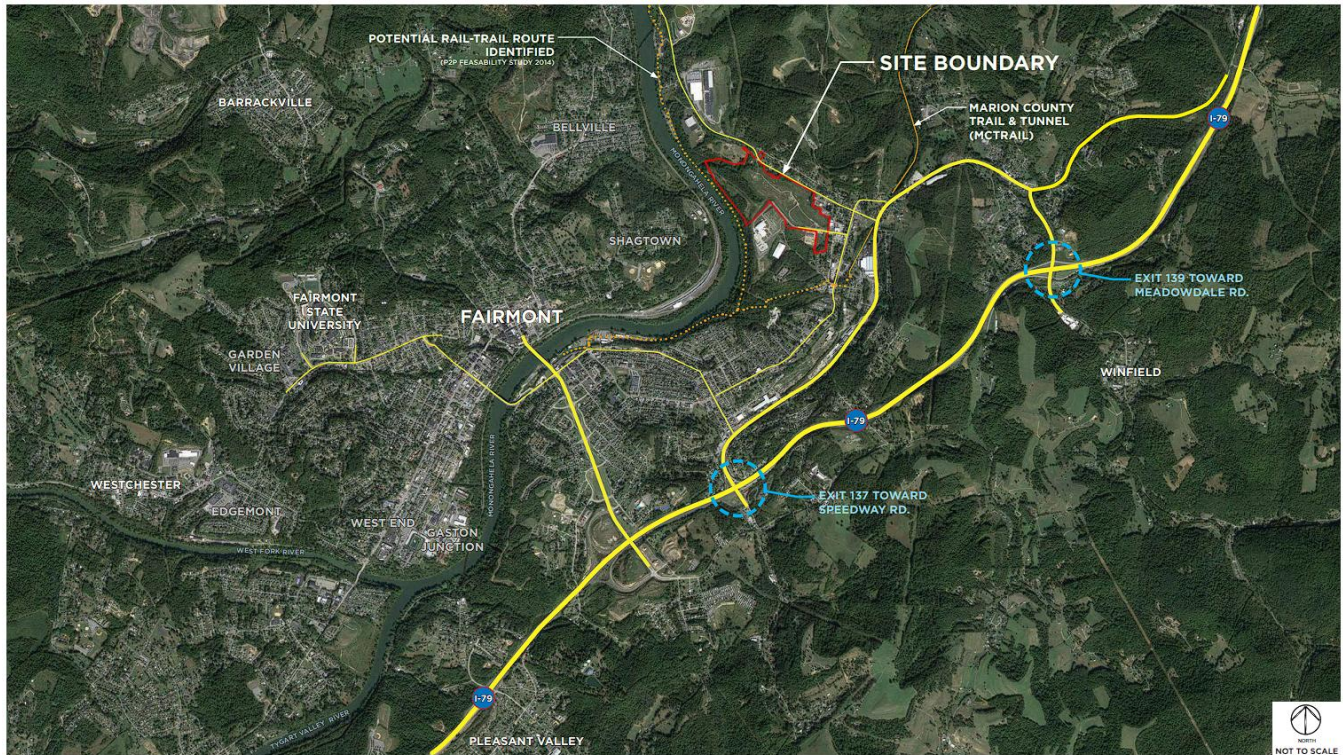
Sharon Steel features several protected land areas. First is an unnamed tributary along the northwest border. This area is under remediation as part of the Big John Salvage Superfund Site and cannot be developed. Other areas include protected wetlands along Suncrest Blvd, behind the State Police Barracks on Lafayette St, and in the low-areas between Lafayette St and the unnamed tributary. There is also a steel hilltop on the western part of the site, just north of the WV National Guard Armory.

The remainder of Sharon Steel is generally flat and also ready for development, totaling approximately 60 acres.

In November 2018, the City of Fairmont Comprehensive Plan Update cited a few issues with the current site. The most valuable likely being the repeated overall lack of connectivity

within the City and its neighborhoods. This proposed site reuse plan clearly addresses this with multiple entrances and exits on site for vehicles, bicyclists, and pedestrians while also recommending additional infrastructure improvements to the adjacent area.





Environmental Influences on Redevelopment

According to the U.S. EPA Region 3 Record of Decision (ROD) from December 2017, there are a few remaining environmental conditions on site that may influence the site’s reuse:

In chapter 5.2.1. Soil:

On-Site soil was found to have elevated levels of arsenic and PAHs making the Site unsuitable for residential use. Worker and recreational exposures to soil are within the acceptable risk range. Lead was detected above screening levels in several random sampling points at the Site, but the vast majority of samples contained lead concentrations within acceptable ranges. A lead evaluation concluded that lead concentrations in surface and subsurface soils do not present a significant hazard based on a comparison with EPA target levels. Therefore, lead hot spots appear to be localized and should not pose a concern.

recreational users exposed to surface water in the Unnamed Tributary due to elevated manganese concentrations. Such exposure to surface water was the only exposure route that resulted in an unacceptable risk to people under the recreational use scenario. The Risk Assessment documented that existing surface soil at the Site would not present an unacceptable risk to recreational users. Regarding use of groundwater on site – According to the U.S. EPA: Superfund Initiative from September 2018- Residential and potable groundwater uses on site are prohibited. Buildings on northern part of site must be constructed with vapor control measures.

In page 5 of the Appendix C titled Responsiveness Summary:

The Risk Assessment documented that an unacceptable risk would be presented to child

Currently Adopted Site Reuse Plan

The City of Fairmont contracted for a site reuse plan. Stromberg/Garrigan & Associates was awarded to perform the work and completed the Sharon Steel Coke Works Site Reuse Plan & Disposition Strategy in 2020.

A copy of that plan is attached to this report with some of its key references copied into this section.

Overall Preferred Site Reuse Plan:

Through review and discussions with City staff, it was determined that due to the significant interest on the part of the City and other potential regional partners, including Fairmont State University, the preferred reuse scenario that provided for the greatest recreational facility needs and also supports the potential for complimentary development is preferred. As a result, Schematic Reuse Plan A was identified as the scheme to refine as the basis of the preferred reuse plan alternative. The primary revision to the plan is the introduction of a hotel in the upper ridge knob area, as a compliment to the destination potential of this overall development area, with the proposed restaurant/banquet center facility and outdoor amphitheater.

Preferred Site Reuse Plan Goals

There are several overarching goals that the preferred reuse plan strived to achieve, including to:

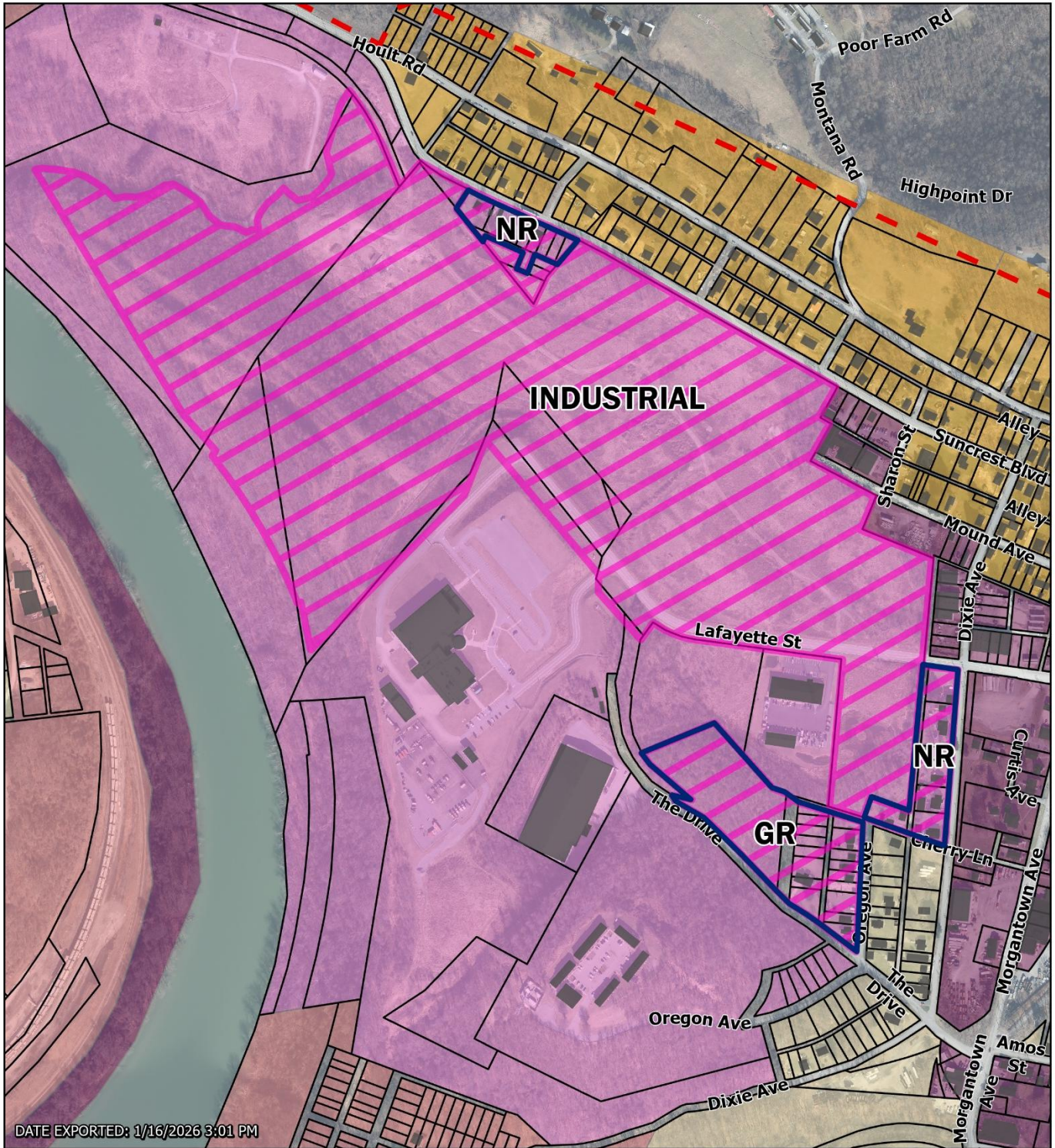
- Create a development that includes a mix of facilities that serves as a regular recreational asset for the residents of the City of Fairmont, provides specialized recreational facilities for competitive active use, as well as serve as a venue for special events and destination-oriented facilities that attracts visitation from a broad geographic area.
- Construct what is perceived as one functionally cohesive park-like place through a carefully mixed and arrangement of uses on the site. The desired outcome might be considered a more modest version of Wheeling Park and Oglebay Resort in

Wheeling, WV, which is a mix of community-oriented park facilities inter-mixed with destination-oriented facilities that function well together as one branded place.

- Expand recreational opportunities by providing a wide variety of recreational alternatives for the local community through a well-balanced mix of active and passive recreation facilities and amenities. This includes intensive active facilities that consists of ballfields and an indoor recreation center that could support organized competitive play as more flexible multi-purpose fields. Supporting these active facilities is a range of passive amenities including a trail network, multi-age play areas, and nature-based recreation through restored landscape areas.
- Attract private investment in areas which are viable for complimentary facilities such as a hotel, conference center, destination restaurant/banquet center, and outdoor amphitheater. Attracting private dollars to the site will support job creation, expand the tax base, and elevate the overall site as a signature redevelopment within Fairmont and the region.
- Provide badly needed collegiate/competitive play-level facilities for baseball and soccer matches. These facilities will meet needs for existing institutions and organizations and elevate the stature of the facility. They will also support the destination-oriented goals by generating use and visitation and potentially creating a source of revenue while also reinforcing the overall public sense of pride in the area and the facility.
- Support the desire for walking paths and environmental education through an interconnected trail network within the site and to surrounding existing and planned regional facilities, specifically the nearby Marion County Trail. Paths that intertwine between active sports, small woodlands, play areas, restored wetlands, open meadows, and overlooks serve as an attraction and an important site circulation role. Trails are often

the most regularly used facility within parks. They also create regular and active use which can dramatically increase the overall safety and security of parks. The real and perceived presence of people and activity supports the public's notion that the park is safe and a secure.

- Capitalize on the sites unique attributes, specifically the elevated wooded hillside and its expansive views of the river valley and dramatic topography of the area.
- Re-engage the site for public benefit; after essentially lying fallow behind a fence for a quarter century, returning the site back to a public use, ironically in a manner not dissimilar to the fairground it was before being industrialized, would be a real and symbolic gesture of how Fairmont is revitalizing through the clean-up and repurposing of brownfields to serve the needs of its residents for the 21st century.



DATE EXPORTED: 1/16/2026 3:01 PM

**PC 26-01 - REZONING PETITION
OF AND NEAR FORMER SHARON STEEL
CURRENT: HIGHWAY COMMERCIAL
PROPOSED: INDUSTRIAL, GR, & NR**



Proposed Map Amendment

The proposed zoning map amendment would change the properties from Highway Commercial (HC) to Industrial (I), General Residential (GR), and Neighborhood Residential (NR).

The areas to be rezoned vary based on intent and context. Sharon Steel is proposed to go to Industrial. The housing and vacant land south to General Residential to expand the residential district already there and match the development pattern of the existing housing. The areas proposed to be Neighborhood Residential feature smaller lots, houses closer to the street frontage, and would better benefit from Neighborhood Residential to prevent unintended non-conformities.

Permitted Principal Land Uses

Below is the permitted use chart to see how this rezoning would impact land uses.

Chart Legend:

- Permitted or Permitted with Conditions (●)
- Conditional Use (○)
- Prohibited (blank cell)

Table 3.A: Permitted Use Chart					
	GR	NR	HC	I	Use Standard
Residential					
Accessory Dwelling Units (ADUs)		●	●	●	4.25
Detached Dwelling	●	●		●	
Attached Dwelling (Single-Family Duplex)		●		●	
Attached Townhouse Dwelling		○	●	●	
Accessory Dwelling Units (ADUs)		●	●	●	
Other Dwellings					
Boarding Houses, Lodging Houses, and Congregate Facilities		○		●	4.18
Dormitory		○			4.37
Group Residential Facilities	●	●	●	●	
Group Residential Homes	●	●	●	●	
Mobile Home Parks					4.23
Multi-Family Dwelling		○	●	●	
Residential Care Facility	●	●	●	●	
Residential Based Businesses					
Day Care Home	○	●	●	●	4.7
Home Occupations, Minor	●	●	●	●	4.17
Home Occupations, Major		●	●	●	4.17
Live-Work Units			●	●	4.22
Lodging					
Bed & Breakfast Inns		●	●	●	4.5
Hotel			●	●	4.14
Inns					4.14
Motels					4.14
Civic					
Assembly			●	●	
Cemetery	○	○			4.6
Civic Uses	○	○	●	●	4.9 & 4.19
College / University			●	●	4.9
Emergency Shelter			○		4.41
Medical Institution			○	○	4.14
Primary / Secondary School	○	○			4.9
Religious Uses	○	○	●	●	4.8
Commercial					
Accessory Structures (as a Principal Use)					4.16
Adult Entertainment				○	4.2
Animal Boarding Establishment			●	●	4.44
Animal Care Establishment			●	●	4.44
Bars and Nightclubs			○		4.4
Bars, Neighborhood			●	○	
Brewpub			●	●	
Car Wash			●	●	4.38
Child Care Center			●	●	4.7
Child Care Facility		○	●	●	4.7

Table 3.A: Permitted Use Chart					
	GR	NR	HC	-	Use Standard
Commercial School			●	●	
Consumer Fireworks Retail Sales Establishment			●	●	4.35
Convenience Store (with Fuel Sales)			●	●	4.11 & 4.3
Craft Production Facility (Microbrewery / Microdistillery / Microcidery)			●	●	
Crematorium			●	●	4.51
Drive-through Facilities			●	●	4.13
Dry Cleaning Establishments				●	
Entertainment Uses			●	●	
Funeral Services			●	●	4.51
Limited Video Lottery			○		4.21
Manufacturing and Sale, Artisan			●	●	4.27
Medical Clinic			●	●	
Mixed-Use Buildings			●	●	4.22
Mobile Vending (Vehicle, Street, Sidewalk)			●	●	4.24
Nanobrewery			●	●	
Office Use, not to exceed 2,500 sq ft			●	●	4.27
Office Use, not to exceed 5,000 sq ft			●	●	4.27
Office Use, not to exceed 15,000 sq ft			●	●	4.27
Office Use, 15,000 sq ft to 30,000 sq ft			●	●	4.27
Office Use, exceeding 30,000 sq ft			○	○	4.10 & 4.27
Recreational Facilities	○	●	●	●	4.30
Restaurants			●	●	
Restaurant with Alcohol Sales			●	●	4.31
Retail and Service use, not to exceed 2,500 sq ft			●	●	4.27
Retail and Service use, not to exceed 5,000 sq ft			●	●	4.27
Retail and Service use, not to exceed 15,000 sq ft			●	●	4.27
Retail and Service use, 15,000 sq ft to 30,000 sq ft			●	●	4.27
Retail and Service use, exceeding 30,000 sq ft			○	○	4.10 & 4.27
Retail and Services, Heavy			○	●	4.3
Temporary Uses			●	●	4.35
Vehicle Repair, Major			○	●	4.42
Vehicle Repair, Minor			●	●	4.42
Vehicle Rental or Sales			●	●	4.43
Industrial					
Manufactured Home Sales and Service			○	○	4.3 & 4.32
Manufacturing, Heavy				○	
Manufacturing, Light			○	●	4.20 & 4.33
Outdoor Storage				○	4.28
Outdoor Storage, as an accessory use			○	●	4.28
Recycling, Indoor				○	

Table 3.A: Permitted Use Chart					
	GR	NR	HC	-	Use Standard
Self-Storage Facility				●	
Towing Services				●	4.38
Warehouse or Distribution			○	●	
Wholesale Establishment			●	●	
Wholesale Establishment, Consumer Fireworks				●	
Agriculture					
Agricultural Tourism	○				4.50
Commercial Greenhouse			●	●	4.47
Community Garden	●	●			
Market Farm	●	○	●		4.48
Private Garden	●	●			4.49
Urban Farm	○				4.50
Infrastructure					
Essential Services	●	●	●	●	
Solar Farm			●	●	
Wind Farm				●	4.45
Wireless Communications	○	○	●	●	4.34
Transportation					
Bicycle Parking Station			●	●	
Bus Shelters	●	●	●	●	
Heliport			○	○	
Parking Lot, Commercial			●	●	
Parking Structure			●	●	
Passenger Terminal			●	●	
Marina, Recreational			●	●	
Pedestrian or Bicycle Path	●	●	●	●	
Railway Facilities			●	●	

The development standards would primarily change setbacks by reducing the front and side yard requirements. Homes will also be required to remain closer to the front of the lots because of the built-to zone in Neighborhood Residential.

Staff Comments

The City of Fairmont has been hard at work with the WV Economic Development Office in getting Sharon Steel new businesses which will increase employment and be complementary to the area. The businesses being sought out are intended to also raise the improved value of the land through investments such as new buildings. The City and partners are intending to develop the primary infrastructure necessary, such as an additional street to improve commercial access.

The intent to rezone Sharon Steel to Industrial is to have more favorable zoning for light manufacturing and warehouse facilities, and to permit heavy manufacturing.

