

Ordinance #\_\_\_

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 19 ZONING; ENACTING CHAPTER 19A "RANSON SMARTCODE"; AND RE-ADOPTING THE OFFICIAL ZONING MAP OF THE CITY OF RANSON.**

BE IT ORDAINED by the Council of the City of Ranson as follows:

**Section 1:** Chapter 19 of the Ranson Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

**Sec. 19-1. - Authority; purpose, enactment.**

(a) *Authority.* This chapter is adopted pursuant to authority granted to West Virginia municipalities by W. Va. Code, § ~~8-24-1~~ 8A-7-1 et seq.

(b) *Purposes.* It is the intent of this chapter to encourage well-planned growth for the city and its environs; to help insure wise, productive, and harmonious uses of land; to guide the use of land in a manner which gives appropriate consideration to the economic, social, cultural, aesthetic, and environmental values of the citizens of the community; and to preserve and enhance the quality of life for community residents.

(c) *Enactment.* For the purposes cited above and for the general purposes of promoting the health, safety, and general welfare of the citizens of the city, the city council hereby ordains, adopts and enacts this chapter in its entirety, including text, map, and all regulations, all of which shall be known collectively as the Ranson Zoning Ordinance. This chapter shall apply to all land within the corporate limits of the corporation, as shown on the official zoning map or described by ordinance.

(d) *Conflicting ordinances.* All ordinances or parts of ordinances in conflict with this chapter or inconsistent with its provisions, specifically including previous zoning ordinances of the city or amendments thereto, are hereby repealed or superseded to the extent necessary to give this chapter full force and effect. Chapter 19A shall apply when parcels of land are zoned SmartCode New Community (SC-NC) or Transect Districts (T1, T2, T3, T4, T5) as part of an Infill Community Plan or as standalone Transect Districts (T1, T2, T3, T4, T5). Collectively, Chapter 19 and Chapter 19A shall be known collectively as the Ranson Zoning Ordinance. Chapter 19A may refer to provisions within Chapters 16 or 19 of the Ranson Municipal Code.

(e) *Severability.* Should any provision of this be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this chapter as a whole or any part hereof except that specific provision which was the subject of the declaration.

(Code 1983, § 10-301)

## **Sec. 19-2. - Definitions.**

For the purpose of interpreting this chapter, certain words and terms shall be interpreted as indicated below. All other words used in this chapter shall have their customary dictionary definitions.

### *(1) Word interpretation.*

- a. The word "person" includes a firm, association, organization, partnership, corporation, trust, family, and company as well as an individual.
- b. The word "lot" includes the words "plot" and "parcel."
- c. The word "building" includes the word "structure."
- d. The word "shall" is always mandatory and not merely directory.
- e. The word "may" is permissive and not mandatory.
- f. The words "used" and "occupied" include "intended, arranged, or designed to be" used or occupied.
- g. The word "city" shall mean the City of Ranson, a municipal corporation in the State of West Virginia.
- h. The words "ordinance," "regulations," and "requirements" unless otherwise explained, mean this official zoning ordinance of the City of Ranson, West Virginia.
- i. The words "map," "zoning map," and "official zoning map" shall mean the official zoning map of the city.
- j. References to "city council," "planning commission," "board of adjustment," or similar official board shall mean the corresponding public body of municipal government in the city.

### *(2) Specific definitions.*

*Accessory building or use:* A nonattached building or use clearly incidental to a principal building or use, serving or contributing to the principal building or use, subordinate in area, extent and/or purpose to the principal building or use, and located on the same lot as the principal building or use. The term "accessory buildings or uses" includes the terms "garages," "storage sheds," "playhouses," and "swimming pools."

*Automobile service station:* A business providing gasoline, oil, grease, tires, batteries, accessories, minor maintenance and related services.

*Boardinghouse:* A building where, for compensation, lodging with or without meals for nontransient persons is provided.

*Building:* Any structure having a roof supported by columns or by walls designed for shelter, housing, enclosure of persons, animals, property or business activity.

*Building height:* The vertical distance from the highest point of the building, excluding spires, antennas, and any other specific exceptions in the "General provisions" section of this chapter.

*District:* A zoning district is an area within the city in which the zoning regulations are uniform.

*Duplex:* A residence designed for or occupied by two families only with separate housekeeping and cooking facilities for each.

*Dwelling, multifamily:* A dwelling containing two or more dwelling units, including apartment houses, townhouses, condominiums and duplexes.

*Dwelling unit:* A building or portion thereof providing complete living facilities (bathroom, kitchen, sleeping quarters) for one family.

*Family:* One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons.

*Family care home:* A home with support and supervisory personnel that provides room, residential care and habitation services in a family environment for not more than six resident handicapped persons.

*Fence:* A structure or partition erected for the purpose of enclosing an area.

*Fence, open:* A fence that is not less than 50 percent open to permit the transmission of light, air, and vision through in a horizontal plane.

*Fence, solid:* A fence which is so constructed that not more than ten percent of the vertical surface is open to permit the transmission of light, air, and vision through in a horizontal plane.

*Frontage:* All the property abutting one side of a street, measured along the street line.

*Garage, private:* An accessory structure to a dwelling designed for the storage of family motor vehicles and in which no business, occupation, or service is conducted.

*Home occupation:* Work for compensation conducted within a dwelling by a person or family residing therein. Home occupations are extensions of traditional home-making activities and crafts or professions which are generally only headquartered in the home and do not customarily have regular hours for the public. Customary home occupations include, but are not limited to, dress making, seam stressing, cooking and baking, quilting, hairdressing, music instructing, renting (but not more than one room to boarders), insurance sales persons, accountants, bookkeepers, consultants, and manufacturers' sales representatives.

*Hotel:* A commercial structure and business in which sleeping accommodations are provided, including customary accessory uses, if they are a physical and integrated part of the principal use. The term "hotel" includes the terms "motel" and "tourist home."

*Lot:* A parcel of land intended as a unit for transfer of ownership or for development or both.

*Lot, corner:* A lot abutting a street on two intersecting sides of the lot.

*Lot depth:* The average distance between front and rear lot lines.

*Lot frontage:* The distance between the two side lot lines as measured along the street right-of-way.

*Lot width:* The distance between side lot lines measured at the front building line.

*Mobile home:* A factory-assembled, movable dwelling designed and constructed to be towed on its own chassis, comprised of frame and wheels, to be used without a permanent foundation and distinguishable from other types of dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle.

*Nonconforming lot:* A lot which does not conform to the district regulations in which it is located.

*Nonconforming structure:* A building, mobile home, wall, fence, sign or other structure which does not conform to the regulations of this chapter.

*Nonconforming use:* A use of land and/or structure which was a conforming use prior to the effective date of the ordinance from which this chapter is derived.

*Permitted use:* A use permitted by right in a district, not subject to approval as a special exception nor prohibited in the district.

*Principal building or use:* The principal purpose for which the lot or the main structure thereon is designed, arranged, intended or used.

*Restaurant, drive-in:* A food service establishment whereby food is dispensed directly over the counter and consumed in the vehicle or served directly to customers in vehicles.

*Right-of-way:* An area dedicated to and/or maintained by the city, chartered public utilities, or the state for the placement of roads and/or utilities.

*Setback:* The minimum required distance between the lot line and the building line.

*Shopping center:* Two or more commercial establishments planned and constructed as a single unit with off-street parking and loading facilities provided on the property.

*Sign:* Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located.

*Sign area:* The total display surface of a sign.

*Sign, ground:* Signs that extend upward out of the ground.

*Sign, marquee:* Signs that appear on extended roofs, such as theater signs.

*Sign, outdoor advertising:* Any sign which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold or offered elsewhere than on the premises on which such sign is located.

*Sign, principal use:* A sign which directs attention to a business or other activity conducted exclusively on the premises upon which the sign is located.

*Sign, projecting:* A sign that extends outward from the building walls.

*Sign, temporary:* A sign permitted for a period not exceeding 12 months.

*Special exception:* A proposed special use which the board of adjustment must review to determine whether that use is compatible with authorized uses.

*Street:* A dedicated and accepted public right-of-way for vehicular traffic which provides the principle means of access to abutting properties.

*Structure:* Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something more or less permanently located on the ground. Among other things, the term "structure" includes the terms "buildings," "manufactured housing," "walls," "fences," and "signs."

*Variance:* A device which grants a property owner relief from certain provisions of a zoning ordinance to relieve such owner from a particular hardship; in particular, relief from dimensional requirements.

*Yard:* A required open space on the same lot with a building or structure unoccupied and unobstructed from the ground upward except by trees, shrubbery, landscaping features, or other exceptions specified in this chapter.

*Yard, front:* A yard from the front line of the principal building to the street right-of-way or front property line extending across the full width of the lot.

*Yard, rear:* A yard from the rear line of the principal building to the rear lot line and extending across the full width of the lot.

*Yard, side:* A yard from the side line of the principal building to side lot line and extending from the front yard to the rear yard.

(Code 1983, § 10-303)

**Sec. 19-3. - General provisions.**

(a) *Land and structures affected.* No land, building, or structure shall be used or occupied, and no building or structure or part thereof shall be erected, moved, or structurally altered, except in conformity with this chapter.

(b) *One principal building per lot.* Except as specifically provided or implied herein, there shall be not more than one principal building and its customary accessory buildings upon any lot.

(c) *Changes in lot sizes and yard spaces.* No lot shall be reduced in area or changed in dimensions so that lot sizes, frontages, yard spaces and setbacks, open spaces, or other requirements of this chapter are not met, except through an accepted dedication of right-of-way to the city or the state. All lots and yard spaces established after the passage of the ordinance from which this chapter is derived shall be in full conformity with these regulations.

(d) *Double counting not permitted.* No space which has been counted as part of a yard, lot area, or loading area required for one lot, use or building shall be counted to satisfy or comply with such requirements for any other lot, use or building.

(e) *Structures to have access.* Every residential building hereafter erected or moved shall be on a lot having a minimum frontage of 20 feet on a public street. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(f) *Yard space encroachments.* No required yard space shall be encroached upon or reduced except in conformity with this chapter. Shrubbery, driveways, retaining walls, fences, curbs, or ornamental objects, and plantings shall not be considered encroachments. Eaves may project not more than two feet into a minimum required yard.

(g) *Corner lot setback.* Buildings erected on lots having frontage on two or more streets shall be set back according to area and bulk regulations.

(h) *Intersection visibility.* On a corner lot in any residential district no planting, structure, fence, wall or obstruction to vision more than 2½ feet in height shall be placed or maintained within the triangular area formed by the intersecting property lines and a straight line connecting the points on such street lines each of which is 15 feet from the point of intersection.

(i) *Residential accessory buildings.* The minimum setbacks for accessory buildings from side and rear lot lines in residential districts shall be the required side yard requirement for that residential district. The combined floor area of accessory buildings on a residential lot shall not exceed one-half the area of the principal building served.

(j) *Construction in progress.* No change in the plans, construction, size, or immediate designated use shall be required for any building or structure, or part thereof, for which a building permit has been properly issued before passage of the ordinance from which this chapter is derived; provided, however, that if construction is not begun within six months or prosecuted to completion within a reasonable time of the effective date of such ordinance, any further

construction shall conform with this chapter.

(k) *Height regulation exceptions.* Height limitations contained do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, flagpoles, or other projections usually required to be placed above the roof level and not intended for human occupancy.

(l) *Home occupations.* Home occupations must be clearly incidental and secondary to the use of the dwelling for residence purposes and must not change the character thereof. Home occupations must be conducted by the family dwelling therein; must not employ more than one person who is not a related family member; must not include sales rooms, display windows, or outside storage; must not include installation of mechanical equipment except such equipment as is normally used for domestic or professional purposes; must not use over 25 percent of the total floor space of the dwelling structure (including storage); and must not use accessory buildings in connection with the home occupation. No home occupation shall significantly increase the traffic, noise, electrical interference, glare, dust, smoke, or odor beyond levels normally existing in residential districts. Claims of home occupations shall not be used to circumvent or avoid the intent of this chapter that trades and commercial operations shall take place in appropriately zoned commercial districts.

(m) *Buffer areas.* Buffer areas shall be continuously maintained in evergreen trees, initially planted at minimum heights of four feet and minimum density of one per 12 square feet or other such arrangement which successfully achieves the screening objective. Buffer areas shall include only plantings and any required fencing and shall not include buildings, signs, or vehicles.

(Code 1983, § 10-302; Ord. No. 49, 12-4-86)

#### **Sec. 19-4. - District regulations.**

~~(a) *Establishment of districts.* District regulations setting permissible uses and establishing areas and bulk requirements for the use of land and buildings are hereby enacted. These regulations are adopted as requirements for the entire zoning jurisdiction of the city, each part of which shall be classified according to one of the districts set forth below and regulated according to the uniform requirements of that district. These districts shall be delineated on the official zoning map and be designated by their abbreviated names as well as their full titles.~~

~~(b) *Boundary interpretation.* When uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:~~

~~(1) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or railroad right of way lines or such lines extended, such centerlines, street lines, or railroad right of way lines shall be construed to be such boundaries.~~

~~(2) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.~~

~~(3) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways or railroads, or rights of way of same, such district~~

~~boundaries shall be construed as being parallel thereto and such distance therefrom as indicated, and shall be determined by the use of the scale shown on the zoning map.~~

~~(4) Where a district boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof provided that such extensions shall not include any part of such a lot more than 35 feet beyond the district boundary line.~~

(Code 1983, § 10-304)

**Sec. 19-5. - Residential (R-6) district.**

(a) *Purpose.* This district is designed for medium- to high-density single family and multifamily development.

(b) *Permitted uses.*

- (1) Single-family.
- (2) Churches and related uses.
- (3) Golf courses, parks, playgrounds and community centers operated on a noncommercial or nonprofit basis for recreational purposes only.
- (4) Public elementary and secondary schools, and private schools having curricula the same (approximately) as ordinarily given in public schools.
- (5) Advertising signs, unilluminated or indirectly illuminated clearly incidental to a permitted use not to exceed one sign per zoning lot and not to exceed 25 square feet.
- (6) Greenhouses and truck gardens which are incidental to the residential use and conducted on a noncommercial basis.
- (7) Doctors, lawyers, dentists, accountants, and similar professional offices.
- (8) Rooming and boarding houses.
- (9) Libraries.
- (10) Home occupations (see definitions).
- (11) Customary accessory uses.
- (12) Fences and walls in yards or along the edge of any yard are permitted up to the following maximum heights: open and solid, four feet in front and corner side yards, excluding site distances solid six feet in side and rear yards, open, any structurally sound height in side and rear yards. All swimming pools in excess of two feet in depth shall be enclosed by a fence of at least four feet in height.



