

# Introduction

## Overview & Purpose



**T**his *Development Review Guidebook* has been produced for informational purposes to assist property owners, the development community, and the general public. It is intended to be a user-friendly tool to assist in navigating through the City of Fairmont's development application and review process.

The Planning Department has prepared this *Development Review Guidebook* for those who desire to have a general understanding of the development process in the City. In the *Guidebook* you will find application forms and requirements, submittal checklists, easy-to-follow review process flowcharts, and answers to commonly asked questions.

**This document is not an ordinance.** It is important to note that the ordinances of the City should be thoroughly researched before reaching any conclusions on questions related to development in the City of Fairmont. This document can be the source to begin your search for information.

A complete copy of the *Development Review Guidebook* can be obtained from the Planning Department located in the Fairmont City/County Complex, 200 Jackson Street, Fairmont WV 26554, or downloaded from the City of Fairmont website at [www.fairmontwv.gov](http://www.fairmontwv.gov).

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# Introduction

## Getting Started

### Where do I start?

Prior to a formal submission, it is strongly suggested that applicants contact the Planning Department to discuss the proposed project or application and to obtain valuable information regarding ordinances, codes and procedures. This step can greatly facilitate a more timely review of your project or application.

### How can I obtain feedback prior to finalizing my plans?

There are two main ways to obtain feedback regarding a potential development proposal prior to a formal submission. While both are optional, applicants are strongly encouraged to pursue at least one of the following, particularly for large development proposals or unique or challenging sites:

#### Pre-Application Meeting

Applicants may request a meeting with the Planning Department to collect information regarding ordinances and requirements, present conceptual development proposals, and obtain initial feedback. In some situations, attendance by other departments or the City's engineering or planning consultants may also be requested if appropriate.

#### Development Review Committee Study Meeting

DRC study meetings offer applicants an opportunity to obtain preliminary feedback and comments from the various departments within the City.

Plans and any other supporting documentation should be submitted at least six (6) business days prior to a scheduled study meeting. The submission should include 8 sets of a conceptual development plan, building elevations, and a cover letter explaining the project. Depending on the size of the project, plans may be submitted on 11"x17" sheets. Applicants should contact the Planning Department to determine the appropriate plan submission format.

Each applicant will be given 30 to 40 minutes for discussion. This includes a 15 to 20 minute presentation and an additional 15 to 20 minutes for questions and comments from the DRC.

A fee is not required for the first meeting. Additional meetings and/or a Site Plan Review may require the payment of a fee.

For more information, please contact Katherine S. Wyrosdick, AICP, City Planner at (304) 366-6211, Ext. 333 or [kwyrosdick@fairmontwv.gov](mailto:kwyrosdick@fairmontwv.gov).

### Important Contacts

#### City of Fairmont

City/County Complex—3rd Floor  
200 Jackson Street  
Fairmont, WV 26554  
Phone: (304) 366-6211  
Fax: (304) 366-0228  
[www.fairmontwv.gov](http://www.fairmontwv.gov)

#### **Planning Department**

(304) 366-6211, ext. 333  
[planning@fairmontwv.gov](mailto:planning@fairmontwv.gov)

#### **Building Department**

(304) 366-6211, ext. 303  
[sjolliff@fairmontwv.gov](mailto:sjolliff@fairmontwv.gov)

#### **City Engineer**

(304) 366-0540  
[jcarson@fairmontwv.gov](mailto:jcarson@fairmontwv.gov)

#### **Stormwater Manager**

(304) 366-0540  
[mdemary@fairmontwv.gov](mailto:mdemary@fairmontwv.gov)

#### **Department of Public Works**

216 Meadowlane Ave.  
Fairmont, West Virginia 26554  
Phone: (304) 363-3883  
Fax: (304) 363-8396  
[jfeltz@fairmontwv.gov](mailto:jfeltz@fairmontwv.gov)

#### State of West Virginia

#### **WV Department of Highways**

1900 Kanawha Blvd, East  
Building 5, Room A-722  
Charleston WV, 25305-0330  
Phone: (304) 558-3304  
[www.transportation.wv.gov](http://www.transportation.wv.gov)

#### **WV Alcohol Beverage Control**

322 70th Street S.E.  
Charleston, WV 25304  
Toll Free: (800) 642-8208  
[www.wvabca.com](http://www.wvabca.com)