The intent to rezone the land not part of Sharon Steel and not owned by the Fairmont Cokeworks Trusts (EPA, State of WV, City of Fairmont) is to create greater land use protections for the existing housing and discourage the displacement and development of these homes for commercial land use. Certain use standards and landscaping requirements are triggered not just by land use but by adjacent zoning districts as well. Some of these examples are greater buffer yards for bars, drive-through facilities, restaurants with alcohol sales, manufactured home sales and services, car washes, towing services, and vehicle repair (major or minor).

Some incidental land use changes would be the following:

- Prohibiting emergency shelters, bars, limited video lottery, and market farms.
- Permitting or conditionally permitting adult entertainment, dry cleaning establishments, indoor recycling, self-storage facilities, towing services, consumer fireworks wholesale establishments, and wind farms.

Adult entertainment, dry cleaning establishments, towing services, and self-storage facilities are not desirable uses for an employment-based land use

change. These uses often lower property values, correlate to increased public nuisance and criminal activity, do not generate meaningful employment, or do not generate adequate land improvement value to offset the substantial costs in remediating, developing, and maintaining what is known as Sharon Steel in the long-term.

The proposed rezoning from Highway Commercial to Industrial is not completely intuitive with the adopted reuse plan.

To assist in balancing employment, site development, and community quality, the City should consider the following:

- Take ownership of all wetlands, streams, and the hilltop site for community development projects such as:
 - A multi-use pedestrian trail along the northern side of the site, protecting the larger wetland area, removing maintenance and care for these protected areas from private industry, add amenities to attract employers and retain employees, and improve pedestrian access in Norwood. This is critical as the feasibility of doing multi-modal upgrades to Suncrest Blvd is not likely due to limited ROW, topography, and existing homes being very close to the ROW.
 - Development an overlook area and overnight recreational accommodations as part of the economic development needs pertaining to economic tourism. No other community within the region currently accommodates this. This could look like one or more options such as camping, RV parking, lodging units, and more.
 - Develop Big John Salvage into a recreational area with a mid-point trail access from Suncrest Blvd down the unnamed tributary to the Monongahela River.
- Continue to work with partners on recreational development opportunities as they arise, such as a collegiate baseball or

softball field. Both Fairmont State University and Marion County Board of Education are in need of these additional sports facilities.

Current Reuse Plan

The Sharon Steel Coke Works Site Reuse Plan & Disposition Strategy proposes for the site to be used for primarily recreation with some employment, such as offices. This is an excellent reuse plan as those assets, such as baseball, softball, and other recreational amenities are deeply needed within the community for Fairmont State University, Marion County Board of Education, and well desired by the public who has pressured the City and Marion County more and more to compete with the growing recreational economies in Monongalia County and Harrison County.

In order for this reuse plan to be successful, partners such as FSU, MCBOE, and MCPARC would need to find the site desirable for their use and to be significant capital investors in these recreational developments. As of the writing of this report, these partners have not official stated a desire to invest capital dollars for new recreational facilities on this site. Part of the issue for FSU and MCBOE may be the distance of this site to their schools, other fields, and campus. MCPARC has been focused on major upgrades to their existing parks as well as a major project at a site in Whitehall near the Middletown Commons.

Comprehensive Plan

The Comprehensive Plan Goal P1 encourages the redevelopment of Sharon Steel. As part of this, the Future Land Use Map designates Sharon Steel as a Brownfield Redevelopment Area.

No further specifics are given.

Staff Recommendations

Rezoning Sharon Steel directly from Highway Commercial to Industrial helps to address certain desired redevelopment opportunities while also creating the potential for unintended

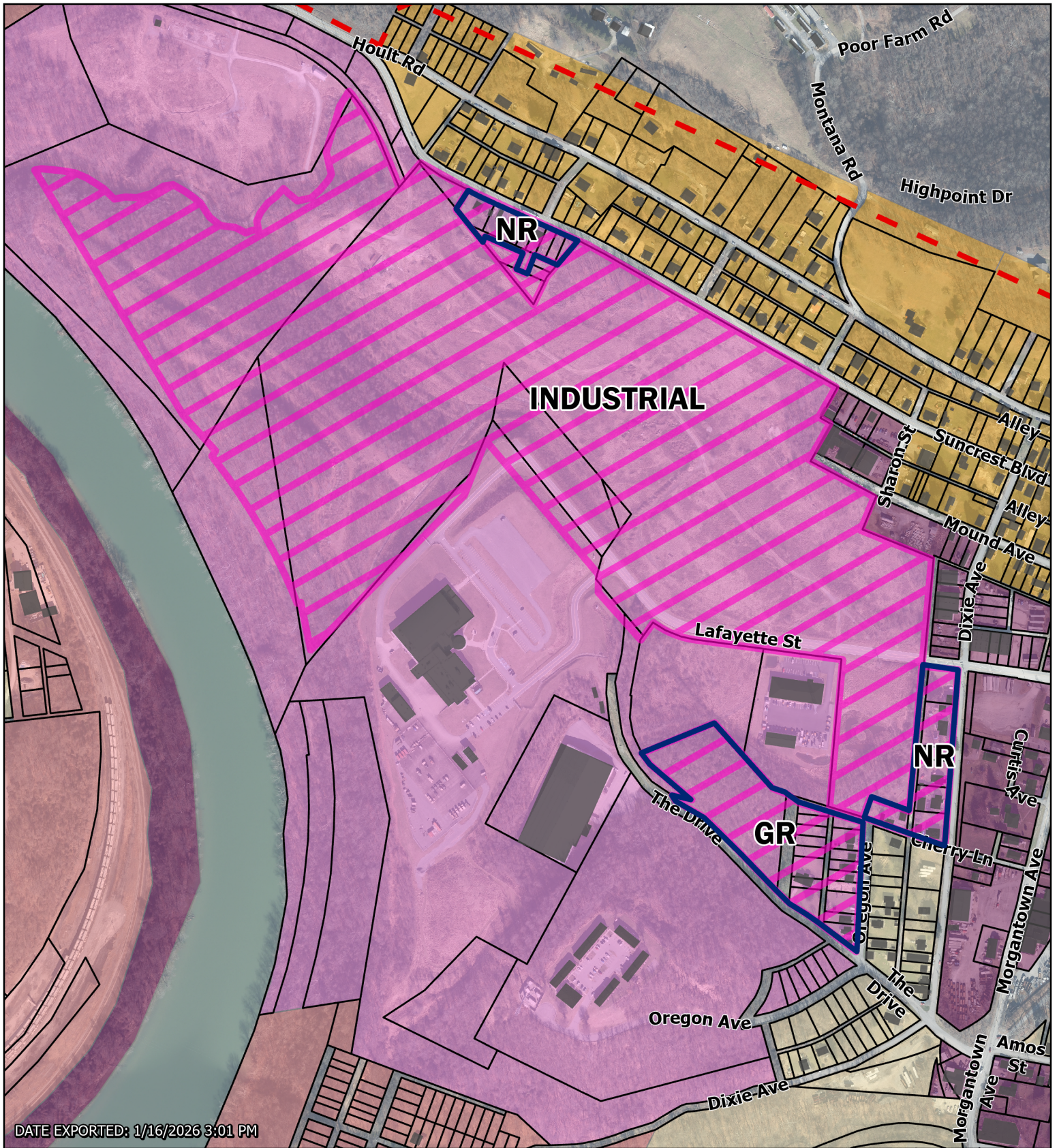
consequences, such as the site being developed for self-storage facilities. It also steers the development away from the Sharon Steel Coke Works Site Reuse Plan & Disposition Strategy which recommends recreational redevelopment focus with some employment as well, such as offices.

Staff recommends to layover the rezoning petition in order to do the following actions:

- Establish a new zoning district titled Light Industrial
- Development Standards
 - Set all minimum setback requirement to be 20 feet on the side and rear yards and 0 feet on the front yard
 - Lot width minimum 50 feet and 5000 SF in area to ensure slightly larger lots for larger employment businesses
- Permitted Uses
 - For uses, prohibit all residential, permit most lodging, permit some civic, limit the permitted commercial uses to those of higher employment opportunity, permit higher employment and low to moderate impact industrial uses, prohibit all agricultural uses, and permit all transportation uses.
- Use Standards
 - Establish uses standards specifically for Heavy Industrial
 - Amend use standards for Light Industrial, Self-Storage Facilities, and other related use standards to limit impacts and ensure those standards are properly applied
- Update other parts of the zoning code, as needed, such as the Article 5 – Site Standards
- Lastly, post all of this draft material online for public comment at least two weeks prior to the February meeting for review and feedback

Attachments

Attached are the maps and related documents.



DATE EXPORTED: 1/16/2026 3:01 PM

**PC 26-01 - REZONING PETITION
OF AND NEAR FORMER SHARON STEEL
CURRENT: HIGHWAY COMMERCIAL
PROPOSED: INDUSTRIAL, GR, & NR**



Map Legend	
Parcels	Proposed Map Amendments
Buildings	Map Amendment Area
Zoning Districts	
General Residential	
Neighborhood Residential	
Main Corridor Commercial	
Highway Commercial	
Industrial	



PLANNING COMMISSION

PC 26-02 – ARTICLE 5.3 SIGNS AND SIMILAR STRUCTURES TEXT AMENDMENT

January 21, 2026

Introduction

The City of Fairmont is petitioning to amend Article 5.3 – Signs and Similar Structures by replacing all of Article 5.3 with new regulations for signs.

Existing Zoning Code

Currently, Article 5.3 – Signs and Similar Structures is divided into 20 subsections:

1. Scope
2. Procedures and Permits
3. Permit Exemptions
4. Measurements of Individual Sign Area
5. Prohibited Signs
6. General Sign Regulations
7. On-Premise Signs
8. Parking Areas
9. Unique Land Uses
10. Off-Site Advertising Signs
11. Non-Conforming Signs
12. Maintenance; Abandonment
13. Registration of Persons in Sign Business
14. Permit Fees
15. Revocation of Registration or Permit
16. Inspections and Enforcement
17. Continuing Violations
18. Penalty
19. Appeals
20. Non-Conforming Signs (again but different regulations)

Within these subsections are the regulations which apply to various situations and types of signs. Several of these sections, such as 4, 6, 7, 8,

and 9 may all need to be thoroughly reviewed and cross-referenced for a single sign permit. In addition, Article 5.1 – Exterior Lighting, also regulates signs and must be cross-referenced for any illuminated sign.

Some of the terms and definitions do not match national standards, while others are unclear and confusing. One example is Dynamic Sign and Electronic Changing Message Sign. Dynamic sign is not a term used by the American Planning Association or the International Sign Association. Electronic Changing Message Sign is typically referred to as an Electronic Message Center (EMC) or an Electronic Message Board. In the current code, Electronic Changing Message Signs can only be installed by governments with the approval of the BZA. Dynamic Signs are regulated as EMC's are in other codes. However, because of how the two terms are defined in Article 2, this means that businesses are only permitted the much more expensive and heavily regulated TV screen like Dynamic Signs and are prohibited from having an Electronic Changing Message Sign, which are the ones that just display letters and numbers through a more simplistic array of nodes, despite this being the more typical type of electronic sign businesses desire.

Another example is how temporary signs are regulated to vary different degrees with real estate signs, non-profit event signs, new business commercial banners, commercial event banner, seasonal signs, and construction signs all have

very different regulations for time, size, and other rules. Some listed here have no specified regulations at all despite being permitted.

Other issues also exist such as many types of signs that exist or are desired by businesses are prohibited. These include skyline signs (WesBanco), barber poles, porch signs, under canopy signs, and yard signs.

Proposed Text Amendment

The proposed Article 5.3 does the following:

Creates 11 Subsections

1. Purpose
2. General Regulations; Procedures and Permits
3. Heritage Signs
4. Non-Conforming Signs
5. Prohibited Signs
6. Sign Measurement
7. Illumination
8. On-Premise Signs
9. Permanent Exempt Signs
10. Temporary Exempt Signs
11. Off-Premise Signs

Unique Land Uses, Revocation of Registration or Permit, Continuing Violations, Penalty, and Appeals are eliminated as anything around violations, appeals, and penalties are covered in Article 8, and unique land uses are covered under sign specific regulations.

Parking Areas has been placed into Permanent Exempt Signs.

Creates Heritage Sign Type

Heritage Signs are signs can be most easily described as the historic commercial signs that the community may wish to preserve, such as the painted wall signs on downtown buildings. This subsection gives the Historic Preservation Review Commission the ability to designate Heritage Signs and permit for them to be preserved, despite having commercial speech of businesses which most likely are no longer in operation.

Non-Conforming Signs

Non-conforming sign regulations are substantially simplified by stating they can be maintained and increases in area, major alterations, or relocating these signs requires a sign permit.

Prohibited Signs

Much of this section stays the same except with updated language on the types of prohibited signs.

Sign Measurements

This section is updated to be much more graphic oriented and simplified.

Illumination

This section is significantly expanded from previous lighting regulations for signs by doing the following:

- Defines four types of illuminated signs: External, Internal, Director, and EMC
- Defines where such illumination is permitted
- Creates new EMC standards which are recommended by the International Sign Association that are intended to make regulating EMCs fair and effective, particularly around illumination levels.
- Public safety as a requirement is outlined in simple terms.
- Hours of illumination is included which requires businesses to turn off illuminated signs when not in operation. Pole and monument signs for multi-tenant properties, such as strip malls, may be exempted.

On-Premise Signs

This is one of the most important updates in the sign code. This section defines what on-premise signs are, where each type of on-premise sign is permitted, limits the number of on-premise signs, and limits the total sign area per establishment per street frontage. This latter part of sign area is a big change by changing the regulations from each building to simply each business, giving all businesses the same opportunity for signage.

The next thing this section does it break down into each type of on-premise sign and their regulations. This makes selecting the type of on-premise sign as easy as referencing the one page of on-premise sign regulations and then the one page for each type of sign you would like to install.

The types of on-premise signs are:

- Awning
- Blade
- Canopy

- Iconic
- Marquee
- Monument
- Pole
- Porch
- Roof
- Sidewalk
- Skyline
- Wall
- Yard

Each of these includes a graphic of the sign and where to measure the dimensions and setback to. The Specific Standards of each sign then lists maximum number of each type of that sign per establishment, height exemptions, specific use standards (hospitals, strip malls, etc.), and locations where specific sign types may be prohibited (e.g. historic districts).

For some of the newly named types of on-premise signs:

Blade sign incorporates the metal sign that sticks out off of a building wall as well as the traditional hanging sign that some downtown businesses have had over the years.

Iconic sign are those signs that resemble an object related to the business such as a guitar for a music venue, a root beer mug for a diner, a pill for a pharmacy, and more.

Sidewalk signs are added to this section, despite not requiring a sign permit. This is because of the popularity of such signs for service and retail businesses.

Skyline signs are large signs installed on tall buildings. WesBanco has this on top of the Watson Building. This is also common on tall office buildings, often displaying the name of the company to be visible from a greater distance.

Yard signs are small scale pole signs that are more subtle and create a different option for places where a pole sign may not be desired or appropriate.

Permanent Exempt Signs

This section addresses sign which are permanent in nature but do not require a sign permit. Some of this are signs which are common such as addresses, ATMs, barber poles, fuel pump signs, menu boards, parking lot signs, and more. Many of these signs are still regulated despite not requiring a sign permit.

Barber poles will finally be permitted.

The biggest change here will be the moving of Window Signs from on-premise signs to Permanent Exempt Signs. This shall allow for businesses to install signs on their windows without a sign permit. However, these signs shall still be limited in total area not to exceed 33%. Most zoning codes restrict this to 25%, while others go as high as 50%. Staff is recommending 33% to strike a balance between commercial signage and transparency by keeping the majority of the window unobstructed.

Temporary Exempt Signs

This includes all signs which are ephemeral in nature such as banners, construction signs, real estate signs, etc.

Several major changes are made in these proposed regulations. Most of these have been consolidated and unified in their standards, such as banners. Real estate signs now have more flexibility based on land-use and zoning district by permitting larger signs for commercial real estate.

New signs have also been added, such as People Signs (signs worn by people with commercial speech on them) and Project Image Signs (images created via a projector). These were recommended to be added by the International Sign Association.

Off-Premise Signs

Off-Premise Signs remain regulated within the code, although with some changes.

When permitting them, all off-premise signs oriented to I-79 are still outright permitted in Highway Commercial with off-premise signs in the Industrial District now requiring a Conditional Use Permit. Off-Premise Signs have more robust setbacks from other zoning districts where they are not permitted and from residential land uses. They will be permitted to be closer to other off-premise signs when not highway oriented (2000 feet down to 1000 feet) and closer to rights-of-way (40 feet down to 20 feet). Height standards are now more flexible with highway oriented signs permitted to be taller (from 20 feet now up to 40 feet). Off-premise signs that aren't highway oriented now have a smaller maximum area of 300 SF.

Off-Premise Signs will also now be permitted on buildings, both on walls and roofs.

Off-premise Signs will still be prohibited from being electronic.

Staff Comments

These amendments are robust and much needed. Overall, these proposed amendments will significantly help businesses feel that getting a sign is easier than ever before while also reducing staff review in the long run. Currently, a sign permit can take anywhere from one hour to nearly two whole days to review, especially for multi-tenant sites.

Many of the exemptions to things such as window signs will make it much easier to run a business within the City. Other exceptions, such as now permitting extra wall signs in interior facades and rear facades, will be greatly beneficial to advertising a business but not creating overwhelming signage for a single establishment.

Sidewalk signs will now have clear regulations, helping businesses understand how to place their sidewalk signs and how many they can have.

Concerns and Questions

Some things remain which are likely contentious. Off-premise advertising is usually not favored in communities seeking to do tourism and meaningful placemaking. Fairmont still permits off-premise advertising, despite shifting to a more diverse economy with tourism as a big opportunity the City is looking to invest in. At the same time, off-premise signs general district motorists from other signs, where for safety or commercial signage, or are ignored altogether. Off-premise signs have even been banned in other states entirely to ensure that the natural scenery is not diminished by billboards.

Other types of signs which are popular, such as the fabric blade signs that businesses put in the ground are banned and will still be banned under this current draft amendment. Many of these signs easily fall into disrepair or can cause a safety hazard for pedestrians and motorists when not properly installed. Others, such as the ones at Jag Laundry Mat, block the sidewalk and create not only an impediment to people walking or in a

wheelchair, they also create a hazard for persons with visual impairment. These signs are cheap and easy to install, so businesses prefer them. However, they are difficult to regulate because of how quickly they can be installed and numerous they can be, same as window signs except window signs don't create a hazard.

Signs installed around gas stations, smoke shops, and similar establishments, advertising the price of cigarettes and vape products, will not be permitted unless they are the permanent on-premise signs a business may choose to install. The latter is doubtful because most of these businesses install half a dozen or more of these at a time. It may be controversial to finally enforce this standard and request these signs be removed. However, staff does find it in the best interest of the public health, safety, general welfare and intent of the zoning code to continue to prohibit these additional and unauthorized signs.

Comprehensive Plan

The Comprehensive Plan Goal A3 says to ensure that land use policies and decisions are fair and equitable.

Goal P1 says to develop policies, procedures, and plans that create a welcoming business environment.

Staff Recommendations

Staff recommends to layover these amendments to February 18, 2026, publish them online, publish an online comment form, and hold a public feedback meeting, if time permits, to solicit feedback from residents, businesses, and local sign companies.

Once this concludes and minor adjustments are made based on feedback, staff recommends the adoption of this text amendment.

Attachments

Attached are the related documents.