(c) *Special exceptions.*

- (1) Kindergarten and child day care center, upon a finding that the activities at the location will not have an adverse effect upon the adjoining properties.
- (2) Governmental and public utilities buildings and uses, such as sewage lift stations, pump stations, maintenance or operations centers and other community centers, upon a finding that they will not create excessive noise, odor, smoke, dust or other adverse impacts.
- (3) Rest and convalescent homes, upon a finding that no traffic congestion is likely to result with adequate off-street parking.
- (4) Schools of art, dance, and music, upon a finding that noise and other factors will not adversely affect adjoining properties and adequate off-street parking prevent congestion of the streets.
- (5) Multifamily dwellings, apartment houses.

(Code 1983, § 10-305; Ord. No. 55, 2-3-87)

**Sec. 19-6. - Residential (R-7) district.**

(a) *Purpose.* This district is designed to create and maintain a medium density residential neighborhood composed primarily of single family dwellings and some public and community uses which will not detract from the character of the district.

(b) *Permitted uses.*

- (1) Single-family dwellings.
- (2) Duplexes.
- (3) Churches and related uses.
- (4) Public and private parks, playgrounds, community centers, and outdoor recreation uses.
- (5) Greenhouses and truck gardens which are incidental to the residential use and conducted on a noncommercial basis only.
- (6) Home occupations (see definition).
- (7) Residential accessory buildings or structures provided such are permitted only in a rear yard and shall be the distance of side yard setback from any property line, and further provided that in the case of corner lots such buildings or structures shall be set back from the side property line on the street at least the same distance of the principal building.
- (8) Fences and walls in yards or along the edge of any yard are permitted up to the following maximum heights: open and solid, four feet in front and corner side yards excluding site distance; solid, six feet in side and rear yard; open, any structurally sound height in side and

rear yards. All swimming pools shall be enclosed by a fence of at least four feet in height.

(c) *Special exceptions.*

(1) Schools, upon a finding that adequate thoroughfare access exists to prevent undue traffic congestion.

(2) Kindergartens and child day care centers, upon a finding that the activities at the location will not have an adverse effect upon the adjoining properties.

(3) Governmental and public utilities building and uses, such as sewerage lift stations, pump stations, upon a finding they will not create excessive noise, odor, smoke, dust or other adverse impacts to the surrounding developed property and uses.

(4) Athletic fields and courts occupying not more than 15,000 square feet, upon a finding that noise, illumination, and/or traffic are not likely to affect the quiet enjoyment of residential properties.

(5) Parks and playgrounds.

(Code 1983, § 10-306; Ord. No. 55, 2-3-87)

**Sec. 19-7. - Commercial (C) districts.**

The Commercial district (C) is divided into ~~three~~ two separate zoning districts: Highway Commercial (HC), ~~Central Business (CB)~~, Racetrack Commercial (RC), with all permitted uses, special exceptions, boundaries and other requirements, so amended and stated in section 19-8, Highway Business, ~~section 19-9 Central Business~~, and section 19-10, Racetrack Commercial and the official zoning map, section 19-20, District boundaries.

(Code 1983, § 10-307; Ord. No. 14, 12-6-83)

**Sec. 19-8. - Highway Commercial (HC) district.**

(a) *Purpose.* This district is intended to provide for commercial areas to be located on highways and major thoroughfares in the community. The uses allowed in this district are primarily retail trade or service establishments dependent on the traffic volume or transportation access characteristics of highways and major thoroughfares.

(b) *Permitted uses.*

(1) Animal hospitals.

(2) Antique shops.

(3) Appliance sales and repair.

(4) Art galleries.

- (5) Assembly halls, gymnasiums, and similar facilities.
- (6) Auction sales (not livestock).
- (7) Auto parts and accessories sales.
- (8) Automobile service stations.
- (9) Automobile and truck sales and rentals.
- (10) Automobile repair and paint shops.
- (11) Automobile washing facilities.
- (12) Bakeries.
- (13) Banks and other financial institutions.
- (14) Barber and beauty shops.
- (15) Book and stationery stores.
- (16) Bowling alleys.
- (17) Candy and ice cream shops.
- (18) Carpet, rug and linoleum stores.
- (19) Catalog sales stores.
- (20) Churches and customary related uses.
- (21) Craft and novelty stores.
- (22) Convenience stores with or without gas pumps.
- (23) Customary accessory uses.
- (24) Delicatessens.
- (25) Department stores.
- (26) Dry cleaning stores and plants.
- (27) Farm and garden supplies stores.
- (28) Farmers markets and produce stands.
- (29) Fast food restaurants with no more than one drive-through window.
- (30) Fish and meat markets.

- (31) Florists.
- (32) Funeral homes.
- (33) Furniture stores.
- (34) Garden supplies sales.
- (35) Gift shops.
- (36) Government offices, services, amenities.
- (37) Grocery stores.
- (38) Hobby shops.
- (39) Jewelry stores.
- (40) Libraries.
- (41) Locksmiths.
- (42) Lodges and offices of fraternal, civic, professional and service organizations.
- (43) Medical and dental offices.
- (44) Mobile home sales lots.
- (45) Motels.
- (46) Music and musical instrument shops.
- (47) Newspaper publishing.
- (48) Offices—Business, financial, government, professional.
- (49) Office equipment and supplies sales.
- (50) Opticians and optometrists.
- (51) Other retail stores and establishments.
- (52) Outdoor recreational uses such as miniature golf, batting cages and similar uses.
- (53) Paint and wallpaper stores.
- (54) Parking lots and garages.
- (55) Pawn shops.
- (56) Pet shops (indoor only).

- (57) Pharmacies.
- (58) Photographic studios.
- (59) Physical fitness and health services establishments.
- (60) Private clubs.
- (61) Real estate sales and rentals.
- (62) Restaurants.
- (63) Retail clothing stores.
- (64) Secondhand stores and swap shops.
- (65) Schools of art, dance and music.
- (66) Seed and feed stores.
- (67) Self-storage facilities.
- (68) Sewing machine stores.
- (69) Shoe sales and repair shops.
- (70) Skating rinks.
- (71) Sporting goods stores.
- (72) Tailors and seamstresses.
- (73) Taxi stands.
- (74) Theaters (indoor).
- (75) Tire recapping and retreading.
- (76) Toy stores.
- (77) Transit terminals for passengers and light freight.
- (78) Vocational trade schools.
- (79) Variety stores.

(c) *Special exceptions.*

- (1) Drive-in banks, upon a finding that adequate off-street movement and standing space will be provided for vehicles being served and waiting to be served.

(2) Shopping centers, upon a finding that the center will complement and contribute to the economic vitality of the district.

(3) Limited video lottery; provided that the city board of zoning adjustments grants a conditional use permit to applicant based upon the following criteria:

- a. Applicant is properly licensed with city;
- b. Limited video lottery is accessory use to a restaurant;

For the purposes of this section, restaurants are defined as a structure in which the principle use is the preparation and service of food and beverages to its customers. Customers may consume food and beverages either inside or outside the structure or take the products off premises to consume as allowed by applicable laws.

- c. Limited video lottery machines must be in a separate room, closed-off from the restaurant and/or bar area and not visible to general restaurant patrons;
- d. Applicant must submit detailed floor plan with conditional use permit application;
- e. Food receipts must account for at least 51 percent of all gross revenue. The city may require proof from applicant of food vendor receipts for verification of gross revenue calculations;
- f. Restaurant, not including kitchen and preparation area, must have at least 40 seats, five tables and have a gross floor area of at least 800 square feet;
- g. Applicant must be the owner of the structure and lessee of video lottery machines;
- h. Restaurant must be open to the general public and include patrons under the age of 18 years old;
- i. Structure containing video lottery machines is not located within 300 feet of a church or place of worship, school, park or recreational facility or other video lottery establishment;

1. The aforementioned 300 feet prohibition for a church or place of worship, school, park or recreational facility or other video lottery establishment shall be measured in a straight line from the nearest point of the wall of a limited video lottery establishment to the nearest property line of a church or place of worship, school, park or recreational facility.

2. The aforementioned 300 feet prohibition for other video lottery establishments shall be measured in a straight line from the nearest point on the wall of the portion of the building in which a limited video lottery is conducted to the nearest point on a wall of a building in which another limited video lottery may be conducted.

3. For the purposes of this section, limited video lottery establishment shall be defined as any establishment within the city in which video lottery machines are operated.

j. Applicant must apply for a renewal of the conditional use permit with the zoning administrator on an annual basis and provide proof that the conditions listed within aforesaid section are satisfied; and

k. The zoning administrator may revoke applicant's special exception if applicant fails to meet and/or maintain any of the conditions listed within the aforesaid section.

(4) Residential use—Single family.

(5) Residential use—Multi-family, not to exceed eight units.

(6) Recreational RV parks and campgrounds provided that such use complies with section 19-24, as amended, and upon a finding that the use will complement and contribute to the economic vitality of the district.

(d) *Buffer strip*, A densely planted buffer strip at least eight feet in height shall be planted and maintained along the rear and side yard of any residential district, but shall not extend beyond the front building line of adjacent residential lots.

(e) *Fences, walls*, Fences and walls in yards or along the edge of any yard are permitted up to the following maximum heights: open and solid, four feet in front and corner side yards, excluding side distance; solid, six feet in side and rear yards: open, any structurally sound height in side and rear yards.

(Code 1983, § 10-307A; Ord. No. 14, 12-6-83; Ord. No. 55, 2-3-87; Ord. No. 156, § 1, 11-15-05; Ord. No. 177, §§ 1, 2, 12-4-07; Ord. No. 199, § 1, 6-8-09; Ord. No. 208, § 1, 7-6-10; Ord. No. 222, 3-1-11)

**~~Sec. 19-9. - Central business (CB) district. Reserved.~~**

~~(a) Purpose, This district provides an area for a central pedestrian-oriented concentration of retailing, personal services, public uses, and office uses.~~

~~(b) Permitted uses.~~

~~(1) Antique shops.~~

~~(2) Appliance sales and repairs.~~

~~(3) Art and school supply stores.~~

~~(4) Art galleries and studios.~~

~~(5) Auto parts and accessories sales.~~

~~(6) Bakeries.~~

- ~~(7) Banks and other financial institutions.~~
- ~~(8) Barber and beauty shops.~~
- ~~(9) Book and stationery stores.~~
- ~~(10) Camera and photography stores.~~
- ~~(11) Carpet, rug and linoleum stores.~~
- ~~(12) Churches and customary related uses.~~
- ~~(13) Craft and novelty stores.~~
- ~~(14) Fitness and recreational sport centers.~~
- ~~(15) Florists.~~
- ~~(16) Funeral homes.~~
- ~~(17) Garden supplies stores.~~
- ~~(18) Gift shops.~~
- ~~(19) Government offices.~~
- ~~(20) Grocery stores.~~
- ~~(21) Gunsmiths.~~
- ~~(22) Hardware stores.~~
- ~~(23) Hospital — General, medical and surgical.~~
- ~~(24) Hospital — Specialty (except psychiatric and substance abuse).~~
- ~~(25) Libraries.~~
- ~~(26) Locksmiths.~~
- ~~(27) Lodges and offices of fraternal, professional and service organizations.~~
- ~~(28) Medical and dental offices.~~
- ~~(29) Opticians and optometrists.~~
- ~~(30) Paint and wallpaper.~~
- ~~(31) Pet shops.~~
- ~~(32) Pharmacies.~~



~~(33) Printers.~~

~~(34) Restaurants.~~

~~(35) Retail clothing stores.~~

~~(36) Secondhand stores.~~

~~(37) Schools of art, dance, and music.~~

~~(38) Shoe sales and repair shops.~~

~~(39) Outdoor storage yards shall be screened on the front side by a solid fence or wall at least four feet high, and the rest of the area is to be fenced by a solid fence not less than six feet in height.~~

~~(c) Special exceptions. Dwellings upon findings that: (1) residential use of the property will not adversely affect the district by occupying commercial land needed for the district's economic vitality, and (2) residential use of the property will assist the economic health of the district by providing consumer support.~~

~~(d) Service areas.~~

~~(1) All uses shall provide adequate areas for storage of solid waste and for placement of heating, cooling, and similar facilities on the premises.~~

~~(2) Outdoor storage yards shall be screened on the front side by a solid fence or wall at least four feet high, and the rest of the area is fenced by a solid fence not less than six feet in height.~~

~~(Code 1983, § 10-307B; Ord. No. 14, 12-6-83; Ord. No. 55, 2-3-87; Ord. No. 214, § 1, 11-16-10)~~

### **Sec. 19-10. - Racetrack Commercial (RC) district.**

(a) *Purpose.* This district is intended to set apart and protect areas vital to the performance of racetrack functions, and provide for its efficient operation, continuation, and expansion.

(b) *Permitted uses.*

(1) Horse stables.

(2) Racetrack parking lots and areas.

(3) Retail stores including those with incidental manufacturing or processing of goods for sale only at retail and only on the premises.

(4) Veterinary medical, surgery or dental clinics.

(5) Single-family dwellings.

(6) Multifamily dwellings.

(7) Mobile homes.

(c) *Special exceptions.*

(1) Private clubs.

(2) Restaurants.

(3) Recreational RV parks and campgrounds provided that such use complies with section 19-24, as amended.

(d) *Fences, walls.* Fences and walls, in yards or along the edge of any yard are permitted up to the following maximum heights: open and solid, four feet in front and corner side yards, excluding side distance; solid, six feet in side and rear yards; open, any structurally sound height in side and rear yards.

(e) *Service areas.*

(1) All uses shall provide adequate areas for storage of solid waste and for placement of heating, cooling and similar facilities on the premises.

(2) Outdoor storage yards shall be screened on the front side by a solid fence, wall or hedge at least four feet high, and the rest of the area fenced by a solid fence not less than six feet in height.

(Code 1983, § 10-307C; Ord. No. 14, 12-6-83; Ord. No. 55, 2-3-87; Ord. No. 222, 3-1-11)

**Sec. 19-11. - Industrial (I) districts.**

(a) *Purpose.* This district is designed to provide areas primarily for manufacturing and processing industries and their accessory uses, for supporting or related storage, transportation and distribution activities, for commercial activities with high intensity characteristics, and for certain supporting activities for the convenience of the concentrated employee population. These areas shall normally be located on planned sites with good access to major transportation arteries and to appropriate utilities capacities. The regulations of this district are intended to minimize conflicts with proximate land uses by controlling noise, odor, glare, smoke, dust, wastes, and other adverse environmental effects. Residential uses and most retail trade activities are prohibited in this district.

