

Note to readers: This plain-language, five-page summary of the 86-page proposed Davis zoning ordinance is the kind of information you won't find anywhere else. If you find it helpful, please consider pledging your financial support to Country Roads News to help us continue providing important information to the community.

Davis Proposed Zoning Ordinance

A Summary Created by Country Roads News



Photo by Brian Sarfino

The town of Davis proposed zoning ordinance would apply to new construction, as well as additions and alterations to existing structures. This document provides an overview of the key elements of the draft zoning ordinance

The stated goals of the zoning ordinance include:

- Promoting planned and orderly development of the town.
- Mitigating threats from fire, flood and other dangers.
- Relieving congestion.
- Preserving historic structures and landmarks

Enforcement and Penalties (*Sections 2-2, 2-3, 2-4, 2-5, 2-6*)

- The town council will appoint a zoning officer to review and issue permit, and notify property owners of zoning code violations.
- People seeking permits must include building plans drawn to scale, showing “the exact size and location of the building to be constructed.”

- Violations of the zoning code will result in fees of \$50 to \$500 per day.
- The town can seek a court-ordered injunction to remove a structure built in violation of the zoning code.
- All records pertaining to building permits and appeals must be open for public inspection.

Existing Structures and Uses (“Grandfather” provisions) (Sections 3-1, 3-2, 3-3, 3-4, 3-5)

- Any use of a lot or structure that is lawful at the time the zoning ordinance is imposed can continue. Normal repairs and maintenance on such “nonconforming” structures is permitted.
- Nonconforming structures can be enlarged under certain specified circumstances. The enlargement must comply with setback requirements and be attached to the existing structure.
- If a nonconforming use is abandoned for one year, the property can no longer be used for nonconforming uses.

Zoning Categories and Boundaries (Sections 4-1, 4-2, 4-3, 4-6, 4-9, 4-10, 4-13, 4-14, 4-18, 4-21, 4-22, 4-25, 4-26, and 4-29)

- There are six zoning districts:
 1. **Single family residential.** This district is primarily in the area “north of William Ave., south of Route 93, east of Route 32, and west of Beaver Creek.” The minimum lot size is 5,300 square feet. The maximum height of structures is 50 feet, with a 35 foot “average” maximum height.
 2. **Town residential.** This district is intended “to encourage a wider variety of housing.” Limited business activity is allowed if it is suitable for operations near housing. “This district is mostly made up of areas with a home owners association (HOA) such as Tuscan Ridge and the Riverwalk Place.” Minimum lot size is 5,300 square feet. The maximum height of structures is 60 feet, with a 45 foot “average” maximum height.
 3. **Recreational.** This district is intended to allow recreational activities, protect open space and “preserver the natural beauty of the town.” It includes the Riverfront Park, the Boulder Park, the community center, and property owned by the West Virginia DNR east of Beaver Creek.
 4. **Central Business District.** This district is intended to create pedestrian-friendly development and “encourage a centralized area of mixed business, commercial, and residential use.” The district includes buildings along William Avenue from the Shop & Save to the Blackwater Bistro and some adjacent areas. The maximum height of structures is 60 feet, with a 45 foot “average” maximum height. There is no minimum lot size.
 5. **Commercial.** This district is intended for “larger-scale commercial business that serve both the town and the traveling public.” The maximum height of structures is 60 feet, with a 45 foot “average” maximum height. This district is comprised of multiple areas along Route 32 and Route 93. There is no minimum lot size.

6. **Industrial.** This district is less well-defined than the others in the proposed ordinance and no location is described. The maximum height of the structure is 60 feet, with a 45 foot “average” maximum height.

The draft zoning ordinance states that “the official zoning map of the Town of Davis is attached to this ordinance as Appendix A.” However, Appendix A is blank. Town officials say the only available zoning maps are the large paper copies posted in the town hall.

Setbacks

The minimum setbacks for **residential districts** are:

- **Front**, “3 feet from the property line to the drip line.”
- **Side**, “3 feet to the drip line.”
- **Rear**, “5 feet to the drip line.”

The minimum setbacks for the **business and commercial districts** are:

- **Front**, “3 feet or align with adjacent properties.”
- **Side**, 3 feet.
- **Rear**, “5 feet to the drip line.”