#### **WV Tax Department**

1001 Lee Street  
Charleston, WV 25301  
Phone: (304) 558-3333  
[www.state.wv.us/taxdiv](http://www.state.wv.us/taxdiv)

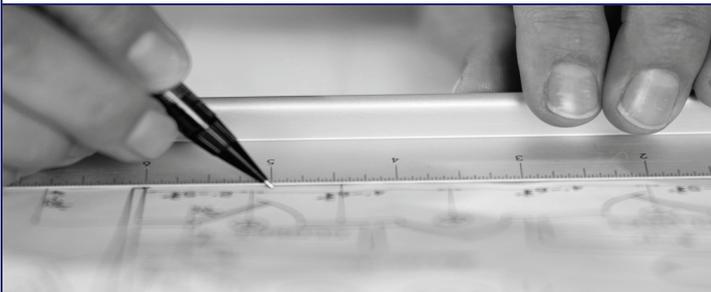
# Site Plans

## Overview

### When is a site plan required?

A site plan is required for review and approval by the Development Review Committee (DRC):

- Any buildings, structures, or outdoor uses of land in any zoning district other than those excluded in Article 1323.09(c).
- For any substantial change in use or class of use, as determined by the City Planner.
- Uses which require conditional use permit approval.
- Modification of a previously approved site plan.
- New parking lots or expansion of parking lots adding ten (10) or more spaces.
- Any residential structure to be converted for non-residential use.
- Any structure that has been vacant for one (1) year or more.
- For all development within a special use district.



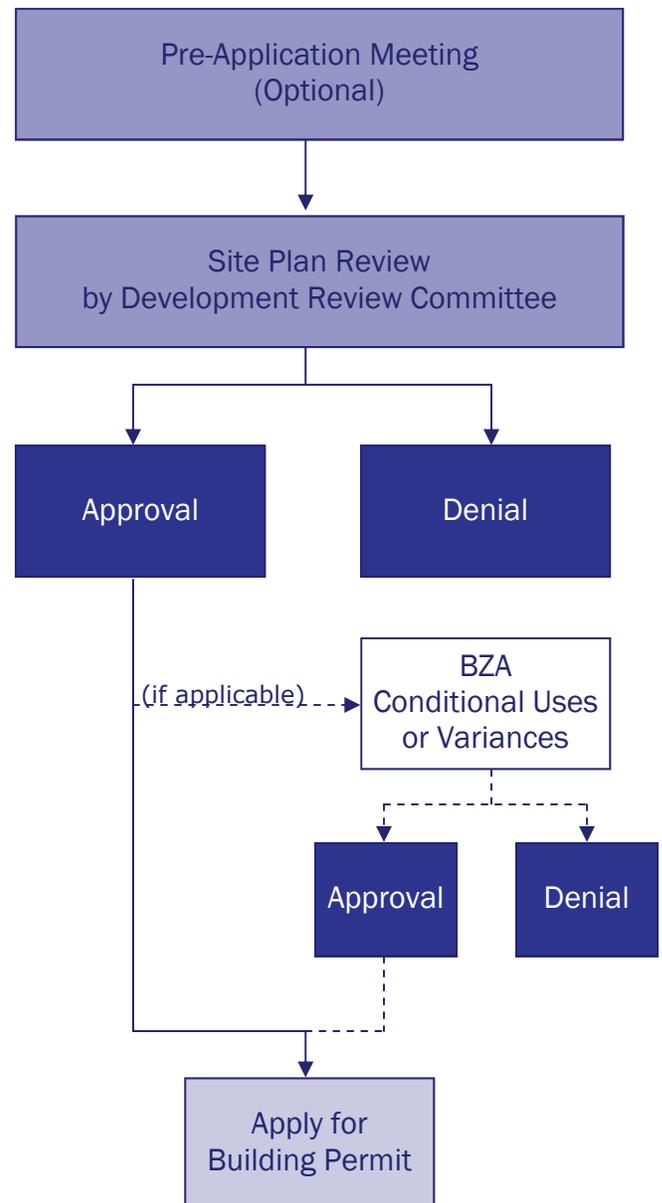
### Why is site plan review required?

Site plan review provides the City with an opportunity to review the proposed use of a site in relation to all applicable ordinances and plans.

Site plan review also provides the City with an opportunity to review the relationship of the plan to surrounding uses, accessibility, pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on public health, safety, and general welfare.