(b) *Permitted uses—Manufacturing and fabrication.*

(1) Air conditioning and heating equipment.

(2) Apparel and clothing.

(3) Auto parts and accessories.

- (4) Bakery and food products.
- (5) Bedding and carpets.
- (6) Beverages, including bottling.
- (7) Boats.
- (8) Books.
- (9) Business machines.
- (10) Candy and confections.
- (11) Carbon and battery products.
- (12) Dairy products.
- (13) Drugs, medicines, cosmetics.
- (14) Electrical appliances and electronic equipment.
- (15) Farm implement and equipment sales and repair, feed and fertilizer.
- (16) Furniture.
- (17) Glass, ceramics and tile.
- (18) Hardware and housewares.
- (19) Ice.
- (20) Industrial supplies and equipment.
- (21) Insulation and wallboard.
- (22) Leather products.
- (23) Light machine tools.
- (24) Monument works.
- (25) Musical instruments.
- (26) Optical goods.
- (27) Paper products (finished).
- (28) Plastic products.
- (29) Pottery porcelain.

(30) Precision instruments and jewelry.

(31) Recreation and sporting goods.

(32) Signs.

(33) Soap, detergents.

(34) Textiles and cordage.

(35) Trucks, trailers and mobile homes.

(36) Watches and clocks.

(37) Brass foundry.

(c) *Permitted uses—Processing activities.*

(1) Coffee, tea, spices.

(2) Dry cleaning and laundry plants.

(3) Grain and seed plants.

(4) Printing, engraving, publishing.

(d) *Permitted uses—Supporting, intensive or large-area commercial activities.*

(1) Auction sales.

(2) Building materials, storage and sales.

(3) Communication towers and antennas.

(4) Contractor's offices and storage yards.

(5) Freezer lockers.

(6) Machine and welding shops.

(7) Plumbing, heating, and electrical supplies and repair.

(8) Public works, public safety, governmental and public utilities.

(e) *Permitted uses—Special exceptions.*

(1) Acid chemicals, and allied products manufacturing and storage.

(2) Bulk storage of petroleum products, provided such uses are properly buffered, located at least 300 feet from residential and related structural uses, and at least 1,000 feet from other bulk storage facilities.

(3) Industrial equipment and machinery repair and servicing.

(4) Pesticide and herbicide production.

(5) Stone and gravel works.

(6) Little league park to be permitted as a special exception in block 129 of the Industrial District (ID).

(f) *Fences, walls.* Solid and open fences are permitted to any structurally sound height.

(g) *Operational standards.* All industrial uses shall meet state and federal EPA regulations.

(h) *Buffer strips.* A densely planted buffer strip at least eight feet in height shall be planted and maintained along the rear and side yards of any residential district, but shall not extend beyond the front building line of adjacent residential lots.

(Code 1983, § 10-308; Ord. No. 55, 2-3-87; Ord. No. 64, 2-23-88; Ord. No. 113, 6-18-96)

**Sec. 19-12. - Minimum parking requirements.**

Each use must provide off-street parking and/or loading space equal to or greater than the minimum requirement for that use as set forth below. For any use or class of uses not specifically mentioned, the requirements for off-street parking facilities for the most similar use or class of uses shall apply. Number of employees shall be computed as the largest number of persons employed on the largest shift.

<b>Use</b>	<b>Required Minimum Parking:</b>
Apartments and multifamily dwellings	1.5 spaces per dwelling unit.
Auditoriums and theaters	1 space for each 4 seats.
Automobile sales and repair	1 space for each 2 employees, plus 2 spaces for each 300 square feet of maintenance space.
Automobile wash	1 space for each 2 employees, plus movement lane space equal to 5 times the capacity of the wash bays.
Bowling alleys	3 spaces per alley plus requirements for any associated uses (restaurant, etc.).
Churches	1 space for each 5 seats.
Clubs or lodges, fraternal and non-residential	1 space for each 200 square feet used for assembly or dancing.
Day care centers	1 space per employee plus 1 loading space per 6 children.
Drive-in restaurants	10 spaces for take-out customers and 1 place for each employee.
Financial institutions (banks, savings and	1 space per 200 square feet of primary

loans, loan co.)	business area.
Funeral homes, mortuaries	1 space for each 3 seats in the chapel plus 1 space for each funeral home or mortuary employee.
Furniture stores	1 space for each 300 square feet.
Hotels, motels	1 space for each unit, plus 1 space for each 2 employees.
Industrial, manufacturing, or warehouse firm	1.5 spaces for each 2 employees, 1 space each for managerial personnel and business vehicles.
Medical offices and clinics	4 spaces per doctor plus 1 space for each employee.
Offices (real estate, lawyers, insurance, government)	1 space for each 200 square feet of floor area and 1 for each employee.
Rest homes, nursing homes	1 space for each 2 beds and 1 space for each employee.
Restaurants, night clubs	1 space for each 3 seats plus 1 space per employee.
Retail business not otherwise listed	1 space per 200 square feet of floor area and 1 place for each employee.
Rooming and boarding houses	1 space for each guest room, plus 4 spaces for owner and visitors.
Schools	1 space for each employee and 4 child loading spaces.
Service stations	4 spaces for each grease or wash rack.
Shopping center	1 space for each 200 square feet gross floor area.
Single-family dwellings and mobile homes	2 spaces for each dwelling unit.
Wholesale business	1 space per each 2 employees plus 1 space per 500 square feet of sales area.

(Code 1983, § 10-309)

**Sec. 19-13. - Area and bulk regulations.**

<u>Zoning District</u>	Minimum Lot Size		Minimum Yard Requirements			Maximum Height in Feet
	Lot Area in Square Feet	Mean Lot Width in Feet	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet	
<b><u>T1 (Natural)</u></b>	<b><u>Refer to Chapter 19A</u></b>					

<u>T2 (Rural)</u> <u>T3 (Sub-Urban)</u> <u>T4 General Urban</u> <u>T5 (Urban Center)</u> <u>SD (Special District)</u>						
<b>R-7 Residential District</b>	7000, F	60	25	8, 10 on a corner lot	25	35
<b>R-6 - Residential District</b>						
Single-Family	6000, F	50	25	5	20	35
Multifamily	6000 & 1000, F	60	25		30	
<b>CD - <u>Commercial Districts:</u></b>						
<u>Race Track and Highway</u> Commercial Districts	2500, F	25		A, B		50
"Highway Commercial District" Adjacent to a limited/controlled access four-lane highway such as Routes 9 and 340	2500	25		A, B		80
<b>ID - <u>Industrial District</u></b>						
<del>A) South of Beltline Avenue</del>	18,750, F	150 width 125 depth		10	10	50, D
<del>B) North of Beltline Avenue</del>	<del>22,500, F</del>	<del>180 width</del> <del>125 depth</del>		<del>10</del>	<del>10</del>	<del>50, D</del>
** Alphabetical letters within chart specifically refer to notes below.						

(A) None required, but if provided, each side yard shall be at least four feet in width.

(B) Where a line abuts any residential district, there shall be a side or rear yard clearance of at least ten feet on the side and/or rear yard abutting the residential district.

(C) Upon any side or rear lot line which abuts a residential district there shall be a densely planted buffer strip at least ten feet in height along the rear and/or side lot line abutting the residential properties. No such buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining residential lots.

(D) No building shall exceed 50 feet in height unless the depth of front and total width of the side yards required, shall be increased by one foot for each two feet of building height in excess of 35 feet.

(E) No building over 35 feet in height unless the depth of the front and total width of the side yards required, shall be increased by one foot for each two feet of building height in excess of 35 feet.

(F) No fences shall be placed:

(a) Upon the right-of-way of any street or highway;

(b) Closer than 20 feet from the center line of any street or highway; or

(c) Closer than seven feet from the outer edge of the pavement or curb of any street or highway, whichever distance in (a), (b), or (c) is greater than the center line of the street or highway.

(Code 1983, § 10-310; Ord. No. 11, 12-6-83; Ord. No. 208, § 2, 7-6-10)

#### **Sec. 19-14. - Site plans.**

(a) *General.* Site plans are required for any development which: contains more than one use; is located on a parcel or parcels equal to or greater than one acre; contains more than two units; or contains commercial and/or industrial development. No permits will be issued until approval of the plans has been made by the city planning commission.

(b) *Plan content.* Refer to section 16-164, "Site plan/improvement plan requirements," as amended, for required plan contents.

(c) *Review procedure.* Refer to section 16-163, "Site plan/improvement plan procedure" for the site plan review procedure.

(Code 1983, § 10-311; Ord. No. 50, 11-4-86; Ord. No. 64d, 6-6-88; Ord. No. 207, 7-6-10)

#### **Sec. 19-15. - Signs.**

(a) *Purpose and applicability.*

(1) *Purposes.* The purpose of this section is: To preserve the legibility and usefulness of necessary signs; to minimize the detrimental effects of signs on adjacent properties; to prevent commercial signs from conflicting with or obscuring signs related to the public safety or convenience; to insure that signs do not become a public hazard or nuisance by reason of their size, placement, number, or condition; to maintain and enhance the aesthetic environment; to assist with economic development.

(2) *Applicability.* This section applies to signs intended to be clearly legible from a public right-of-way for vehicles or pedestrians. This section applies to all such signs within the



zoning jurisdiction of the city.

(b) *General requirements and standards.*

(1) *Signs for active uses.* All nongovernmental signs must be for an active business, on the premises. Signs for discontinued businesses must be removed within 30 days upon notification by the city.

(2) *Sign condition.* All signs shall be maintained in a legible and safe condition. Any sign in a deteriorated, rusting, or unsafe condition shall be in violation of this section, and the zoning administrator shall order that such sign be repaired or removed.

(3) *Illumination.* Signs may be illuminated by interior bulbs, silhouette lighting or flood lighting. Flood lights shall not be directed towards streets or public pedestrian walks.

(4) *Improper attachments.* Nongovernmental signs shall not be attached to, or painted on, power poles, light poles, telephone poles, traffic signs, or other objects not intended to support a sign. Signs shall not be located on rocks, trees, or other natural objects.

(5) *Rights-of-way.* Nongovernmental signs shall not be erected upon or encroach upon public rights-of-way.

(6) *Permit required.* Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a building permit for a sign in the same manner required for other building permits specified in chapter 5

(7) *Permanent copy of existing signs.* Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of these regulations.

(8) *Posters or flyers.* Posters or flyers either handmade or printed must conform to the general requirements concerning signs. Additionally, they must contain a street address, date and time of activity and be removed within 24 hours following the conclusion of the event. Any poster or flyer not conforming may be removed by any city employee or public official.

(9) *Construction standards.* All signs shall be constructed and installed in accordance with the applicable provisions of the state building code.

(10) *Electrical standards.* All illuminated signs shall be installed in accordance with the applicable provisions of the state electrical code and all detached signs shall be so illuminated by an underground electrical source.

(11) *Maintenance of signs.* All signs shall be maintained in good structural and aesthetic condition. Deficiencies shall include, but are not limited to, chipped paint, broken plastic, missing letters and exposed light bulbs.

(12) *Content.* If a commercial sign is allowed by any provision of these regulations, then a noncommercial sign shall likewise be permitted subject to the applicable standards herein. In addition, any commercial sign permitted by these regulations may display or publish noncommercial message. This includes signs requiring and not requiring a permit. The premise's address may be included in any permitted sign.

(13) *Address information on supporting structures.* In the interest of public safety and convenience, the display of address information on structures supporting business signs is specifically permitted and do not contribute to the maximum sign face area allowed.

(14) *Penalties/violations.* Any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished for each offense by a fine not less than \$10.00 nor more than \$300.00. Each day the violation continues shall be considered a separate offense. Work carried on in violation of the cancellation of any permit issued under this section shall also be deemed a violation punishable in the same manner.

(c) *Signs not requiring a permit.* The following types of signs are exempted from permit requirements and allowed in all zones, but shall be in conformance with all other requirements of these regulations.

(1) Memorial signs, plaques, or grave markers that are noncommercial in nature.

(2) Public interest signs.

(3) On-premises directional and instructional signs not exceeding six square feet in area, unless such sign is a monument sign in which case it shall not exceed nine square feet.

(4) Identification signs not exceeding one and one-half square feet in area, which indicate the name of the occupant.

(5) Window signs with a total copy area not exceeding 50 percent of the window or glass door onto which the sign(s) are located, except in residential districts, limited to one nonilluminated sign per building not exceeding one and one-half square feet in area.

(6) Incidental signs, however in no case shall a drive-in service window menu board sign be oriented to the public right-of-way or exceed 32 square feet in size.

(7) Flags on permanent poles. Flag poles may not exceed the height in the district which is located.

(8) Campaign or election signs provided:

a. Individual signs shall not exceed 16 square feet in area;

b. All signs shall be removed within seven days after the election for which they were made.

(9) Real estate, construction and temporary planned development signs.

(10) Temporary banners in nonresidential districts, not to exceed 30 days.

(d) *Signs allowed in all districts.*

(1) Signs that do not exceed two square feet in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identifications of premises not having commercial connotations.

(2) Flags and insignia of any government except where displayed in connection with commercial promotion.

(3) Legal notices, identification, information, or directional signs erected or required by government bodies.

(4) Integral decorative or architectural features of buildings, except letters, trademarks, moving lights, or moving parts.

(5) Signs directing and guiding traffic on private property, but bearing no advertisement matter, and street name markers and historic markers.

(6) A temporary sign not exceeding 24 square feet noting an event of general interest, such signs to be removed within ten days after the event. The date of the event must be noted upon the sign.

(7) A temporary banner not exceeding 24 square feet noting a special event such a "Grand opening" or a "special sales event" on nonresidential properties. Temporary banners must be removed within 15 days of placement provided:

a. Only one banner per establishment shall be allowed at a time;

b. All banners shall be made a durable material, excluding paper and attached in total to a building wall or permanent canopy extending from a building.

(8) Campaign or election signs.

(9) Real estate, construction and temporary planned development signs.

(e) *Signs prohibited in all districts.*

(1) Signs extending into the public right-of-way other than those permanent signs approved by the city manager along the private streets, or the state department of transportation along public streets.

(2) Any sign that obscures a sign displayed by public authority for the purpose of giving traffic instructions, direction, or other public information.

(3) Any sign that uses the word "stop" or "danger" or otherwise represents or implies that the need or requirement of stopping or caution or the existing of danger, or which is a copy

of, or for any reason is likely to be confused with any sign displayed by public authority.