Detached Additional Residence buildings (*section 5-4*)

Residential parcels of five acres or less may have only one structure used as a residence. For example, detached garages cannot be converted to residential dwellings.

Parking

For new construction, the ordinance specifies a minimum number of parking spaces for a variety of business and residential uses. See table 5-14e for specific requirements.

Storage Restrictions (*Section 5-10*)

Town property generally cannot be used to store inoperable cars, appliances, or other “miscellaneous items.”

Recreational Vehicles and Camping Trailers (*Section 5-11*)

These items parked on residential property can be used as a dwelling for no more than one week per month.

Swimming pools. (*Sections 5-6*)

Swimming pools must be in rear or side yards and adhere to setback requirements.

Sexually Oriented Businesses (Section 6-2)

“Sexually oriented businesses” are prohibited.

Christmas Tree Sales, Carnivals, and Other Seasonal Uses (Section 5-16)

Seasonal sales of items such as pumpkins, Christmas trees, and fireworks are permitted for up to four weeks per year. Carnivals and street fairs are also allowed.

Limitations on Other Specific Businesses (Sections, 6-3,6-4,6-5,6-6, 6-7, 6-8, 6-11, 6-14)

- The ordinance lists specific requirements and restrictions **for car wash facilities, car repair shops, bed and breakfast establishments, child care facilities, dog day care, drive-through services, medical cannabis facilities,** and other specialty businesses.
- **Home-based businesses** may operate from 8 a.m. to 6 p.m. They must have little or no impact on nearby residences. No signs or retail sales are allowed. Business activity may occupy no more than 25 percent of the dwelling.

Short-Term Rentals (“Airbnb’s”) (Section 6-19)

- No more than 24 short-term rentals are allowed in the **single-family residence zone**. Short-term rentals are allowed by permit only. Permits must be renewed annually. (Note: There currently is a waiting list for permits.)
- Applicants must provide copies of a state business license and tax account, and proof of a **satisfactory safety inspection** by the town’s zoning code enforcement officer.
- Short-term rental permits can be transferred to the property’s new owners when a rental property is sold.
- Recreational vehicles and moveable trailers cannot be used as short-term rentals.
- A **penalty of up to \$500** will be imposed for a first violation. A fine of **\$1,000** will be imposed for a subsequent violation, along with suspension or forfeiture of short-term rental privileges.
- There are **no restrictions** on short-term rentals in **business districts**, and for properties that are part of **homeowners’ associations**.

Urban Livestock and Beekeeping (Section 6-21)

- Livestock including chickens and other fowl are not permitted.
- Beekeeping is not permitted.

Restrictions on Signs (Section 7-2, 7-3, 7-4)

- A permit generally is required to post signs. The zoning officer must approve or reject applications within 20 business days.
- The town will establish a permit fee.
- Flags up to 16 square feet are exempt from the permit requirement.
- Animated or flashing signs are prohibited

Other Miscellaneous provisions (*Sections 5-12, 5-13, 5-14*)

- **Lighting and noise.** Lighting cannot cast a glare on adjacent properties. Noise must be “muffled or otherwise controlled.”
- **Driveways.** Homes are generally limited to one driveway.
- **Visual obstructions.** Fences, shrubs and other objects may not obstruct views of approaching traffic at intersections and driveways.

