

CHAPTER 3 DISTRICTS AND REGULATION
ARTICLE 1319- SPECIAL USE DISTRICT

ARTICLE 1319.5-TECHNOLOGY DISTRICT

1319.5.1 PURPOSE

The purpose and intent of these regulations are to provide a protective area for the orderly growth and development of certain industries and uses by the creation of a Technology District. The Technology District, by virtue of control, shall be mutually harmonious with other industries and uses permitted within the districts as well as with residential, commercial and other uses permitted in nearby districts. The Technology District caters to information technology and other similar high technology research and development industries requiring the benefits that accompany this zoning classification and protects these industries from encroachment by commercial, residential and other land uses adverse to the locations and expansion of such development.

These Technology District regulations are intended to promote the physical and mental health, safety, morals, welfare, comfort and convenience of the inhabitants of this district and its environs.

Within the Technology District as shown on the official Zoning or Land Use Map of the City of Fairmont, the regulations hereinafter established shall apply.

1319.5.2 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)

Within any Technology District, no building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged, or maintained which is intended or designed to be used in whole or in part for any other than the following specified uses:

Uses Permitted by Right

- (a) Offices, data processing and other corporate-related functions.
- (b) High Technology industries including the following:
 - (1) Information management technology, research, development, testing and evaluation.
 - (2) Research, development, testing and evaluation, excluding chemical, biological and metallurgical technologies;
 - (3) Storage and retrieval of information.
 - (4) Educational, scientific and research organizations.
- (c) Research and development and limited manufacturing and processing where at least eighty percent (80 %) of the building area is devoted to non-manufacturing activities including offices, laboratories, technical support, and

related uses. The remaining twenty percent (20%) may be used for manufacturing, assembly, storage, and related uses.

Uses Permitted with Conditions

Reserved

Conditional Uses

Hotels.

Restaurant/Lounges.

1319.5.3 ACCESSORY BUILDINGS AND USES.

Within any Technology District, the following accessory buildings and uses shall be permitted only to the extent and as an incident to a permitted use for the District:

(a) Any structure which is incidental to the primary use including, but not limited to, warehouses and storage buildings, provided that no such accessory structure shall be greater than twenty percent (20%) of the total building area occupied by the primary use.

(b) Recreational facilities, dining facilities, fitness centers, day care centers, and other employee amenity services in connection with the operation of a permitted use and primarily for employees, students or faculty.

(c) Retail sales and consumer service establishments (not including wholesale sales), dealing primarily with employees, students and faculty of permitted uses, provided that such retail or consumer uses shall not occupy more than five percent (5%) of the total floor area of any building on any lot or group of contiguous lots in common ownership or control.

1319.5.4 PROHIBITED BUILDINGS AND USES.

Within any Technology District, the following buildings and uses shall be prohibited:

(a) Adult entertainment.

(b) Motor vehicle sales.

(c) Gas stations.

(d) Veterinary clinics.

(e) Churches.

(t) Residential uses.

1319.5.5 PERFORMANCE STANDARDS.

Within any Technology District, the following performance standards shall be applicable to and shall be required for all uses located in the Technology District.

(a) Air Pollution. Manufacturing processes emitting odor, dust, fumes, smoke or other pollutants shall confine such pollutants so as not to create a nuisance to adjacent properties and any such discharge shall conform to all federal,

state and/or local regulations and standards.

(b) Vibration. Except in temporary instances during site construction work, the maximum permitted vibration from any cause shall not exceed the following, when measured at the lot line:

<u>Frequency</u> <u>(Cycles per second)</u>	<u>Displacement Inches)</u> .0008
10 and below	.0008
10 – 20	.0005
20 - 30	.0003
30 – 40	.0002
40 – 50	.0001
50 and above	.0001

(c) Radiation. Research operation shall cause no dangerous radiation at any property line and shall conform to all federal, state and/or local regulations and standards. Radioactive Materials. The handling of radioactive materials, the discharge of such materials into air or water, and the disposal of radioactive wastes ,shall conform to all federal, state and/or local regulations and standards.

(d) Electromagnetic Interference. Industries. shall emit only that amount of unshielded spurious electromagnetic radiation as is necessary for the conduct of their operations. Federal. Communications Commission .requirements shall govern maximum radiation which tends to interfere with meaningful signals and all such emissions shall conform to all federal, state and/or local regulations and standards.