(4) Any sign that obstructs any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building, as required by law.

(5) Signs which obstruct sight distances at intersections or along public rights-of-way.

(6) Signs which contain, employ, or utilize lights or lighting which rotates, flashes, moves, or alternates and does not conform to subsection (d)(7), except otherwise approved time and temperature signs.

(7) Roof signs.

(8) Portable signs.

(9) Flashing, fluttering, swinging, or rotating signs other than time and/or temperature signs.

(10) Signs that are similar in color, design, and appearance to traffic control signs.

(11) Off-premises signs.

(12) Nonconforming signs, except as permitted in section 19-16

(13) Outdoor advertising signs.

(14) Vehicular signs.

(15) Permanent window signs.

(16) Other signs not expressly allowed by these regulations.

(f) *Specifications for permanent signs requiring a permit.* The following are specifications applicable to the various permanent signs permitted in the all zoning districts:

(1) *Wall signs.* Wall signs shall be permitted on the wall of a building as follows:

a. Signs may be located on any building wall of a structure so long as the maximum sign surface area of all signs on one wall does not exceed ten percent of the area of the building wall; or the restriction in Table 19-15F, whichever is greater.

b. The maximum allowable wall sign area per wall shall not be transferable to another wall;

c. The total area of wall signs may be increased by ten percent if no detached sign is used on the premises;

d. No wall sign shall extend above the parapet or roofline of the building to which the sign is attached, nor shall a wall sign project into the required setback as measured from

the back of curb. Further, no wall sign or its supporting structure shall cover any window or part of a window; and

e. Lamps and fixtures used to illuminate a wall sign shall not project into the required setback as measured from the back of curb and shall have a minimum clearance of ten feet from grade.

(2) *Projecting signs.* A projecting sign shall be permitted, provided:

a. A projecting sign shall be allowed to project up to four feet into the required setback as measured from the back of the curb. Under no circumstance will a sign project more than six feet from the building face. These requirements shall not apply to an existing building that already encroaches into the required setback. Such a nonconforming building shall be permitted to have a projecting sign that does not project more than four feet from the building face into the setback and shall not be any closer than two feet from the face of existing curb. The maximum area of a projecting sign shall be 75 square feet.

b. The minimum height from grade to the lowest edge of a projecting sign shall be nine feet;

c. A projecting sign, wall sign, or combination of both may be located on any building wall of a structure so long as the maximum sign surface area of all signs on one wall does not exceed ten percent of the area of the building wall to which the sign or signs are attached up to a maximum of 200 square feet;

d. The maximum allowable sign area per wall shall not be transferable to another wall;

e. The total area of wall and projecting signs may be increased by 10% if no detached sign is used on the premises; and

TABLE 19-15F: SIGN REGULATIONS AND SPECIFICATIONS  
(For individual properties excluding multi-tenant and multi-lot shopping centers and industrial parks)

SIGN TYPES	R6	R7	HC	RC	HB	CB	TND residential uses <sup>2</sup>	TND commercial uses	TND industrial uses	<u>T1</u> <u>T2</u> <u>T3</u> <u>T4</u> <u>T5</u> <u>SD</u>
Maximum area for: Signs attached to	2	2	150	150	150	150	2	150	150	<u>Refer to Chapter 19A</u>

building <sup>1</sup>										
Maximum height for: Freestanding signs	3	3	15	15	15	15	3	15	15	<u>Refer to Chapter 19A</u>
Number of Freestanding signs per street frontage	n/a	n/a	1 per 50 feet	1 per 50 feet	1 per 50 feet	1 per 50 feet	n/a	1 per 100 feet	1 per 100 feet	<u>Refer to Chapter 19A</u>
Number of Freestanding signs per parcel <sup>1</sup>	1	1	2	2	2	2	1	1	1	<u>Refer to Chapter 19A</u>

1. Advertising signs on residential properties are allowed only as associated with approved special exceptions per subsection 19-5(c), subsection 19-6(c), and may only advertise the specific use permitted.

2. Only single family detached residential units may have advertising signs.

TABLE 19-15G: SIGN REGULATIONS AND SPECIFICATIONS

(For multi-tenant and multi-lot shopping centers and industrial parks)

	HC <sup>4</sup>	RC	HB	CB	TND commercial uses	TND industrial uses	<u>T1</u> <u>T2</u> <u>T3</u> <u>T4</u> <u>T5</u> <u>SD</u>
I. PER TOTAL SITE <sup>1</sup> :							
Freestanding signs <sup>2</sup> :							<u>Refer to Chapter 19A</u>
a. Maximum Area	150	150	100	100	150	150	<u>Refer to Chapter 19A</u>
b. Maximum Height	25	25	15	15	25	25	<u>Refer to Chapter 19A</u>
c. Minimum setback to right-of-way	10	15	15	15	15	15	<u>Refer to Chapter 19A</u>
d. Maximum	1 per	1 per	1	1 per	1 per	1 per 200 feet	<u>Refer to Chapter 19A</u>

number of signs per site or along street frontage	100 feet	50 feet	per 100 feet	50 feet	150 feet		
II. PER INDIVIDUAL TENANT							
Signs attached to building:							
a. Maximum area per sign	2 square feet sign area per linear foot of street/parking lot frontage	50	25	25	2 square feet sign area per linear foot of street/parking lot frontage	2 square feet sign area per linear foot of street/parking lot frontage	<u>Refer to Chapter 19A</u>
b. Number of signs per street or parking lot frontage <sup>3</sup>	n/a	1	1	1	1	1	<u>Refer to Chapter 19A</u>
c. Maximum number of signs per tenant	1	2	2	2	2	2	<u>Refer to Chapter 19A</u>

1. No freestanding signs are permitted to be used solely by an individual tenant. Freestanding signs may list the individual tenants.

2. All freestanding signs must maintain 50 feet of separation from any other freestanding signs on the same property or on an adjoining property.

3. No premises shall have more than two freestanding signs along the same right-of-way frontage.

4. Multi-lot shopping complexes with at least one parcel adjacent to a limited/controlled access four-lane highway such as Routes 9 and 340 shall be permitted to erect (only) one common pylon sign along the frontage of the highway. This sign shall not exceed 35 feet in height and 300 square feet in area per side of sign. This sign shall be the only sign (other than wall signs) permitted adjacent to the highway in the shopping complex. This provision does not eliminate any other sign otherwise permitted on the lot pursuant to Table 19-15F and Table 19-15G, with the exception that no freestanding signs are permitted to be used by an individual lot owner or tenant within a multi-lot shopping complex.

(g) *Signs in commercial and industrial districts—Additional regulations.*

(1) Signs may extend over a building line or public right-of-way not closer than three feet to the curbing. Signs shall be placed at a minimum height of four feet above the ground or sidewalk measured from the bottom of the sign, unless it is attached flat against a building or does not project more than six inches over the building line or public right-of-way. Ground mounted signs must be constructed of masonry or wood materials, according to BOCA specifications and built upon a brick, stone, or concrete base of greater dimensions than the base of the sign and extend no more than three feet high. Ground mounted signs are exempt from the four-foot minimum above ground height requirement.

(2) All signs on and in front of the building shall be immobile and be lighted indirectly or from within.

(h) *Projecting signs.*

(1) *All projecting signs.* A projecting sign may be used in lieu of a detached sign. Such sign shall be permitted, provided:

- a. Projecting sign shall not project more than four feet from a building wall;
- b. A projecting sign shall not extend vertically above the roofline or parapet wall of a building; and
- c. The minimum height from grade to the lowest edge of a projecting sign shall be nine feet.

(2) *Projecting signs in shopping centers.* Projecting signs may be permitted for individual tenants of a shopping center. Such signs shall be permitted, provided:

- a. Subject to the same provisions of subsections a., b., and c.;
- b. A projecting sign shall not project into any required setback or yard along a public street;
- c. A projecting sign, wall sign, or combination of both may be located on any building wall (or wall space of an individual tenant) of a structure so long as the maximum sign surface area of all signs on one wall (or wall space of an individual tenant) does not



exceed ten percent of the area of the building wall to which the sign or signs are attached up to a maximum of 200 square feet. The maximum area of a projecting sign shall be 75 square feet;

d. The maximum allowable sign area per wall shall not be transferable to another wall.

(i) *Detached signs.* Detached signs shall be permitted, as follows:

(1) The maximum size and permitted location of detached signs shall be regulated in accordance with section 13-109;

(2) Unless otherwise specified in section 13-109, no detached sign shall exceed seven feet in height;

(3) No ground mounted or monument sign greater than 30 inches in height as measured from the level of the center of the adjacent street intersection or pole sign having a vertical clearance less than 72 inches between the bottom of the sign face and the level of the center of the adjacent intersection shall be located in the sight distance triangle;

(4) All portions of a sign shall be located behind the street right-of-way; however, all signs greater than 30 inches in height as measured from the level of the center of the adjacent street intersection and having a vertical clearance less than 72 inches from the level of the center of the adjacent street intersection shall be located a minimum of five feet behind a right-of-way. This item does not apply to subsection 13-110(5); and

(5) The maximum angle of a double-faced sign shall be 45 degrees, except for signs located at corners in which case the angle may be 90 degrees. This refers to the distance between sign faces on a single structure.

(j) *Removal of certain signs.*

(1) Nonconforming signs. Nonconforming signs and sign structures, which may be nonconforming either by reason of dimension, placement, or uses inconsistent with this chapter, shall be eliminated within a reasonable period of time in order to promote the public safety and welfare. All nonconforming signs that are allowed to become unsafe shall not be permitted to be repaired, instead they shall be removed. Nonconforming signs that are heavily damaged by fire, storm, etc., shall not be repaired but shall be removed.

(2) All permanent or temporary signs installed, not conforming to this subsection, shall be removed within 30 calendar days after receiving formal notification of violation.

a. All existing signs that exceed the maximum sign face size, sign height, or spacing requirements of these regulations by more than 25 percent or number of allowed signs shall be brought into compliance with the requirements of these regulations or removed entirely, which means the entire sign and any associated equipment, within eight years of the adoption of these regulations - September 1, 2006. When two or more signs are

made nonconforming because of not adhering to spacing requirements, the age of permit shall determine which sign shall be removed; the sign with the oldest valid permit shall be permitted to stay.

b. All signs not permitted in a zoning district shall also be removed entirely within eight years of the adoption of these regulations - September 1, 2006.

c. All roof signs shall be removed entirely within eight years of the adoption of these regulations - September 1, 2006.

d. If for any reason, such as a rezoning, a sign becomes nonconforming after the adoption of these regulations, such sign shall be removed eight years from the date the sign becomes nonconforming.

(3) On-premises signs. Notwithstanding subsection (a), all nonconforming on-premises signs that were issued valid permits prior to September 1, 2006 and were erected in accordance with the permits, may remain until such time as one of the following occurs:

a. Such sign(s) is moved, removed or replaced by voluntary action. Any such sign, or portion thereof, which is required to be relocated due to any governmental action such as a roadway improvement, may be moved to another location on the same property.

b. Any change in the existing use of the property requiring a change of use permit.

c. Any change to the sign that is not:

1. Necessitated by routine maintenance or by repairs;

2. Necessitated for compliance with minimum electrical or building codes; or

3. A change to the existing sign face not involving the modification of the size or shape of the sign face.

d. Approval of an application for a sign permit to add new or additional signage to the site of a nonconforming sign.

Such nonconforming on-premises signs shall be subject to all applicable nonconforming provisions of this ordinance. If the use to which the sign refers to is visibly discontinued for more than 12 consecutive months, then the sign shall lose its nonconformity status and be unlawful.

(k) *Definitions.* For the purposes of these regulations, the following words and phrases shall be defined as specified below:

*Canopy* means a permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

*Changeable copy* means copy that is or can be changed manually in the field or through mechanical means. [e.g. readerboards with changeable letters.

*Commercial message* means a message placed or caused to be placed before the public by a person or business enterprise directly involved in the manufacture or sale of the products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.

*Linear frontage* means the length of a property abutting a public right-of-way from one side lot line to another.

*Parapet* means that portion of a building wall or false front that extends above the roofline.

*Planned development* means a tract of land under single, corporation, partnership, or association ownership planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

*Premises* means a parcel of real property with a separate and distinct number of designations shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to applicable zoning. Outparcels of shopping centers shall be considered on the premises of the shopping center for the purpose of these regulations.

*Roofline* means the highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

*Sign* means any object, device, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product; or scoreboards located on athletic fields. Except where the address is also the name of the business or institution owning or occupying the premises, displayed address information is not a sign or part of a sign for the purposes of this Code.

*Sign face area* means the area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustration, or ornamentations, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in the sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area. Only one side of a sign shall be included in the calculation. The area of a business sign, which is occupied by the address, shall not be included in any area limiting or fee calculations, except where the address is also the name of the business or institution owning or occupying the premises. The address area would be identified by a single continuous perimeter enclosing the extreme limits of the address with numbers at least four inches in height or one inch in height for every ten feet of distance between

the displayed number and the centerline of the adjacent roadway, whichever is greater. Maximum number size will not exceed one and one-half times the required size and not exceed 30 inches total.

*Sign height* means the distance measured from the highest point of a sign to the base of the sign at the ground.

*Sign structure or support* means any structure that supports or is capable of supporting a sign, including decorative cover.

*Special event* means a planned, temporary activity.

*Sign types.* The following are types of signs included in these regulations:

*Banner* means a sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, education, or corporate organizations.

*Bulletin board* means a sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

*Business sign* means a sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; to type of products sold, manufactured or assembled; and/or to services or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

*Campaign or election sign* means a sign that advertises a candidate or issue to be voted upon on a definite election day.

*Canopy and awning signs* means a sign attached to or painted or printed upon or on top of a canopy or awning. For the purposes of these regulations, the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

*Construction sign* means a sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

*Detached sign* means any sign that is not affixed or attached to a building and is securely and permanently mounted in the ground. Such sign may be a ground mounted sign, pole sign, or monument sign.

*Directional or instructional sign* means a sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One-Way," or similar directional

instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

*Directory sign* means a secondary sign on which the names and locations of occupants or the use of a building or property is identified.

*Ground mounted sign* means a sign which extends from the ground or which has a support which places the bottom thereof less than two feet from the ground.

*Government sign* means any temporary or permanent sign erected and maintained for any governmental purposes.

*Flashing sign* means a sign that uses an intermittent or flashing light source to attract attention.

*Identification sign* means a sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

*Illuminated sign* means a sign either internally or externally illuminated.