Proposed Article 5.3 Text

These recommended text amendments are based upon the recommendations of the [American Planners Association](#), the [International Sign Association](#), the Congress for New Urbanism, and precedent found within notable zoning ordinances from across the country, particular the Buffalo Green Code.

This proposed amendment is a repeal and replace of Article 5.3

Contents

Proposed Text for Article 5.3

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Existing Text to be Repealed for Article 5.3

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5.3 SIGNS AND SIMILAR STRUCTURES

5.3.1 PURPOSE

Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. In addition to causing distractions and obstructions that may contribute to traffic and pedestrian accidents, signs are as much subject to control as noise, odors, debris and like characteristics of a use that, if not controlled and regulated, may become a nuisance to adjacent properties or the community in general. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height, and condition of all signs for exterior observation for the following reasons:

- A. Preserve the noncommercial character of residential neighborhoods, and to provide reasonable, yet appropriate, conditions for identifying businesses and services rendered in commercial districts.
- B. Reduce traffic and pedestrian hazards by restricting signs, including signs with lights and/or motion, which exceed the viewers' capacity to receive information or which increase the probability of accidents created by distracting attention or obstructing vision.
- C. Promote expeditious and safe navigation and wayfinding for pedestrian and vehicular traffic through legible and appropriate signs.
- D. Preserve order, attractiveness, and cleanliness, maintain open spaces, avoid the appearance of clutter, and prevent nuisances and invitations to vandalism.
- E. Require signs are constructed and maintained in a structurally sound and attractive condition.
- F. Maintain property values and ensure compatibility with surrounding landscape and architecture including, but not limited to, areas of historical significance.
- G. Encourage aesthetic quality in the design, location, and size of all signs.
- H. Protect the public peace, general health, safety and welfare, convenience, and comfort, and to protect and encourage a more attractive economic, business, and overall physical appearance of the community.

5.3.2 General Regulations; Procedures and Permits

- A. Setbacks, Clearances, and Obstructions.
 - i. Clear Vision Area. The clear vision area is a triangular area that shall be kept free and clear of signs between a height of three (3) feet and ten (10) feet above the established street grade to provide adequate line of site for vehicles and pedestrians. No on-premise sign shall be constructed within the clear vision area of an intersection, driveway, or alley. No permanent exempt sign or temporary exempt sign may obstruct the clear vision area. The clear vision areas for different intersections are as follows:
 - a. Right-of-Way Intersections. The clear vision area of ROW intersections shall be 15 feet by 15 feet measured from the corners of the rights-of-way. This length may be required to be longer subject to other regulations within this zoning code.
 - b. Alley. The clear vision area of an alley and a street right-of-way shall be 10 feet by 10 feet.
 - c. Driveway. The clear vision area of a driveway shall be 15 feet by 15 feet measured from the point where the outer edges of the driveway meet the edge of the right-of-way.
 - d. Multi-Use Trail and Right-of-Way Intersection. The clear vision area of ROW intersection with a multi-use trail / pathway shall be 15 feet by 15 feet measured from the corners of the rights-of-way and the pedestrian pathway of the multi-use trail. This length may be required to be longer subject to other regulations within this zoning code.
 - ii. Clear Vision Area Extensions. For streets with a speed limit greater than 25 MPH, the length of clear vision area along the edge of the right-of-way for that street shall be increased by 10 feet for each 10 MPH greater than 25.
 - iii. Clear Vision Area Reduction. For right-of-way intersections in which the stop bars or yield lines go at least 10 feet past the right-of-way edge those lines are parallel to, the clear vision triangle may be reduced by 10 feet along the length of the street in which vehicles are approaching those stop bars or yield lines.
 - iv. Accessible Pathway Clearances. No sign shall encroach into a pedestrian pathway which would violate the accessible pathway standards of the Americans with Disability Act. The minimum requirements, unless stricter standards are published within the ADA Design Standards, are as follows:

Recommend Article 5.3 – Sign and Similar Structures Text Amendment

- a. No sign shall protrude horizontally into the pedestrian pathway more than four (4) inches (excluding sidewalk signs which are freestanding).
 - b. No sign shall be less than seven (7) feet in vertical clearance from the pedestrian pathway.
 - c. No sign, including sidewalk signs, shall limit the width of the pedestrian pathway to less than five (5) feet measured perpendicular from the direction of travel from the sign to any other obstruction. If the sidewalk is attached to a curb, the width of the curb will not be included in the accessible width of the pedestrian pathway.
 - v. Obstructions. No sign shall obstruct the ingress, egress, access to air, or visibility through a door, window, garage door, or other fenestration, except for windows signs which meet the requirements of this zoning code.
- B.** Permits. It shall be unlawful for any person to erect, structurally alter, or relocate any sign or sign structure without first obtaining a permit from the Building Department, except as provided in Section 5.3.10, Permanent Exempt Signs and Section 5.3.11 Temporary Exempt Signs.
- C.** Maintenance. Activities exempt from a permit include the servicing, repainting, or cleaning an existing sign, except where such activity requires structural alterations either of the sign pole or the structure supporting the sign face, such as the replacement of a sign cabinet for an internally illuminated sign.
- D.** Application. The application for the permit for a sign shall be made upon forms provided by the Planning and Development Department. All applications shall at a minimum be accompanied by accurate sketches and scaled drawings showing the proposed sign or sign structure, its content, and the location of the proposed sign upon the premises. All applications shall be accompanied by the requisite application fee which shall be established by the Planning and Development Department. All applications shall be accompanied by the written consent of the owner or his designated agent of the premises upon which the sign is to be erected or his designated agent.
- E.** Completeness and Review Process. No application shall be accepted for review unless it is complete, accompanied by the appropriate fee and signed by the applicant. The Building Inspector or Planner may require that the location of a proposed sign be based on a survey by a registered land surveyor or engineer, at the expense of the applicant. The Building Official and Planner shall endeavor to complete a review of the completed application within ten (10) working/business days.
- F.** Installation Contractors. Contractors installing any signs which require a permit, electrical work, structural components, or similar work shall be licensed as a contractor to perform such work. Determining which type of contractor license is required shall be done by the Building Official or their designee.
- G.** Sign Permit Inspections and Sign Enforcement. City Building Official, Planner, or their designee shall make an inspection of any sign or structure regulated by this Article at the time of sign erection. The Building Official or Planner shall cause to be removed any sign that violates any provision of this Article or a sign or structure for which no permit has been issued.
- H.** Existing Sign Inspection. At any time and at their sole discretion, the Building Official may inspect existing signs to determine if they are detrimental to the public health, safety, and welfare. If they are detrimental to the public health, safety, and welfare, they shall be removed or repaired within five (5) working/business days following the determination by the Building Official. At the determination of the Building Official, more time may be granted to repair or replace the sign if the property owner can demonstrate a good faith effort of working toward compliance with this ordinance. If a non-conforming sign is determined by the Building Official or owner to require repair, it must be brought into compliance with these regulations within a period of time determined by the Building Official.
- I.** Bonding. With all applications for a permit under this Article there shall be a bond with surety approved by the City or a public liability insurance policy issued by an insurance company doing business in this State covering the period of construction and maintenance after completion, which bond or insurance policy shall protect against personal injuries and property damage with limits of not less than one million dollars (\$1,000,000.00), and shall provide for the matters and requirements contained in this Article.
- The City shall be named as an additional insured on any such bond or policy of insurance issued hereunder and it shall be indicated on the policy or separate documentation that the City shall be notified of coverage termination. If work authorized by a permit has not been completed within six months after the date of issuance, such permit shall become null and void and the sign or such portion thereof as may be completed shall be deemed abandoned.

5.3.3 Heritage Signs

- A. Description. A sign having historical significance, and which advertises an establishment or product no longer in existence or a product no longer being offered on the site, may be designated a heritage sign. A heritage sign may be maintained, repaired, reconstructed, and/or relocated, so long as no new items of information, sign features, or sign area are added to the sign.
- B. Designation. In order for a sign to be designated a heritage sign, the Historic Preservation Review Commission must make written findings that the sign is at least 25 years old, or is an exact replica of an original sign where the combined age of the duplicate and original signs is at least 25 years, and meets at least one of the following criteria:
 - i. The sign has historic character, interest, or value as part of the development, heritage, or cultural characteristics of the City.
 - ii. The sign is significant as evidence of the history of the product, business, or service advertised.
 - iii. The sign embodies elements of design, detailing, materials, or craftsmanship that make it significant or innovative.
 - iv. The sign has a unique location or contains singular physical characteristics that make it an established or familiar visual feature within the City.
- C. Record. The Planning and Development Department shall maintain a list of all approved and designated heritage signs.

5.3.4 Non-Conforming Signs

- A. Non-Conforming Sign Continuation. A non-conforming sign that was lawfully established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation, but that does not now comply with the provisions of this Ordinance, may be repaired or altered without increasing the non-conforming nature.
- B. Relocation. Non-conforming signs may be relocated on the same lot so long as the relocation does not increase the non-conformity, except in the case of a sign being non-conforming in whole or in part because of setback or vertical clearance regulations, in which case the relocated sign must meet all setback and vertical clearance regulations.
- C. Permits for Alterations or Relocations. Alteration of the size, area, material, illumination, or relocation of a non-conforming sign requires a sign permit.

5.3.5 Prohibited Signs

The below listed signs, as well as any sign type not expressly allowed by this Ordinance, are prohibited:

- A. Abandoned or illegally erected signs.
- B. Mechanically activated signs, other than barber poles and clocks.
- C. Signs that flash or are digitally animated.
- D. Signs or devices motivated by wind, thermal changes, or other environmental input, such as spinners, pinwheels, balloons, air-inflated signs, or other devices or displays that respond to naturally or artificially induced external motivation, except for flags erected in conformance with this zoning code.
- E. Signs which obstruct free ingress or egress from a door, window, fire escape, or other exit way.
- F. Signs on vehicles, including trailers, that are inoperable, do not display a current vehicle inspection sticker or license plate, are not principally used as a mode of transportation for business purposes, and/ or are conspicuously parked or located on a lot for more than 24 hours to advertise a product or service, or to direct the public to a business or activity located on or off the premises.
- G. Changeable letter freestanding or portable signs. Changeable letter signs may be part of a monument, pole, or wall sign.
- H. Flags with commercial speech.
- I. Signs that are burned, cut, painted, pasted, or otherwise marked on or affixed to a rock, tree, standpipe, fire escape, utility pole, trash receptacle, bench, or any other unapproved structure or surface.
- J. Signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that may interfere with, mislead, or confuse pedestrian, cyclist, or vehicular traffic.
- K. Signs now or hereafter existing which no longer advertise a bona fide business, activity, campaign, service or product.
- L. Temporary off-premise signs, including smaller signs which can be easily installed such as in landscaping via wireframe or similar structure, that contain commercial advertising, branding, or other forms of commercial speech.
- M. Signs located in a public right-of-way, except as permitted by the West Virginia Department of Transportation or the City of Fairmont and in compliance with all local regulations. Any sign placed in the public right-of-way in violation of this code shall be prohibited and may be seized by the enforcement official or other representative of the City.

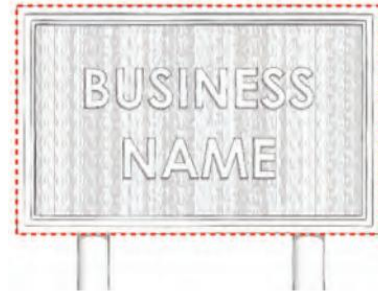
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- i. The person owning or placing the sign may be charged both with a violation of this chapter and with the cost of removing and disposing of the sign.

5.3.6 Sign Measurement

A. Sign Area. Sign area is measured as the total area of a sign, as follows:

- i. For signs on a background, the entire area of the framework or background of the sign is calculated as sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed.



- ii. For signs consisting of freestanding letters or features, the sign area is calculated as the total area of each rectangle that encompasses each individual letter or feature. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face.

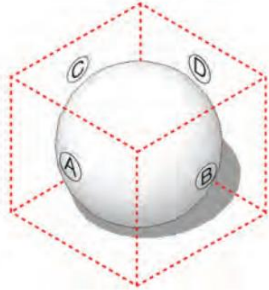


- iii. Window signs printed on a transparent film and affixed to the interior or exterior of a windowpane are calculated as individual letters or features, provided that the portion of the film around the individual letters or features is fully transparent.



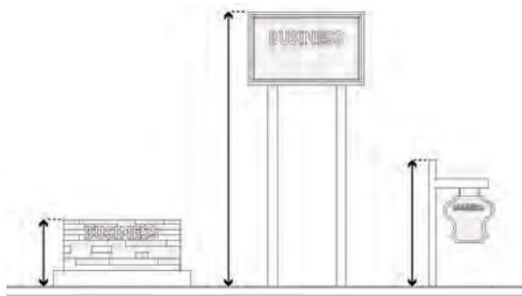
- iv. The sign area of a three-dimensional, free-form or sculptural (non-planar) sign is calculated as 50% of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.

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v. If a sign has two or more faces, the area of all faces is included in determining the area of the sign, unless the two sign faces are placed back to back and are no more than two feet apart. In such case, the sign area is calculated as the area of one face. If the two faces are unequal in area, the area of the larger face is used to calculate sign area.

B. Sign Height. Sign height is measured as the vertical distance from the base of a sign or sign structure, to the highest point of the sign or sign structure. Berming of the soil to raise the base of the sign shall require that the sign height is measured to the average grade three feet out from concrete base, pier, or similar structural base.



C. Vertical Clearance. For signs attached to a structure, vertical clearance is measured as the vertical distance from the sidewalk or parking lot level to the lowest point of the sign.



5.3.7 Illumination

A. Sign illumination identifies the type of sign illumination allowed by zone. The legend for the sign illumination is as follows:

Legend	
Permitted	●
Prohibited Use	

Illumination Type	GR, NR, MHN, MHP, R	MNU, E	MCC	CC	HC, T, I
External Illumination	●	●	●	●	●
Internal Illumination		●	●	●	●
Direct Illumination			●		●
Electronic Message Center (EMC)			●		●

B. Each type of sign illumination must comply with the following standards:

- i. External Illumination. An externally illuminated sign is characterized by the use of artificial light reflect off its surface.
 - a. External light sources intended to illuminate the sign face must be fully shielded and placed close to, and directed upon, the sign face.
 - b. Any light sources intended to illuminate surfaces behind a sign to produce a halo effect must be fully concealed from view.
- ii. Internal Illumination. An internally illuminated sign is characterized by the use of artificial light projecting through its surface.
 - a. All lamps intended for internal illumination must be fully concealed.
- iii. Direct Illumination. A directly illuminated sign is characterized by the use of exposed lamps, such as neon tubes or incandescent bulbs, that have no shielding and are visible to the eye.
 - a. Direct illumination is limited to letters, numbers, symbols, and accents.
 - b. Other than neon tubes, direct illumination is only permitted on Marquee Signs or Iconic Signs.
- iv. Electronic Message Center. An electronic message center (EMC) is an electrically activated display

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whose variable message and/or graphic presentation can be electronically programmed. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

- a. EMC Total Area. EMC signs may only be part of a monument sign, pole sign, or wall sign and shall be no more than 50% of the total sign area of that sign. For example, if a monument sign has a total sign area of 80 SF, then to portion that is an EMC sign cannot be more than 40 SF.
- b. Display Requirements. Each electronic message that is displayed must be static and depicted for a minimum of 8 seconds before changing. Any change in an electronic message must be instantaneous, without scrolling, fading in, dropping in, or similar moving copy changes.
- c. EMC Illumination Measurement Criteria. The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least one decimal place. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area Versus Measurement Distance table, Table 5.3.B.

Table 5.3.B EMC Sign Area Versus Measurement Distance

Area of Sign (sq ft)	Measurement Distance (ft)	Area of Sign (sq ft)	Measurement Distance (ft)
10	32	75	87
15	39	80	89
20	45	85	92
25	50	90	95
30	55	95	97
35	59	100	100
40	63	110	105
45	67	120	110
50	71	130	114
55	74	140	118
60	77	150	122
65	81	160	126
70	84	170	130

*For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula: Measurement Distance = Square Root of (Area of Sign Sq. Ft. x 100)

- d. EMC Footcandle Illumination Limit. The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles at night.
 - e. Automatic Dimmer. All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.
- C. Public Safety.**
- i. No direct or reflected light from the primary light source of a sign may create hazards for pedestrians, cyclists, or operators of motor vehicles.
 - ii. Colored light must not be used at a location or in a manner so as to be confused with or construed as traffic control devices.
 - iii. Blinking, flashing, fluttering, strobe-light effects, and streaming video are prohibited.
- D. Hours of Illumination.** Signs for a commercial use shall only be illuminated during the hours of operation of the establishment. Pole or monument signs along a public right-of-way frontage for multi-tenant commercial properties, such as strip malls, may be exempt.

5.3.8 On-Premise Signs

A. Description. An on-premise sign is a sign erected, maintained, or used for the purpose of the display of messages relating to the use of, products sold on, or the sale or lease of, the property on which it is display. Table 5.3.C: Sign Types identifies on-premise signs allowed by zone, with cross-references to definitions and standards that apply. The key for the sign types table is as follows:

Legend	
Permitted	●
Prohibited Use	

	Residential Districts	NMU, R	MCC	CC	E	HC	T	I	Definitions and Standards
Awning Sign		●	●	●	●	●	●	●	5.3.5.E
Blade Sign		●	●	●	●	●	●	●	5.3.5.F
Canopy Sign		●	●	●	●	●	●	●	5.3.5.G
Iconic Sign		●	●	●	●	●	●	●	5.3.5.H
Marquee Sign			●	●		●	●	●	5.3.5.I
Monument Sign		●	●	●	●	●	●	●	5.3.5.J
Pole Sign			●			●	●	●	5.3.5.K
Porch Sign	●	●	●	●	●	●	●	●	5.3.5.L
Roof Sign			●			●	●	●	5.3.5.M
Sidewalk Sign		●	●	●	●	●	●	●	5.3.5.N
Skyline Sign				●		●	●	●	5.3.5.O
Wall Sign		●	●	●	●	●	●	●	5.3.5.P
Yard Sign	●	●	●	●	●	●	●	●	5.3.5.Q

B. Number of Signs. A maximum of two on-premise signs per establishment is permitted per right-of-way frontage, subject to the following additional considerations:

i. Exemptions. Sidewalk signs, supplemental signs listed in the on-premise sign regulations, and other explicit exemptions in the on-premise sign regulations do not count toward the maximum number of on-premise signs permitted.

Permanent exempt signs and temporary exempt signs do not count toward the on-premise signs maximum number permitted but do have their own regulations for each of those sign types.

ii. Multi-Tenant. An on-premise sign advertising

multiple tenants is calculated toward the maximum number of signs per establishment per right-of-way frontage for each tenant that is identified in the multiple tenant sign.