(e) Water Pollution. No effluent shall be discharged into any stream. Discharge into the City of Fairmont sewer system shall be as approved by the City Engineer and the Director of Public Works and shall conform to all federal, state and/or local regulations and standards.

(f) Industrial Waste. All industrial. waste shall be treated and disposed of in such a manner as to comply with all federal, state and/or local regulations and standards.

1336.07 . REGULATION OF IMPROVEMENTS.

Within any Technology District, the following regulations shall be applicable to and shall be required for all uses, improvements, buildings and. structures located in the Technology District:

(a) General. No improvement shall be commenced, erected, constructed, altered or maintained upon any lot nor shall any change or alteration thereon or thereof be made, nor any subdivision, plat, or replat be made unless and until the plans, specifications, and locations shall have been submitted to and approved by the City of Fairmont.

(b) Minimum Setback. Lines. No structure of any kind, and no part thereof, shall be placed on any site closer to a property line than herein provided, unless approved by the City.

(1) Building line setback from street property lines. The minimum setback line is established as fifty (50) feet from the edge of any street or road within the District.

(2) Building line setback from rear property line. Unless in conflict with subsection (1) above, the minimum rear setback is established at twenty (20) feet from the rear property line.

(3) Building line setback from side property line. Unless in conflict with subsection (1) above, the minimum side setback is established at twenty (20) feet from the side property line.

(c) Drainage and Erosion Control. Every lot and/or individual development within the District must conform to the requirements of a site and drainage plan, which must be pre-approved by the appropriate regulatory agencies, as well as the City Engineer and the Director of Public Works.

(d) Excavation and Site Grading. No excavation or grading shall be permitted except in connection with the construction of an improvement, and upon completion thereof, exposed openings shall be backfilled, graded and leveled. No excavation or grading shall occur until all the requirements of this Code and in particular Article 917 have been fulfilled.

(e) Site Furniture. Site furniture and mechanical equipment visible from a street shall be considered as landscape elements and all site furniture shall be in accordance with City Code.

(f) Curb Cuts. It is intended that curb cuts be minimized and designed in accordance with West Virginia Department of Highways and City of Fairmont specifications, including the requirements of this Code and in particular Article 917, and approved by the Director of Public Works.

(g) Off-Street Parking. No parking shall be permitted on any street, lawn, median strip, public walkway, swell, berm or other unpaved area or at any place other than on the paved parking spaces provided for and described herein below. Each owner and tenant of the District shall be responsible for compliance with the foregoing by his employees and visitors. Off-street parking shall be provided by each owner and tenant for employees, customers and visitors. The location, number and size of parking spaces shall be in accordance with Article 1343 of this Code.

All off-street parking, access drives, and loading areas shall be paved and properly graded to assure proper drainage. Overnight parking of campers, mobile homes, boats, trailers, or motor homes is prohibited. If parking

requirements increase as a result of the change in use or the number of employees, additional off-street parking shall be provided as determined by the City of Fairmont.

(h)Loading. Service. and Outside Storage. Each lot devoted to development shall provide sufficient on-site loading facilities to accommodate site activities. All loading movement, including turnabouts, shall be made off of the public right-of-way. Loading docks shall be located and screened so as to minimize their visibility from any street or other right-of-way. Screening of service areas, loading docks, and so forth may consist of any approved combination of earth mounding, landscaping, walls and/or fencing. All screened materials, supplies and equipment shall be permitted to remain outside of any building. Tanks, motors and special technological equipment will be permitted to remain outside of any building So long as they are screened from the street and surrounding property. Rubbish and garbage facilities shall be screened so as not to be visible from any street or right-of-way. All screening shall meet the requirements as prescribed in Section 1341.19 of this Code.

(i)Utility Connections. All utility connections, including all gas docks, propane tanks, electrical, and telegraph connections and installations of wires to buildings shall be designed and installed in accordance with the appropriate regulatory code.

(j)Exterior and Interior Lighting. Exterior lighting on all building sites shall be limited to signs and security and safety illumination of streets or roadways_ parking lots, access drives and walks, building entrances, loading areas, and service areas and exterior lighting of overall building surfaces. No flashing, traveling, animated, or intermittent lighting shall be visible from the exterior of any building. Pole mounted exterior fixtures shall be limited to a maximum height of thirty (30) feet unless approved by the Building Inspector.