### What is the site plan review process?

The site plan review process consists of two stages: 1) pre-application meeting, and 2) site plan review. Preliminary review *may* not be required if the project is moderate in scope. Please check with the Planning Department to determine whether site plan review is required.



# Site Plans

## Application Requirements

## Common Questions

### What is required for site plan review?

The following must be submitted for site plan review:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) original notarized Affidavit of Ownership and supporting ownership documentation.
- Eight (8) copies of the sealed site plan, floor plans, elevations, and landscape plan (refer to Site Plan Checklist).
- The site plan fee shall be \$75.00 for the first \$100,000 of the project and an additional \$5.00 for each \$100,000 thereafter.

### Do I need to attend any meetings?

You will be notified of all meetings with your site plan on the agenda. It is strongly recommended that you have representation at all meetings at which your site plan will be discussed.

The DRC will take action on a site plan whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available to answer questions.

### What happens after site plan approval?

Once approval is given for a site plan, the next step is to make any necessary changes to the plans as required by the DRC. Upon revision, the applicant must submit the following to the Planning Department for verification:

- Five (5) copies of the final revised site plan, if applicable.
- Detailed summary of changes in response to DRC comments.

Acceptable final plans will be stamped “approved” by DRC members. One (1) copy of the approved plans will be returned to the applicant.

### What is the submission deadline for site plan review?

The DRC meets weekly. Site plans for review by the DRC must be submitted to the Planning Department at least six (6) business days prior to a regularly scheduled DRC meeting.

Site plans will be scheduled for review in the order in which they are received and on the basis of completeness.

### Does final site plan approval allow me to begin construction?

No, final site plan approval does not authorize construction. Following site plan approval, permits to allow construction or begin the use must be sought through appropriate City departments and other agencies. Application to the BZA for conditional use and/or variances may also be necessary.

Site plan approval indicates compliance with the Zoning Ordinance. It does not satisfy engineering or building requirements. Plans must be approved separately by the City Engineer and the Building Department.

### How long is site plan approval valid?

Site plan approval is valid for twelve (12) months from the date of approval.

Within twelve (12) months, the applicant shall have made application for a building permit. Failure to do so will result in approval being null and void unless renewed or extended by the DRC.

A request for extension shall be made in writing to the DRC, and it will be addressed at the next available meeting. If approval is not extended before the expiration of the twelve (12)-month period, a new site plan application and approval shall be required before a building permit may be issued.

# Site Plans

## Site Plan Checklist

### What information must be included on a site plan?

All site plans submitted for review must include the information required by Article 1323.17 of the City of Fairmont Code Ordinance. Site plans must conform to current City regulations and those of any other agency having jurisdiction. Site plans must be submitted by a licensed and/or registered professional in the field of architecture, surveying, engineering or planning. The site plan shall be submitted to the DRC for approval. Incomplete site plans will not be accepted for review. All drawings shall be to scale, clear and complete to obtain site plan approval

The following checklist is intended to assist applicants in preparing a complete site plan.

- The site plan must be 11" x 17" to 24" x 36" to ensure an accurate reading and interpretation.
- Property lines of the proposed site as well as the owners of adjacent parcels.
- Dimensions of property line boundaries and building setbacks.
- Existing and proposed streets, alleys, lots, easements, reservations, and areas set aside for public use must be labeled.
- Must include design, location and size of all motor vehicle access to and from the site.
- The location and design of detailed description of existing and proposed buildings including those to be removed.
- Detailed description of existing and proposed storm drainage structures, including size, grading and direction of flow.
- Identify the limits of the existing 100-year flood surface elevations within this area.
- Location of existing and proposed utilities (water, sanitary sewer, cable television, gas, electric and telephone).
- Location of major electrical equipment (power poles, guy wires, pad mount transformers, etc...).
- Location of existing and proposed fire hydrants.
- Location of existing and proposed contour lines with elevations for curb and lot parking.
- If a dumpster is to be used in the control and handling of solid waste, indicate location, screening and size of the dumpster pad.
- The planned use or uses of the site.
- Location of all waste water pre-treatment devices.
- The location and design of any off-street parking areas, including handicapped parking and loading areas.
- Name of development, legal description of property with address, vicinity map and site plan oriented with parallel north arrow, scale, acreage, name and address of record owner and engineer, draftsman, architect and land planner.
- Zoning designation as determined by the official zoning map. The planned use or uses of the site.
- Landscaping plan as required by Article 1345 of the City of Fairmont Zoning Code.
- Areas designated for material staging, concrete truck wash out and construction debris.
- Location and pavement type for temporary access for vehicles during construction.
- All existing and proposed signage, including height, square footage and setbacks.
- Architectural façade renderings which meet the requirements of Article 1341 of the City of Fairmont Zoning Code.
- Additional information or engineering data to determine that the site plan meets the standards of the city.