C. Maximum Sign Area. The maximum area of on-premise signs shall be in accordance with the table 5.3.D below.

District	Total Sign Area Per Establishment Per ROW Frontage
Residential Districts	12 SF
NMU, E, R	100 SF
MCC, CC	150 SF
HC, I	300 FT
T	400 SF

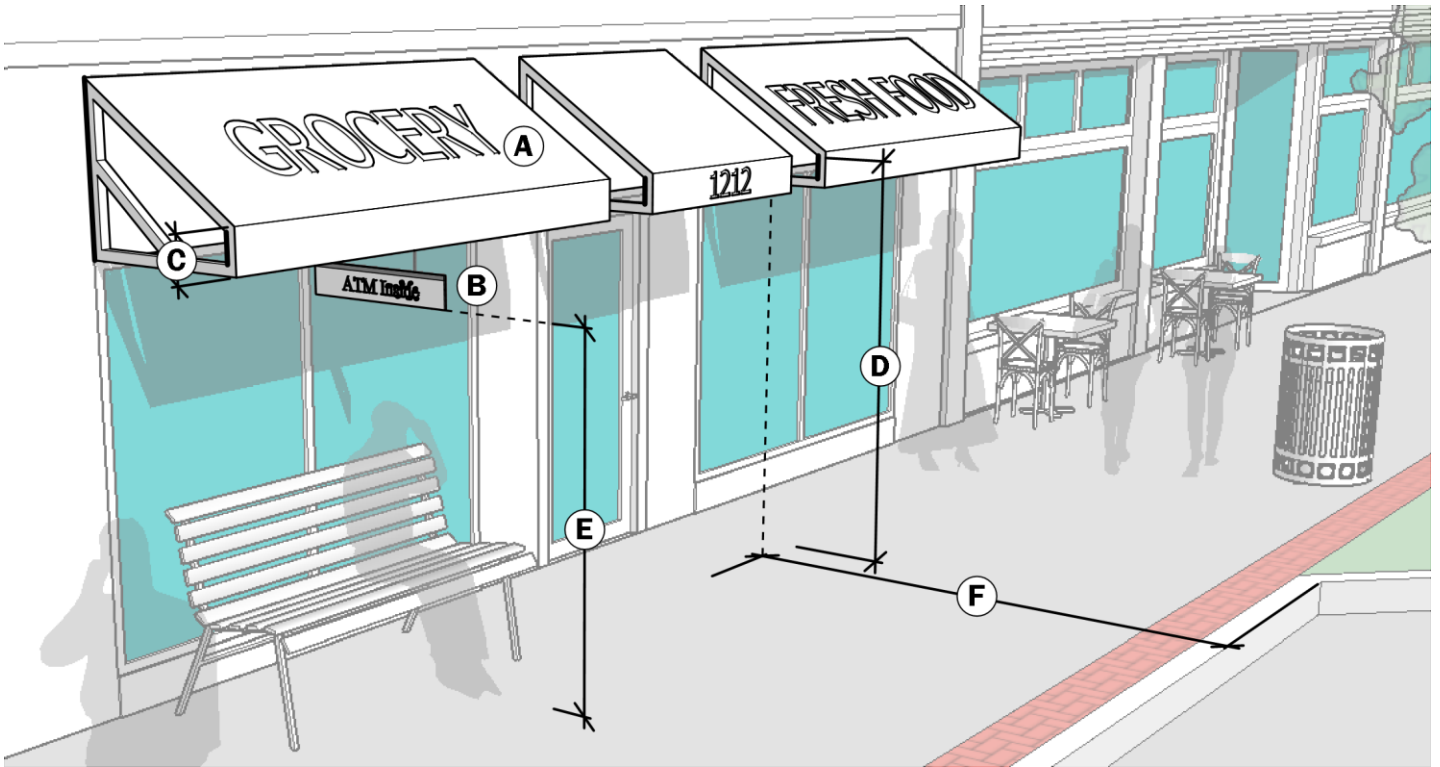
iii. Signs Visible from Two ROWs. An on-premise sign positioned at a right-of-way intersection and intended to be viewed from both rights-of-way will count half its sign area toward the maximum permitted sign area for each right-of-way frontage; for example, a 12 square foot blade sign installed at an angle on the corner of a building, and intended to be viewed from two rights-of-way, will have six square feet counted toward the maximum permitted area for each right-of-way frontage.

iv. Roof or Skyline Signs. When an on-premise roof sign or skyline sign is installed, an additional 10% of maximum sign area per additional story above the first ten stories is allocated.

v. Heritage, Sidewalk, and Exempt Signs. Heritage signs, sidewalk signs and exempt signs does not count toward the total area of on-premise signs.

vi. Civic Uses. Civic Use are permitted up to a maximum of 35 SF of sign area in residential districts.

D. Historic District. Unless explicitly exempt, all on-premise signs within a historic overlay district must obtain a Certificate of Appropriateness from the Historic Preservation Review Commission prior to the approval of a sign permit. A completed sign permit application along with any other applications and forms required by the Historic Preservation Review Commission shall be transmitted to the Commission for review.



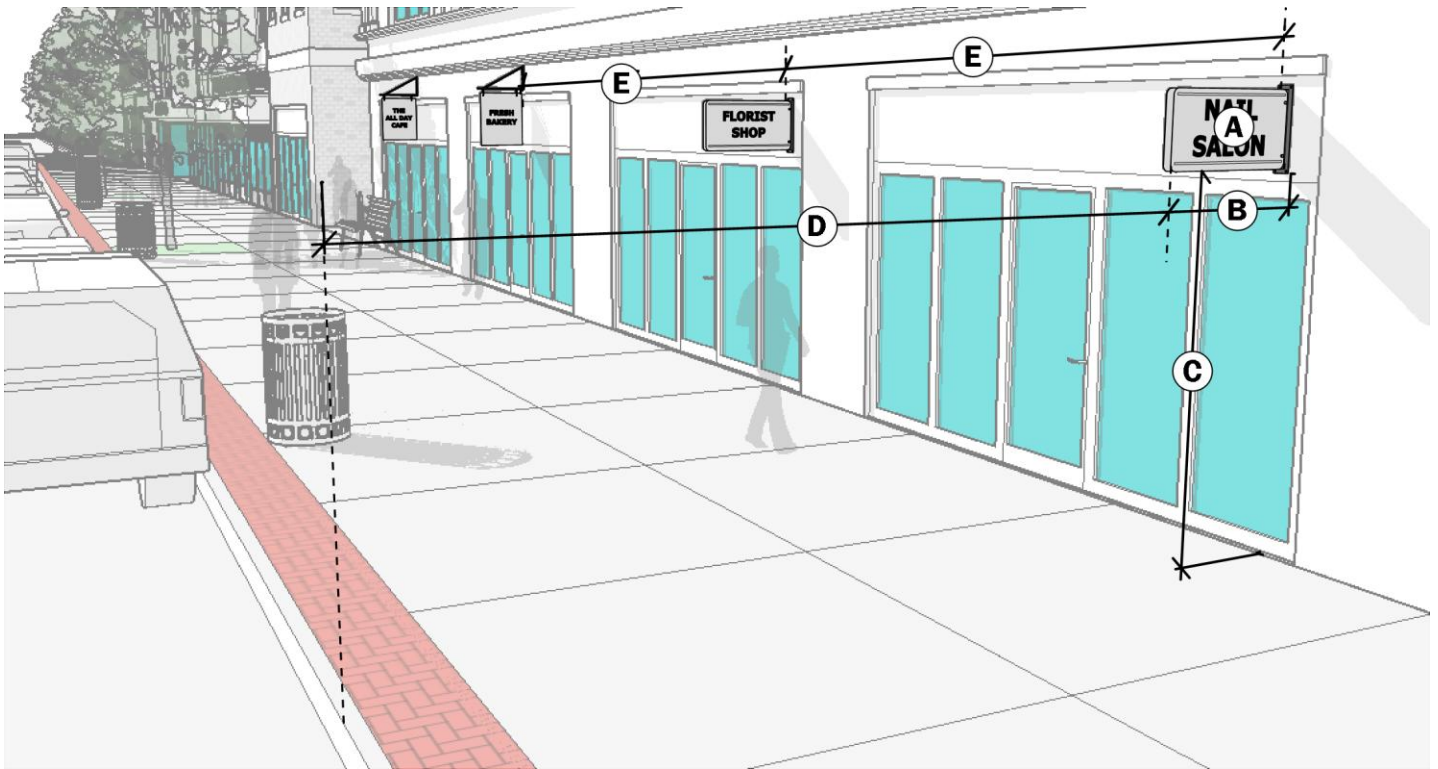
5.3.8.E Awning Sign

- i. Description. An awning sign is a sign printed on any of the surfaces of an awning, and which may include an under-awning sign attached to and mounted under the awning.
- ii. Dimensions

A	Area, awning sign (max)	25% on each awning surface
B	Area, under-awning sign (max)	4'
C	Valance height (max)	1'
D	Vertical clearance from sidewalk level, awning sign, not including valance (min)	7.5'
E	Vertical clearance from sidewalk level, under-awning sign (min)	7'
F	Setback from curb line (min)	2'

- iii. Specific Standards.

- a. Maximum Number. A maximum of one awning sign is permitted per awning surface. Only awnings on the ground story may contain signs.
- b. Illumination. Internally illuminated or back-lit awning signs are prohibited.
- c. Other Limitations A maximum of one under-awning sign is permitted per establishment with a ground-floor main entrance. An under-awning sign must be securely fixed to the underside of the awning with metal attachments, may not project beyond the awning, and may not be illuminated.

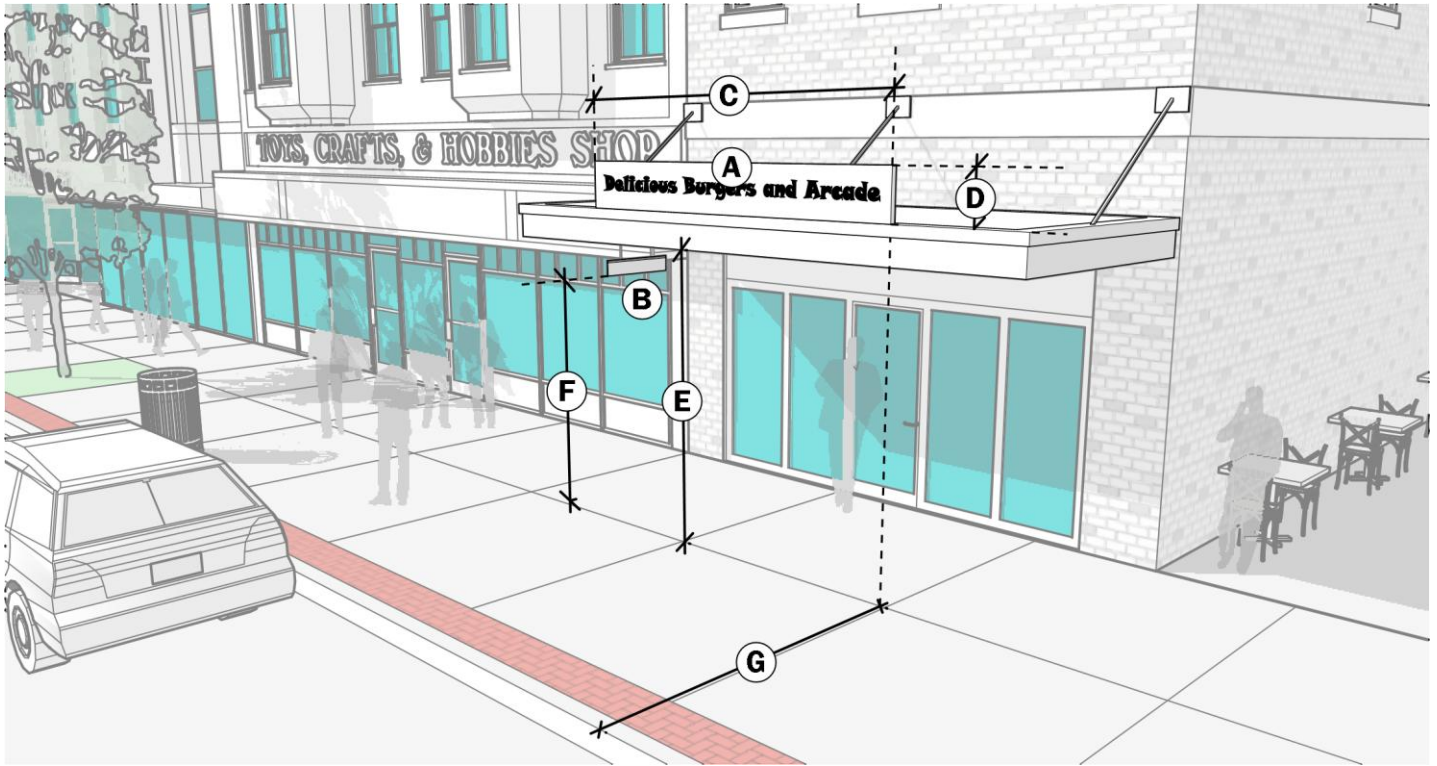


5.3.8.F Blade Sign

- i. Description. A blade sign, also known as a projecting sign, is a two-sided sign that projects outward from the exterior wall of a structure. Blade signs may be fixed or allowed to swing.
- ii. Dimensions

A	Area, blade sign (max)	Table 5.3.A
B	Projection from wall (max, including supports)	5'
C	Vertical clearance from sidewalk level (min)	7.5'
D	Setback from curb line (min)	18"
E	Distance between blade signs (min)	12'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one blade sign is permitted per establishment per right-of-way frontage.
 - b. Location. The base of a blade sign must be placed below the finished level of the second story or, in the case of a one-story building, at least two feet below the highest peak of the roof. No portion of a blade sign may extend more than ten feet above the roof line or parapet wall of a building with a flat roof, or more than ten feet above the lower eave of a building with a pitched roof.
 - c. Swinging Sign. A blade sign which is suspended to allow the sign to swing due to wind action may not exceed nine square feet in area.



5.3.8.G Canopy Sign

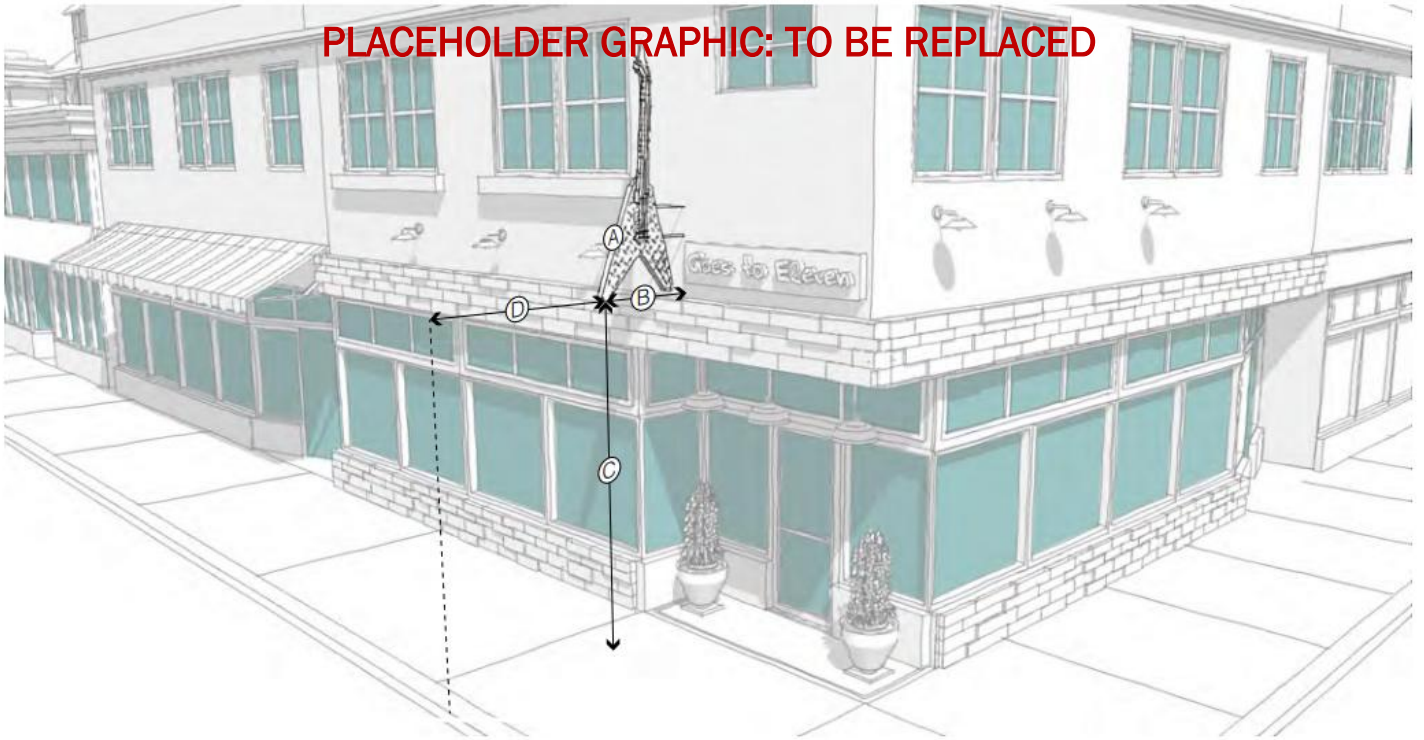
- i. Description. A canopy sign is a sign attached above, below, or to the face of a canopy, and which may include an under-canopy sign attached to and mounted under the canopy.
- ii. Dimensions

A	Area, canopy sign (max)	25% on each canopy surface
B	Area, under-canopy sign (max)	4 SF
C	Letter/number/logo width above canopy (max)	75% of canopy width
D	Letter/number/logo height above canopy (max)	2'
E	Vertical clearance from sidewalk level, canopy sign, (min)	7.5'
F	Vertical clearance from sidewalk level, under-canopy sign (min)	7'
G	Setback from curb line (min)	18"

- iii. Specific Standards.

- a. Maximum Number. A maximum of one canopy sign is permitted per establishment per right-of-way frontage.
- b. Other Limitations. A maximum of one under-canopy sign is permitted per establishment with a ground-floor main entrance. An under-canopy sign must be securely fixed to the underside of the canopy with metal attachments, may not project beyond the canopy, and may not be illuminated.

