

**CODIFIED ORDINANCES OF RIPLEY**  
**PART THIRTEEN - PLANNING AND ZONING CODE**

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**ARTICLE 1305**  
**Zoning Districts and Regulations**

<b>1305.01 Purpose; districts established.</b> <b>1305.02 Residential districts.</b> <b>1305.03 Business and residential district.</b>	<b>1305.04 Central Business District.</b> <b>1305.05 Public School District.</b> <b>1305.06 Manufacturing Districts.</b> <b>1305.07 Special permit uses.</b>
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**CROSS REFERENCES**

Zoning authority generally - see W. Va. Code 8-24-39  
Zoning districts generally - see W. Va. Code 8-24-40  
Permitted use for group residential facility - see W. Va. Code 8-24-50b

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**1305.01 PURPOSE; DISTRICTS ESTABLISHED.**

(a) In order to promote the public health, safety, convenience, comfort, prosperity, beauty and general welfare of the residents of the City, the following zoning regulations are hereby established.

(b) The City shall be divided into five classes or districts of use zones which shall be as follows.  
(1960 Code 7-301, 7-302)

**1305.02 RESIDENTIAL DISTRICTS.**

(a) No buildings or premises within a residential district shall be erected which are intended, arranged or designed for use other than the following specified uses and they shall conform to the minimum standards set forth for each use class.

(b) Single family residences together with such other buildings as are ordinarily appurtenant thereto. No single family residences or dwellings shall be constructed which has less than a net first floor or ground floor area for living quarters of 600 square feet, exclusive of breezeways and attached garages, nor shall it exceed thirty-five feet in height. No single family residence shall be constructed on a lot having an area of less than 400 square feet and which lot fronts on a public street. Such lot shall have provisions on the lot for at least one off street parking space.

(c) Churches and kindergartens if kindergarten is in connection with the public school or on school grounds, or in connection with a church on church grounds. "School" when used in this connection shall not include vocational or trade schools for subnormal adults or children and institutions other than those for children required by law to attend primary, secondary and high schools.

(d) Multiple family residences. No multiple family residence or dwelling shall be constructed on a lot having a frontage on a public street of less than fifty feet. Each dwelling unit of such multiple family residence or dwelling shall have a floor space of not less than 400 square feet and each building shall be erected on a lot having an area of not less than 2,000 square feet per dwelling unit. There shall be provided on each building lot at least one off street parking space per dwelling unit. Each dwelling unit shall be equipped with municipal water supply and contain separate toilet facilities. Each dwelling unit shall also be equipped to contain separate cooking facilities. "Multiple dwelling unit" or "multiple family residence" as used herein shall not be construed as to include hotels, motels or motor courts.

(e) House trailers, auto trailers, mobile homes, motor courts and/or trailer courts shall not be permitted in Residential Districts.  
(1960 Code 7-302.1)

(f) Home businesses. Recognizing that it may be beneficial to the community to allow citizens to maintain an office or shop in their home from which they may go out into the community to work (as in selling real estate, or cosmetics or similar products to neighbors and friends) or to connect with another office location by computer work station and modem, this Council states that it is its intention to recognize new technology and create a business-friendly environment while maintaining the essential residential character of areas zoned residential. In keeping with that spirit, a home office shall be permitted subject to compliance with all of the following requirements:

- (1) No business shall be conducted out of a home or other building in an area zoned as a residential district if such business will create a nuisance. For purposes of this section, "nuisance" means anything which annoys or disturbs the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. A nuisance is anything which interferes with the rights of a citizen, either in person, property, the enjoyment of his property, or his comfort.
- (2) No signs on any kind shall be posted in the yard of any home business.
- (3) Signs required by State licensing boards (e.g., real estate brokers) may be placed on the home or in a window so as to be visible from the street provided the sign does not exceed twelve inches by twelve inches in size or other size as required by law.
- (4) A person conducting a business out of a home office shall comply with all applicable ordinances of the City of Ripley, and Jackson County, and all State and Federal laws and regulations.
- (5) A person conducting a business out of a home office shall not have deliveries made to nor shall such person distribute out of said location any merchandise requiring delivery by heavy truck traffic. For the purpose of this section, "heavy truck traffic" means any truck of more than 12,000 pounds gross vehicle weight.
- (6) Nothing in this section shall be construed to prohibit the delivery of furniture, appliances or construction materials or merchandise of any size or nature whatsoever if said merchandise is to be placed in or on the premises for the use and consumption of the householder and is not for resale or redistribution. (12-5-95)

**1305.03 BUSINESS AND RESIDENTIAL DISTRICT.**

(a) Within the business and residential district no premises shall be constructed or erected which are intended, arranged or designed for use other than the following specified uses which shall conform to the following minimum standards set forth for each use class.

(b) Residential uses as are set forth in Section 1305.02.

(c) Office buildings, store buildings, post offices, banks, hospitals, schools, hotels, motels, motor courts, restaurants, bakery shops, theatres, garages, parking lots and other such buildings and businesses as may be permitted by the Planning and Zoning Commission and of which buildings there shall not be permitted unless the exterior walls are constructed of incombustible building materials and unless such building fronts on a public street. Mobile home camps may be permitted in Business and Residential Districts.

(d) No residence, apartment building or other efficiency apartment shall be constructed on the second floor of any building used primarily for business purposes unless the inside measurements of the living area of the unit is at least 400 square feet per unit, and unless each unit shall be provided with separate toilet and separate cooking facilities and is equipped with municipal water supply  
(1960 Code 7-302.2)

**1305.04 CENTRAL BUSINESS DISTRICT.**

(a) No buildings or premises shall be constructed or erected within the Central Business District which are intended, arranged or designed for use other than the following specified uses and unless they shall conform to the minimum standards set forth for each use class.

(b) Residential uses as set forth in Section 1305.02.

(c) Business uses as set forth in Section 1305.03.

(d) Buildings constructed in a Central Business District shall be constructed or remodeled only with outside walls of incombustible building materials and of sufficient strength to support two or more stories.

(e) The following shall not be built in the Central Business District: bulk gasoline storage plants, bulk oil or motor storage plants or other explosive gas or liquid storage places for wholesale distribution, billboards, auto wrecking lots or any dangerous or unsightly enterprise. Salvage yards shall not be permitted in the Central Business District.  
(1960 Code 7-302.3)

**1305.05 PUBLIC SCHOOL DISTRICT.**

No building or premises shall be constructed or erected within the Public School District which are arranged or designed to be used for any other purpose than for public schools, school athletic fields, stadiums, field houses or other purposes incidental to public schools or other establishments as approved by the Planning and Zoning Commission.  
(1960 Code 7-302.4)

**1305.06 MANUFACTURING DISTRICTS.**

No building or premises shall be erected within a Manufacturing District which are intended, arranged or designed for uses other than lumber yards, food canning establishments, planing mills, the manufacturing of wood products, paper manufacturing, building materials manufacturing, metal working, metal and poultry establishments. warehouses, storage places, loading and unloading depots or other establishments approved by the Planning and Zoning Commission.

(1960 Code 7-302.5)

**1305.07 SPECIAL PERMIT USES.**

(a) Intent. It is the intent of special permit uses to provide for certain uses which shall be permitted only if adequate conditions exist or can be imposed that will make such uses compatible with the purposes of this Ordinance. The special permit procedure shall provide for some measure of individualized judgment and the imposing of conditions on certain uses in order to make them compatible with permitted principal uses in the applicable zoning district. It is further intended that the special permit process shall provide a method whereby it can be determined whether or not a use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity.