### Who do I contact if I have more questions?

#### Contact the City of Fairmont Planning Department at:

Phone: (304) 366-6211 , ext. 333  
Email: [planning@fairmontwv.gov](mailto:planning@fairmontwv.gov)  
Address: 200 Jackson Street  
Fairmont, WV 26554



# Conditional Uses



## Overview

### What is a conditional land use?

Conditional uses are uses that *may* be permitted within a zoning district subject to special conditions and standards. Conditional uses listed in the Zoning Ordinance may not always be permitted at all locations within a district. Conditional uses are subject to the following: 1) specific use conditions listed in the ordinance, 2) site plan review by the Board of Zoning Appeals (BZA).

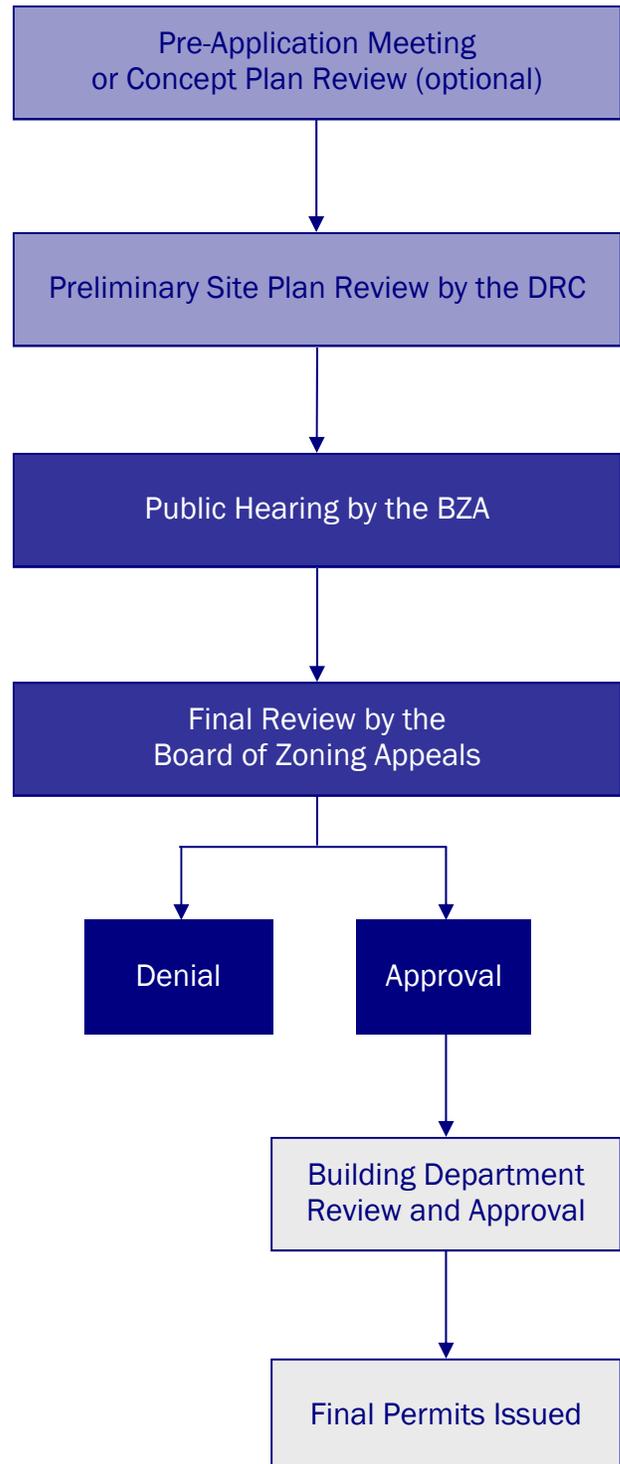


### What is the conditional use review process?

The conditional use review process generally follows the site plan review process with the addition of a public hearing before the BZA.

A complete site plan application package is required for all conditional use proposals.