PLACEHOLDER GRAPHIC: TO BE REPLACED

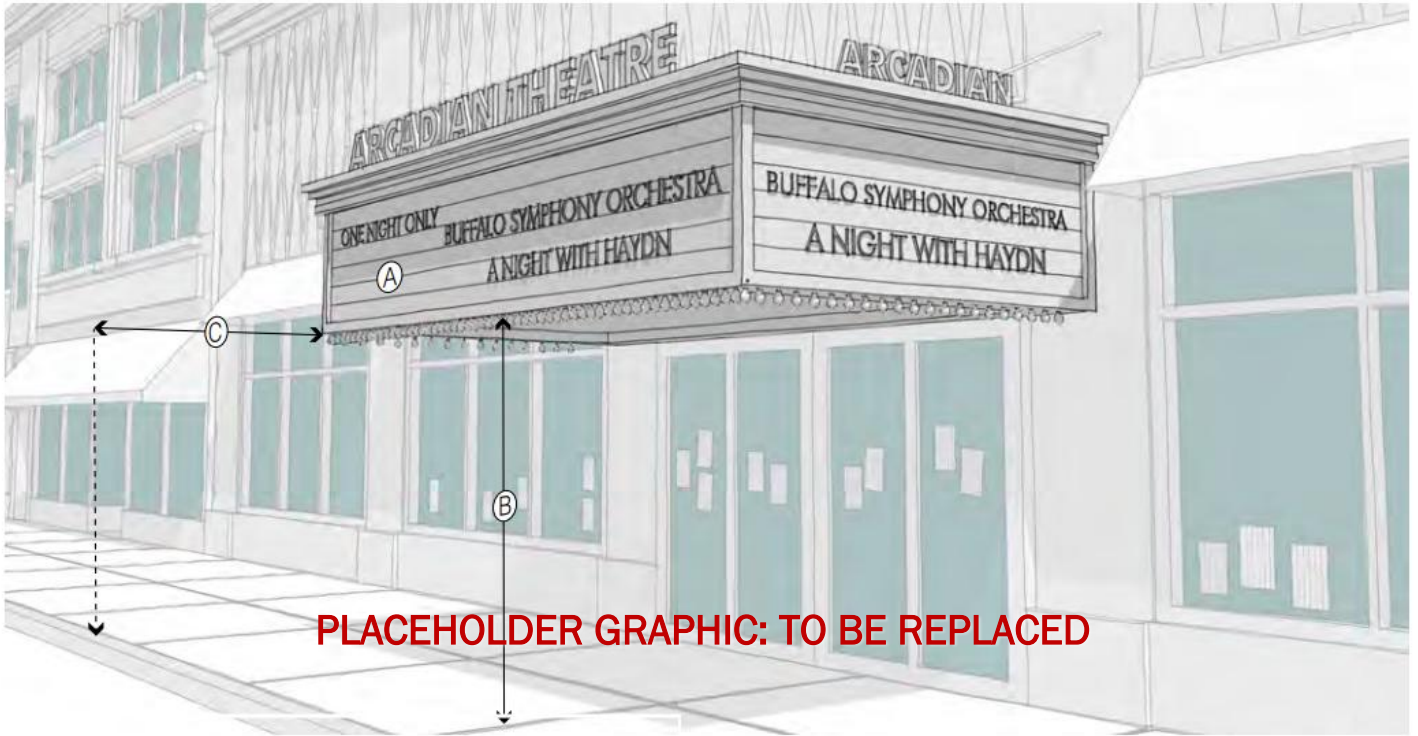


5.3.8.H Iconic Sign

- i. Description. An iconic sign is a sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding
- ii. Dimensions

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one iconic sign is permitted per establishment.
 - b. Iconography. An iconic sign may contain only iconographical elements representing a product or service offered on site, and may not contain any other items of information.

A	Area (max per side)	Table 5.3.A
B	Projection from wall (max, including supports)	5'
C	Vertical clearance from sidewalk level (min)	7.5'
D	Setback from curb line (min)	18"



5.3.8.I Marquee Sign

- i. Description. A marquee sign is a sign attached to the top or the face of a permanent roof-like structure constructed over a ground floor main entrance.
- ii. Dimensions

A	Area (max per side)	Table 5.3.A
B	Vertical clearance from sidewalk level (min)	12'
C	Setback from curb line (min)	18"

- iii. Specific Standards.

- a. Maximum Number. A maximum of one marquee sign is permitted per building. Only the following types of establishments may erect a marquee sign: assembly; cultural facility; school, college/university; hotel; entertainment facility which primarily does live or screen projected entertainment (for example: cinema, theater, or live music), indoor or outdoor.
- b. Location. A marquee may be erected over a main entrance only, and may be no wider than the entrance over which it is erected, plus five feet on each side.
- c. Structure. A marquee sign must be supported solely by the building to which it is attached. No exterior columns or posts are permitted as supports.

PLACEHOLDER GRAPHIC: TO BE REPLACED



5.3.8.J Monument Sign

- i. Description. A monument sign is a freestanding sign attached to a pedestal or perimeter wall.
- ii. Dimensions

A	Area (max per side)	Table 5.3.A
B	Height (max)	
	HC, I, T	20'
	MCC	10'
	All other districts where permitted	5 FT

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one monument sign is permitted per site per right-of-way frontage. A monument sign may be erected only on a site where the building is set back a minimum of 15 feet from the lot line of the yard the sign will be located within.
 - b. In Lieu of. An establishment may erect a monument sign along a right-of-way frontage only in lieu of a pole or yard sign.
 - c. Right-of-Way Encroachment. No part of a monument sign may encroach upon a public right-of-way.
 - d. Structure. The sign must be attached to a pedestal that is integral to the sign structure, or be integral with a perimeter wall.
 - e. Width. The width of the top of the sign structure may be no more than 125% of the width of the pedestal. If attached to a perimeter wall, the sign may not exceed 75% of the width of the face of the perimeter wall.
 - f. Medical Institutions. Medical Institutions, also known as Hospitals, shall be permitted one (1) monument sign at each entrance that may not exceed 120 SF in area.
 - g. Religious Uses. Religious Uses with a principal structure which is primarily for worship shall be permitted up to one Monument Sign up to 36 SF in area in zoning districts which are more restrictive in permitted area.
 - h. Height Exception. Shopping Centers in MCC (e.g. Country Club Shopping Plaza, Marion Plaza, Bellview Plaza) may erect a monument sign up to 15' feet in height.

PLACEHOLDER GRAPHIC: TO BE REPLACED



5.3.8.K Pole Sign

- i. Description. A pole sign is a freestanding sign constructed on a structure of one or more poles.
- ii. Dimensions

A	Area (max per side)	Table 5.3.A
B	Height (max, including pole)	15'
	HC, I, T	20'
	All other districts where permitted	15'
C	Vertical clearance from ground level (min/max)	7.5'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one pole sign is permitted per site.
 - b. Building Setback Requirement. A pole sign may be erected only on a site where the building is set back a minimum of 15 feet from the lot line of the yard the sign will be located within.
 - c. In Lieu of. An establishment may erect a pole sign along a right-of-way frontage only in lieu of a monument or yard sign. For the Technology District, Interstate 79 may be considered a right-of-way frontage.
 - d. Right-of-Way Encroachment. No part of a pole sign may encroach upon a public right-of-way or overhang a drive aisle, parking space, or walkway.
 - e. Prohibited Areas. Pole signs shall be prohibited between Oakwood Road / 7th Street to Cleveland Avenue from the Monongahela River to View Avenue, in the Fleming-Watson Historic District, and the Downtown Historic District.
 - f. Height Exception. Shopping Centers in MCC (e.g. Country Club Shopping Plaza, Marion Plaza, Bellview Plaza) erect a pole sign up to 20 feet in height. If the ground floors of the shopping center's buildings and the parking lot serving those are elevated 20 feet or more above the primary street frontage, measured from the crown or centerline of the street, then the pole sign may be up to 30 feet in height if located along that street frontage and at the same general elevation as the ground floors and parking lot.



5.3.8.L Porch Sign

i. Description. A porch sign is a sign that is hung from the porch of a building and intended to be viewed from the sidewalk at close range.

ii. Dimensions

A	Area (max per side)	12 SF
B	Width (max)	8'
C	Height (max, not including supports)	1.5'
D	Vertical clearance from the porch floor (min)	7'

iii. Specific Standards.

a. Maximum Number. A maximum of one porch sign is permitted per establishment per right-of-way frontage.

PLACEHOLDER GRAPHIC: TO BE REPLACED



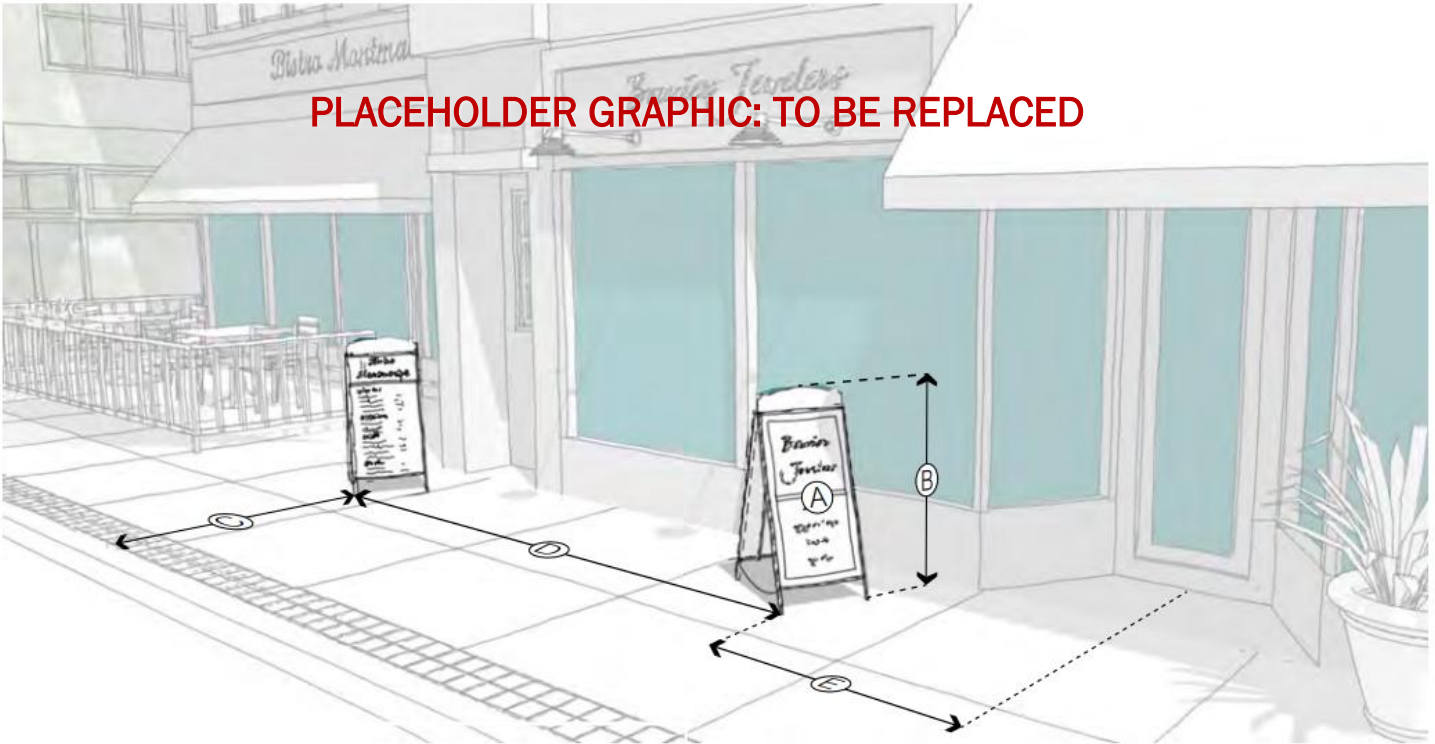
5.3.8.M Roof Sign

- i. Description. A roof sign is a sign mounted on, and wholly supported by, the roof of a building.
- ii. Dimensions

A	Area (max)	Table 5.3.A
B	Width (max)	75% of roof level width
C	Height (max, including supports)	
	MCC	7.5'
	All other districts where permitted	15'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one roof sign is permitted per building. A roof sign may be installed only on a flat roof.
 - b. In Lieu of. If a roof sign is erected on a building, a skyline sign is prohibited.
 - c. Structure and Access. Roof signs must be safely and securely attached to the roof structure and must not interfere with any roof access points.
 - d. Prohibited Areas. Roof signs are prohibited in the Downtown Historic District.

PLACEHOLDER GRAPHIC: TO BE REPLACED



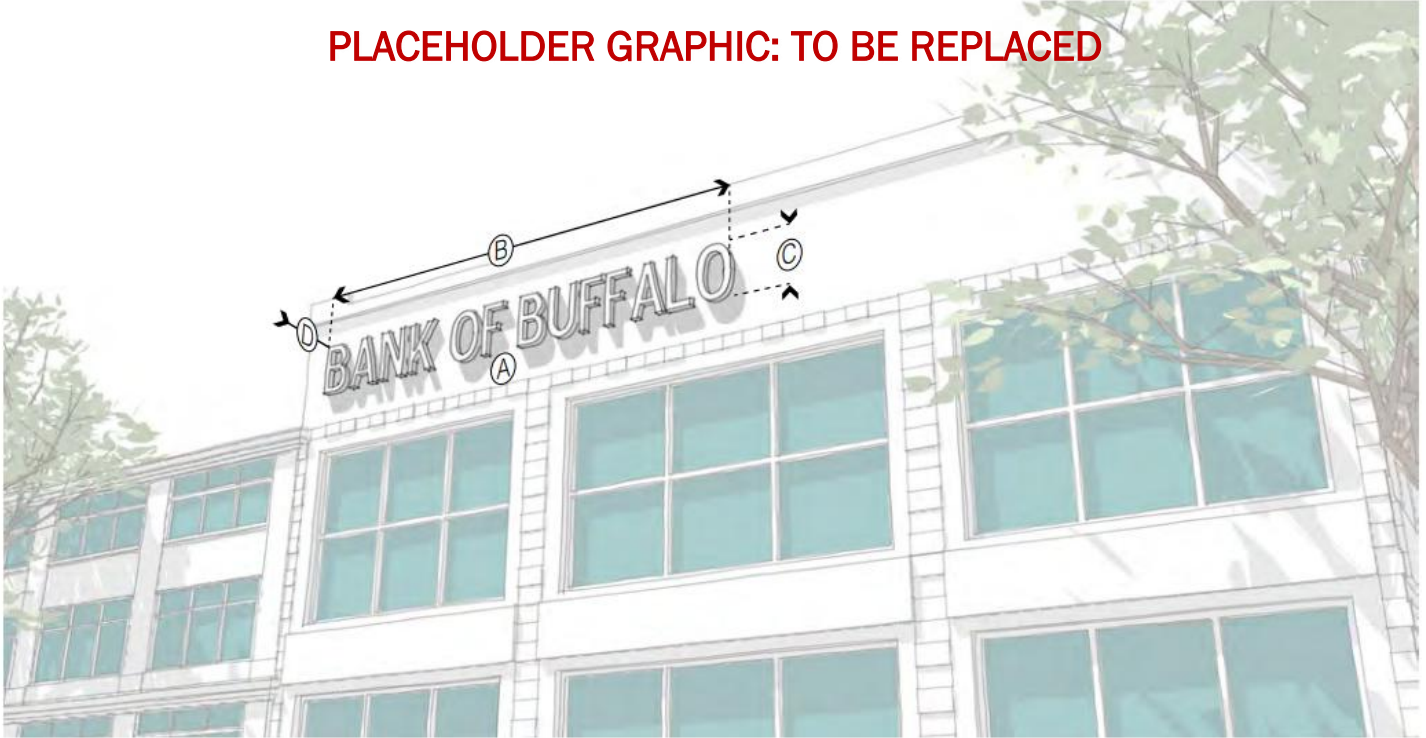
5.3.8.N Sidewalk Sign

- i. Description. A sidewalk sign is a two-sided, portable sign that is placed outside of an establishment, constructed in the form of an “A” or similar tent-like shape, or attached to a post with a heavy base, and intended to be viewed from the sidewalk at close range.
- ii. Dimensions

A	Area (max per side)	10 SF
B	Height (min/max total from sidewalk)	3’/4’
C	Setback from curb line (min)	18”
D	Distance between sidewalk signs (min)	15’
E	Distance from the main entrance (max)	5’

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one sidewalk sign is permitted within the right-of-way per establishment per fifteen feet of right-of-way frontage.
 - b. Placement and Clearance. A sidewalk sign may be placed outdoors on the premises or a public sidewalk during business hours only, and must be stored indoors at all other times. The sign must not interfere with ingress and egress points and must maintain a minimum of five feet of sidewalk clearance at all times. The sign must be located within the frontage zone or furnishing zone of the sidewalk.
 - c. Orientation. A sidewalk sign must be vertically oriented, with a height greater than its width.
 - d. Illumination. A sidewalk sign may not be illuminated or contain any electronic components.
 - e. Adverse Weather. A sidewalk sign may not be placed outdoors when high winds, heavy rain, or heavy snow conditions are present. The Department of Public Works may remove a sidewalk sign during snow removal operations, and is not liable for damage to a sidewalk sign caused by snow removal operations.

PLACEHOLDER GRAPHIC: TO BE REPLACED

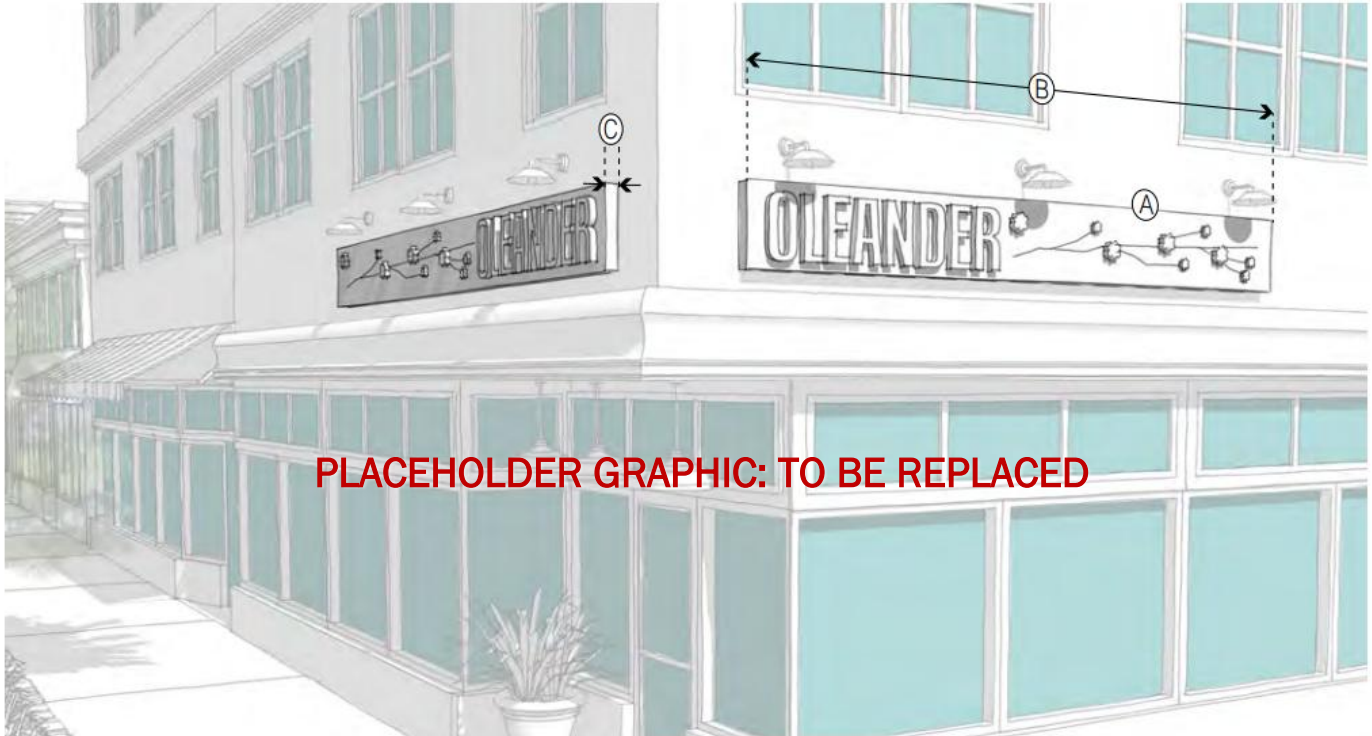


5.3.8.0 Skyline Sign

- i. Description. A sign attached flat to or mounted away from, but parallel to, the building facade, and located on the upper band of the building.
- ii. Dimensions

A	Area (max)	Table 5.3.A
B	Width (max)	75% of façade width
C	Height (max)	15'
D	Projection from wall (max)	5'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one skyline sign is permitted per right-of-way frontage.
 - b. Position. No portion of a skyline sign may extend above the roofline or parapet wall of a building with a flat roof or, in the case of a building with a pitched roof, above the lower eave.
 - c. Multi-Roof Buildings. If a building has multiple roofs, the dimensions and restrictions will be based on the wall on which the sign will be attached to.