(b) Applicability. The following uses shall be permitted only as regulated by this section of the Zoning Districts and Regulations Ordinance:

- (1) Bar or nightclub. Final approval by City Council required.
- (2) Liquor store.
- (3) Restaurant, if serving alcoholic beverages. Final approval by City Council required.
- (4) Establishment at which any form of gambling or game of chance is permitted or played.
- (5) Adult book store, adult videotape store, adult motion picture theatre or adult entertainment establishment, as the same are defined in this section.

(c) Procedures.

- (1) The Ripley Planning and Zoning Commission, or City Council where specifically provided in this Ordinance, may by special permit authorize any of the uses which are permitted by special permit within this Ordinance. Such uses shall be subject to all other regulations set forth in this Ordinance, unless the special permit specifically exempts said use from any one or more regulations. In addition, the Commission, or Council where applicable, may attach reasonable restrictions to any special permit use as it deems necessary to comply with the purposes of this Ordinance. Existing special permit uses shall not be enlarged, extended or relocated without first receiving approval of a new special permit.
- (2) Before the issuance of a special permit, the Commission and Council where specifically provided in this article, shall make a decision regarding the effects of such proposed use upon the character of the neighborhood, public utilities, traffic conditions, fire protection, and other matters pertaining to the public health, safety and general welfare. Furthermore, the Commission and Council where applicable, shall:
  - A. Make a finding concerning the proposed uses' conformance with applicable zoning and planning ordinances and regulations;

- B. Prescribe other restrictions or conditions where deemed necessary to safeguard the public health, safety or general welfare.
- (3) Three copies of the plot plan of the lot and proposed buildings or uses, drawn to an accurate scale and showing all pertinent information, shall accompany the three copies of the application for a special permit. Filing requirements, including filing fees, deadlines, and public hearing procedures, shall be as set forth in Articles 1311 and 1323 of this Ordinance.

(d) Requirements. The following uses shall be subject to the restrictions and conditions set forth below, in addition to compliance with applicable zoning and planning ordinances and regulations:

Adult bookstore, adult videotape store, adult motion picture theatre, adult entertainment establishment, and establishments where consumption of beer or alcoholic beverages or gambling are permitted on the premises.

- (1) Such uses shall not be located within one thousand (1000) feet of each other.

The Planning Commission may waive this spacing provision for an adult book store, adult videotape store, adult motion picture theater, adult entertainment establishment or establishment where consumption of beer or alcoholic beverages or gambling are permitted on the premises if the following findings are made:

- A. That the proposed use will not be contrary to the public interest, or adversely affect the value, use or enjoyment or nearby properties, and that the spirit and intent of this Ordinance will be observed.
  - B. That the proposed use will not enlarge or encourage the development of a “red light” or “skid row” area.
  - C. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program or urban renewal.
  - D. That all applicable regulations of this Ordinance will be observed.
- (2) It shall be unlawful to hereafter establish any adult bookstore, adult videotape store, adult motion picture theater, adult entertainment establishment or establishment where consumption of beer or alcoholic beverages or gambling are permitted on the premises in a Residential District, a Business and Residential District or a Public School District. It shall be unlawful to hereafter establish any adult bookstore, adult videotape store, adult motion picture theater, adult entertainment establishment or establishment where consumption of beer or alcoholic beverages or gambling are permitted on the premises in a Central Business District or Manufacturing District if the proposed location is within 1000 feet of a Residence District, Business and Residential District, a public school or a Public School District. This prohibition shall be waived upon the presentation to the Zoning and Planning Commission of a valid petition requesting such waiver, signed by at least fifty-one percent (51%) of those persons owning, residing or doing business within 1000 feet of the proposed location. The circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the persons whose names appear thereon. The Zoning and Planning Commission shall not consider the waiver of spacing requirements set forth in this subsection until the above described petition shall have been filed with and verified by the Ripley Chief of Police.

- (3) No adult bookstore, adult videotape store, adult motion picture theater, adult entertainment establishment or establishment where consumption of beer or alcoholic beverages or gambling are permitted on the premises shall be located within 1000 feet of a school, park, library or place of worship.
- (4) Advertisements, displays, or other promotional materials, depicting, describing or relating to “specified sexual activities” (as defined in this Ordinance) or “specified anatomical areas” (as defined in this Ordinance) shall not be visible from a public sidewalk or public road.
- (5) If the special permit use relates to an adult bookstore, adult videotape store, adult motion picture theater, or adult entertainment establishment, all doors, windows and other apertures shall be located, covered or screened in such a manner as to prevent viewing the interior of the establishment from a public street or sidewalk.
- (6) In the event that an adult bookstore, adult videotape store, adult motion picture theater, adult entertainment establishment or establishment where consumption of beer or alcoholic beverages or gambling are permitted on the premises is replaced by another type of land use, the adult book store, adult videotape store, adult motion picture theater, adult entertainment establishment or establishment where consumption of beer or alcoholic beverages or gambling are permitted on the premises shall be required to obtain a new special permit before it can be re-established.
- (7) Definitions.
  - A. “Specified sexual activities” shall mean:
    1. Human genitals in a state of sexual stimulation or arousal; or
    2. Acts of human masturbation, sexual intercourse or sodomy; or
    3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
  - B. “Specified anatomical areas” shall mean:
    1. Less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola; or
    2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
  - C. “Adult book store” shall mean an establishment having as a substantial or significant portion of its stock in trade books, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined above or an establishment with a segment or section devoted to the sale or display of such material.
  - D. “Adult motion picture theater” shall mean an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

(1-21-03)

**ARTICLE 1311**  
**Administration and Enforcement**

<b>1311.01</b>	<b>Building Inspector to enforce.</b>	<b>1311.04</b>	<b>Approval of subdivisions.</b>
<b>1311.02</b>	<b>Building permits.</b>	<b>1311.05</b>	<b>Violations; action to be taken.</b>
<b>1311.03</b>	<b>Nonissuance of building permit.</b>	<b>1311.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

Enforcement - see W. Va. Code 8-24-66

Injunction - see W. Va. Code 8-24-67

Penalty - see W. Va. Code 8-24-68

Permits and fees - see BLDG. & HOUS. 1705

**1311.01 BUILDING INSPECTOR TO ENFORCE.**

It shall be the duty of the Building Inspector with the aid of the Police Department to enforce this Zoning Ordinance in accordance with its provisions.  
(1960 Code 7-303)

**1311.02 BUILDING PERMITS.**

(a) Applications for all building permits for new construction or remodeling of existing structures shall be accompanied with a site plan showing the description of the land and description of the proposed building so as to readily identify and definitely locate the lands and buildings, which plan shall also show the distances from side lot lines and adjacent buildings on the same lot or adjacent lots and the location of any existing rights of way.

(b) Applications for all new proposed commercial buildings must be accompanied by plans and specifications, including interior layout, types of interior and exterior building materials, plumbing and wiring and overall site plan showing land shape, size and location, building location and orientation and parking area, if any. Such proposed commercial building applications shall be submitted to the Planning and Zoning Commission, which shall review the plans for conformance with City Code requirements. The Commission shall complete said plan-review and order the issuance or rejection of a permit within thirty days of application and plan submittal. Issuance can be accelerated to less than thirty days if review is possible in less time. In the event of rejection, the Commission shall inform the applicant of needed alterations to bring the plan into compliance with the City Code.