Review by the DRC may not be required if the project is moderate in scope or the project involves the substitution of one conditional use for another similar conditional use. Please check with the Planning & Zoning Department to determine whether preliminary review is required.



# Conditional Uses



## Conditional Use Standards

### What are the review standards for conditional uses?

All applications for conditional use approval shall be accompanied by a written narrative responding to the following general review standards contained in Section 1331.03 of the City of Fairmont Zoning Ordinance:

- The proposed use is compatible with the goals of the adopted comprehensive plan.
- The proposed use shall be compatible with the appropriate and orderly development of the district, taking into consideration the location and size of the use, the nature and intensity of the operations involved in or conducted in connection with such use, the size of the site in relation to the use, the assembly of persons in connection with the use, and the location of the site with respect to streets giving access to the site.
- The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings, taking into consideration the location, nature and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site.
- Neighborhood character and surrounding property values shall be reasonably safeguarded.
- Operations in connection with the use shall not be offensive, dangerous, destructive of property values and basic environmental characteristics, or detrimental to the public interest of the community. They shall not be more objectionable to nearby properties by reason of fumes, noise, vibration, flashing of or glare from lights, and similar nuisance conditions than the operations of any permitted use not requiring a conditional use permit in the district.
- The character and appearance of the proposed use, buildings, structures, and/or outdoor signs should be in general harmony or better, with the character and appearance of the surrounding neighborhood.

In addition to the general review standards, conditions specific to the proposed use as outlined in section 1331.02 must be met. The Board of Zoning Appeals shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use.

### What is required for preliminary review?

The following must be submitted for preliminary review by the DRC for all conditional uses:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- Eight (8) copies of the sealed site plan, floor plans, elevations and landscape plan (refer to Site Plan Checklist).
- Eight (8) copies of written response to conditional use standards.
- Review fee for both site plan review and conditional use review.

### What information must be included on the site plan?

All conditional use proposals must be accompanied by a complete site plan application package that includes the information required by Section 1323 of the Zoning Ordinance.

Site plans must demonstrate compliance with all applicable standards for the proposed use and development and the conditional use standards contained in Section 1331 of the Zoning Ordinance.

Site plans must conform to current City regulations and those of any other agency having jurisdiction.

Incomplete site plans will not be accepted for review. Please refer to the Site Plan Procedures and Checklist for assistance in preparing a complete site plan package.

# Conditional Uses



## Common Questions

### What is required for final review?

Final review requires completed site plans to be reviewed and approved by the Board of Zoning Appeals (BZA).

### Do I need to attend any meetings?

You will be notified of all meetings with your conditional use request on the agenda. It is strongly recommended that you have representation at all meetings at which your request will be discussed.

Action may be taken on a conditional use request whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available to answer questions.

### What are the submission deadlines for conditional use review?

Final plans for review by the Board of Zoning Appeals must be submitted to the Planning Department at least four (4) weeks prior to a scheduled BZA meeting. Applications will be scheduled for public hearing in the order in which they are received and on the basis of completeness.

### Does final approval allow me to begin construction?

Final approval by the BZA does not authorize construction. Following approval, permits to allow construction or begin the use must be sought through appropriate City departments and other agencies.

Conditional use approval confers compliance with the Zoning Ordinance. It does not satisfy engineering or building requirements. Plans must be approved separately by the City Engineer, Storm Water Coordinator and the Building Department.

### What happens after final approval?

Once approval is given for a conditional use, the next step is to make any necessary changes to the plans as required by the BZA. Upon revision, the applicant must submit the following to the Planning Department for verification:

- Five (5) copies of the final revised site plan. One (1) copy must clearly highlight all revisions.
- Detailed summary of changes in response to BZA comments.

Acceptable final plans will be stamped “approved” and signed by the City Planner. One (1) copy of the approved plans will be returned to the applicant.

### How long is approval valid?

Conditional use approval is valid for 12 months from the date of approval. Within 12 months, the applicant shall have made application for a building permit or received engineering approval. Failure to do so will result in approval being null and void.

A request for extension shall be made in writing to the BZA, and it will be addressed at the next available meeting. If approval is not extended before the expiration of the 12-month period, a new application and approval shall be required.