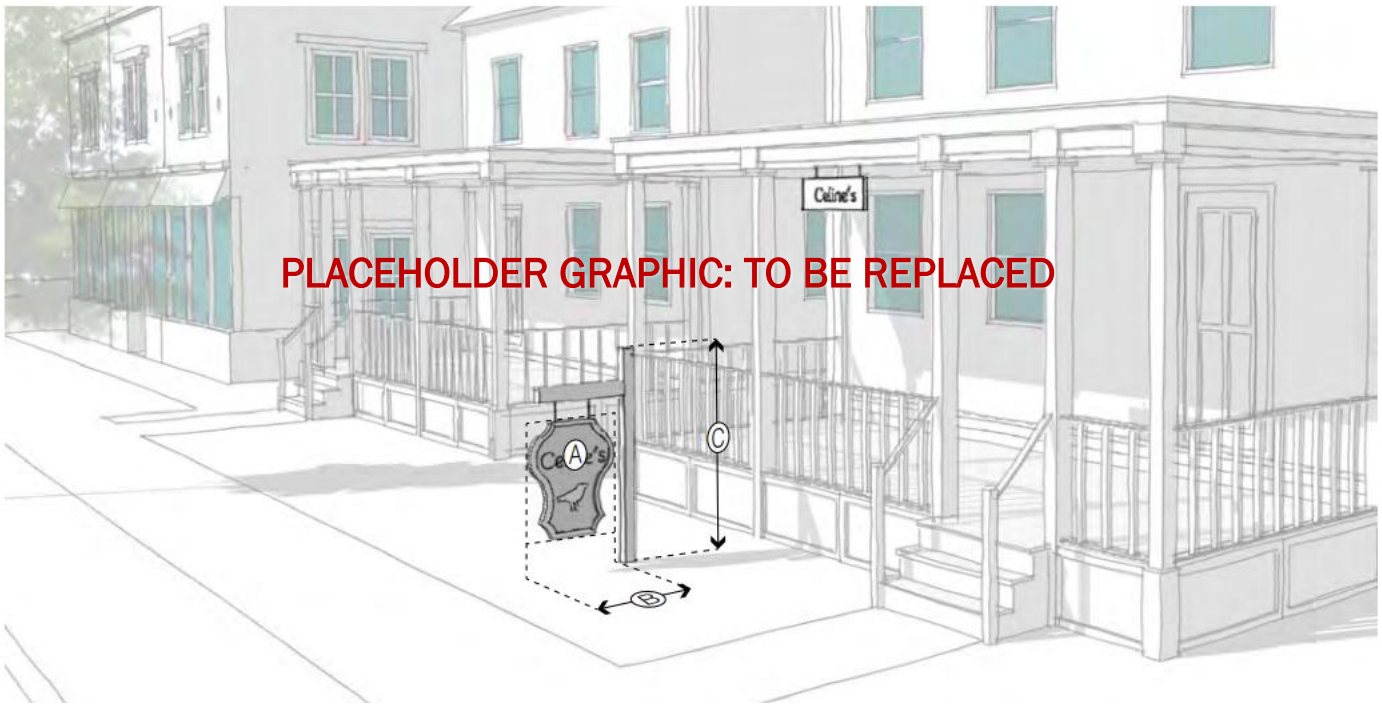


5.3.8.P Wall Sign

- i. Description. A wall sign is a sign that is attached flat to or mounted away from, but parallel to, any exterior wall of a structure.
- ii. Dimensions

A	Area (max)	Table 5.3.A
B	Width (max)	90% of façade width
C	Projection from wall (max)	1'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one wall sign is permitted per establishment per right-of-way frontage, with the exception of supplemental wall signs as described in this section.
 - b. Shopping Center. For the purpose of determining maximum number of signs, the front façade and interior façade of each establishment shall be considered to be fronting a right-of-way.
 - c. Supplemental Wall Signs. A maximum of one supplemental wall sign is allowed per building on an interior side or rear facade, and one additional supplemental sign on any other facade which faces an improved alley or pedestrian passage. Supplemental wall signs may not project more than six inches from a façade. Interior and rear façade supplemental wall signs are limited to 100 square feet in area in the NMU, MCC, CC, E, and R Districts and 200 square feet the HC, I, and T Districts. Alley or pedestrian passage façade supplemental wall signs are limited to 50 square feet in area in all districts where permitted.
 - d. Position. No wall sign may extend above the windowsills of the second story, unless the establishment extends to the second story or above and is floor space which is open to the public. No portion of a wall sign may extend above the roofline or parapet wall of a building with a flat roof, above the lower eave of a building with a pitched roof, or, in the case of a wall sign attached to an appurtenance, the highest point of the appurtenance.



PLACEHOLDER GRAPHIC: TO BE REPLACED

5.3.8.Q Yard Sign

- i. Description. A yard sign is a two-sided sign that is located on either one or two posts within a front or corner side yard, and intended to be viewed along the sidewalk at close range.
- ii. Dimensions

A	Area (max)	12 SF
B	Width (max, not including post)	4'
C	Height (max, including post)	5'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one yard sign is permitted per site per right-of-way frontage.
 - b. In Lieu of. An establishment may erect a yard sign along a right-of-way frontage only in lieu of a monument or pole sign.
 - c. Right-of-Way Encroachment. No part of a yard sign may encroach upon a public right-of-way or overhang a drive aisle, parking space, or walkway.

5.3.9 Permanent Exempt Signs

A permit shall not be required for the following signs. Except where noted otherwise, the types of signs listed below are allowed in addition to the maximum number and square footage of regulated signs as permitted in other sections of this Article:

- A. Address Sign.** House number or nameplate identifying the occupant or address of a structure and not exceeding two (2) square feet in area. An address sign is a building mounted sign that identifies the occupant and/or address of a structure.
 - i.** A maximum of one address sign is permitted per building per right-of-way frontage.
 - ii.** An address sign may not exceed two square feet in area for a property with only a residential use or four square feet in area for a property with non-residential uses.
- B. Athletic Field Sign.** An athletic field sign is a sign that is incorporated into and designed as part of an athletic field, frequently attached to a scoreboard or outfield fence or wall, and is oriented toward the athletic field.
 - i.** A scoreboard sign may contain an electronic message center (EMC), irrespective of the zone, but the EMC may be in operation only when the athletic facility is in use.
- C. ATM Sign.** An ATM is a sign that is incorporated into and designed as part of an automatic teller machine (ATM).
 - i.** The advertisement upon the ATM sign must be limited to the term "ATM" and the name and logo of the financial institution rendering the ATM service.
- D. Barber Pole.** A traditional sign made up of a striped vertical cylinder which may or may not rotate, and may have a ball on top.
 - i.** A maximum of one barber pole is permitted per building right-of-way frontage.
 - ii.** A barber pole may only be installed on a building in which there is a barber licensed by the West Virginia Board of Barbers and Cosmetologists. Any barber pole erected onto a building in which there is not a licensed barber for longer than 30 days shall be deemed an abandoned sign.
 - iii.** A barber pole may be no taller than 4 feet measured from bottom to the top of the cylinder.
 - iv.** A barber pole may not project more than 4 inches off of the façade over a pedestrian pathway such as a sidewalk unless the sign is mounted more than 7 feet high from average ground level to the bottom of the sign or has adequate ground detection for the visually impaired, per the ADA Design Standards for projections into an accessible pathway.
- E. Building Directory Sign.** A building directory sign is a sign listing the names and locations of persons or establishments on the premises, and carrying no other advertising matter.
 - i.** A maximum of one building directory sign is permitted per building per right-of-way frontage.
 - ii.** A building directory sign may not exceed 12 square feet in area.
- F. Building Identification Sign.** A building identification sign is a sign consisting of letters applied to the building wall, engraved into the building material, or consisting of a sculptural relief, and which contains the name of a building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.
- G. Community Bulletin Board.** A community bulletin board is a sign that is erected for the posting of temporary signs and contains no permanent advertising copy.
 - i.** A maximum of one community bulletin board is allowed per site.
 - ii.** A bulletin board may not exceed 12 square feet in area. A sign posted to a bulletin board may not exceed two square feet in area.
- H. Flag.** A flag is a piece of cloth, usually rectangular, of distinctive color and design, used as a symbol, standard, signal, or emblem, and attached to a flagpole.
 - i.** Failure to fly or display a United States flag in a manner that meets 36 U.S.C. 173-178 of the United States Code is considered a violation of this Ordinance.
 - ii.** Flags with commercial speech shall be prohibited.
- I. Fuel Pump Sign.** A fuel pump sign is a sign attached to a fuel pump advertising the cost of fuel.
 - i.** A fuel pump sign may not exceed two square feet in area per pump. Operational and payment instructions on the face of the pump are exempt from this limitation.
- J. Fuel Pump Canopy Sign.** A fuel pump canopy sign is a sign mounted on the canopy over the fuel pumps.
 - i.** Fuel pump canopy sign shall not exceed 2 SF per 1 linear feet of canopy length along the side where the sign is mounted and only 50% of a fuel canopy sign may be an EMC that may only advertise the price of fuel.
 - ii.** Only one fuel canopy sign is permitted per side of the fuel canopy and no more than four fuel canopy signs are permitted per fueling station.
- K. Government Sign.** A government sign is any sign placed or authorized by a government agency with jurisdiction to place such signage. Examples of government signs include traffic signs and signals, legal notices, railroad

crossing signs, or signs regulating the traffic of, or giving information to, motorists, transit riders, cyclists, or pedestrians.

- i. Government signs are permitted in any number, configuration, or size.
 - ii. In any zone, the type and extent of illumination of a government sign is at the discretion of the authorized government agency.
- L. Home Occupation Sign. A home occupation sign is a sign identifying a home occupation on the premises.
 - i. A maximum of one home occupation sign, attached to the wall of the dwelling, is permitted per home occupation.
 - ii. A home occupation sign may not exceed two square feet in area.
- M. Memorial Plaque. A memorial plaque is a freestanding or building-mounted plate of metal, ceramic, stone, wood, or other material, bearing text or an image in relief, or both, in memory of one or more persons, an event, a former use of the place, or other historical matter.
 - i. A memorial plaque located in the public right-of-way or on City property must be approved by the Arts and Humanities Commission.
- N. Menu Board. A menu board is a permanently mounted sign displaying the items for sale for a drive-through establishment.
 - i. A maximum of two menu boards are permitted per drive aisle of a drive-through establishment.
 - ii. A menu board may not exceed 40 square feet in area.
 - iii. The audio component of a menu board is limited to communication between customers and employees, and may not exceed a volume of five decibels over ambient sound as measured from the nearest property line.
- O. Motor Vehicle For-Sale Sign. A motor vehicle for-sale sign is a sign posted to a motor vehicle, indicating a sale price, vehicle make, and/or seller contact information.
 - i. A maximum of one motor vehicle for-sale sign is allowed per vehicle.
 - ii. A motor vehicle for-sale sign may not exceed four square feet in area.
- P. Newspaper Vending Box Sign. A newspaper vending box sign is a sign that is incorporated into and designed as part of a vending box for a newspaper or other periodical.
 - a. The advertisement upon the newspaper vending box sign must be limited to the periodical vended.
- Q. Parking Lot Directional Sign. A parking lot directional sign is a sign that includes information assisting in vehicle traffic flow or parking, including information identifying entrances and exits, driveway intersections, drive-through lanes, or loading areas.
 - i. A parking lot directional sign may not exceed four feet in height and four square feet in area.
 - ii. A parking lot directional sign may not be located within the clear-vision triangle formed by a driveway access and the street right-of-way line unless the sign is two feet and six inches or less in height from the average from level where it is located.
- R. Parking Lot Information Sign. A parking lot information sign is a sign that includes information on the operation of a parking lot, such as “No Parking” or “Unauthorized Users Shall Be Towed.”
 - i. A parking lot information sign may not exceed six feet in height and 12 square feet in area.
- S. Place Identification Sign. A place Identification sign is a sign indicating the name of a subdivision, block club, office or industrial park, education or medical campus, or other recognized place.
 - i. A maximum of one place identification sign is permitted per right-of-way intersection.
 - ii. A place identification sign may not exceed 12 square feet in area in the Neighborhood Districts, or 20 square feet in area in the in all other districts, and must not exceed four feet in height in any zone.
- T. Property Identification Sign. A property identification sign is a building-mounted sign identifying the property management company or apartment complex name of the premises.
 - i. A maximum of one property identification sign is permitted per building per right-of-way frontage.
 - ii. A property identification sign may not exceed four square feet in area.
- U. Public Information Sign. A public information sign is any sign that provides information on the use of the facility, such as directional signs, trailhead entry signs, and information kiosks.
 - i. A public information sign may not exceed 12 square feet in area in the Neighborhood Districts, or 20 square feet in area in all other zoning districts. Public information signs located in state, county, or city trails or parks are exempt from these area limitations.
- V. Street Light Banner Sign. A street light banner sign is a sign that is printed upon flexible material and held taut within frames, attached to a street light.
 - i. Street light banner signs are allowed only with the authorization, and in accordance with the specifications, of the Director of Public Works.

- W.** Transit Advertisement Sign. A transit advertising sign is an advertising sign that is erected by the Fairmont-Marion County Transit Authority on any of its property, including bus shelters, transit stations, and transit vehicles.
- X.** Utility Sign. A utility sign is installed by a public utility in its right-of-way or on its facility, and bearing no commercial message other than such message is necessary to identify the public utility and the use, and warn of any hazards
- Y.** Vending Machine Sign. A vending machine sign is a sign that is incorporated into and designed as part of a vending machine.
 - i.** The advertisement upon the vending machine sign must be limited to the products vended.
- Z.** Window Sign. A window sign is a sign that is attached to, placed upon, printed on the interior or exterior of a window or door of a building, or displayed within one foot of the interior of a window, and is clearly intended for public recognition outside the building.
 - i.** The total area of window signs may not exceed 33% of the total area of the window, or four square feet, whichever is greater. The total area of the window is measured as the area of continuous glazing until divided by an architectural or structural element, not including mullions.

5.3.10 Temporary Exempt Signs

The following temporary signs do not require a sign permit, but must follow applicable standards.

- A.** Banner Sign. A banner sign is a temporary sign that is printed or displayed upon flexible material with or without frames, which advertises a special sale, event, or activity.
 - a.** A maximum of one banner sign is permitted per establishment per right-of-way frontage. A banner for a temporary, non-commercial event may be extended over a public right-of-way, including over the entire right-of-way, only with the approval of the Director of Public Works.
 - b.** A banner sign is limited to 35 square feet in area unless extended over a public right-of-way, in which case a banner sign is limited to a maximum width equal to that of the right-of-way and a maximum height of five feet, or any limitations to size set by the Director of Public Works.
 - c.** A banner sign may not be illuminated.
 - d.** A banner sign is limited to the following display periods:
 - i.** Banner signs may be displayed for up to 30 days.
 - ii.** A maximum of three display periods per year is permitted per establishment, so long as there is a minimum of 30 days between displays.
- B.** Construction Sign. A construction sign is a temporary sign intended to provide information about current construction on a site and the parties involved in the project.
 - a.** A maximum of one construction sign is permitted per site. A construction sign may identify the developer, builder, architect, contractor, subcontractor, material supplier, elected officials, participating government agencies, and/or project description for an on-premises construction project.
 - b.** The area of a construction sign may not exceed 35 square feet.
 - c.** A construction sign may be erected only after approval of a building permit, and must be removed within two days of issuance of a certificate of occupancy.
- C.** Non-Commercial Sign. A non-commercial sign is any sign containing no commercial speech (e.g. branding, logo, products, services, or similar commercial elements), including signs advocating for a public issue or candidate for public office.
 - a.** For parcels zoned with residential districts, the total area of non-commercial signs may not exceed

5.3.11 Off-Premise Signs

An off-premise sign, also known as a billboard, is a permanent sign erected, maintained, or used for the purpose of the display of messages not related to the use of, products sold on, or the sale or lease of, the property on which it is displayed. A highway-oriented off-premise sign is an off-premise sign that is oriented to and within 660 feet of a highway.

- A. Permitted Locations.** Highway-oriented off-premise signs are permitted to be free-standing in the Highway Commercial District and must be oriented to Interstate 79.
- B. Conditionally Permitted Off-Premise.** Off-premise signs shall be conditionally permitted as free-standing, wall signs, or roof signs in the Industrial District. The Conditional Use Permit Application must include a scaled site plan and drawings of the proposed sign structure.
- C. Off-Premise Sign Setbacks.** Off-premise signs must meet the following distance requirements:
 - i.** Be located more than 200 feet from any zoning district which off-premise signs are not permitted or conditionally permitted.
 - ii.** Be located more than 1000 feet from any other off-premise sign that is oriented to the same public right-of-way and the same direction of traffic.
 - iii.** Highway-oriented off-premise signs must be located at least 2000 feet from any other highway-oriented off-premise signs oriented on the same highway and in the same direction of traffic.
 - iv.** Be located at least 40 feet from any dwelling, exception for dwellings located within the building an off-premise sign is mounted to.
 - v.** If free-standing, be setback at least 20 feet from any right-of-way.
- D. Dimensions.** Off-premise signs are limited to a maximum sign area as follows:
 - i.** An off-premise sign that is not oriented to a highway may be no more than 300 square feet in sign area per sign face.
 - ii.** A highway-oriented off-premise may be no more than 672 square feet in area per sign face, plus an additional 20% of sign area for extensions or embellishments.
- E. Height.** Off-premise signs are limited to a maximum sign height as follows:
 - i.** An off-premise sign, including support structures, that is not oriented to a highway, may have a maximum overall height of 25 feet above ground level, except for building mounted off-premise signs, which may be no greater than 20 feet above

the peak of the roof to which the off-premise sign is attached.

- ii.** Building-mounted off-premise signs are prohibited on a front facade of a building and must be positioned above the first story or on the roof of a building.
- iii.** A highway-oriented off-premise sign may have a sign height of up to 40 feet measured from the average grade of the base of the sign structure.
- F. Facings.** Off-premise signs may have a maximum of two sign faces, so long as the sign faces are positioned back-to-back.
- G. Illumination.** Off-premise signs shall be prohibited from being an EMC sign or any other type of electronic display, shall orient lights downward to reduce light pollution, and shall shield all lights so that the illumination source is not visible from beyond the property in which the off-premise sign is located.
- H. Movement.** Off-premise signs shall be prohibited from having any animation, movement, or moving light.
- I. Vehicles.** Off-premise signs are prohibited from being attached to a vehicle.
- J. Damaged or Structurally Deficient.** Damaged off-premise signs must be removed or demolished. Non-conforming off-premise signs, if structurally deficient, even if damaged by natural disaster or other means, must be demolished and cannot be reconstructed.
- K. Fee.** Annual inspection and fee will be required of all off-premise signs.

Current Article 5.3 Text

5.3 SIGNS AND SIMILAR STRUCTURES

1. Scope

The purpose of this ordinance is to create the legal framework for a comprehensive and balanced system of signs that will preserve the right of free speech and expression, provide an easy and pleasant communication between people and their environment, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this ordinance to authorize the use of signs that are:

- A. Compatible with their surroundings;
- B. Appropriate to the activity that displays them;
- C. Expressive of the identity of individual activities and the community as a whole; and
- D. Legible in the circumstances in which they are seen.