(c) Applications for building permits for new construction or additions to existing structures, occupying 2,000 square feet or more, shall include with the site plan required under subsection (a) above, a specific plan and description of the proposed storm drainage system for the structure.

(1960 Code 7-304)

#### **1311.03 NONISSUANCE OF BUILDING PERMIT.**

No building permit shall be issued when the plans accompanying thereby indicate that such building would be in violation of this Planning and Zoning Code.

(1960 Code 7-305)

#### **1311.04 APPROVAL OF SUBDIVISION.**

(a) No addition or subdivision which is intended to be added to the City shall be constructed until it shall be laid out on plat or map and the same placed on the records of the County and until the same shall have been approved by the Planning and Zoning Commission and Council. Before any plat of any addition or subdivision is approved, it shall be first determined that the streets, sewers, water lines, fire plugs, sidewalks and other installations shall meet the requirements set up in the Code of West Virginia and the ordinances of the City, relative to health, safety, convenience, fire, sanitation, etc.

(b) As amended March 6, 1974, subdivision covenants should be brought forward along with plat or map by the builder to Council and the Zoning Committee before they are recorded in the County Court offices. The builder is required to use certified engineers for complete plat of area, and covenants should list all requirements such as living area in homes, costs of homes, distance of home from lot line, distance of home from street, width of streets and driveways, including the least possible disturbance of the landscape.

(1960 Code 7-306)

#### **1311.05 VIOLATIONS; ACTION TO BE TAKEN.**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this Zoning Ordinance, the City Attorney, in addition to other remedies shall institute any appropriate action or proceedings to prevent such unlawful erection, construction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violations to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises. The Building Inspector shall report all violations of this Zoning Ordinance coming to his attention to the City Attorney immediately.

(1960 Code 7-309)

#### **1311.99 PENALTY.**

Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the force of this Zoning Ordinance when no other penalty is provided, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or imprisoned for a period not exceeding thirty days. Each day's continuation of the violation shall be considered a separate offense.

(1960 Code 7-309)

**ARTICLE 1317**  
**Nonconforming Uses**

**1317.01**      **Continuance of pre-existing**                      **1317.02**      **Abandonment of use.**  
**uses.**

**CROSS REFERENCES**

Violation of existing ordinances - see W. Va. Code 8-24-49

Existing uses safeguarded - see W. Va. Code 8-24-50

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**1317.01 CONTINUANCE OF PRE-EXISTING USE.**

Subject to the provisions of this article, the use of buildings or land existing at the time of enactment of this section may be continued even though such use does not conform with the provisions of this Planning and Zoning Code for the district in which such land is located; however, no enlargement or expansion of such nonconforming unit shall be permitted. No building may be constructed or structure altered or enlarged or extended so as to increase the floor space unless the use thereof is changed to the use conforming with the requirements of this Planning and Zoning Code. Nothing herein contained shall however, prevent the reconstruction or replacement of a building wholly or partially destroyed by fire, explosion, acts of God or public enemy or prevent the restoration of a wall deemed unsafe or defective and any building which has been so used may be replaced with a new building having similar facilities and occupying the same space and area, provided however, any replacement or restoration shall conform to the requirements of the Building Code of the State and the City.

(1960 Code 7-307)

**1317.02 ABANDONMENT OF USE.**

A nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be deemed to be abandoned when any of the following events occur:

- (a) Owners' intention to abandon is apparent.
- (b) When abandoned for a period of more than one year.
- (c) When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within the period of ninety days unless other facts show intention to resume the nonconforming use.
- (d) When nonconforming use has been changed to a conforming use or a use allowed by a special permit.

(1960 Code 7-308)



**ARTICLE 1323**  
**Board of Zoning Appeals**

1323.01	<b>Creation; membership; terms; vacancies.</b>	1323.06	<b>Notice of Hearings.</b>
1323.02	<b>Officers; quorum; employees.</b>	1323.07	<b>Powers and duties generally.</b>
1323.03	<b>Offices; expenses.</b>	1323.08	<b>Hearing of appeal.</b>
1323.04	<b>Rules and procedures; records and meetings.</b>	1323.09	<b>Staying of work on premises.</b>
1323.05	<b>Appeal to Board.</b>	1323.10	<b>Petition for writ of certiorari from decision.</b>

**CROSS REFERENCES**

Open governmental proceedings - see W. Va. Code Art. 6-9A  
Establishment; composition- see W. Va. Code 8-24-51 et seq.  
Appeals - see W. Va. Code 8-24-56 et seq.  
Injunctions - see W. Va. Code 8-24-67

**1323.01 CREATION; MEMBERSHIP; TERMS; VACANCIES.**

As a part of this Zoning Ordinance, there is hereby created a Board of Zoning Appeals, consisting of five members to be appointed by Council.

The members of the Board of Zoning Appeals shall be residents of the City and three of such members shall have been residents of the City for at least ten years preceding the time of their appointment. No member of the Board of Zoning Appeals shall be a member of the Planning and Zoning Commission nor shall any member hold elective or appointive office in the City Government. Members of the Board shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties.

Upon creation of the Board of Zoning Appeals the members of the Board shall be appointed for the following terms: One for the term of one year; two for a term of two years; and two for a term of three years. The terms shall expire on the first, second or third year respectively, following their appointment. Thereafter as their terms expire, each new appointment shall be for a term of three years.

If a vacancy occurs, by a resignation or otherwise, among the members of the Board, Council shall appoint a member for the unexpired term.  
(1960 Code 7-310)

**1323.02 OFFICERS; QUORUM; EMPLOYEES.**

At the first meeting of each year, the Board of Zoning Appeals shall elect a chairman and a vice-chairman from its members. The vice-chairman shall have authority to act as chairman during the absence or disability of the chairman.

A majority of the members of the Board shall constitute a quorum. No action of the Board shall be official unless authorized by a majority of the Board.

The Board, subject to approval of Council, may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duties all in conformity with and in compliance with salaries and compensation fixed by Council.

(1960 Code 7-311)

**1323.03 OFFICES; EXPENSES.**

The City shall provide the Board of Zoning Appeals with suitable offices for the holding of meetings and the preservation of plans, maps, documents and accounts, and shall provide by appropriation a sum sufficient to defray the reasonable expenses of the Board.

(1960 Code 7-312)

**1323.04 RULES AND PROCEDURES; RECORDS AND MEETINGS.**

The Board of Zoning Appeals shall adopt such rules governing the filing of appeals and application for variances and exceptions, and giving of notice and conduct of hearings, as shall be necessary to carry out their duties under the terms of this article.

The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, and shall record the vote on all actions taken. All minutes and records shall be filed in the office of the Board of Zoning Appeals and shall be a public record. All minutes of the Board and all hearings shall be open to the public. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. Meetings may be called at the request of three members of the Board.

(1960 Code 7-313)

**1323.05 APPEAL TO BOARD.**

An appeal taken from the requirement, decision or the determination made by the Building Inspector shall be filed with the Board of Zoning Appeals.

The appeal shall specify the grounds thereof and shall be filed within such time and within such form as may be prescribed by the Board by general rule.

The Building Inspector shall, upon request of the Board transmit to it all documents, plans and papers constituting the record of the action from which an appeal was taken.