### Who do I contact if I have more questions?

#### Contact the City of Fairmont Planning Department at:

Phone: (304) 366-6211, ext. 333  
Email: [planning@fairmontwv.gov](mailto:planning@fairmontwv.gov)  
Address: 200 Jackson Street  
Fairmont, WV 26554

# Conditional Uses



## Notes



# Rezoning Requests

## Overview

### What is a rezoning of property?

A rezoning is a change in the zoning classification of a specific property; it is an amendment to the City's Official Zoning Map.

Authority to rezone property rests with the City Council.

### Who can initiate a rezoning request?

A rezoning may be initiated by the City Council, the Planning Commission, or an owner of real property within the City.

### What can I do if my rezoning request is denied?

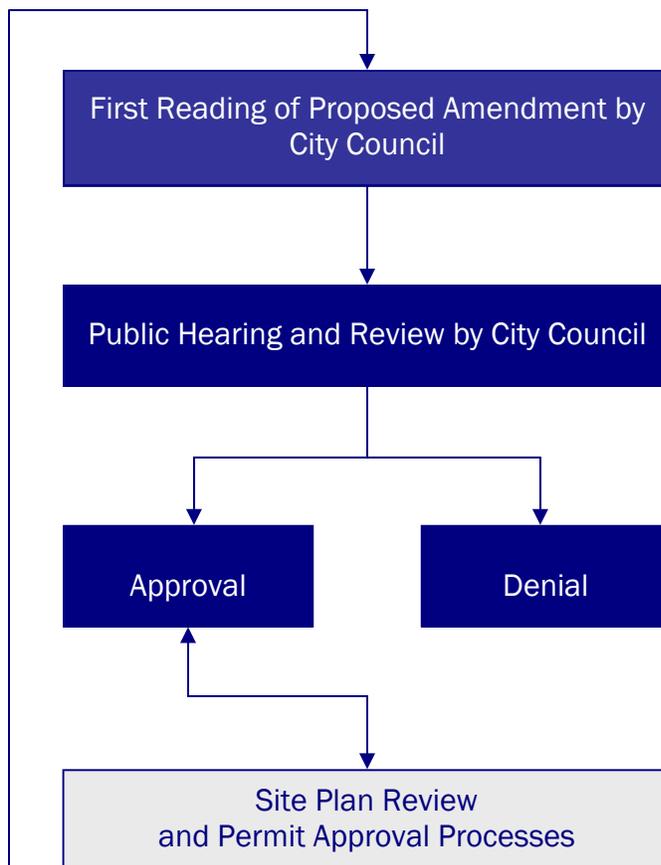
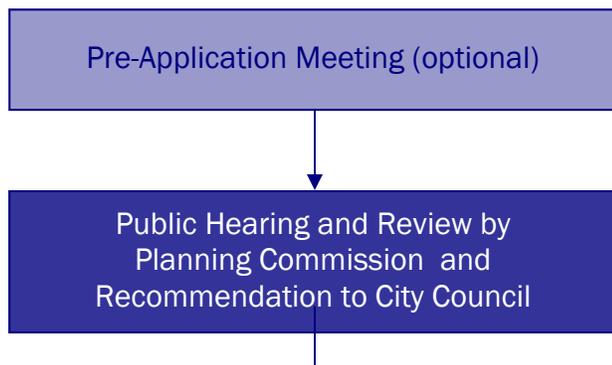
You may discuss the reconsideration of your petition, with the Planning Commission, within the first year of the decision if:

- There have been major changes of an economic, physical or social nature within the area since the initial consideration.
- These changes have significantly changed the basic characteristics of the area.
- The conditions were not previously considered by the Planning Commission or City Council (Article 1309.06).

### What are the procedures for requesting a rezoning?

Upon receipt of a complete application for rezoning, the Planning Commission will hold a public hearing, review the request, and make a recommendation to the City Council. The City Council has final authority to approve or deny a request for rezoning.

Applicants should note that changes to rezoning proposals prior to City Council approval may result in additional public hearing(s).