2. Procedures and Permits

- A. It shall be unlawful for any person to erect, structurally alter, or relocate any sign or sign structure without first obtaining a permit from the Building Department, except as provided in Section 5.3.3, Permit Exemptions.
- B. The application for the permit for a sign shall be made upon forms provided by the Building Department. All applications shall at a minimum be accompanied by accurate sketches and scaled drawings showing the proposed sign or sign structure, its content, and the location of the proposed sign upon the premises. All applications shall be accompanied by the requisite application fee which shall be established by the Building Department. All applications shall be accompanied by the written consent of the owner or his designated agent of the premises upon which the sign is to be erected or his designated agent.
 - i. No application shall be accepted for review unless it is complete, accompanied by the appropriate fee and signed by the applicant. The Building Inspector may require that the location of a proposed sign be based on a survey by a registered land surveyor or engineer, at the expense of the applicant.

The Building Inspector shall endeavor to complete a review of the completed application within ten (10) working/business days.

- C. At any time and at his sole discretion, the Building Inspector may inspect existing signs to determine if they are detrimental to the public health, safety and welfare. If they are detrimental to the public health, safety and welfare, they shall be removed or repaired within five (5) working/business days following the determination by the Building Inspector. At the determination of the Building Inspector, more time may be granted to repair or replace the sign if the property owner can demonstrate a good faith effort of working toward compliance with this ordinance. If a nonconforming sign is determined by the Building Inspector or owner to require repair, it must be brought into compliance with these regulations within a period of time determined by the Building Inspector.
- D. With all applications for a permit under this Article there shall be a bond with surety approved by the City or a public liability insurance policy issued by an insurance company doing business in this State covering the period of construction and maintenance after completion, which bond or insurance policy shall protect against personal injuries and property damage with limits of not less than one million dollars (\$1,000,000.00), and shall provide for the matters and requirements contained in this Article.
 - i. The City shall be named as an additional insured on any such bond or policy of insurance issued hereunder and it shall be indicated on the policy or separate documentation that the City shall be notified of coverage termination. If work authorized by a permit has not been completed within six months after the date of issuance, such permit shall become null and void and the sign or such portion thereof as may be completed shall be deemed abandoned.

3. Permit Exemptions

A permit shall not be required for the following signs and activities. Except where noted otherwise, the types of signs listed below are allowed in addition to the maximum number and square footage of regulated signs as permitted in other sections of this Article:

- A. Servicing, repainting, or cleaning an existing sign, except where such activity requires structural alterations either of the sign pole or the structure supporting the sign face.
- B. House number or nameplate identifying the occupant or address of a structure and not exceeding two (2) square feet in area.
- C. Real estate sign which is six (6) square feet or less in surface area and is five (5) feet or less in height, provided that there shall be no more than one such sign for any street frontage and such sign shall not project beyond the property line. The sign shall advertise the building or property on which the sign is located, and must be located so as not to obstruct or interfere with view of drivers on public roads or those accessing the property.
- D. The name of the building and date of erection, when cut into any masonry surface or tablet sign.
- E. One banner advertising a particular event for a business shall be allowed provided that:
 - i. Such sign shall be placed no more than seven (7) days prior to the event and removed no later than seven (7) days after the event.
 - ii. Such signs can only be used three (3) times a year.
- F. Any non-commercial flag bearing the official seal of the United States, other recognized country, or State of West Virginia.
- G. Traffic or other official government sign, such as legal notice, railroad crossing, danger or other emergency sign.
- H. Yard, garage, or moving sale signs that are placed no more than seven (7) days prior to the sale and removed within two (2) days after the conclusion of the sale.
- I. Traffic control signs on private residential property which contains no commercial message of any sort.
- J. Public warning signs for trespassing or danger area.
- K. Temporary nonprofit event sign which does not exceed sixteen (16) square feet, and is only permitted when used to advertise a specific event.

These signs shall only be permitted for the period of not more than fourteen (14) days prior to the event and five (5) days after the specific event has ended.

- L. Non-commercial seasonal signs.
- M. Drive-through menu signs.
- N. One banner advertising the opening of new businesses shall be allowed as an alternative to a permitted permanent wall sign provided that:
 - i. Such signs for new businesses shall be limited to a duration of thirty (30) days within the first sixty (60) days after issuance of the first business license for that business in that location or from the issuance of a Certificate of Occupancy for that location, whichever is later.
 - ii. Such signs shall be attached to and parallel with a wall of the building on which wall signs are permitted and shall not exceed thirty-two (32) square feet in surface area.
- O. Temporary commercial signs placed by businesses or the West Virginia Division of Highways during the construction of any road improvement project. To be exempted from the permitting process, a business may either (a) relocate its permanent sign out of the construction zone to a temporary location on-site, or (b) replace the permanent sign with a temporary new sign no larger than the maximum height and size limits permitted in the zoning district. In any case, once the road improvements are completed in front of the business, any sign placed temporarily during the construction period must be removed within seven (7) days.
- P. The changing of an approved copy or message of a sign specifically designed for the use of replaceable or changeable copy.
- Q. Construction signs which are thirty-two (32) square feet and non-illuminated placed on the building site only.
- R. Sandwich Board. Such sandwich board signs shall be permitted for the purpose of announcing activities and specials with a total area, inclusive of all structural support, not greater than six (6) square feet per side and located on the property where the business is located, and must be taken inside daily at the end of business hours or 9 PM, whichever is earlier. Sandwich board signs are not permitted in residential districts.

4. Measurement of Individual Sign Area

This Section of the Article explains how a sign is to be measured in order to determine its size.

- A. The permitted maximum size of a sign shall apply to the entire area enclosing the extreme limits of writing, representation, emblem or figure, together with any frame or other material or color forming an integral part of the display or used to differentiate a sign from the background against which it is placed. Necessary supports or uprights on which a sign is placed are excluded from the measurement of sign area.
- B. The permitted actual size of a sign shall apply to each facing of a sign structure; however, where signs are double-faced, placed back-to-back, or in a V-type construction, only one side of the sign shall be counted when the V is at a 45-degree angle or less. Back-to-back signs must be enclosed within the same cabinet or affixed to the same pole and not separated by more than eighteen (18) inches to qualify under this Section.
- C. If a sign is painted on a wall, and includes background colors and/or graphics, and if the sign is an integral part of the overall graphic scheme, the entire wall shall be considered a sign and its measurement computed as such. If a sign is painted on a wall, and the sign can be logically separated and measured separately from the background graphics, the background graphic scheme shall not be computed in the sign size.
- D. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. No filling, berming, mounding or excavating for the purpose of locating the sign is permitted

5. Prohibited Signs. The following signs are prohibited in all districts, except as otherwise noted herein:

- A. A flashing sign or an animated sign which incorporates in any manner flashing or moving lights or any other visible moving or revolving part.
- B. Commercial banners, pennants, flags (except as permitted in Section 5.3.3, Permit Exemptions), spinners, or streamer.
- C. Signs which resemble any traffic sign or traffic control device on a public street or road, by reason of size, shape, location, color, or illumination and/or which make use of such words as "STOP", "LOOK", "DANGER", or other similar words, phrases, symbols, or characters, in such a manner

as to imply the need or requirement of stopping or the existence of danger.

- D. Signs which obstruct free ingress or egress from a door, window, fire escape, or other exit way
- E. Vehicle signs which are displayed for the purpose of exhibiting commercial advertising, identifying an on-site business, or supplying directional information to an off-site business, by means of any of the following:
 - i. The absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed; or
 - ii. The vehicle being inoperable; or
 - iii. The vehicle on which the sign is displayed is not parked in a lawful or authorized location, or is parked in a manner that is distinct or different from the pre-determined parking area; or
 - iv. A vehicle that utilizes a sign that is not an integral piece of an automobile is not permitted. No additional materials can be added to a vehicle for the purpose of using it as a sign; or
 - v. The primary use of the vehicle on which the sign is displayed is not for business activities associated with products or services designated by the sign. Primary use shall be determined by the Building Inspector; or
 - vi. The vehicle on which the sign is displayed is a part, section, or element of an outdoor display by a dealership or business of transportation vehicles such as motor vehicle, recreational vehicle, watercraft, manufactured home, motorcycle, or utility trailer.
- F. Changeable letter freestanding signs or portable signs.
- G. Signs determined by the Building Inspector to contain subject matter defined within this ordinance related to "Specified Sexual Activities" or "Specified Anatomical Areas".
- H. Signs now or hereafter existing which no longer advertise a bona fide business, activity, campaign, service or product.
- I. Any sign located in a public right-of-way, except as permitted by the West Virginia Department of Transportation or the City of Fairmont and in compliance with all local regulations. Any sign placed in the public right-of-way in violation of this

code shall be prohibited and may be seized by the enforcement official or other representative of the City, and the person owning or placing the sign may be charged both with a violation of this chapter and with the cost of removing and disposing of the sign.

- J. Signs attached to utility poles and West Virginia Division of Highways sign poles.
- K. All off-premise signs, except as permitted by this Article.
- L. Signs or banners placed on fabric not intended to be used for such purpose.

6. General Sign Regulations.

A. Regulations by Type of Sign:

- i. Electronic Changing Message Sign. Political subdivisions may be permitted these types of signs upon approval by the Board of Zoning Appeals upon pre-approved forms in accordance with the provisions of Section 8.9 et seq., Board of Zoning Appeals of this Code.
- ii. Kiosks shall be permitted for the purpose of announcing activities, and the like, scheduled to occur in such buildings. One (1) square foot per one (1) lineal foot of street frontage shall be permitted with the total aggregate sign area not exceeding forty (40) square feet. Such kiosks shall not be closer than ten (10) feet to the curb nor more than ten (10) feet in overall height above grade.
- iii. Dynamic Signs. Must adhere to the following standards, in addition to compliance with all applicable districts and all other general sign regulations:
 - a. Can only be fifty (50) percent of the maximum sign area permitted for an on-premise sign;
 - b. Dynamic signs may only be in the form of wall mounted or monument signs. No pole mounted or roof mounted dynamic signs are permitted;
 - c. If the proposed location for said sign is adjacent to any property classified, used or occupied as residential, such sign shall not be illuminated by artificial means after 9:00 p.m.; in no case shall a dynamic sign be lit from 11p.m. to 6a.m.;
 - d. No sign may exceed a maximum illumination of 0.8 foot-candles above

ambient light level as measured from the edge of the property boundaries;

- e. No such sign shall be of such a nature or character as to be detrimental or injurious to any adjacent property; the neighborhood or the public welfare;
 - f. Only one (1) per place of business is permitted regardless of the number of street frontages the businesses occupy;
 - g. Display area must freeze on a black screen if the sign malfunctions;
 - h. Will be subjected to an annual fee and inspection by the Building Inspector;
 - i. Must be tied into the Amber Alert system unless the applicant adequately demonstrates that this requirement cannot be met;
 - j. Any such sign shall be placed only in such a location that is in harmony with the general purpose and intent of this Article;
 - k. Such sign shall not be placed in a location that will cause confusion or provide a distraction to vehicular traffic;
 - l. The message displayed on such signs shall relate exclusively to activities or events which are slated to occur on the same premises as the location of the sign; No off-premise advertising is permitted. Exceptions for units of local government which may use signs to announce public events at their sole discretion;
 - m. The message shall be limited in words and duration so that it can be read in no less than eight (8) seconds and not cause confusion or provide a distraction to vehicular traffic;
 - n. Message or text is prohibited from scrolling across screens. Transition between screens must be instantaneous without fading or dissolving; and
 - o. Such additional requirements as may be necessitated by exceptional physical conditions of the applicant's parcel real estate.
- iv. Monument Signs. All monument signs shall stand in a bed of cultivated landscaping. This area shall contain low-growing materials

- such as vegetative ground cover, perennials, and shrubs and shall be bordered by acceptable curbing such as wood or concrete. Such curbing shall be located in such a manner so as to prevent automobiles from contacting the sign when maneuvering. The perimeter of the landscaped area shall extend outward from the monument sign by at least four (4) feet.
- v. Projecting Signs. Shall be governed by the following regulations
 - a. A projecting sign shall not extend over more than one-half (1/2) of a public sidewalk nor be lower than nine (9) feet above ground level.
 - b. They shall be attached at least six (6) inches away from the wall, and angular projection at the corner of a building is prohibited.
 - c. Shall project from the wall at an angle of ninety (90) degrees.
 - d. Shall not extend vertically beyond the window sill of the second story.
 - vi. Imbedded Building Signs. Shall be no more than twenty (20) square feet in size and shall only bear the name of the owner, the name of the building, or the date of erection of the building.
 - vii. Permanent Window Signs. Shall be regulated by the following stipulations:
 - a. All window signs shall consist of high-quality durable materials. Floating neon, applied vinyl, etched glass, and painted images with appropriate design features shall be considered.
 - b. Neither temporary nor permanent signs shall obscure the visibility of the store interior or its merchandise displays.
 - c. Borders around or adjacent to and backgrounds behind window sign lettering shall count toward the total sign area. All window signs shall be included in the total allowable sign area.
 - d. Window signs shall not exceed ten (10) percent of each individual window up to a maximum of eight (8) square feet per window and a total of twenty-five (25) square feet per building façade.
 - e. Messages shall be placed only within the top twenty-five (25) percent or bottom twenty-five (25) percent of a window.
 - f. All window lettering/window signs shall require issuance of an appropriate sign permit.
- B. General regulations applicable to all signs:
- i. No sign shall be permitted within the clear-vision area as defined.
 - ii. The back of any permitted sign structure must be shielded from public view by a building, other structure, high planting, or another sign of the same size (where permitted), unless such back is painted a neutral color or is enclosed in a solid metal backing that is treated or painted against corrosion.
 - iii. All signs shall be maintained in good and safe structural condition.
 - iv. The general area in the vicinity of a sign must be kept clear of weeds, debris, trash, and other refuse by the property owner.
 - v. In no case shall any sign cast light directly upon any part of an adjacent residential property at any time of the day or night.
 - vi. Lots fronting two or more streets are allowed the permitted sign size for each street frontage. The square footage permitted for each street frontage cannot be combined and used on one (1) frontage. In no case shall the maximum aggregate sign area for the respective zoning district be exceeded unless expressly permitted by this ordinance.
 - vii. All signs, except where noted, must be placed on the property containing the business which is being advertised. In no case shall any part of the sign be placed within five (5) feet of a private or public right-of-way. Unless otherwise restricted in this ordinance, a sign shall comply with the height regulations for structures in the zoning district where the sign is located or unless otherwise specifically regulated in this Article.
 - viii. Signs must be placed on the frontage side which was used to calculate the size of the sign. An exception to this requirement may be made by the Building Inspector in

accordance with the provisions set forth herein:

- a. Such additional sign location shall be necessitated by the exceptional physical conditions of the applicant's parcel of real estate, which may include the fact that the parcel is exceptionally narrow, shallow or steep;
- b. No two signs shall be located within ten (10) lineal feet of each other. No portion of either sign face shall be considered in calculating the required distance;
- c. The location of the sign shall not cause or permit an increase in the applicable maximum permitted aggregate signage;
- d. If the proposed conditional location is adjacent to any property classified, used or occupied as residential, whether single family or multi-tenant, such sign shall not be illuminated by any artificial means;
- e. No such sign shall be of such a nature as to be detrimental or injurious to any adjacent property; the neighborhood or the public welfare;
- f. Any such sign must be placed in a location that is in harmony with the general purpose and intent of this article;
- g. No sign or sign structure shall be erected or placed at any location where, by reason of the position, shape, size or color of the sign it may interfere with, obstruct or prevent the free ingress, egress and regress to or upon any sidewalk, street, or alley of the City.
- ix. Any sign not specifically mentioned is prohibited

7. On-Premise Signs

- A. Residential Districts: Mobile Home Park, General Residential, and Neighborhood Residential, as follows, except as noted under Section 5.3.7.D, Signs for Parking Areas:
 - i. One non-illuminated nameplate sign or non-illuminated, non-commercial message are permitted, provided the surface area does not exceed two (2) square feet and the sign is set back at least five (5) feet from the front

property line. The maximum height of the sign shall be six (6) feet.

- ii. One or more wall or monument signs shall be permitted for the conditional uses where permitted: church, school, museum, other community facility, other use, or nonresidential principal use. One (1) square foot per one (1) lineal foot of street frontage shall be permitted with the total aggregate sign area not exceeding forty (40) square feet. Such sign shall be solely for the purpose of identifying the use and its services or activities, or identifying the building, and may be illuminated by means which directs light onto sign face only. No illuminated or flood lights are permitted. Changeable copy signs may also be permitted provided that they do not exceed fifty (50) percent of the total area of the sign
- iii. One (1) kiosk shall be permitted for the following conditional uses where permitted: church, school, museum, or other community facility, as defined by the City Code.
- iv. For major subdivision development: one permanent identification sign not exceeding forty (40) square feet in area. The Building Inspector may approve additional subdivision entrance signs where he finds affirmatively to at least one (1) of the following criteria:
 - a. The subdivision has principal entrances from two or more major streets
 - b. The subdivision is physically divided by an existing major street.
 - c. Major entrances from the same street are separated by at least 330 feet.
- v. Multi-family residential complexes may be permitted one (1) sign identifying a rental office which shall not exceed four (4) square feet if the sign is visible from a public right-of-way;
- B. Highway Commercial, Industrial, High Technology Park, and Business Districts: Neighborhood Mixed Use, Main Corridor Commercial, City Center, and Educational: On-premise signs shall be permitted as follows:
 - i. Area Limit:
 - a. In the Highway Commercial, Industrial, and High Technology Park districts, the

- maximum aggregate area for all signs is three hundred (300) square feet per place of business unless expressly permitted otherwise by this ordinance. One (1) square foot per one (1) lineal foot of street frontage shall be permitted.
- b. In the Business districts: Neighborhood Mixed Use, Main Corridor Commercial, City Center, the aggregate area for all signs shall be limited to one (1) square foot per one (1) lineal foot of street frontage with a maximum aggregate area of one-hundred (100) square feet per frontage per place of business unless otherwise expressly permitted in this ordinance.
- ii. Height Limit:
 - a. In the Highway Commercial, Industrial, and High Technology Park districts, the overall height limit of the entire sign structure shall be twenty (20) feet from grade.
 - b. In the Business districts, the overall height limit of the entire sign structure shall be ten (10) feet from normal grade.
 - iii. Permitted Signs: The following signs are permitted and shall be regulated as follows in regard to number, size and type of on-premise signs:
 - a. Monument Signs: Monument signs shall be limited to a total of one (1) per street frontage. To provide an incentive for business to erect monument signs in Business and Industrial districts, the maximum size for monument signs may be increased to one- and-one-quarter (1 1/4) square feet per one (1) linear foot of street frontage. In the Business districts there is a maximum of 125 square feet. In no case shall a business be permitted both a pole sign and a monument sign. The following example is provided to illustrate the incentive; Example: A business has 100 linear feet of frontage may elect to have a 50 square foot wall sign, and a monument sign as large as 62.5 square feet including the 25% bonus allowed for monument signs.
 - b. Marquee Signs: No more than one (1) marquee sign shall be permitted per place of business. No part of the sign shall extend beyond the outer edge of the marquee. The roofs of all marquees shall be properly guttered and connected by downspouts so that the water there from will not drip or flow onto public property.
 - c. Wall Signs: An identification sign on an awning or canopy shall be considered a wall sign. Under no circumstances shall a permitted wall signs cover more than thirty-three (33) percent of a side of a building. A wall sign shall not extend further than twelve (12) inches above or from the building to which the sign is attached.
 - d. Kiosks: No more than one (1) kiosk shall be permitted for the following uses where permitted: church, school, museum, or other community facility, as defined by this City Code.
 - e. Roof Signs: In the Highway Commercial, Industrial, and High Technology Park districts, only one (1) roof sign shall be permitted per place of business. The height of a roof sign shall not exceed three (3) feet above the average height of the roof parapet. The size of a roof sign shall not exceed seventy-five (75) percent of the lot frontage (i.e., 0.75 square feet for every one (1) linear foot). No roof sign shall project over a public right-of-way. In no case shall it exceed the applicable district height limit for primary structures.
 - 1. The supporting members of roof-mount signs shall appear to be free of any extra bracing, angle irons, guy wires or cables. Supports shall appear to be an architectural and integral part of the building. Supporting columns of round, square or shaped steel members may be erected if the required

bracing which is visible to the public is minimized or covered.