(1960 Code 7-314)

**1323.06 NOTICE OF HEARINGS.**

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the request for appeal shall immediately be placed upon the calendar for hearing, and notices stating the time, place and object of the hearing shall be served personally or by mail addressed to the parties making the request for appeal, at least five days prior to the date of the scheduled hearing. At the hearing, any party may appear in person, by agent or by attorney.  
(1960 Code 7-315)

**1323.07 POWERS AND DUTIES GENERALLY.**

The Board of Zoning Appeals shall:

- (a) Hear and determine appeals from and review any order, requirement, decision or determination made by the Building Inspector in the enforcement of this Zoning Ordinance.
- (b) Permit and authorize exceptions only in the classes of cases or in particular situations as specified in this Zoning Ordinance.
- (c) Hear and decide special exceptions to the terms of the ordinance upon which the Board is required to act under the Zoning Ordinance.
- (d) Authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done. A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted demonstrating:
  - (1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same district.
  - (2) That literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance.
  - (3) That the special conditions and circumstances do not result from the actions of the applicant.
  - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands, structures or buildings in the same district.
  - (5) That no nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures and buildings in other districts shall be considered grounds for the issuance of a variance.

- (e) A public hearing shall be held and notice of such public hearing shall be given in accordance with the provisions of this Zoning Ordinance.
- (f) The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (g) The Board of Zoning Appeals shall further make a finding that the granting of the variance will be in harmony with the general purposes and intent of this Zoning Ordinance, will not be injurious to the neighborhood, or otherwise be detrimental to the public welfare.
- (h) In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
- (i) Under no circumstances shall the Board of Zoning Appeals grant a variance to permit a use not generally or by special use permitted in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Ordinance in said district.
- (j) In exercising its powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the officer or Board from whom the appeal is taken.  
(1960 Code 7-316)

#### **1323.08 HEARING OF APPEAL.**

The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal. Public notice shall be given of the hearing and due notice shall be given additionally to the interested parties.

The Board of Zoning Appeals may require the parties taking the appeal to assume the cost of public notice and due notice to interested parties.

Upon the hearing, any party may appear in person, by agent or by attorney.

(1960 Code 7-317)

#### **1323.09 STAYING OF WORK ON PREMISES.**

When an appeal from the decision of the Building Inspector has been taken and filed with the Board of Zoning Appeals, all proceedings and work on the premises concerning which the decision was made shall be stayed unless the official or Board from whom the appeal was taken, shall certify to the Board of Zoning Appeals that, by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order granted by the Circuit Court of Jackson County, West Virginia.

(1960 Code 7-318)

**1323.10 PETITION FOR WRIT OF CERTIORARI FROM DECISION.**

Every decision of the Board of Zoning Appeals shall be subject to review by certiorari.

Any person or persons, firm or corporation jointly or severally aggrieved by any decision of the Board of Zoning Appeals, may present to the Circuit Court of Jackson County a petition duly verified, setting forth that such decision is illegal in whole or in part, and specify the grounds of the illegality. The petition shall be presented to the Court within thirty days after the date of the decision and the order of the Board of Zoning Appeals complained of.

(1960 Code 7-319)



**ARTICLE 1329  
Mobile Home Parks**

<b>1329.01</b>	<b>Definitions.</b>	<b>1329.12</b>	<b>Electrical connections.</b>
<b>1329.02</b>	<b>Mobile homes on private property.</b>	<b>1329.13</b>	<b>Compliance with plumbing ordinance.</b>
<b>1329.03</b>	<b>Permit required.</b>	<b>1329.14</b>	<b>Compliance with Building Code.</b>
<b>1329.04</b>	<b>Application.</b>	<b>1329.15</b>	<b>Effect of Zoning Ordinance.</b>
<b>1329.05</b>	<b>Limitations of permits.</b>	<b>1329.16</b>	<b>Fire protection.</b>
<b>1329.06</b>	<b>Permit revocation.</b>	<b>1329.17</b>	<b>Parking on street.</b>
<b>1329.07</b>	<b>Fees.</b>	<b>1329.18</b>	<b>Storage of trailer on owner's premises.</b>
<b>1329.08</b>	<b>Reinspections.</b>	<b>1329.99</b>	<b>Penalty.</b>
<b>1329.09</b>	<b>Person in charge; register.</b>		
<b>1329.10</b>	<b>Layout.</b>		
<b>1329.11</b>	<b>Sanitation.</b>		

**CROSS REFERENCES**

Authority to regulate - see W. Va. Code 8-12-5(30)

**1329.01 DEFINITIONS.**

For the purposes of this article certain terms used herein are defined as follows:

"Mobile home" means any single-wide house trailer or mobile home or other building or structure used for living or sleeping purposes which is or can be equipped with wheels or other means to facilitate movement from place to place, except that "mobile home" does not include the following:

- (a) A "modular home" as defined by this section;
- (b) Any other dwelling designed and manufactured in two or more transportable sections, so long as the structure is installed or erected or constructed on a full-circumference, perimeter, masonry foundation (whether such foundation is load-bearing or not).

"Mobile home park" means any lot or parcel of land used or intended to be used for the accommodation of four or more mobile homes.

"Trailer unit" means a plot of land in a mobile home park used or intended to be used for the accommodation of not more than two mobile homes and not more than one automobile which is not a mobile home.

"Park sewer" means a sewer constructed in any mobile home park for the service of mobile homes and connected to the City sewer.

"Modular home" means a shop fabricated structure consisting of completely finished modular sections, or panelized sections, which when properly placed on a building foundation, encompass a complete dwelling. These homes must meet FMHA, VA and City Building Codes. Such a home shall be deemed to be a permanent residence if the home is placed and installed on a permanent perimeter foundation and thereafter, shall be treated in every respect as a permanent residence.

Nothing in this section shall be construed, expressly or by implication, to rescind or to annul any lawful protective and restrictive covenant that excludes erection or construction of any dwelling or structure that is defined by this section. (1960 Code 7-320; 9-1-98)

**1329.02 MOBILE HOMES ON PRIVATE PROPERTY.**

It shall be unlawful for any person to place, keep or maintain any mobile home on any land within the City except in a mobile home park for which a permit has been issued by the Building Inspector.  
(1960 Code 7-321)

**1329.03 PERMIT REQUIRED.**

(a) Subject to the provisions of this article, mobile home parks may be established and maintained in this City.

(b) Permits issued for mobile home parks by the Building Inspector shall expire one year from the date of issue unless renewed as provided. If the mobile home park is to be maintained for a period longer than one year, a renewal of the permit therefore shall be for a period not exceeding one year and shall be applied for not less than fifteen days prior to the date of expiration of the permit.

(c) The mere act of making an application for a permit as required by this article shall not be deemed to constitute compliance with the requirements of this article, but instead a valid duly authorized legal permit shall be a prerequisite to existing parks or the commencement of any new construction or remodeling. Violation of this provision shall result in a fine in the amount of fifty dollars (\$50.00) per month.