*Incidental sign* means a sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

*Landmark sign* means an existing on-premises sign which exhibits unique characteristics that enhances the streetscape or identity of a neighborhood and as such contributes to the historical or cultural character of the streetscape or the community at large.

*Memorial sign or plaque* means a sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface.

*Monument sign* means a monolithic sign in which the bottom of the sign is flush with the ground and the vertical dimension of the sign is greater than the horizontal dimension.

*Nonconforming sign* means any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of these regulations, and which fails to conform to all applicable standards and restrictions of these regulations.

*Off-premises sign* means a sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered at a location other than the premises on which the sign is erected.

*On-premises sign* means a sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered on the premises on which the sign is erected.

*Outdoor advertising sign* means a type of sign, generally, but not limited to, a rigidly assembled sign, display, or device, usually freestanding, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters. Such signs commonly referred to as "billboards" are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease.

*Planned development sign.* A sign used in conjunction with an approved planned residential, office, businesses, industrial or mixed use development.

*Portable or movable sign* means a sign that is not permanently attached to the ground, a structure, or a building that can easily be moved from one location or another. For example, a sign on wheels.

*Projecting sign* means any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

*Public interest sign* means a sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as warning and no trespassing signs.

*Real estate sign* means a sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

*Roof sign* means a sign erected or maintained in whole or in part upon, over, or above the roof or parapet of a building.

*Temporary sign* means a sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of time as permitted in this section.

*Temporary planned development sign* means a sign that pertains to the development of a new subdivision, planned multifamily development, planned shopping center, industrial, office, or business park, or similar land parcel.

*Vehicular sign* means signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of these regulations vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

*Wall sign* means any sign directly attached to an exterior wall or exterior parapet of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

*Window sign* means any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of such building.

(Code 1983, § 10-312; Ord. No. 37, 12-3-85; Ord. No. 38, 2-3-86; Ord. No. 68, 6-6-88; Ord. No. 69, 6-5-89; Ord. No. 73, 7-11-89; Ord. No. 128, 12-1-98; Ord. No. 163, 8-15-06; Ord. No. 201, 8-18-09; Ord. No. 208, §§ 3—5, 7-6-10)

**Sec. 19-16. - Nonconformities.**

(a) *Intent.* The intent of this section is to allow nonconformities to continue, subject to limitations, but not to assist or encourage their survival and eventually replace them with allowed uses. Preexisting lots or structures, or uses of lots or structures which are prohibited under these regulations for the district in which located, shall be considered legal nonconforming. Legal nonconforming lots, structures, or uses may be continued, provided they conform to the following provisions.

(b) *Legal nonconforming lots of record.* When two or more lots with continuous frontage are in one ownership at any time after the adoption of the ordinance from which this chapter is derived and such lots are individually less than the minimum area or width required in the district, such lots shall be combined to the extent necessary to achieve a lot or lots of the area and width required for the district.

(c) *Legal nonconforming structures.* A structure which existed at the time of adoption or amendment of this chapter, but which does not comply with this chapter by reason of regulations on area, lot coverage, height, yard setback or other restrictions related to the structure, may be continued subject to the following conditions:

- (1) Legal nonconforming structures shall not be altered or enlarged in any way to increase their nonconformity.
- (2) Maintenance and repairs necessary to keep a legal non conforming structure in sound condition shall be permitted.
- (3) When a legal nonconforming use of a building or structure has been changed to a conforming use, it shall not thereafter be used for another nonconforming use.

(d) *Nonconforming uses.*

- (1) If active use of a parcel of land or structure is a legal nonconforming use is discontinued for a continuous period of ~~180~~ 365 days, such legal nonconforming land or structure or structural use thereafter shall be used only for a conforming use. If a use of a property does not conform to the zoning ordinance has ceased and the property has been vacant for 365 days, abandonment will be presumed unless the owner of the property can show that the property has not be abandoned: Provided, that neither the absence of natural resources extraction or harvesting nor the absence of any particular agricultural, industrial or manufacturing process may be construed as abandonment of the use. If the property is shown to be abandoned, then any future use of the land, buildings or structures must conform with the provisions of the zoning ordinance regulating use where land, buildings or structures are located, unless the property is a duly designated historic landmark, historic

site or historic district.

(2) If a business or industrial structure or a part thereof is occupied by a legal nonconforming use is damaged, destroyed or becomes deteriorated to an extent greater than 50 percent of its replacement cost at the time of damage or discovery of deterioration, the structure may not be repaired for a non conforming use.

(3) In the HC and RC ~~and CB~~ districts, allowed uses may co-locate in a building with a legal nonconforming use, if the nonconforming use floor area is reduced by a minimum of 50 percent. The zoning administrator may require an approved site plan which will illustrate sufficient ingress/egress and parking requirements in accordance with section 19-14.

(e) *Nonconforming signs.*

(1) Nonconforming signs and sign structures, which may be nonconforming either by reason of dimension, placement, or uses inconsistent with this chapter, shall be eliminated within a reasonable period of time in order to promote the public safety and welfare. All nonconforming signs that are allowed to become unsafe shall not be permitted to be repaired, instead they shall be eliminated. Nonconforming signs that are heavily damaged by fire, storm, etc., shall not be repaired; instead they shall be eliminated.

(2) All permanent or temporary signs installed, or flashing signs not conforming to subsection (c)(7) of section 19-15, shall be removed within seven calendar days after receiving formal notification of violation, except for permitted time and temperature signs. Any person, who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished for each offense by a fine not less than \$10.00 nor more than \$300.00. Each day the violation continues shall be considered a separate offense. Work carried on in violation of the cancellation of any permit issued under this section shall also be deemed a violation punishable in the same manner.

(f) *Allowable accessory structures on a nonconforming lot.* An accessory structure shall be permitted on a nonconforming lot providing that the accessory structure meets the following criteria:

(1) The accessory structure must not be a permanent structure (garage, room addition, porch, etc.).

(2) Not more than one accessory structure shall be permitted per nonconforming lot.

(3) The structure must meet required setbacks in that district and be at least 15 feet from the primary structure.

(4) The accessory structure must meet the city building code standards.

(Code 1983, § 10-313; Ord. No. 39, 2-4-86; Ord. No. 56, 12-1-87; Ord. No. 161, 6-13-06)



**Sec. 19-17. - Board of ~~adjustment~~ Zoning Appeals.**

(a) *Establishment; appointment; purpose.* The board of ~~adjustment~~ zoning appeals is hereby created, consisting of not less than three nor more than five members appointed by the city council for staggered three-year terms, and removable only for cause by the appointing authority upon written charges and after public hearing. The board of ~~adjustment~~ zoning appeals shall serve as a quasi-judicial panel to decide questions of interpretation of this chapter, applications for special exceptions, and requests for variances. In performing these duties, the board of ~~adjustment~~ zoning appeals shall act to preserve and protect the content and intent of this chapter and to authorize deviations from the uniform regulations of this chapter only under explicit authority or extraordinary hardship.

(b) *Board procedures—General.*

(1) *Officers.* ~~The board shall elect from its membership a chairman and a vice chairman. At its first regular meetings each year, the board of zoning appeals shall elect a chairperson and vice-chairperson from its membership. The vice-chairman shall have the power and authority to act as chairperson during the absence or disability of the chairperson.~~

(2) *Meetings.* ~~Meetings shall be held at the call of the chairman or at such other times as the board may determine. The chairman, or in the chairman's absence, the vice chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board of zoning appeals shall meet quarterly and may meet more frequently at the written request of the chairperson or by two or more members. Notice for a special meeting must be in writing, include the date, time and place of the special meetings, and be sent to all members at least two days before the special meeting. Written notice of a special meeting is not required if the date, time and place of the special meeting were set in a regular meeting.~~

(3) *Decisions.* The concurring vote of a majority of all members of the board of ~~adjustment~~ zoning appeals shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator, to grant special exceptions, to effect variances of this chapter, or to decide in favor of the applicant upon any matter which the board is required to determine.

(4) *Records.* The board shall keep minutes of its proceedings recording attendance of members, votes of members on each question, facts entered in evidence, findings made, official actions, and recommendations. A copy of these minutes shall be filed in city hall for public inspection.

(c) *Powers and duties.* The board of adjustment shall have the powers and duties specified below, and applications shall be handled in the manner specified.

(1) Hear, review and determine appeals from an order, requirement, decision or determination made by an administrative official or board charged with the enforcement of a zoning ordinance or rule and regulation adopted pursuant thereto;

(2) Authorize exceptions to the district rules and regulations only in the classes of cases or in particular situations, as specified in the zoning ordinance;

(3) Hear and decide conditional uses of the zoning ordinance upon which the board is required to act under the zoning ordinance;

(4) Authorize, upon appeal in specific cases, a variance to the zoning ordinance;

(5) Reverse, affirm or modify the order, requirement, decision or determination appealed from and have all the powers and authority of the official or board from which the appeal was taken;

(6) Adopt rules and regulations concerning:

(A) The filing of appeals, including the process and forms for the appeal;

(B) Applications for variances and conditional uses;

(C) The giving of notice; and

(D) The conduct of hearings necessary to carry out the board's duties under the terms of this article;

(7) Keep minutes of its proceedings;

(8) Keep an accurate and complete audio record of all the board's proceedings and official actions and keep the audio record in a safe manner, which audio record is accessible within twenty-four hours of demand, for three years;

(9) Record the vote on all actions taken;

(10) Take responsibility for the custody and preservation of all papers and documents of the board. All minutes and records shall be filed in the office of the board and shall be public records;

(11) With consent from the governing body, hire employees necessary to carry out the duties and responsibilities of the board: *Provided*, That the governing body sets the salaries; and

(12) Supervise the fiscal affairs and responsibilities of the board.

(d) ~~*Administrative review*~~ *Appeal to board of zoning appeals*. The board shall hear and decide appeals ~~when it is alleged that there is an error in any interpretation, order, requirement, decision, or determination made by the zoning administrator in the enforcement and administration of this chapter~~ from any order, requirement, decision or determination made by an administrative official or board charged with the enforcement of a zoning ordinance, or rule or regulation

adopted pursuant to a zoning ordinance. Upon request of the board of zoning appeals, the administrative official or board shall transmit all document, plans and papers constituting the record of the action from which the appeal is taken. The appeal shall:

(1) Specify the grounds of the appeals;

(2) Be filed within thirty days of the original order, requirement, decision or determination made by n administrative official or board charged with the enforcement of a zoning ordinance.

(3) Be on a form prescribed by the board;

(e) Administration review procedures Notice and hearing of appeal.

(1) A written ~~application~~ appeal for review of the administrative action shall be submitted to the board of ~~adjustment~~ zoning appeals and zoning administrator indicating the provision of ~~this chapter~~ zoning ordinance and administrative action in question, asking a specific question or questions to be answered by the board, stating the applicant's reason for alleging that an error has been made by the zoning administrator in administering ~~this chapter~~ zoning ordinance, and providing other relevant data requested by the board. Appeals of action by the zoning administrator shall be filed within 30 days of the interpretation, order, or other administrative action taken and may be taken by any aggrieved person or by any city official or body affected by action of the zoning administrator.

~~(2) A timely appeal application shall stay proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board that a stay would cause imminent peril to life or property. If the zoning administrator certifies that a stay would cause such imminent peril, administrative proceedings shall not be stayed except by an order which may be granted by circuit court. When an appeal has been filed with the Board of Zoning Appeals, all proceedings and work on the premises in question shall be stayed, except as provided below. A stay may not be had:~~

(1) If the official or board from where the appeal was taken certifies in writing to the Board of Zoning Appeals that a stay would cause imminent peril to life or property. If written certification is filed, then proceedings or work on the premises shall not be stayed.

(2) Upon further administrative proceedings, including, but not limited to, submissions to and reviews by the staff or any administrative body; or

(3) Upon engineering or architectural work that does not disturb the real estate beyond what is necessary to complete engineering, survey work or other tests.

Nothing in this section prevents a party from obtaining a restraining order.

(3) Upon receipt of an appeal of an administrative action, the board shall notify the zoning administrator, who shall promptly transmit to the board all relevant papers constituting the

record of the action being appealed. ~~The board shall set a reasonable time for the hearing, shall give timely notice to the parties in interest, and shall give public notice of the hearing at least 30 days prior to the date set for the hearing in a class I legal advertisement. The board shall require the party making the appeal to assume the cost of public notice and due notice to the interested parties. The zoning administrator shall notify by registered letter neighboring property owners of this hearing. (W. Va. Code, § 8-24-57). Within ten days of receipt of the appeal by the board of zoning appeals, the board shall set a time for the hearing of appeal and give notice. The hearing on appeal must be held within forty-five day of receipt of the appeal by the board. At least fifteen days prior to the date set for the hearing of the appeal, the board shall publish a notice of the date, time and place of the hearing on the appeal as a Class I legal advertisement in compliance with the provisions of W. Va. Code §59-3-1 et seq. and written notice shall be given to the interested parties. The board may require the party filing the appeal to pay for the cost of public notice and written notice to the interested parties.~~

(4) The hearing shall be held and the applicant (appellant) shall present information and evidence relevant to the appeal. The zoning administrator shall present information relevant to such administrator's reasons for the administrative action being appealed. Any person may appeal in person or by agent or attorney licensed to practice in West Virginia.

(5) ~~The board shall render a decision within a reasonable period of time, but need not issue a decision at the time of the initial hearing. Every decision by the board must be in writing and state findings of fact and conclusions of law on which the board based its decision. The written decision by the board shall be rendered within thirty days after the hearing. If the board fails to render a written decision within thirty days after the hearing, then any party may pursue additional legal remedies to obtain a decision, including, but not limited to, seeking a writ of mandamus.~~

(f) *Administrative powers.* In exercising its powers, the board may in accordance with this chapter, reverse, affirm, or modify in whole or in part the order, requirement, decision, interpretation, or determination appealed from and may issue such orders, requirements, decisions, interpretations, or determinations as may be necessary.

(g) *Appeals from board of ~~adjustment~~ zoning appeals.* Any person jointly or severally aggrieved by a decision of the board of ~~adjustment~~ zoning appeals may, within 30 days of the board's decision, seek review by circuit court by proceedings in the nature certiorari setting forth that the decision or order by the board of zoning appeals is illegal in whole or in part and specify the grounds of the alleged illegality.