**Planning & Zoning Department**  
200 Jackson St., Fairmont WV 26554  
Phone (304) 366-6211, Ext 333  
Fax (304) 366-0228  
planning@fairmontwv.gov

**APPLICATION FORM  
ZONING MAP AMENDMENT**

<i>Office Use</i>		
Application No. _____	Review Fee _____	Hearing Date _____
Date Received _____	Receipt No. _____	

**I. OWNER INFORMATION**

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_

**II. AGENT / CONTACT INFORMATION**

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_

**Mailings—Send all correspondence to (please check one):**     **Owner**    **OR**     **Agent**

**II. PROPERTY INFORMATION**

PROPERTY TO BE REZONED \_\_\_\_\_  
PROPERTY ADDRESS \_\_\_\_\_  
PROPERTY TAX MAP AND PARCEL NO. \_\_\_\_\_  
PRESENT ZONING DISTRICT \_\_\_\_\_  
PROPOSED ZONING DISTRICT \_\_\_\_\_  
REASON(S) FOR PROPOSED ZONING CHANGE \_\_\_\_\_  
\_\_\_\_\_  
CURRENT USE OF PROPERTY \_\_\_\_\_  
DATE PRESENT USAGE ESTABLISHED \_\_\_\_\_  
PROPOSED USE OF PROPERTY \_\_\_\_\_

**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.

\_\_\_\_\_  
Print/type name of Applicant/Agent)

\_\_\_\_\_  
Signature of Applicant/Agent

# Board of Zoning Appeals

## Overview

### What is the Zoning Board of Appeals?

The Board of Zoning Appeals (BZA) is a quasi-judicial body appointed by the City Council.

The BZA is authorized to hear and decide matters as required by the West Virginia Planning Enabling Act and the City of Fairmont Planning and Zoning Code.

### What are the powers of the Board of Zoning Appeals?

The Board of Zoning Appeals has the following powers:

- Hear, review and determine appeals from an order, requirement, decision or determination made by an administrative official charged with the enforcement of this Zoning Ordinance.
- Authorize exceptions to the district rules and regulations only in the classes of cases or in particular situations as specified in the Zoning Ordinance;
- Hear and decide conditional uses of the Zoning Ordinance.
- Authorize, upon appeal in specific cases only as provided in this ordinance, a variance to the zoning ordinance.
- Reverse, affirm or modify the order, requirement, decision or determination appealed from so long as the action of the Board taken on appeal is consistent with the rules, regulations and requirements of this ordinance;
- Authorize, upon appeal the substitute of one legal non-conforming use existing at the effective date of this ordinance for another similar non-conforming use.

### What are the procedures for submitting an application to the BZA?

Procedures for the BZA vary depending upon the type of request.

Refer to the appropriate application requirements on the following pages for appeals, variances, and conditional uses.

Variances are the most common requests brought before the Board of Zoning Appeals.

# Board of Zoning Appeals

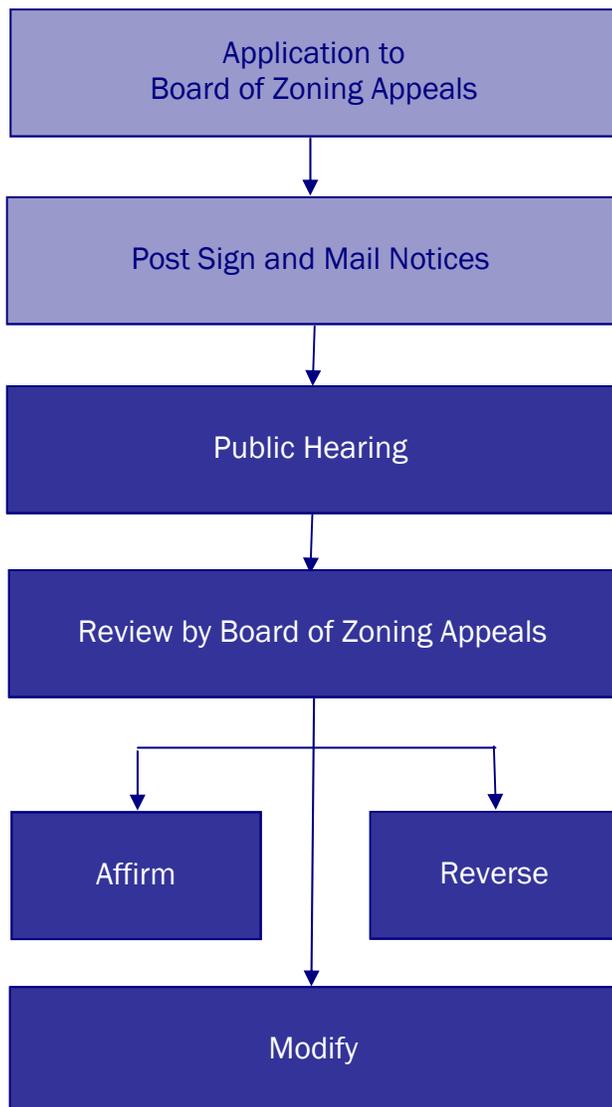
## Overview

## Appeals

### What is the appeal process?

The appeals process begins with the applicant submitting all of the required application materials to the Planning Department.