(d) The Building Inspector is authorized in the exercise of a reasonable discretion to revoke any permit issued pursuant to this section, if after due investigation, he determines that the holder thereof has violated any of the provisions of this article or that the mobile home park is being maintained in an unsanitary or unsafe manner or is a nuisance. Written notice or revocation shall be given either by personal delivery thereof to the person to be notified, or by depositing said notice in the United States registered mail in a sealed envelope, postage prepaid, addressed to such person at the address which appears on the records of the Building Inspector pertaining thereto.  
(1960 Code 7-322)

**1329.04 APPLICATION.**

Any person desiring a permit for a mobile home park shall file an application therefor with the Building Inspector on a form to be furnished by him. The application shall give the location by street number and legal description of the property on which the mobile home park is to be established and maintained, the dimensions of the property, the number of units in the park, and such other information as the Building Inspector may reasonably require. A plot plan in duplicate of the property shall be filed by the applicant with his application drawn to a scale of not less than one eighth of an inch per foot showing the location and dimensions of all the units, roads, buildings, sewer connections, water connections, electric outlets, and other essential requirements of this article.  
(1960 Code 7-323)

**1329.05 LIMITATIONS OF PERMITS.**

Where no substantial work is done under a permit within ninety days of its issuance it shall become null and void.

Permits issued under the terms of this article convey no right to erect any building other than mobile homes or to do any plumbing work or to do any electrical work. Regular building, plumbing, electrical or other permits as required by the provisions of the ordinances of the City shall be secured for all such work.

(1960 Code 7-324)

**1329.06 PERMIT REVOCATION.**

Permits may be revoked by the Building Inspector for violation of the provisions of this article, or if the mobile home park is maintained in an unsanitary or unsafe manner or in a manner such as to create a nuisance.

No such permit shall be revoked until a hearing upon notice by the Building Inspector is first had. Written notice of the time and place of the hearing shall be given at least five days before the hearing. Such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States registered mail in a sealed envelope, postage prepaid, addressed to such person to be notified at the address which appears on the record pertaining to the matter to which the notice is directed. Such notice shall state in clear and concise language the reasons for revocation of the permit and the time when and the place where the hearing is to be held. The Building Inspector may continue the hearing with the Board of Zoning and Appeals if necessary or desired.

(1960 Code 7-325)

**1329.07 FEES.**

(a) Each application for a permit to establish a mobile home park shall be accompanied by a fee in the amount of twenty-five dollars (\$25.00) for each trailer unit therein. Each application for the annual renewal of such permit shall be accompanied by a fee of five dollars (\$5.00) for each trailer unit therein.

(b) The Building Inspector shall cause an accurate account to be kept of all fees collected under the terms of this article, which account shall show the date of collection, by whom paid, the address for which such payment is made and the amount of each such fee. He shall cause all fees collected hereunder to be, from time to time, transferred to the City Treasurer.

(1960 Code 7-326)

**1329.08 REINSPECTIONS.**

Before issuing a renewal of any permit as provided for in Section 1329.07, the Building Inspector shall make a reinspection of the building structures, electrical equipment and plumbing of any mobile home park, and no such renewal shall be issued by him unless and until any defects or violations of law found therein have been corrected.

(1960 Code 7-327)

**1329.09 PERSON IN CHARGE; REGISTER.**

(a) The owner or operator of every mobile home park, before allowing any mobile home therein, shall file with the Chief of Police and Building Inspector the name of the person who will be in continuous responsible charge of the park, and who is authorized to act for him. Any change in such person in charge shall be immediately reported to the above mentioned officers.

(b) In every mobile home park there shall be in an office building in which shall be located the office of the person in charge of the park. The park register shall at all times be kept in the office.

(c) It shall be the duty of the owner, operator or person in charge of any mobile home park:

- (1) To keep at all times a register of all persons staying in his park, which register shall at all times be open to the officers of the City and which register shall record the names and home addresses of all persons staying in the mobile home park, the date of their arrival, date of their departure, the number of and state in which the driver's license of such person was issued, the license number of all mobile homes and automobiles in the park, the name of the state or country in which they are registered and the traffic unit on which each is located.
- (2) To maintain the park in a clean, orderly and sanitary condition at all times and all trailers to be underpinned within thirty days of set up.
- (3) To allow no more than one mobile home and two automobiles on any one trailer unit at any one time. Parking place to be concrete or asphalt.
- (4) To require that all such mobile homes and automobiles are located on their respective trailer units as required by the terms of this article.
- (5) To require that all toilets in every mobile home in the park to be connected to the park sewer or in case any toilet is so constructed that it cannot be so connected, to require it to be sealed so that it cannot be used during the total time it shall remain in the park.
- (6) To require every sink and every lavatory in any mobile home in the park to be connected to the park sewer during its entire stay in the park.
- (7) To see that all required lights are kept lighted as provided in this article.
- (8) To see that all garbage is drained and wrapped as required by ordinance and deposited in the garbage cans required by Section 1329.11(c) and see that all such garbage cans are collected, cleaned and redistributed as required by Section 1329.11(c).
- (9) To report promptly to the proper authorities, any violations of law which may come to his attention.  
(1960 Code 7-328)

**1329.10 LAYOUT.**

(a) Every mobile home park shall have access to a public street either by abutting directly on such street or by means of a private road not less than fifteen feet wide. Along one side of such private road for its full length, shall be a walkway not less than three feet wide and raised six inches above the roadway. Such roadway from the street line in and every road required by the terms of this article within any mobile home park shall be paved or constructed in a manner suitable to the City Engineer.

(b) Roadways not less than fifteen feet wide shall be provided in every mobile home park so located that each and every trailer unit shall have direct access thereto.

(c) The entire area of every mobile home park, exclusive of roadways, well-maintained lawns and planted areas, shall be thoroughly graveled or paved.

(d) Every mobile home park shall be surrounded on all sides, except those sides directly abutting on a public street, with a fence not less than six feet high constructed and maintained so as effectively to prevent the passage of persons. There shall be no opening or gate in such fence except with the written approval of the owner of the immediately adjoining land, which approval shall be filed with the Building Inspector.

(e) Each trailer unit in every mobile home park shall contain not less than 3600 square feet of ground and shall not be less than fifty feet in minimum width measured at right angles to the side lines thereof. The boundary lines of every trailer unit shall be plainly and permanently marked or otherwise indicated.

(f) There shall be not less than ten feet between any part of any mobile home and any boundary line of the trailer unit on which it is located.

(g) No automobiles or town cars parked on any trailer unit shall extend beyond the boundaries of said unit.  
(1960 Code 7-329)

**1329.11 SANITATION.**

(a) On each and every trailer unit there shall be a connection to a park sewer arranged so that the sanitary fixtures in any mobile home may be readily connected thereto. Immediately, after being placed on a trailer unit, every mobile home shall have all its sanitary fixtures connected to the sewer or sealed so that they cannot be used. Every such connection shall be by means of rigid pipe. Hose connections are not permissible.

(b) On each trailer unit there shall be an ample supply of water for the use of the occupants thereof. There shall be two outlets on such service, both of which shall be adapted for hose connection.

(c) Every trailer unit shall be provided with a substantial covered garbage can as required by ordinance for residences in the City. Such garbage can shall be kept on a concrete pavement not less than three feet square and four inches thick, with a smooth troweled top. In every mobile home park all such garbage cans shall be collected at one convenient place prior to garbage collection time on each day on which garbage is collected in that district. Immediately after the garbage has been collected, all such cans shall be carefully cleaned and returned to their respective trailer units.  
(1960 Code 7-330)

#### **1329.12 ELECTRICAL CONNECTIONS.**

(a) Every trailer unit shall be furnished with an electric service outlet. Said outlet shall be equipped with an externally-operated switch, a fuse of not less than one hundred amperes capacity and/or breaker and a heavy duty outlet receptacle.