(Code 1983, § 10-314; Ord. No. 112, 4-16-96)

#### **Sec. 19-18. - Administration and enforcement.**

(a) *Zoning administrator.* A zoning administrator appointed by the city ~~council~~ manager is authorized and directed to enforce and administer the provisions of this chapter. The zoning administrator may hold other offices or positions concurrently. Appeals from any order, decision,

or requirement of the zoning administrator shall be made to the board of ~~adjustment~~ zoning appeals. In the absence of a zoning administrator, the city ~~administrator~~ manager will assume all duties.

(b) *Zoning permits.*

(1) *Permits required.* No building shall be erected, moved, extended, enlarged, structurally altered, or changed in use; nor shall any land be excavated or filled for construction or changed in use until the zoning administrator has issued a zoning permit certifying that the proposed structure and/or use complies with this chapter. No building permit or certificate of occupancy shall be issued until a zoning permit has been issued.

(2) *Permit term.* Zoning permits shall become invalid if the work, occupancy, or use authorized is not commenced within six months of permit issuance, or if work is suspended or abandoned for one year, or if use or occupancy is suspended for six months.

(c) *Powers of zoning administrator.*

(1) *Questions of interpretation and enforcement.* All questions of interpretation and enforcement shall be initially presented to and determined by the zoning administrator. Subsequent recourse shall be, in order, to the board of ~~adjustment~~ zoning appeals and the courts.

(2) *Special exception/special use permits.* The board shall consider requests for such special use exceptions as may be conditionally permitted in various districts. It shall issue special use permits (granting the special exception) if findings are made or deny issuance of a special use permit if all required findings cannot be made, and may attach reasonable conditions to the granting of a special exception to insure the use's compatibility with other uses permitted in the district. If any conditions required or imposed as part of a special use permit are not maintained or carried out or cease to exist, the zoning administrator shall revoke the special use permit and the use shall become an ordinance violation.

(3) If the board cannot make all of the required findings, no special exception shall be granted nor special use permit issued. If circumstances change sufficiently that the necessary findings might be met in the future, the board may rehear a similar application.

(d) *Special exception procedures.*

(1) A written application for a special exception shall be submitted to the board of ~~adjustment~~ zoning appeals and zoning administrator specifying the special exception sought. The administrative staff shall review the application and file a written report with the chairman before the board reviews the application.

(2) ~~The board shall set a reasonable time for a public hearing in accordance with W. Va. Code, § 8-24-57.~~ Within ten days of receipt of the application by the board of zoning appeals, the board shall set a time for the hearing of appeal and give notice. The hearing on appeal must be held within forty-five days of receipt of the appeal by the board. At least

fifteen days prior to the date set for the hearing of the appeal, the board shall publish a notice of the date, time and place of the hearing on the appeal as a Class I legal advertisement in compliance with the provisions of W. Va. Code §59-3-1 et seq. and written notice shall be given to the interested parties. The board may require the party filing the appeal to pay for the cost of public notice and written notice to the interested parties. The hearing shall be held and the applicant (appellant) shall present information and evidence relevant to the appeal. The zoning administrator shall present information relevant to such administrator's reasons for the administrative action being appealed. Any person may appeal in person or by agent or attorney licensed to practice in West Virginia.

(3) Every decision by the board must be in writing and state findings of fact and conclusions of law on which the board based its decision. The written decision by the board shall be rendered within thirty days after the hearing. If the board fails to render a written decision within thirty days after the hearing, then any party may pursue additional legal remedies to obtain a decision, including, but not limited to, seeking a writ of mandamus. The board must make the following written findings in order to grant a special exception:

- a. The use will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved.
- b. The use will not substantially injure the value of adjoining property; or that the use is a public necessity.
- c. The location and character of the use, if developed according to the plans and information approved, will be in harmony with proximate land uses, and consistent with the purposes of the district.
- d. The use complies with any specific requirements set forth in the ordinance to obtain a special exception.

(4) If the board makes the above required findings, a special exception shall be granted and a special use permit shall be issued to permit the requested use. The special exception and use permit shall be subject to any condition stipulated by this chapter or determined by the board to be necessary to insure that the use remains compatible with other uses permitted in the district and with adjoining properties. No special use permit shall grant variances from the requirements of this chapter.

(e) *Enforcement means.* The zoning administrator shall enforce this chapter by withholding zoning permits, by seeking an injunction, mandamus, or other judicial action to prevent, correct, or abate unlawful construction, conversion, alteration, occupancy, or use, and by seeking warrants for prosecution of violators of this chapter.

(1) *Violation; remedies.*

- a. *Complaints.* Any person alleging a violation of this chapter may file a written

complaint with the zoning administrator. Upon receipt of a written complaint, the zoning administrator shall investigate the matter within ten days, and take appropriate action to abate any verified violation. A complete record shall be kept of all written complaints received and the actions taken pursuant thereto.

b. *Remedies.* When any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this chapter, the zoning administrator or any other appropriate city authority, or any other person who would be damaged may ~~institute action for injunction, or mandamus, or other appropriate action or proceeding to prevent a halt to the action~~ enforce penalties set out in W. Va. Code § 8A-10-2 for failure to comply with the provisions of any ordinance or rule and regulation adopted pursuant to W. Va. Code Chapter 8A. The zoning administrator or any other appropriate city authority may also declare that any buildings erected, raised or converted, or land or premises used in violation of any provision of any ordinance or rule and regulation adopted under the authority of W. Va. Code Chapter 8A shall be a common nuisance and the owner of the building, land or premises shall be liable for maintaining a common nuisance.

(2) *Penalties.* Any person who violates any provision of ~~this chapter~~ Chapters 19 and 19A shall be guilty of a misdemeanor and, upon conviction, shall be punished for each offense by a fine not less than \$50.00 nor more than \$500.00. Each day the violation continues shall be considered a separate offense. Work carried on in violation of the cancellation of any permit issued under this chapter shall also be deemed a violation punishable in the same manner.

(f) *Variance procedures.*

(1) A variance is a deviation from the minimum standards of the zoning ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classifications of a parcel of land.

(2) A written application for a variance shall be submitted to the board of ~~adjustment~~ zoning appeals and zoning administrator specifying the special exception sought. The administrative staff shall review the application and file a written report with the chairman before the board reviews the application. Within ten days of receipt of the application by the board of zoning appeals, the board shall set a time for the hearing of appeal and give notice. The hearing on appeal must be held within forty-five days of receipt of the appeal by the board. At least fifteen days prior to the date set for the hearing of the appeal, the board shall publish a notice of the date, time and place of the hearing on the appeal as a Class I legal advertisement in compliance with the provisions of W. Va. Code §59-3-1 et seq. and written notice shall be given to the interested parties. The board may require the party filing the appeal to pay for the cost of public notice and written notice to the interested parties. The hearing shall be held and the applicant (appellant) shall present information and evidence relevant to the appeal. The zoning administrator shall present information relevant to such administrator's reasons for the administrative action being appealed. Any person may appeal in person or by agent or attorney licensed to practice in West Virginia.

~~(2) In order to grant a variance the board must find:~~

~~a. Practical difficulties or unnecessary hardships would result from enforcing the strict letter of this chapter. Such a determination shall be made only if the board finds that the applicant has demonstrated that:~~

~~1. Strict compliance with this chapter will deprive the applicant of any reasonable return from or use of his property;~~

~~2. The hardship results from the application of this chapter and not other factors;~~

~~3. The hardship is actually suffered by the land in question (not the general public or other properties);~~

~~4. The hardship is not the result of the applicant's own actions or negligence;~~

~~5. The hardship is peculiar to the applicants property, the result of unusual size, shape, or topographic conditions not shared or experienced by other land or structures in the district.~~

~~b. The proposed variance is in harmony with the general purpose or intent of this chapter and preserves its spirit. Requests to extend nonconforming uses or permit uses not allowed in the district are not consistent with this finding.~~

~~c. If the variance is granted, the public safety and welfare will remain secure.~~

(2) The board of zoning appeals shall grant a variance to the zoning ordinance if it finds that the variance:

a. Will not adversely affect the public health, safety or welfare, or rights of adjacent property owners or residents;

b. 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;

c. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and

d. Will allow the intent of the zoning ordinance to be observed and substantial justice done.

(3) Every decision by the board must be in writing and state findings of fact and conclusions of law on which the board based its decision. The written decision by the board shall be rendered within thirty days after the hearing. If the board fails to render a written decision within thirty days after the hearing, then any party may pursue additional legal remedies to obtain a decision, including, but not limited to, seeking a writ of mandamus. If the board grants a variance, its actions will be accompanied by its reasons for making the required findings and by its certification that the variance is the minimum variance which will make



possible the reasonable use of land, buildings, or structures.

(Code 1983, § 10-315)

**Sec. 19-19. - Amendments.**

(a) *Principles.* Amendments of the text and zoning map of this chapter may be undertaken from time to time in order to carry out the purposes stated in section 19-1, and to improve this chapter's ability to effectively carry out these purposes. Proposed amendments should be considered with significant attention to the issues of whether they promote health, safety, and the general welfare and encourage the most appropriate use of land.

(b) *Limitations.* Zoning classifications shall not be established nor the official zoning map amended in the following manners:

(1) *Conditional zoning,* Zoning classifications shall not be based on conditions of time and/or development which will result in an automatic classification change at a future date.

(2) *Contract zoning,* Zoning classifications shall not be based on assurances by an applicant, or conditions imposed by the city council that rezoned property will be developed in a particular, limited fashion.

(3) *Spot zoning,* Zoning classifications shall not be adopted in a manner which confers special benefit or places special consideration upon a particular parcel of land, nor adopted in a manner which classifies a relatively small area differently from surrounding property of similar nature and logical use, without sound basis in the purposes of zoning as set forth in this chapter and state law.

(c) *Amendment ~~procedures~~ to the zoning ordinance by the governing body.*

~~(1) *Standing.* A petition for a zoning amendment may be initiated by the planning commission, or 50 percent of the citizens residing or owning property within the real property area to which the petition relates. Before amending the zoning ordinance, the City Council with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the City Council with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.~~

~~(2) *Application.* Applications to amend this chapter shall be filed with the secretary to the planning commission at least 15 days prior to the planning commission meeting at which it is to be considered. The application shall be submitted in the number of copies specified by the city and shall include information necessary to review the application, including the applicant's full name, address, and interest in any affected property; a description of the property (if applicable); and the nature of the amendment requested. If the requested change is a zoning map amendment, an accurate map or diagram of the property proposed for~~

~~reclassification should be submitted, including property lines with dimensions, adjoining streets and their widths, the location of all structures, the existing uses of land at the site, and the current zoning classification of the property and adjoining properties.~~

~~(3) *Staff review.* Copies of the application shall be immediately forwarded to the city's administrative staff for review and comment.~~

~~(4) *Planning commission review.* The application and any staff comments shall be considered by the planning commission at its first regular meeting at least 15 days following submission of the complete application. The planning commission shall submit its recommendations and/or comments to the city council in writing within 45 days following its initial consideration. If the planning commission fails to submit a written report within 45 days, it shall be considered to have no objections or substantive comment to offer and the city council may, if it wishes, conduct a preliminary public hearing on the proposed change and/or may sit concurrently with a public hearing conducted by the city council.~~

~~(5) *City council review.* Following receipt of the planning commission's recommendation or expiration of the 45 days, the city council may proceed to consideration of the proposed amendment. Prior to adoption of any amendment, the city council shall set a public hearing date and at least 15 or more days prior to the date, publish a notice of the date, time and place of the hearing. If after a public hearing the city council determines that the amendment is consistent with the purposes of zoning, it may adopt an ordinance amending this chapter.~~

(2) When a proposed amendment to the zoning ordinance involves a change in the zoning map classification of any parcel of land, or a change to the applicable zoning ordinance text regulations that changes the allowed dwelling unit density of any parcel of land, the governing body shall, at least thirty days prior to the enactment of the proposed amendment if there is not an election, or at least thirty days prior to an election on the proposed amendment to the zoning ordinance:

a. Give written notice by certified mail to the landowner(s) whose property is directly involved in the proposed amendment to the zoning ordinance; and

b. Publish notice of the proposed amendment to the zoning ordinance in a local newspaper of general circulation in the area affected by the zoning ordinance, as a Class II-0 legal advertisement, in accordance with the provisions of W. Va. Code § 59-3-1.

(d) Amendments to the zoning ordinance by petition.

(1) After the enactment of the zoning ordinance, the planning commission or the owners of fifty percent or more of the real property in the area to which the petition relates may petition to amend the zoning ordinance. The petition must be signed and be presented to the planning commission or the recorder of the City Council.

(2) Within sixty days after a petition to amend the zoning ordinance is received by the planning commission or the City Council, then the planning commission or the city council

must hold a public hearing after giving public notice. The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area affected by the proposed zoning ordinance, as a Class I legal advertisement, in accordance with the provisions of W. Va. Code § 59-3-1 et seq., at least fifteen days prior to the public hearing.

(3) If the petition to amend the zoning ordinance is from the owners of fifty percent or more of the real property in the area, then before amending the zoning ordinance, the city council with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the city council with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.

(e) *Changes in official zoning map.* Changes in district boundaries shall be entered on the official zoning map promptly after such changes have been approved by the city council. No change in the official zoning map shall be valid unless all previous changes have been properly entered on the official zoning map.