The applicant must also file the appeal with the body or official whose action is being appealed. The body or official will then transmit all information related to the matter to the Board of Zoning Appeals for review.



### How do I initiate an appeal to the BZA?

The following must be submitted for consideration:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- Review fee of \$75.00.
- Copies of any written orders for which the appeal is based.

### What are the notification requirements for an appeal?

- Notification must be mailed by Certified Mail to adjacent property owners.
- Applicants must post the supplied sign on the property in question 15 days prior to the Public Hearing. Applicant is responsible for the return of the sign to the Planning Department.
- Notice of the Public Hearing must be posted 15 days prior to the hearing.

### What are the possible outcomes of my appeal?

After a public hearing and review, the Board of Zoning Appeals may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination being appealed.

In making its decision, the BZA has the authority to assume all powers and duties of the body or official from whom the appeal was taken.

A concurring vote of the majority of the membership of the Board of Zoning Appeals is necessary to reverse an order, requirement, decision, or determination being appealed, or decide in favor of the applicant on any matter.

# Board of Zoning Appeals

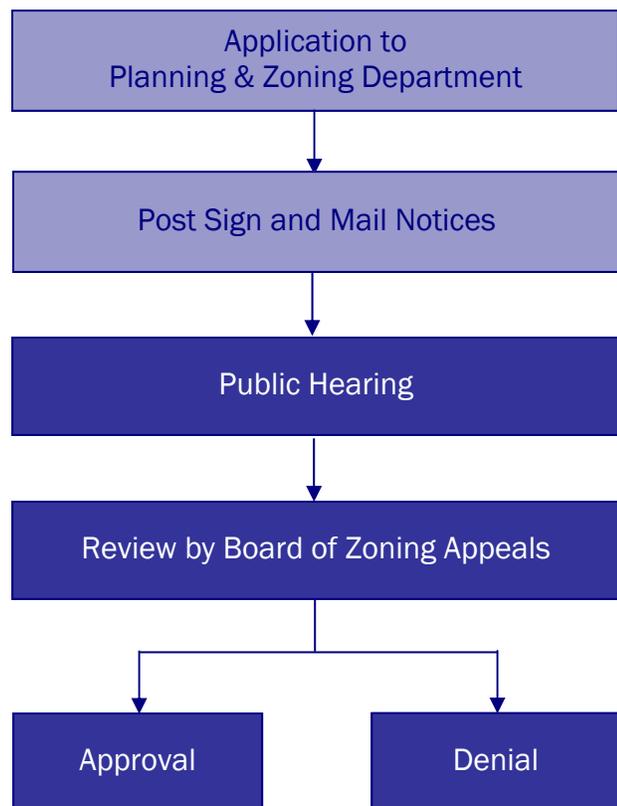
## Overview

## Variations

### What is the variance process?

Since a variance is the result of a condition unique to a particular property or structure and not the result of an administrative action, a “denial” is not a required precedent to an application.

Projects that require site plan review must first be reviewed by the DRC before an application is submitted to the Board of Zoning Appeals.



Variations may not be granted for any approved conditional use or Planned Unit Development.

A concurring vote of the majority of the membership of the Board of Zoning Appeals is necessary to grant a variance.

### How do I request a variance?

The following must be submitted for consideration:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- Review fee of \$75.00.

### What are the notification requirements for a variance?

- Notification must be mailed by Certified Mail to adjacent property owners.
- Applicants must post the supplied sign on the property in question 15 days prior to the Public Hearing. Applicant is responsible for the return of the sign to the Planning Department.
- Notice of the Public Hearing must be posted 15 days prior to the hearing.

### What are the standards for BZA review?

The BZA may grant a variance to the Zoning Ordinance if it finds that the variance:

- Will not adversely effect the public health, safety, welfare or the rights of adjacent property owners, residents or the neighborhood.
- Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance.
- Would eliminate an unnecessary hardship and permit a reasonable use of the land.
- Will allow the intent of the Zoning Ordinance to be observed and substantial justice done.
- Is the minimum variance that will accomplish this purpose.