(b) All electrical work in every mobile home park shall comply in all respects with the requirements of the Electrical Code of the City.  
(1960 Code 7-331)

#### **1329.13 COMPLIANCE WITH PLUMBING ORDINANCE.**

In every mobile home park, all plumbing work shall comply with the requirements of the Plumbing Ordinance of the City.  
(1960 Code 7-332)

#### **1329.14 COMPLIANCE WITH BUILDING CODE.**

In every mobile home park all buildings and structures other than mobile homes shall comply with the Building Code of the City.  
(1960 Code 7-333)

#### **1329.15 EFFECT OF ZONING ORDINANCE.**

Nothing in this article shall be deemed to prohibit the erection and maintenance in any mobile home park of any building or structure which is permissible under the terms of the Planning and Zoning Code for the zone in which said mobile home park or part thereof is located.  
(1960 Code 7-334)

#### **1329.16 FIRE PROTECTION.**

(a) Every mobile home park shall be provided with one or more standpipes not less than one and one half inches in diameter, and such standpipes shall be provided with one and one-half inch fire hose of such lengths that every part of such mobile home park may be reached therewith and each such hose shall be equipped with a standard nozzle. All such hose shall be kept on a reel or rack, protected from the weather, and shall be used for no purpose other than fire protection.

(b) Every mobile home park shall be provided with not less than two acid and soda, two and one-half gallon fire extinguishers located as directed by the Fire Chief.  
(1960 Code 7-335)

**1329.17 PARKING ON STREET.**

No mobile home shall be permitted to park on any street in the City overnight.  
(1960 Code 7-336)

**1329.18 STORAGE OF TRAILER ON OWNER'S PREMISES.**

Nothing in this article shall be deemed to prohibit the storage of any mobile home on the home premises of its owner for any length of time when not used for living or sleeping purposes.  
(1960 Code 7-337)

**1329.99 PENALTY.**

Whoever violates any provision of this article or fails to comply with any of its mandatory provisions shall be fined not exceeding fifty dollars (\$50.00) Each day during any portion of which a violation of this article is committed, continued or permitted shall constitute a separate offense. In addition, any condition caused or permitted to exist shall be deemed a public nuisance, and may be summarily abated as such by the officers of the City.  
(1960 Code 7-338)



**ARTICLE 1335**  
**Zoning Map and Amendments**

**1335.01 Zoning Map; description; amendments.**

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**1335.01 ZONING MAP; DESCRIPTION; AMENDMENTS.**

(a) Map Adopted. There is hereby established the Zoning Map of the City of Ripley which map shall conform to the districts hereinbefore set forth and which map shall be maintained in the office of the Clerk of the City and which map is incorporated by reference herein and made a part hereof as if fully set forth herein with the five zoning districts thereon established which are made a part hereof.

(1960 Code 7-302.5)

(b) Legend Used on Zoning Map for the City.

Blue: Business-Residential, Multi-Family, Single Family, Industry

Green: Business and Residential

Orange: Business Only

Purple: Single Family Residential

Red: Single Family and Multiple Family

(1960 Code 7-341)

(c) Descriptions; Amendments.

1. Corporate limits, West side of Rt. 21 to North end of the Chrysler garage - Business and Residential.
2. All property abutting the East side of Rt. 21 from Ashland Bulk Plant South to the corporate limits - Business and Residential.
3. All property abutting the West Side of Cedar Lakes Drive from the Ashland Bulk plant South to the King Parsons property will be single family residence only, bordered on the West side by an alley.
4. Area between Charleston Drive and Rt. 21 that is abutted by Walters and High School Street - Business Only.
5. Ashland Bulk plant lot on Charleston Drive - Business Only.

6. From intersection of Charleston Drive and Rt. 21 at the Ashland Bulk plant property SE along Charleston Drive to intersection of Lakeview Drive, thence East on Lakeview to west side of Lot 94 - this area North of Charleston Drive and Lakeview to Lot lines of residents in the rear - Business only.
7. The property between the North side of the Board of Education property line at the high school, to the South side of the lots that abut Walters Street, between Charleston Drive and the lots that abut on Third Avenue - Business, Residential and Multi-family.  
From Edison Parsons East on Rt. 33 to the corporate limits - all properties South of this line that lays East of Charleston Drive and Cedar Lakes Drive shall be Single Family Residence with exception of property owned by the U.S. Government and the Jackson County Board of Education, or other properties described other than single family residences in the foregoing description.  
This includes all properties abutting the South side of Highlawn Drive; Cedar Drive and Scenic Drive; all property on First, Second and Third Avenue; Pfost Street; Walters Street; Spring Street; Park Street; Colonial Lane; School Lane; Cedarcrest Drive; Oakview Terrace; Shady Lane; Lakeview Drive; Valley Drive; Oak Court; Greenbrier Drive; Edgewood Circle; and Cedar Lakes Drive with exceptions noted.
- 7A. Point of beginning is Northwestern corner of Lot 14 Meadowbrook Addition, and bounded on the North by Valley Drive and Spring Street and fronting on Old U.S. Route 21 now called Cedar Lakes Drive and extending to Greenbrier Drive, including Lots 5, 6, 7, 8 and 9 presently owned by George Landfried, lands presently owned by the Church of Nazarene and the area designated for business lots on the map of Section 1 of Meadowbrook Addition as recorded in the County Clerks Office and with the City of Ripley, shall be Business, Residential and Multi-family excluding industrial.  
(3-25-80)
8. Beginning at the intersection of Sycamore Road and Rt. 21, SW on Rt. 21 to Intersection of Rt. 21 and 7th Street; thence South on 7th Street to the Intersection of 7th and Main Street (U.S. 33) thence in a SE direction on Rt. 33 to where it turns East, then E. on Rt. 33 or Highlawn Drive to the corporate limits, thence North along the corporate limits to a point where the corporate limits intersect with Sycamore Road, thence West on Sycamore Road to the point of beginning at Sycamore Road and Rt. 21 - area encompassed in the above description shall be Single Family Residence.

This includes properties that abut on Hall Street, South side of Sycamore Road; Hillcrest Drive; East side of 7th Street; North side of Highlawn Drive or Rt. 33; Fairview Drive; Highlawn Heights; Simmons Drive; Hickory Drive; Winter Drive; Lee Street; Brent Circle; Lynn Circle; Vail Drive.

Any cemetery within the corporate limits cannot expand beyond their present boundaries. No business or residential property can be erected on cemetery property.

9. At the intersection of Sycamore Road and Rt. 21 thence North on Church Street and Rt. 21 to the corporate limits thence East on the corporate limits N-76 degrees 30 minutes E. 2376 feet; turn South 6 degrees, to where corporate limits intersect with Sycamore Road, thence West on Sycamore Road to the point of beginning at Sycamore Road and Church Street.

Area encompassed in the above description shall be Business and Residential.

10. Beginning at the West side of Church Street and the South bank of existing Sycamore Creek thus following the bank of existing Sycamore Creek to where existing Sycamore Creek comes to the northwest corner of Homer Parsons properties, thus following property line to the West side of Church Street, thus following West side of Church Street to the point of beginning, shall be Business and Residential.

11. Beginning at the intersection of Ravenswood Pike and North Church Street to the corporate limits, all properties fronting or adjoining the west side of North Church Street back 1,000 feet shall be Business and Residential. This excludes properties fronting Ravenswood Pike as they shall be Single Family and Multi-Family Residences.