- f. Pole signs: No more than one (1) pole sign shall be permitted per place of business. In no case shall a business be permitted both a pole sign and a monument sign on the same frontage.
 - g. Changeable Copy Signs: Signs with changeable copy are permitted provided that the changeable copy area does not exceed fifty (50) percent of the total permitted area of the sign. Changeable copy area is calculated in relation to the maximum aggregate sign area permitted in the zoning district.
 - h. Projecting signs: A maximum sign size of twenty (20) square feet and a height of fifteen (15) feet is permitted.
 - i. Dynamic Signs are permitted in Highway Commercial, Main Corridor Commercial and City Center districts excluding the Downtown Historic district and subject to standards in Section 5.3.6.
- C. Historic Districts. All signs in any zoning district which has been properly designated a historic district as provided for by this Fairmont Code, shall meet the requirements of the Historic Preservation Review Commission, in addition to satisfying all applicable regulations, restrictions or requirements of the district in which they are to be located.
- i. General sign requirements. All newly erected or replacement signs within the City of Fairmont's Historic districts must be approved by the Fairmont Historic Preservation Review Commission (FHPRC). Proposed signs for FHPRC review must be submitted with photos, drawings, color samples, and the City of Fairmont Sign Application.
 - ii. The size and location of any newly constructed or reconstructed or replacement sign in the designated historic districts must be consistent and compatible with the architecture, design, scale, and height of the building. With regards to the size, color and graphic representation of signage the FHPRC will allow a creative, diverse, and unique approach, however, signs shall not overwhelm or obscure architectural elements or details.
- iii. Original signage deemed historically significant by the FHPRC must be retained and preserved where feasible. This is also applicable to mosaic tile and sidewalk signs.
 - iv. Lettering and Graphics that are carved or painted onto the background of the primary material shall be permitted.
 - v. All wood signs must be painted. Stains and varnishes that create a rustic appearance shall not be used.
 - vi. Indirect lighting with period lighting fixtures to illuminate signs and the surrounding building façade shall be permitted.
 - vii. Signs shall be limited to trading name and logo only.
 - viii. Sign and sign logo are to be of a "Theme Nature", that reinforces the name of the business, and products sold by the business.
 - ix. Animated components, flashing or lights, formed plastic, injected molded plastic, channel letters, or box sign with acrylic front are prohibited.
 - x. All signs or sign panels must have finished edges to form a cap that frames the sign.
 - xi. No exposed conduit, tubing raceways, conductors, transformers, or other equipment shall be permitted on the exterior of a building.
 - xii. Sign illumination is limited to the hours 6AM to 9PM or between store hours of business.
 - xiii. All sign bolt fastening and clips shall be of hot dipped and galvanized iron, stainless steel, aluminum, glass or bronze, no black iron materials of any type shall be permitted, and materials that will corrode or rust may not be used.
 - xiv. Location of all openings for conduits and sleeves in the sign shall be indicated by the sign contractor on drawings submitted. The sign contractor will install same in accordance with the approved drawing.
 - xv. No sign maker's labels or other identification (including UL Label) shall be permitted on the exposed surface of signs, except those required by local ordinance. If required by local ordinance, such labels or other

- identifications shall be in an inconspicuous location.
- xvi. The following types of lighting for signs will not be permitted
 - a. Exposed fluorescent tubes
 - b. Unshielded lamps
 - c. Exposed light bulbs
 - d. Mercury vapor
 - e. Sodium vapor
 - xvii. The use of natural materials is encouraged. Acceptable materials for the sign, and sign band are:
 - a. Finished wood
 - b. Polished or brushed aluminum
 - c. Bronze
 - d. Painted wood
 - e. Glass
 - f. Other material approved by the FHPRC
 - xviii. The following materials are prohibited
 - a. Simulated brick
 - b. Simulated stone
 - c. Simulated wood or wood grain plastic laminate
 - d. Peg board
 - e. Wall covering
 - f. Texture paint
 - g. Fake stucco
 - xix. All interior signs located within five (5) feet of front window and can be seen from the exterior of the building must be approved by FHPRC and must meet the above criteria
 - xx. Professionally painted or lettered signs on glass doors or show windows are encouraged.
 - xxi. Any alteration to existing sign must be approved by FHPRC, and the work must be completed by a professional sign fabricator.
 - xxii. Internally illuminated cabinet signs and neon "open" signs are prohibited.
8. Parking Areas. On-premise signs for parking areas shall be regulated as follows in all districts:
- A. Directional signs and pavement markings may be used to control vehicular movement in a parking area. Signs shall be limited to six (6) square feet each with an overall height limit of four (4) feet.
 - B. Parking or driveway area signs are permitted for the purpose of indicating entrances, exits, name of establishment to which such parking area is accessory, or conditions of use. The actual business occupying the site. No additional advertising on such signs may be permitted.
9. Unique Land Uses
- A. Hospitals. Hospitals shall be permitted one (1) monument sign at each entrance which shall not exceed 120 square feet in area or ten (10) feet in height. Hospitals also shall be permitted one (1) building-mounted sign for each building entrance for the purpose of identifying a hospital function. No such sign shall exceed fifty (50) square feet in area. On-site parking directional signs and pavement markings shall be used to control vehicular movement in a parking area. Signs shall be limited to twenty-five (25) square feet each and shall not exceed six (6) feet in height.
 - B. Gasoline Stations/Convenience Stores. In addition to other sign regulations contained in this ordinance, these establishments which sell gasoline may have the following signs:
 - i. Signs identifying only gasoline prices and/or the location of full- service and self-service areas may be located at and secured to each pump island and shall not be calculated in the maximum aggregate sign area. Temporary signs, attached to the pumps and no larger than one (1) square foot each, shall not be computed in the maximum aggregate sign area permitted for the business by this ordinance.
 - ii. Each gasoline pump may display only the brand name or emblem of the gasoline, which shall not exceed the limits on the face of the pump.
 - iii. Where the establishment provides inspection services, a State of West Virginia inspections sign may be erected on the property, provided that the sign does not exceed a surface area of eight (8) square feet per side.
 - iv. Signs informing the general public of employee certifications and the use of special brand name products used in the conduct of general daily business may be erected if placed flush against the building and shall be exempt from this regulation.
 - v. Signs which may be required by local, state or federal law in the interest of public health and safety shall be exempted from this regulation. These signs may include, but not

be limited to, “no smoking” and “turn off engines while fueling” signs.

C. Multi-Tenant Developments. Multi-tenant developments shall include shopping centers, multi-tenant complexes and multi-tenant office buildings.

- i. The project is allowed one (1) monument sign per street frontage with a maximum of height of ten (10) feet and a maximum size of one (1) square foot per one (1) linear foot of frontage with an overall maximum size 100 square feet. The monument sign shall denote the name of the development; major anchor tenants for the project also may be listed on the sign.
- ii. Additionally, the project is allowed a maximum of one (1) wall sign per tenant. The following scale shall be used in determining which formula shall be used to calculate the permitted sign size for each tenant:
 - a. Store frontage of <twenty-one (21) feet ratio of two (2) square feet per one (1) lineal foot of store frontage.
 - b. (2) Store frontage of 21-50 feet... ratio of 1.75 square feet per 1 (1) lineal foot of store frontage.
 - c. Store frontage > fifty (50) feet... ratio of 1.5 square feet per one (1) lineal foot of store frontage with a maximum of 100 square feet.
 - d. End units shall be permitted a maximum of one (1) wall sign for each exterior side for a maximum of two (2) signs. Each sign is not to exceed one (1) square foot per lineal foot width for the wall where the sign is attached.
- iii. Kiosks shall be permitted for the purpose of announcing activities, and the like, scheduled to occur in such buildings. One (1) square foot per one (1) lineal foot of street frontage shall be permitted with the total aggregate sign area not exceeding forty (40) square feet. Such kiosks shall not be closer than ten (10) feet to the right-of-way nor more than ten (10) feet in overall height above grade.
- iv. Dynamic signs subject to the requirements of Section 5.3.6 only one (1) per development is permitted.

v. Out parcels are permitted two (2) wall signs, with each sign not to exceed one (1) square foot per lineal foot of width for the wall where the sign is attached

- D. Theaters. One (1) sign which carries the name of the theater is permitted. Additionally, one (1) marquee sign not to extend twenty-four (24) square feet per movie screen is permitted. Such sign shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. The total sign area of the marquee sign shall not be included in the maximum aggregate of 300 square feet.

10. Off-Site Advertising Signs. Off-site advertising signs, known as billboards or postal panels, shall be permitted in Industrial and Highway Commercial zoning districts. Such off-site advertising signs shall mean any sign the subject matter of which relates to products, accommodations, goods services, or activities which are sold, offered for sale, or provided from a site, parcel of real estate, location or premises other than upon which the sign is located. Billboards shall be permitted provided they meet the following requirements:

- A. Must be located along major arterial roads or an interstate;
- B. Must be located a minimum of forty (40) feet away from any road, residence, or building;
- C. Lighting used to illuminate the billboard may not interfere with aircraft in the vicinity;
- D. Lighting used to illuminate the billboard may not interfere with the use or enjoyment of adjacent landowners;
- E. Maximum size of 600 square feet;
- F. Maximum height of twenty-five (25) feet;
- G. Billboards must be separated by a minimum of 2000 feet regardless of jurisdictional boundaries;
- H. Billboards using animation, movement, or moving light is prohibited;
- I. Billboards may not obstruct authorized traffic signs or signals;
- J. Billboards may not be attached to a vehicle;
- K. Deteriorated or damaged billboards must be removed; and
- L. Annual inspection and fee will be required.

11. Nonconforming Signs

- A. In the event a nonconforming sign is structurally damaged in any manner, it may be repaired or reconstructed and used as before, if such repair or

reconstruction is complete within thirty (30) days of the date of such damage, unless thirty (30) percent or more of the sign and/or its structure are damaged. If thirty (30) percent or more of the sign and/or its structure are damaged or the repair or reconstruction is not completed within thirty (30) days, the entire sign and its structure shall be removed and a new sign which conforms to the requirements of this ordinance may be erected, if otherwise permitted by this ordinance, except as provided in Section 5.3.8.

- B. In the event a nonconforming sign is structurally altered in any manner, the entire sign and sign structure shall be removed and a new sign which conforms to the requirements of this ordinance may be erected, if otherwise permitted by this ordinance.
- C. Any temporary or portable sign erected or displayed prior to the effective date of the amendment of this Article, and which is determined to be nonconforming shall be removed.
- D. The burden of establishing a sign to be legally nonconforming rests upon the person, firm or corporation claiming legal status for the sign.
- E. Nonconforming signs or sign structures must be completely removed or replaced with signs which fully comply with the regulations of this ordinance when one or more of the following situations occur:
 - i. The name or ownership of a business changes; provided however, that upon application to the Board of Zoning Appeals in accordance with the provisions of Section 8.9 of the Fairmont City Code particularly Section 8.9.6. F thereof, the Board of Appeals may authorize the substitution of one (1) name or owner for another so long as no structural alterations to the nonconforming sign are made.
 - ii. A new sign is desired, whether or not the name of the business or use changes.

12. Maintenance; Abandonment.

- A. Maintenance. Every sign or sign structure, whether or not a permit is required, shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of such sign. No person shall maintain or permit to be maintained on any premises, owned or controlled by him, any

sign or sign structure which is in a dangerous or defective condition. No sign painted or printed on paper or fabric shall be posted or otherwise secured directly to the surface of any awning, canopy, utility service pole, building or structure not intended for signs.

- B. Surrounding Area. The owner of any property on which a sign is located and those responsible for maintenance of the sign shall be equally responsible for the conditions of the area in the vicinity of the sign and shall be required to keep this area clean, sanitary and free from noxious or offensive substances, rubbish and flammable waste materials.
- C. Abandonment. Any sign or sign structure, including temporary signs or sign structures, that is located on property which becomes vacant and is unoccupied for a period of 120 days shall be deemed to have been abandoned.
 - i. Abandoned signs and sign structures are prohibited and upon abandonment as defined herein the sign shall be removed within thirty (30) days by the owner or person, firm or corporation responsible for the sign or owner of the premises or the person, firm or corporation responsible for the premises as follows:
 - ii. Abandoned signs and their structures which are both nonconforming, shall be removed within ten (10) days after being designated as abandoned;
 - iii. Abandoned signs where the sign is nonconforming but the structure is conforming, the nonconforming sign shall be removed within ten (10) days after being designated as abandoned;
 - iv. Abandoned signs, where both the sign and the structure are conforming: the sign shall be removed within ten (10) days after being designated as abandoned but the conforming structure may remain.

13. Registration of Persons in Sign Business.

- A. Every person engaged in selling, erecting, altering, repairing and maintaining signs or sign structures including but not limited to marquees, porte-cocheres, awnings, canopies and any other similar type of outdoor display regulated by this Article shall apply to the City of Fairmont for registration, except as otherwise noted herein.

- B. The sign contractor at all times shall maintain in full force and effect contractor's public liability insurance covering personal injuries and property damage with limits of not less than \$1,000,000.00, which policy shall name and identify the City of Fairmont as an additional insured. The applicant for registration at the time of application shall file with the City Clerk a certificate of standard form evidencing that such insurance is in force and effect. The applicant shall be responsible for providing the City with notification of insurance cancellation at least thirty (30) days prior to such action.
 - C. Sign Contractors License.
 - i. Upon compliance with the provisions for liability insurance providing a copy of state license and payment of the fee stipulated in this Article, the applicant shall be eligible to receive a City of Fairmont Sign Contractors License.
 - ii. A City of Fairmont Sign Contractors License shall authorize the holder thereof to engage in the business of signs and other similar types of outdoor displays and devices regulated by this Article from the date of issuance to the succeeding June 30; provided that the holder complies with the requirements of this Article.
 - D. The license may be renewed for a period of one (1) year upon application and payment of the annual fee; provided, however, that at the time of renewal, the application shall file with the City Clerk a certificate of standard form evidencing that the liability insurance required by this Article is in force and effect for the renewal period. In addition, the applicant shall provide proof that all State workers compensation premiums are paid and that workers' coverage is in force and effect. Application shall be made for renewal before July 1. Failure of currently registered persons to renew any certificate within thirty (30) days after July 1 shall automatically result in a double fee at the time of renewal.
 - E. If a person changes the name or form of organization under which he operates, such person shall be required to register and pay the required fee as would be required of a new registrant. Nothing in this Article shall be construed to permit the transfer of a registration from one registrant to another.
 - F. No person shall engage in selling, erecting, altering, repairing or maintaining sign structures or projecting signs, ground signs, roof signs, wall signs, post signs, globe signs, barber pole signs, awnings, canopies, marquees or Porte-cocheres or any other similar type of outdoor display regulated by this Article without having been registered as provided under this Section.
14. Permit Fees. Sign permit fees can be found in Article 8.11 Fees of the zoning code.
 15. Revocation of Registration or Permit. The City Manager or Finance Director are:
 - A. hereby authorized and empowered to revoke the license of any sign contractor under this article who, having been notified of a violation according to the procedures established in the ICC International Building Code, and NFPA Electrical Code, Property Maintenance Code, or any of the other provisions of the City Code or any of the provisions of this Article, shall fail to remove or abate such violation within thirty (30) days after notification. Such revocation shall be final and the person affected shall not be eligible to receive a new registration certificate within thirty (30) days after such revocation.
 - B. The City Building Inspector or Planning Director or their designate are hereby authorized and empowered to revoke any permit issued by the City under this Article upon failure of the holder thereof to comply with any of the provisions of this Article or any state applicable, local, or national code. They are also authorized and empowered to revoke a permit for the erection of any sign or similar structure which violates the provisions of this Ordinance.
 16. Inspections and Enforcement. The City Building Inspector or his designee shall make an inspection of any sign or structure regulated by this Article at the time of sign erection. The Inspector shall cause to be removed any sign that violates any provision of this Article or a sign or structure for which no permit has been issued. The owner of the property on which the sign or structure is located or the owner or person, firm or corporation responsible for the sign or structure itself shall be notified in writing of the violation and if not altered or removed to meet the requirements of this article within twenty (20) days for structural deficiencies

or thirty (30) for type, size, or location deficiencies, such sign or other structure shall be removed by the City or designee and the cost of such work shall be charged to the appropriate party and collected in the manner provided by law.

A. Notwithstanding the above, in cases of emergency, or if the sign or structure is in danger of imminent collapse, is defective, or possess a substantial and present risk to persons or property, the inspector may cause the immediate removal of such sign or structure without notice.

17. Continuing Violations. The non-abatement of a violation of the provisions of this Article, after due notice, shall be considered to constitute a separate violation for each day that such violation is permitted to exist.

18. Penalty. Whoever violates any provision of this Article shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than \$100.00 or more than \$500.00 or same as Zoning Code and/or Building Code

19. Appeals. Anyone violating any portion of this code shall have ten (10) days to appeal to the Board of Zoning Appeals. Any violation to International Code Council or National Fire Protection Association codes shall have twenty (20) days to appeal to the International Code Council Board of Appeals.

20. Non-Conforming Signs. It is the policy of the City to encourage and, to the maximum extent practicable, require that all signs within the City be brought into compliance with the requirements of this Ordinance.

A. A sign which was lawfully erected prior to the effective date of this ordinance but which does not conform in one or more respects with the requirements of this Ordinance may remain in use, subject to the requirements of this Section and other applicable requirements of City Ordinances.

B. Limitations on Nonconforming Signs.

i. Temporary Signs. Any nonconforming temporary sign shall be removed on or before 365 days after the effective date of this Ordinance or shall be considered in violation of this Ordinance.

ii. Abandonment. Any sign, including its frame and support structures, related to a use or business that ceases to exist or operate for a continuous period of ninety (90) days shall be considered non-conforming and shall not be reused for sign purposes unless and until it is in full conformity with the provisions of

this Ordinance, subject to issuance of a new sign permit.

iii. Routine Repairs and Maintenance. Repairs and maintenance of non- conforming signs, such as repainting and electrical repairs, shall be permitted, provided that repainting shall not include a change of copy or color.

iv. Required Removal. Where an amendment to a previously approved development plan is proposed, approval of such plan shall be contingent upon removal of all non-conforming signs on the site. For example, if an existing retail establishment proposes a building addition or parking expansion, then any non-conforming signs on the property must be brought into compliance as a condition of approval of the amended site plan.