

**CHAPTER 3 DISTRICTS AND REGULATIONS**  
**ARTICLE 1317 - DISTRICTS**

**1317. 11 HIGHWAY COMMERCIAL**

**1317.11.1 INTENT**

The Highway Commercial district is coded to provide for the location of auto-oriented and auto-dependent uses and/or those uses which have a definable market area which extends beyond the scale of the Neighborhood, Main Corridor Commercial or City Center. The intent of these provisions is to facilitate convenient access, minimize traffic congestion, and reduce visual clutter along certain designated areas in close proximity to Interstate 79. The architectural guidelines detailed in this section are enumerated to permit the construction of various styles which better relate to the character of the City of Fairmont area. Buildings are required to relate to the street with a pedestrian scale. Generally, parking is permitted to the side or rear of the buildings only. Parking may be permitted in a courtyard area created by the articulation of the building (or buildings) around the lot. No parking space shall be closer to the street than the building.

**1317.11.1 USES PERMITTED; USES PERMITTED BY RIGHT; USES PERMITTED WITH CONDITIONS; CONDITIONAL USES (See Chapter 3 Article 1331 for conditions relating to uses permitted with conditions and conditional uses)**

**Uses Permitted by Right**

Commercial Uses (Including Retail, Service, Office, and Wholesaling) up to 30,000 square feet

Entertainment Uses i.e.: Multiplex theaters,

Indoor & Outdoor Playgrounds,

Mini golf

Restaurants

Restaurant/Lounges

Hotels

**Uses Permitted with Conditions**

Essential Services, Class 1 & 2

Outdoor Storage

Temporary Uses

**Conditional Uses**

Automotive/Boat/Heavy Equipment/ Manufactured Home Sales and/or Service

Bars and Nightclubs

Civic and governmental uses

Commercial Uses exceeding 30,000 square feet in gross floor area

Drive-through windows

Limited Video Lottery

Motels/Inns

Outdoor Sales/Display  
Wireless Communications Antennae utilizing "stealth" technology\*  
Freestanding Wireless Communication Towers\*  
\*(See Essential Services, Class 1 & 2 for conditions)

**Exclusions: \*\***

Adult establishments  
Mining and landfill operations  
Mini Storage  
Automobile salvage and recycling  
Recycling  
Salvage Yards  
Storage of Hazardous Materials  
Outdoor Kennels

\*\*Also excluded are uses that involve on-site heavy manufacturing, warehousing, outdoor storage of hazardous materials, truck terminals, parking and storage lots as a principal use, and civic uses. Also excluded are all other uses that are not specifically enumerated or are not interpreted by the Planning Commission to conform as enumerated uses pursuant to Article 1341.06.

**1317.11.3 LOT SPECIFICATIONS**

Refer to Chapter 3, Article 1351 for infill lot development standards.

**Permitted Building Types**

Allyard Building  
Sideyard Building  
Rearyard Building  
Courtyard Building

**Lot Width**

All lots must front along a minimum of 40ft of publicly dedicated right of way in order to be built on.

Minimum lot width at building line: 40 ft

**Principal Structure Setbacks**

Front: 25 ft  
Side: 0 ft  
Rear: 48 ft (Exception Courtyard Building: 0 ft with alley)

**Accessory Structure Setbacks**

Side: 5 ft  
Rear: 5 ft

**Parking and Storage Setbacks**

Parking and storage areas shall be setback a minimum of 20 ft from all property lines.

**1317.11.4 GENERAL PROVISIONS**

A. All buildings shall comply with the provisions of Chapter 3, Article 1341 Architectural Requirements.

B. Corner lots shall have two front yards and utilize the minimum front setbacks for each unless otherwise determined by the Planning Department.

C. Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of 8 ft. Canopies and awnings are permitted to encroach into the front setback up to 8 ft. Outdoor street and patio dining is permitted to encroach into the right of way; provided however, that pedestrian and automobile traffic cannot be obstructed. Arcades are permitted to encroach into the right of way with permission from Planning Commission. Open decks and patios are permitted to encroach into the rear setback to within 5 feet of the property line.

D. Accessory buildings, satellite dishes and other similar structures shall be constructed in the rear yard only and shall be set back a minimum of 5 ft from the side and rear property lines.

E. Satellite dishes may not exceed 2 feet in diameter.

F. Hedges shall be planted at least 3 feet from the property line. Garden walls shall be constructed at least 1 foot from the property line. Fences may be placed on the property line. Front yard fences are excluded. Side, court and rear yard fences shall not exceed 8 feet in height unless otherwise approved by the Planning Department. Fences shall be constructed such that the finished (sheathed) side is oriented towards adjoining lots, streets, or the public right-of-way.

G. Mailboxes, newspaper boxes, walls, fences, flagpoles may be placed in any front, side or rear yard.

H. Trash containers, mechanical equipment shall be located in rear yard and shall be screened from view.

I. Outdoor sales shall be located in the side or rear yard.

J. Drive-through windows and services shall be in accordance with Chapter 3 Article 1331.

K. All ancillary equipment or facilities (gasoline pumps, car washes, etc.) shall be to the side or rear of the principal building.

L. Entrance canopies shall face the street.

M. Main pedestrian access shall be in the front half of the building nearest the fronting street.

N. Bays and garage entrances may not face the fronting street.

O. Loading docks and loading facilities shall be located in rear yard and shall be screened from view.

### **1317.11.5 HEIGHT**

#### Maximum Height

All Structures: 3 Stories; Buildings greater than 3 Stories require a Conditional Use Permit.