All properties that have boundaries on the West side of North Church Street between Sycamore Creek and Pfof Avenue shall be zoned Business or Residential. Properties abutting Ravenswood Pike to a point opposite the West corner of properties abutting the North side of the properties abutting WV Avenue on the West side, will be Single Family and Multi-Family Residences.

All properties West of North Church Street beginning at a point at intersection of existing Sycamore Creek and North Church Street thence north to the city limits, thence North 44 degrees, 45.1 degrees West, 2673 feet thence South 50 degrees, 45.1 degrees West 1402.5 feet, South 48 degrees, 15 minutes West, from thence point southeast where it intersects with Mill Creek to a point where it intersects with existing Sycamore Creek thence following the meanderings up existing Sycamore Creek to the point of beginning.

All properties within the above area shall be Single or Multi-Family Residences, with the exception of the Business and Residential areas previously designated.

This includes properties abutting on Jackson Avenue, Pfof Avenue, Grand Central Avenue, WV Avenue, Carter Street, Ripley-Ravenswood Pike, and Grandview Drive.

12. From the preceding zoning beginning point refer to the 1,000 feet south 48 degrees - 15 minutes east, continuing from this point 1079 feet, thence north 66 degrees - 30 minutes east to where line intersects with I-77 right-of-way, following right-of-way southwest to U.S. 33, east on U.S. 33 to intersect with west bank of existing Mill Creek, following shoreline of existing Mill Creek meandering northeast and intersecting with old county road (Ripley-Evans County Road), now not in use, southeast to intersection with old B & O. Railroad right-of-way, following B & O right-of-way southeast to city property line, following property lines to intersection with existing Mill Creek, following the bank of existing Mill Creek northeast to the previous point referred to as the most easterly point of Mill Creek. All properties mentioned therein lying northwest of the existing Mill Creek bank point referred to in the previous zoning, this point described as the most easterly point of existing Mill Creek. This excludes all city properties within these boundaries.

The above area shall be Business, Residential, Single and Multi-Family or Industrial.

- 12A. Beginning at a point, said point being a corner to property now or formerly owned by National Bank of Commerce, A. Westfall and Community Health Association; thence with the division line of said Bank of Commerce and said Community Health Association, S. 23° 22' 50" E. 265.53 to a point; thence with a new line through the lands of said Bank of Commerce and being along the current City limits, S. 13 22' 50" E. 740.83' to a point; thence leaving said City limits and with a new line along U.S. Route 33, the following four (4) courses and distances: (1) S. 52° 58' 40" W. 80.99' to a point; (2) S. 73° 20' 30" W. 62.07 to a point; (3) S. 74° 06' 10" W. 118.79' to a point; (4) S. 70° 34' 20" W. 140.70' to a point; said point being a corner to said National Bank of Commerce and Helen Hinzman; thence continuing along said U.S. Route 33, S 82° 50' 30" W. 500.77' to a point; said point being in the division line of Doris Simmons Nichols and David Hardesty; thence leaving said U.S. Route 33 and with said division line N. 09° 15' W. 647.00' to a point, said point being a corner to said Hardesty, said Nichols and the King Cemetery; thence with the division line of

said Nichols and said Cemetery, S. 25° 30' E. 111.00' to a point, said point being a corner to said Nichols, said Cemetery and said Hinzman; thence with the division line of said Cemetery and said Hinzman, N. 69° 00' E. 165.00' to a point, said point being a corner to said Cemetery, said Hinzman and said Bank of Commerce; thence with the division line of said Cemetery and said Bank of Commerce, the following three (3) courses and distances: (1) N. 50° 28' W. 25.80' to a point; (2) N. 02° 10' 10" W. 93.37' to a point; (3) N. 49° 14' 30" W. 44.89' to a point, said point being a corner to said Cemetery, said Bank of Commerce and said Westfall; thence with the division line of said Bank of Commerce and said Westfall, N. 51° 33' E. 712.76' to the place of beginning, Business or Residential.

(2-16-88)

13. Beginning at the east side of existing Mill Creek and Main Street, north side, continuing along Main Street intersecting with the Old Ripley-Evans county road, following the road right-of-way intersecting with east bank of existing Mill Creek following existing Mill Creek southwest to the point of beginning, shall be zoned Business only.
14. From the west side of Railroad Street northeast to North Street thence following the railroad right-of-way to intersection of old Ripley-Evans county road, thence following same road in a southeast direction to intersect with the north side of Main Street, following Main Street to the point of beginning. This area shall be Business and Residential.
15. At a beginning point on the west bank of existing Mill Creek and North Street, following the bank of existing Mill Creek northeast to the City property, following the city property line northwest to the old railroad right-of-way, thence following the old railroad right-of-way to the north side of North Street, thence continuing east on North Street to the point beginning shall be zoned Business and Residential. Straight Street.  
(12-15-87)
16. At a beginning point on the west bank of existing Mill Creek and the north side of Main Street following the existing Mill Creek to North Street, thence following North Street northwest to old railroad right-of-way thence following old railroad right-of-way to north side of Main Street, thence following Main Street - southeast to the point of beginning, shall be Business and Residential.

17. The point of beginning being west Main Street, south side and I-77 right-of-way thus following the right-of-way southwest to existing Mill Creek, thence following the corporate limits south 79 degrees - 53 minutes west 859.23 feet, thence following McGraw property line to the back of the southwest corner of the last lot on Williams Avenue Subdivision, thence following back of lots of subdivision to first lot of subdivision, thence to the northwest corner of the Episcopal Church property, thence west on west Main Street to the point of beginning shall be Business.
18. At a point of beginning at the northwest corner of the Episcopal Church property thus southeast on Main Street to Oldstone Ridge Road, thus following the west side of Stone Ridge Road to the intersection of the corporate limits, thus following the corporate limits north to the McGraw property line, thence following the McGraw property line to the back of the southwest corner of the last lot on Williams Avenue Subdivision to the first lot of the subdivision back to the point of beginning, shall be Residential.
19. At the point of beginning of Stone Ridge Road, east side, and west Main Street, thus continuing on Main Street to the west side of Klondyke Road, thus following Klondyke Road to the back of the first lot, thence following the back of the lots to Stone Ridge Road, west side, thence to the point of beginning, shall be Business and Residential.
20. At the point of beginning east side of Klondyke Road and Main Street, thus continuing on Main Street to the bank of existing Mill Creek, thus following existing Mill Creek to the back of the first lot, thus following the back of the lots to the east side of Klondyke Road, thus following Klondyke Road to the point of beginning, any property that adjoins Main Street shall be Business only.
21. At the point of beginning at the back of the south corner of the first lot on the west side of existing Mill Creek thus following back of the property lines adjoining Main Street continuing across Klondyke Road continuing to follow back of properties adjoining Main Street, to an intersecting point with the east side of Old Stone Ridge Road, thus continuing along the east side of Stone Ridge Road to corporate limits, thus following the corporate limits to the intersection with the west side of existing Mill Creek thus following the west bank of existing Mill Creek meandering to the point of beginning, shall be Residential and Multi-Family.