(Code 1983, § 10-316)

#### **Sec. 19-20. - District boundaries and Zoning Map.**

~~(a) Residential (R-7) district.~~

~~(1) District is bordered on the east and north by the corporate limits, the south by the centerline of East Tenth Avenue, the west by the rear lines of those properties contiguous to North Mildred Street. In addition, the properties contiguous and adjacent to Burns and Grassdale Streets and properties located west of McDonald Street.~~

~~(2) Shenandoah Springs as depicted on approved preliminary plan.~~

~~(3) Wild Rose Neighborhood as depicted on the zoning application case # 05-002.~~

~~(b) Residential (R-6) district.~~

~~(1) District is bordered on the south by the corporate limits, the east by South Marshall Street, the west by McDonald Street, the north by the rear lines of properties contiguous to the north side of Seventh Avenue, also tax map blocks 114, 115, 116 (except lots 1, 2); except those properties so designated in commercial (C) district and industrial (I) district.~~

~~(2) Portions of Blocks 124, 125, and 129 of Tax Map 3. This area includes all areas southeast of a line extending SE from 10<sup>th</sup> Avenue at 61° 00' 28" for 178.47 feet to SE at 18° 04' 00" for 155.65 feet to SW at 22° 21' 57" for 178.05 feet to SW at 76° 30' 49" for 262.77 feet to NW at 60° 52' 22" and ending at Fairfax Boulevard.~~

~~(3) Lot 3, Block 107 of Tax Map #4.~~

~~(4) Shenandoah Springs as depicted on approved preliminary plan.~~

~~(5) Briar Run as depicted on approved preliminary plan.~~

~~(6) Parcel 1, Block 107 of Tax Map #4.~~

~~(c) Highway commercial (HC) district.~~

~~(1) District identified as consisting of all properties contiguous to and facing Mildred Street from the corporate limits southward to Lancaster Circle, except those properties facing Mildred Street and contiguous to Beltline Avenue. Also all properties contiguous to and facing South Fairfax Boulevard from Lancaster Circle to the corporate limits on the south, properties contiguous to and facing West Third Avenue from South George Street to South Fairfax Boulevard, properties facing Park Avenue from North Mildred Street to the Norfolk and Western Railway right of way.~~

~~(2) Lakeland Place neighborhood as depicted on approved preliminary plan.~~

~~(3) Potomac Marketplace as depicted on the approved preliminary plan.~~

~~(4) Shenandoah Springs as depicted on approved preliminary plan.~~

~~(5) Holiday Inn Express as depicted on approved preliminary plan.~~

~~(6) Wescott Business Park as depicted on Zoning Application Case # 05-002.~~

~~(7) Comstock Harris Property highway commercial (HC) Evitts Run Development District.~~

~~(8) Route 115 at Route 9, Scott's Auto Body (new location) Clay Hill Farm Development District highway commercial (HC).~~

~~(9) Estate of William B. Jones (former Jones Nursery) As depicted on Plat of Annexation prepared by Patton Harris Rust and Associates dated December 27, 2007 and revised March 31, 2008. (Deed Book 1017, Page 717, 4.1078 Acres)~~

~~(10) Rockwell's Mini Storage All those certain lots or parcels of real estate situate west of West Virginia State Route 9 near the Village of Bardane in the Charles Town District, Jefferson County, West Virginia and being more particularly bounded and described as Tax Map 1, Parcels 17.6, 17.7 and 17.3 recorded in Deed Book 841, Page 77 and Deed Book 938, Page 383 consisting of 13.048 acres more or less and commonly known as Rockwell's Mini Storage.~~

~~(11) First Charles Town Group, Inc. (Sandler Building/Gowers Feed) annexation (9.433 acres, Annexation File 30-06). Corner of Mildred Street and 16th Avenue consisting of approximately 9.433 acres. Complete description recorded on County Commission Order in~~

~~Book 1033, Page 322.~~

~~(12) Steeler development—Area includes Parcel 25 of Tax map 11 (Deed Book 1001, Page 121) located at the corner of WV Old Rt. 9—Charles Town Rd. and WV Rt. 20—Shenandoah Junction Rd., containing 4.30 acres.—~~

~~(13) WVA 340 LLC—A track or parcels of land located at the southern intersection of WV Route 17 ("Flowing Springs Road") with U.S. 340 ("Charles Town Bypass") being a part of Jefferson Crossing II, comprised of Lots 1B, 1C, 1D, 1E, Lot 6, Lot 7, and a portion of the road Rights of Way known as Pimlico Drive, Trifecta Way and Jefferson Crossing Way and specifically shown on a "Plat Showing Proposed Annexation to the City of Ranson".—~~

~~(d) *Central business (CB) district.*—~~

~~(1) District identified as consisting of all properties contiguous to and facing East Third Avenue from South Fairfax Boulevard to South Reymann Street, except those properties facing South Reymann Street. Also properties on the east side of North Preston Street facing the street between East Seventh Avenue and Beltline Avenue, parcel block 107, tax map block 92, properties adjacent and facing South Preston Street from East Fifth Avenue and East Third Avenue, and all properties between East Fifth Avenue and East Third Avenue that are bordered on the west by Preston Street and on the east by the first platted alley east of Preston Street.—~~

~~(2) Lots 1 through 8 and parcel 129 of block 74, block 75, and lots 1 through 8 and lots 27 through 43 of block 76 on tax map 6.—~~

~~(e) *Racetrack commercial (RC) district.*—~~

~~(1) District identified as consisting of all properties contiguous to and facing Fifth Avenue on the northern side of the avenue from its intersection with the CSX railroad crossing with Fifth Avenue and continuing in an eastern direction to its intersection with Flowing Springs Road, and bounded on the north by the CSX rail line.—~~

~~(f) *Industrial (I) district.*—~~

~~(1) District identified as consisting of all properties contiguous to and facing Beltline Avenue except those properties facing North George Street. Also tax map block 77 and lots 9 through 13 of block 74.—~~

~~(2) Portions of Blocks 124, 125, and 129 of Tax Map 3. This area includes all areas Northwest of a line extending SE from 10<sup>th</sup> Avenue at 61° 00' 28" for 178.47 feet to SE at 18° 04' 00" for 155.65 feet SW at 22° 21' 57" for 178.05 feet to SW at 76° 30' 49" for 262.77 feet to NW at 60° 52' 22" and ending at Fairfax Boulevard.—~~

~~(3) This area also includes lots 1 and 2 on Tax Map 1.—~~

~~(4) Lot 1 of the Corbin Property owned by Lynnehaven, LLC adjacent to 16<sup>th</sup> Avenue, Alger's~~

~~Auto Recycling, Inc., and Ameritech Tire and Auto, LLC located on Tax Map 1, Parcel 215.1 and containing 4.00 acres, more or less, in the City of Ranson, West Virginia, as said lot is described on a plat of survey dated September 12, 1995, prepared by Appalachian Surveys, Inc., entitled "Plat of Survey Showing Proposed Division of the Corbin Property as Annexed into Ranson Corporation", which said plat is attached to, made a part of and incorporated in a deed dated February 14, 1996, recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 827, at Page 156 and in a subsequent Deed of Correction dated December 22, 2004 in Deed Book 1004, Page 00043.~~

~~(5) Alger's Auto Recycling, Inc. An 8.74 acre parcel of land sharing a common northern border with 16th Avenue; extending south to an alleyway owned by the City of Ranson and shown on the plat of the lands of the Charles Town Mining Manufacturing Improvement Company recorded in Deed Book X at page 1; extending west bordering parcels 215, 215.1 and 215.2 on Tax Map 1; and, extending east to an alleyway owned by the City of Ranson and shown on the plat of the lands of the Charles Town Mining Manufacturing Improvement Company recorded in Deed Book X at page 1.~~

~~(g) Traditional neighborhood development district – Mixed use (TND MUX).~~

~~(1) Locust Knoll neighborhood as depicted on the approved preliminary plan.~~

~~(2) Lakeland Place Neighborhood at Fairfax Crossing as depicted on approved preliminary plan.~~

~~(3) Briar Run (Phases V and VI) as depicted on the approved preliminary plan.~~

~~(4) Tackley Mill – North Ranson Development District as depicted on approved general development map.~~

~~(5) Flowing Springs – Flowing Springs Development District as depicted on the approved general development plan.~~

~~(6) American Heritage – Evitts Run Development as depicted on the approved general development plan.~~

~~(7) Village of Shenandoah Springs – North of existing Patrick Henry Estates/East of existing Shenandoah Springs Neighborhood) – Flowing Springs Development District.~~

~~(8) Lexington Park (West of existing Orchard Hills/South of existing Lone Oak Subdivision) – Evitts Run Development District.~~

~~(9) Lloyd Property – Property located north of old town Ranson and fronts the following roads/properties: Route 115 to the east; Route 115 to the South; Currie Road to the west; and Clay Hill Farm to the north. The property is more particularly described as Tax Map 10, Parcels 5 & 6 recorded in the Clerk Office of the Jefferson County, West Virginia, as Deed Book 860, Page 506 consisting of 214.51 acres, more or less, and commonly known as the Lloyd Property.~~

~~(h) Traditional Neighborhood Development District – Mixed Use (TND-NCX).~~

~~(1) North Tackley Mill – North Ranson Development District as depicted in the general development plan.~~

~~(2) Blackford Village – North Ranson Development District as depicted on approved general development map.~~

~~(3) Clay Hill Farm (West Campus) – As depicted on general development plan prepared by William H. Gordon Associates dated February 2008. (District 8, Map 10, Parcel 8, Deed Book 972, Page 711, 105.00 Acres)~~

~~(i) Traditional neighborhood development district – Urban commercial mix (TND-UCX).~~

~~(1) Clay Hill Farm (East Campus) – As depicted on general development plan prepared by William H. Gordon Associates dated February 2008. (District 8, Map 10, Parcel 9, Deed Book 972, Page 711, 169.27 Acres)~~

~~(2) Capriotti-Walker Northgate annexation (77.366 acres, Annexation File 29-06). Corner of State Route 9 and U.S. Route 340 consisting of approximately 77.366 acres. Complete description recorded on County Commission Order in Book 1033, Page 327.~~

~~(Code 1983, § 10-316a; Ord. No. 129, 12-15-98; Ord. No. 134, 11-16-99; Ord. No. 143, 1-6-04; Ord. No. 148, 4-20-04; Ord. No. 150, 10-19-04; Ord. No. 154, 5-17-05; Ord. No. 155, 11-15-05; Ord. No. 165, 10-2-06; Ord. No. 175, 9-4-07; Ord. No. 176, 9-4-07; Ord. No. 185, 5-20-08; Ord. No. 186, 6-18-08; Ord. No. 187, 9-2-08; Ord. No. 191, 11-18-08; Ord. No. 200, 7-21-09; Ord. No. 202, 10-6-09; Ord. No. 203, 11-17-09; Ord. No. 204, 11-17-09; Ord. No. 209, 7-6-10; Ord. No. 210, 7-20-10; Ord. No. 223, 4-5-11; Ord. No. 224, 6-7-11).~~

(a) Zoning Map. The location and boundaries of zones established in the City are as shown on a map titled “Zoning Map of the City of Ranson,” (“Official Map”) as may be amended, subsequent to its adoption. The maps, sections, notations, dimensions, designations, references, and other data shown on the map are hereby made a part of this Chapter and adopted as part of this Ordinance to the same extent as if the information set forth on the map were fully described and incorporated herein.

(b) All amendments to the Official Map shall be maintained in and kept current by the Department of Community Planning and Development and made available to the public.

(c) Boundary interpretation. When uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

(1) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or railroad right-of-way lines or such lines extended, such centerlines, street lines, or railroad right-of-way lines shall be construed to be such boundaries.

(2) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.

(3) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and such distance therefrom as indicated, and shall be determined by the use of the scale shown on the zoning map.

~~(4) Where a district boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof provided that such extensions shall not include any part of such a lot more than 35 feet beyond the district boundary line.~~

**Sec. 19-21. - Traditional neighborhood development district. (No longer available for rezoning.)**

(a) *Purpose.* The TND district designation is historical and is not available for rezoning petitioner after April 17, 2012. Existing TND districts must follow the provisions of this section, but property owners are strongly encouraged to rezone to SmartCode New Community (SC-NC) pursuant to Chapter 19A. This section is intended to define the character of the city's traditional neighborhood development districts. The district implements the concepts identified in the 2004 comprehensive plan for the city by enhancing development and "Downtown Ranson". The purpose of a traditional neighborhood development designation includes four principles:

(1) *Civic enhancement and identity.* Well configured squares, greens, landscaped streets and parks woven into the pattern of the town center and dedicated to collective social activity, community identity, recreation and visual enjoyment. Civic buildings for assembly or other civic purposes, that acts as landmarks, symbols and activity centers for community identity recreation and visual enjoyment.

(2) *Enhanced transportation system.* To reduce reliance on automotive traffic by promoting pedestrian and bicycle transportation that connects work, home and shopping. Developing a hierarchy of public and/or private streets with facilities for automotive vehicles, public transit, bicycles and pedestrians. On-site parking and centralize parking facilities to collectively support principle uses in the town center.

(3) *Preservation of environmental or historical resources.* To create compact and sustainable communities that provide a mixture of housing types, interconnected open spaces, amenities and civic places as well as neighborhood shopping and employment. To continue the historic architecture and urban grid pattern commonly found in the city.

(4) *Sense of place.* Dwellings, shops and workplaces are generally compact and located in close proximity to each other. To provide a compact center of neighborhood and commercial activity, providing a horizontal and vertical mix of retail and residential uses to serve nearby



neighborhoods.

(b) *Establishment of a TND district.* The TND district will be established by the city council either at time of annexation or by petition of the property owner. In accordance with the goals and purpose of the comprehensive plan, annexed properties designated for growth shall receive a TND designation within the comprehensive plan. However, such designation does not preclude rezoning review application and approval by the city council. All other properties may receive such zoning designation by petition and in accord with this section. In order to implement the traditional neighborhood use and livability concepts of the town center, the following districts are created:

(1) *TND-MUX district.* Pedestrian and bicycle traffic are the preferred transportation system in the TND-MUX district which is primarily residential in nature, but provides opportunities for a variety of housing types, to include small commercial uses, not to exceed 15,000 square feet in size, small offices, services and amenities within walking distances of residential areas.

a. *Permitted uses by-right.*

1. Antique shops.
2. Apartments.
3. Art gallery, cultural uses.
4. Assisted living or community home (less than 20 beds).
5. Bakeries.
6. Banks or other financial institution.
7. Childcare center (up to 20 children).
8. Church (less than 150 person congregation).
9. Civic uses.
10. Coffee house.
11. Commercial/retail stores.
12. Community center (including swimming pools).
13. Convenience store.
14. Golf courses.
15. Grocery store.
16. Hardware store.

17. Hotels.
  18. Housing for the elderly.
  19. Mixed use development.
  20. Medical clinics and dental clinics.
  21. Multiple family units.
  22. Neighborhood pub/private club.
  23. Offices (general and professional).
  24. Personal services.
  25. Pharmacy, drugstores.
  26. Private and public educational institutions.
  27. Retail services.
  28. Restaurants, sidewalk cafes.
  29. Single family attached dwellings.
  30. Single family detached dwellings.
  31. Two family detached dwellings.
- b. *Uses by special exception.*
1. Accessory buildings and uses.
  2. Amusement center (indoor).
  3. Assisted living (with more than 20 beds).
  4. Automotive service station.
  5. Bed and breakfast.
  6. Childcare center (with more than 20 children).
  7. Church (greater than 150 person congregation).
  8. Commercial telecommunication facilities.
  9. Convenience store with gas pumps.
  10. Country clubs, private clubs; service organizations; and nonprofit charitable or

philanthropic organizations or institutions.