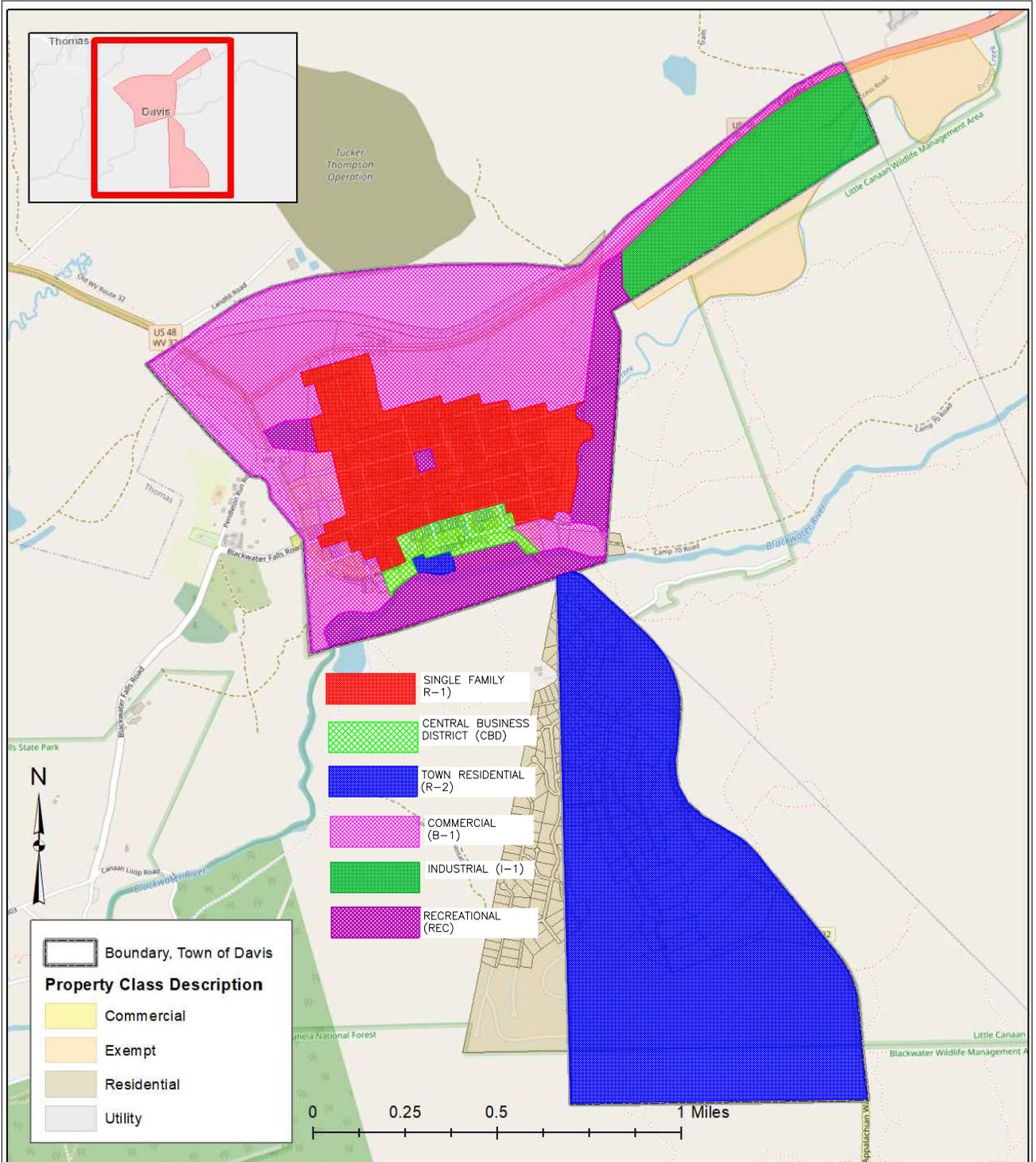
Conditional Use Permits (*section 2-12*)

- The Board of Zoning Appeals is empowered to issue “conditional use permits” in certain circumstances. For example, a conditional use permit could be issue to someone wishing to open a school in a residential zone.
- Applicants for conditional use permits must demonstrate that it will not adversely affect surrounding property, that sufficient off-street parking is available, and other conditions.

Appeals Procedure (*Section , 2-8, 2-9, 2-10, 2-11*)

- The town council will appoint a five-member Board of Zoning Appeals to hear appeals of decisions by the zoning officer.
- Appeals must be filed within 30 days after a permit is denied.
- The appeals board must hold a public hearing within 45 days after an appeal is filed.
- The appeals board must issue a written decision within 30 days after holding a public hearing.
- Construction work must cease during the appeals process, with some limited exceptions.
- The Board of Zoning Appeals can grant a variance if it finds the variance would not adversely affect adjacent property owners or residents, AND would “eliminate an unnecessary hardship, and permit a reasonable use of the land.” However, a variance cannot be granted for uses prohibited in a certain zoning district. For example, the zoning board cannot grant a variance for construction of a business in a residential district.

Note: See zoning maps on the next two pages.



Town of Davis

ZONING MAP OCTOBER 2023
APPENDIX B1