22. Beginning at the corporate limits and the I-77 south right-of-way following the right-of-way northeast to corporate limits following the corporate limits to the point of beginning shall be Business and Residential.
23. Green property abutting Charleston Drive on the West side and on the North side by public school property and on the South side by property known as the Archie Kelly property, shall be zoned as Business and Residential.
24. Beginning at a point at the South corner of South Street and the West side of Church Street to a point South on the West side of Church Street to and including the south corner of the Orville Sayre garage property, following existing Mill Creek back to a point to the southwest corner of City property following property line on South and Court Street back to a point of beginning back South Street shall be Business only.
- 24A. Beginning at a point in the right-of-way of Klondyke Road (Secondary Route 15) said right-of-way being 20' from the centerline of the road, said beginning point also being a corner to Jackson County Board of Education and R.H. Stalnaker, and being located near a fence line, near a small creek; thence with the right-of-way of Klondyke Road N. 34° 56' W. 349.83' to an iron pin in said right-of-way, near a small drain, being a corner to a 1.536 acre exception; thence continuing with the right-of-way, N. 35° 05' W. passing an iron pin at 182.64' and continuing on said course a total distance of 187.65' to a point in said right-of-way, and in the center of 10' drive; thence with the center of the drive the following two courses and distances N. 58° 35' E. 185.73' to a point in the center of the drive, and N. 54° 35' E. 120.75' to a point in the center of the drive at the end of the drive, corner to Guy Hannah; thence with Hannah's line, N. 22° 31' W. passing an iron pin by a 14" pine tree at 115.96' and continuing on said course a total distance of 189.04' to a point in the center of Mill Creek; thence up Mill Creek with the center of the creek, the following eleven courses and distances: (1) S. 80° 18' E. 139.70'; (2) N. 73° 35' E. 176.65'; (3) N. 37° 52' E. 98.33'; (4) N. 09° 15' E. 454.17'; (5) N. 29° 57' E. 95.61'; (6) N. 63° 33' E. 133.46'; (7) N. 81° 43' E. 177.53'; (8) S. 84° 37' E. 227.17'; (9) S. 75° 52' E. 191.83'; (10) S. 36° 52' E. 171.35'; (11) S. 02° 01' W. 338.62' to a point in the center of Mill Creek, corner to said R.H. Stalnaker; thence with Stalnaker's line the following four courses and distances; (1) S. 56° 24' W. passing an iron pin at 30.00' on the bank of Mill Creek, on the upper side of a small creek, and continuing on said course a total distance of 229.58' to an iron pin on the bank of said creek; (2) along or near said creek S. 27° 45' W. 288.75' to an iron pin on the bank of said creek; (3) along or near said creek S. 76° 42'

W. 414.30' to an iron pin on the bank of said creek by a railroad tie fence corner; and (4) along or near a fence line S. 42° 06' W. 416.21' to an iron pin in said fence line, corner to 1.536 acre exception, and continuing on said course a total distance of 647.35' to the place of beginning, containing 23.854 acres.

There is excepted from this annexation, however, a parcel of 1.536 acres described as follows:

Beginning at the same beginning point as the above parcel; thence with the Klondyke Road right-of-way N. 34° 56' W. 349.83' to an iron pin in said right-of-way by a small drain; thence leaving said right-of-way, along and through the lands of said Jackson County Board of Education, the following two courses and distances: (1) along or near said drain N 68° 27' E. 231.52' to an iron pin by said drain; and (2) S. 34° 56' E. 244.39' to an iron pin in a fence line on the line of R.H. Stalnaker; thence with Stalnaker's line, along or near said fence line S. 42° 06' W. 231.14' to the place of beginning, containing 1.536 acres, leaving a net total to be annexed of 22.318 acres, as shown on a plat of survey prepared by Holley Surveying Service dated February 11, 1977, School property. (3-6-90)

25. Point of beginning being the southeast corner of Charleston Drive and the northwest corner of Church Street, East side thus following Church Street, south to the point where Church Street intersects with Charleston Drive thus following Charleston Drive northwest on the west side to the point of beginning shall be Business only for a depth of approximately 150 ft., this includes property on the corner of Church Street, and Charleston Drive. All property on the southwest side of Charleston Drive to the point where 150 feet approximately meets Charleston Drive, shall be Residential only.
26. Beginning at the southwest corner of the north side of Church Street and Charleston Drive north to south Main Street, thence E. to 7th Street, name changing to Highlawn Drive, thus following Highlawn Drive to the east most corner of the Edison Parson Property thus following property line south to Charleston Drive, thus following Charleston Drive west to the point of beginning shall be Business and Residential excluding any and all property abutting the north side of Charleston Drive except the corner lot at the point of beginning.
27. Point of beginning the southwest corner of Church Street, north side and E. Main Street on the north side thus continuing along E. side of Church Street, to 7th Street thus following the west side of 7th Street, to the north side of Main Street, thus following Main Street west to the point of beginning shall be Residential only, excluding all property abutting north side of Main Street, and all property abutting E. side of Church Street, shall be Business and Residential.

28. The above area includes part of North Street, Sycamore Street, 6 and 6 1/2 Streets.
29. Point of beginning being the southeast corner of Church Street and the northeast corner of South Street, thus following South Street, west to Court Street, following Court Street, to South Street, west on South Street the southeast corner of Maple Street, thus following the east side of Maple Street, to the corner of North Street, thus following the south side of North Street, thus following North Street east to Court Street, thus following Court Street, to the Bess Pfof property, thus following the Pfof property on the south side to the northwest corner of the Glen Mann property, thus following back of property lines to where they intersect with Sycamore Creek thus following Sycamore Creek to Parson property thus following Parsons property East to Church Street, thus following Church Street, south to a point of beginning shall all be Business only.
30. Point of beginning being the southwest corner of North Street and the northwest corner of Court Street, thus following the north side of North Street, to existing Mill Creek thus following bank of existing Mill Creek to existing Sycamore Creek thus following existing Sycamore Creek to the most northeast corner of the Bess Pfof property thus following property line to the east side of Court Street, thus following Court Street, to the point of beginning shall be Residential only.
- 30A. Point of beginning is southeast corner of Court Street and North Street thus following the North side of North Street to Maple Street then North on East side of Maple Street to Sycamore Street, then East on South side of Sycamore Street to Court Street, then South on Court Street to a point of beginning shall be Business and/or Residential.  
(9-21-76)
31. Point of beginning being the north corner of Main Street and the west corner of Maple Street, thus following Main Street, to existing Mill Creek, thus following existing Mill Creek to North Street, thus following the south side of North Street to Maple Street, thus following the west side of Maple Street, to the point of beginning shall be business only excluding property abutting North Street, only which shall be Residential only.
32. Point of beginning being the south corner of Main Street and the west corner of Maple Street thus following Maple Street to Bridge Street thus following Bridge Street west to existing Mill Creek, thus following the bank of existing Mill Creek to the south side of Main Street, thus following Main Street, east to the point of beginning shall be Business only. Excluding properties abutting Bridge Street, and/or a depth of approximately 125 feet shall be Residential only.

33. Point of beginning being the East bank of the existing Mill Creek and the south corner of Bridge Street, thus following Bridge Street, east to the east corner of Maple Street, thus following Maple Street, east to the most northeast corner of city property thus following city property to the north bank of existing Mill Creek, thus following the north bank of existing Mill Creek to the point of beginning shall be Residential only. This area includes South Street, West Street, North and South side of Bridge Street.
34. Industrial properties must be applied for before the City Council and Planning and Zoning Commission.