11. Educational institutions.
12. Facility for dance, gymnastic, karate and health.
13. Garden center or nursery, retail.
14. Grocery stores (greater than 15,000 square feet).
15. Hardware store (greater than 15,000 square feet).
16. Health club.
17. Hospitals.
18. Hotels.
19. Libraries, museums, and similar institutions of a noncommercial nature.
20. Plazas or parks greater than permitted from a residential areas or dwelling units.
21. Public utilities.
22. Restaurants, sidewalk cafes, taverns and lounges with alcoholic beverage uses.
23. Temporary outdoor display of retail items (not to exceed 250 square feet in area and removed daily).

(2) *TND-NCX district*. Neighborhood Center Mix District—The neighborhood center mix district is to provide for the location of shops, services, small workplaces, civic and residential building central to a neighborhood or grouping of neighborhoods and within walking distances of residential dwellings. The neighborhood center shall be developed on an interconnected pattern of streets and uses in the neighborhood center and shall be designed as a destination place. Civic uses, such as post office, libraries, etc and include focal features such as community plazas with fountains, statues and other features. Pedestrian and bicycle traffic are the preferred transportation system with vehicular traffic to both regional and interconnections for visitors outside the district.

a. *Permitted uses*.

1. All uses permitted in subsection 19-21(b)(1)a. by right.
2. Amusement center (indoor).
3. Assisted living.
4. Automotive service station.

5. Boarding or rooming houses (up to 12 rooms).
6. Childcare centers.
7. Churches.
8. Commercial telecommunication facilities.
9. Convenience store with or without gas pumps.
10. Country clubs, private clubs; service organizations; and nonprofit charitable or philanthropic organizations or institutions.
11. Educational institutions.
12. Facility for dance, gymnastic, karate and health.
13. Garden center or nursery, retail.
14. Grocery stores.
15. Hardware store.
16. Health club.
17. Hospitals.
18. Financial and banking service.
19. Government and civic buildings.
20. Libraries, museums, and similar institutions.
21. Medical clinics and dental clinics.
22. Plaza parks greater than permitted from a residential areas or dwelling units.
23. Post office.
24. Private educational institutions.
25. Public utilities.
26. Restaurants, sidewalk cafes.
27. Temporary outdoor display of retail items (not to exceed 250 square feet in area and removed daily).
28. Professional services.
29. Parks, plazas and community focal features (other than required for

residential areas).

30. Private and public educational institutions.

31. Public utilities.

32. Movie or theatres.

33. Mini-self storage.

34. Schools, art, music or dance.

b. *Uses permitted by special exception.*

1. Automobile and or motorcycle sales and associated services and repair.

2. Accessory buildings and uses.

3. Boarding or rooming houses (over twelve rooms).

4. Cemeteries.

5. Farmer's market.

6. Garden center or nursery, retail.

7. Neighborhood gasoline stations, excluding major service and repair of motor vehicles.

8. Night clubs, music clubs, bars and similar entertainment facilities.

9. Restaurants, sidewalk cafes, taverns and lounges with alcoholic beverage uses.

10. Temporary outdoor sales of seasonal agricultural products.

(3) *TND-UCX district.* The TND-UCX district is intended primarily to serve a broader market than the immediate neighborhood but not a regional market. The TND-UCX district is intended to offer large employment centers, industrial parks, a mixture of housing types and prices within prominently sited civic or community buildings and stores/offices/workplaces to provide a balanced mix of activities. The district allows a range of development while controlling impacts on neighborhood and community gateways. The architecture elements are meant to reinforce environmental qualities, such as building facades and pedestrian oriented streetscapes.

a. *Permitted uses by right.*

1. All uses permitted in subsection 19-21(b)(2)a. by right.

2. Automobile and/or motorcycle sales and associated services and repair.

3. Automotive service station, including major service and repair of motor vehicle.
  4. Catering.
  5. Commercial parking.
  6. Contractors and trade shops.
  7. Essential utilities.
  8. Fast food restaurants.
  9. Flex-space office/industrial uses.
  10. Garden center or nursery, retail.
  11. Indoor operations and storage, food products.
  12. Indoor operations and storage, manufacturing/processing.
  13. Industrial parks and/or office parks with mixed uses.
  14. Light manufacturing operations and distributors.
  15. Lumber yards (storage and sales).
  16. Self storage.
  17. Reception/rental hall facilities.
  18. Repair services.
  19. Warehousing and distribution (general).
  20. Warehouse and freight storage (indoor operations, storage and loading).
- b. *By special exception.*
1. Amusement park (outdoor).
  2. Animal food manufacturer.
  3. Animal hospital/veterinary service.
  4. Bakeries (in excess of 5,000 square feet).
  5. Big box retail (in excess of 75,000 square feet).
  6. Cleaning and processing establishment.

7. Contractor yard with outdoor storage.
8. Indoor operations with outdoor storage, food products.
9. Machine shop, vehicle, equipment repair.
10. Recycling center.
11. Recycling drop off.
12. Users in excess of 75,000 square feet and requiring modifications to the commercial residential ratio.
13. Warehouse and freight storage.

(4) *Required mixture of uses.*

- a. *Intent.* Each traditional neighborhood development shall contain an appropriate mixture of uses that support live (residential) work (commercial) and play (open space/recreational) activities. It is the intent of the district to guide a variety of uses, building styles, and open spaces with amenities.
- b. *Permitted development.*

Site Development Standards	MUX (Mixed Use Residential)	NCX (Neighborhood Center Mix)	UCX (Urban Commercial Mix)
Permitted Percent Range Allowed	Residential 60—80% Commercial 20—40%	Residential 25—60% Commercial 40—75%	Residential 0—25% Commercial 75—100%

c. *Mixture of uses: Overall.*

1. The mixture of uses shall be based upon comprehensive plan recommendations. The required mixture may be obtained with different buildings or uses within the same building.
2. Each phase shall be independent from the others in meeting the standard mixes.

d. *Commercial/residential mixture.*

1. Each district shall consist of a residential element to extend district activity hours during non-business hours and to support commercial uses.
2. Each traditional neighborhood development shall consist of a commercial element that supports the residential uses and reduces reliance on vehicles by

shortening trip distance and provides employment opportunities.

e. *Determining commercial/residential ratio.*

1. For residential uses, gross living area shall be expressed as the sum of the approximated average footprint per dwelling, or, 1,500 square foot per dwelling unit may be considered per single family dwelling or 1,000 may be considered for multi-family.

2. Gross square footage or gross residential living area shall not include underground or garage parking, stairways, steps, stoops, exterior balconies, decks or porches.

3. Gross square footage for nonresidential uses shall be expressed as the sum of the approximated anticipated maximum footprint of a building or buildings, including multiple floors, measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings.

4. For the purposes of establishing commercial/residential ratio, up to 25 percent of a mixed use development shall count either commercial or residential use, but not necessarily both, unless a third user is established. Should there be a third or more users, such user shall be counted as well.

5. Each district shall have at least two housing types. The following are considered different housing type:

A. Single family detached;

B. Single family attached dwellings (duplexes, triplexes, row houses, quadruplexes, townhouses);

C. Multi-family dwelling (apartment and mixed uses); and

D. Special needs housing such as assisted living facilities, group homes and nursing homes.

f. *Variations and exceptions to the mixture requirements.* City council may waive or modify this requirement upon finding that an alternative use is already present within one mile of the proposed district and accomplishes the goals established by this section. The purpose of such variations shall be:

1. To determine the financial impact of the project on the city; and

2. To include and consider compatibility of existing/proposed uses in the abutting areas outside of the project; and

3. To provide an alternative to the required minimum area and bulk standards ratios, the community facilities requirements including open space and



recreational.

g. *Overall open space requirements.* Open space/residential mixture: Each traditional neighborhood development district shall contain open spaces and amenities. Open space shall include all park areas, buffers and sensitive environmental areas, active and passive recreational areas, and pedestrian pathways.

1. At least 75 percent of the required recreational land shall be suitable for dry recreational use and shall not consist of steep slopes or water.
2. Environmentally sensitive areas such as, but not limited to, slopes in excess of 25 percent, wetlands, floodplain, rock outfalls and sinkholes should be located within the open space. These areas may not constitute more than 40 percent of the total required open space.
3. The minimum area of open space is as follows:
  - A. For areas shown as neighborhood residential, the required open space shall consist of 20 percent of the gross acreage devoted to residential lots;
  - B. For areas shown as regional service, office or industrial service, the area devoted to green space shall be at least 15 percent of the gross acreage.

h. *Amenities/residential mixture.* Amenities consist of the built environment serving the recreational, civic needs or enhanced transportation needs of the community. Amenities shall include active recreational facilities and structures such as swimming pools, clubhouse, civic buildings, organized play areas, community facilities, fields and paths in excess of the minimum required and the like.

1. Acceptance and location of such amenities shall be subject to the city manager and city council approval.
2. Amenities shall be located within one-quarter mile of all residential units within the traditional neighborhood development.
3. In nonresidential areas of the development, amenities shall be located so they link and are easily accessible to patrons, residents and employees of the development. Amenities in non-residential areas shall be placed in prominent areas and visible to adjacent properties.
4. The design of any recreational facilities shall meet the minimum design requirements from engineering and recreational design standards, and International Building Codes.
5. The size, location, shape, slope and condition of land shall be suitable for the proposed amenity.

(6) *Minimum lot requirements—Area, width and setback.*

a. Unless requested and approved by the planning commission as a part of the general development plan and/or sketch plan approval process the minimum lot requirements are required, as shown in subsection b.

b. *Area and bulk lot requirements.*

USE	MIN. LOT AREA IN SQ. FT.	MIN. LOT WIDTH IN FT.	SETBACKS IN FEET			
			FRONT	SIDE	REAR	CORNER
Single Family Detached	6,000	50	10	Min 3 Combo 10	20	5
Duplex	7,000	30	10	10	20	5
Townhomes	1,600	18	5	10	20	10
Rowhomes	1,360	16	5	5	15	5
Multifamily	16,000	125	20	25	30	30
Commercial/Industrial uses	4,000	125	0 ft min 20 ft max	5 ft min, 30 ft max	20	20

1. Attached garages may not extend more than ten feet beyond the front elevation of the main structure.

2. Detached garages facing side or rear lot lines shall maintain accessory structure setbacks.

3. The rear and/or side yard setback for each lot shall be at least 35 feet from any abutting major arterial roadway.

4. Accessory structure shall not exceed 40 percent of lot coverage.

5. Townhouses.

A. In each grouping of townhouses, individual units have a variation of setbacks measuring not less than two feet from the adjoining unit, except that two adjoining units may have the same setback.

B. The width of each lot used for a townhouse group is at least 130 feet.

C. The average width in each continuous attached unit is at least 20 feet wide.

D. No more than ten single-family townhouse units are included in a

continuous row in an individual structure.

E. The minimum number of units for each townhouse group is four; the minimum width is 78 feet.

6. Additional setback requirements.

A. Permitted encroachments: Stoops, open colonnades and open porches, decks, balconies, stairs, bay windows and awnings may encroach into setback areas up to five feet in the front yard and up to ten feet in the rear yard.

B. If two or more multi-family structures are located on the same site, there shall be at least 50 feet between facades with windows and at least 25 feet between facades without windows. The required distance shall increase by 25 percent of the amount by which the height of any structure exceeds 45 feet.

7. Accessory structures.

A. Minimum setback from front property line or street right-of-way shall be 50 feet. Side setbacks for accessory structures shall be the same as the principal structure. Rear setback for accessory structures will be a minimum of five feet.

B. Accessory structures shall not exceed 24 feet in height.

c. The administrator may reduce the rear yard to three feet for a maximum of one third of the total rear lot width subject to the following:

1. Commercial uses adjacent to residential uses.

A. Screening shall be provided. Screening shall consist of vegetation or fencing.

B. Should vegetation be provided, a single row of shrubs spaced four feet on center shall be provided.

C. Should fencing be provided, the applicant shall provide a solid wood, masonry or brick fence in combination located on the property line. If a fence that is a minimum of 50 percent open is placed, the applicant shall locate a minimum single row of shrubs spaced eight feet on center; or

D. Any combination, including berming or other acceptable screening equivalent or better to the above as approved by the administrator.

E. Obnoxious commercial uses shall require a ten-foot wide planting strip with a six-foot screening fence and vegetation.

d. Maximum density. The density permitted in a TND district is four dwelling units per

acre. ~~unless increase is granted utilizing the density bonus.~~

~~(7) Density bonus option.~~

~~a. Purpose. It is the purpose of this provision to encourage a variety of arrangements that support the purposes of the traditional neighborhood districts; to insure a suitable environment for recreation and to encourage designs that exceed the minimum standards provided. The provisions in these sections shall be provided in addition to any minimum requirements.~~

~~When applicable: The city council, in its approval as a part of the general development plan and/or sketch plan approval process rezoning application, may permit increases in the number of dwelling units in the following instances:~~

- ~~1. Promote dedication of public sites in excess of the minimum requirements for such facilities as schools, parks, and public buildings where such facilities are located in accordance with the comprehensive plan;~~
- ~~2. Protect environmental features, water quality or historic resources;~~
- ~~3. Promote non-vehicular and inter-modal transportation systems and energy efficient designs that support sustainable communities;~~
- ~~4. Promote a variety of housing stock that cater to all socio-economic and that encourage affordable housing.~~

~~In each subcategory, descriptions of general requirements are followed by specific performance measures. Specific performance measures are tabulated and density bonuses (in dwelling units per acre) are calculated there from. To this end, the city council may provide the following bonuses:~~

~~b. Preservation of environmental systems. This bonus provision encourages environmental protection to be viewed as part of an ecological system. Interconnected wooded areas, stream banks, and steep slopes preservation, are necessary for maintaining water quality, recognizing slope and vegetation patterns and providing needed migratory routes for wildlife. The applicant may obtain a maximum percentage increase of up to five dwelling units per acre subject to the following performance measures:~~

~~1. General requirements.~~

~~A. All slopes of 20 percent in excess of 1,000 square feet in area and exceeding a 5:1 rectangle shall be located within an open space area and shall interconnect with any off-site open space areas or other steep slopes. There shall be no earth disturbance proposed on such slopes;~~

~~B. All stream beds, floodplains and wetlands and associated stream banks~~

~~shall be placed within the open space area and shall interconnect with offsite drain areas;~~

~~C. No active recreational facilities shall be proposed on such slopes and transportation systems permitted shall be bicycle/pedestrian trails which are on grade with the existing contours~~

~~D. Not more than ten percent of the existing wooded areas shall be disturbed for roads, paths and commercial facilities. The applicant provides a minimum of one additional tree per residential unit in excess of other code requirements.~~

~~E. Rock outcrops shall be preserved and left undisturbed within open space or designed to present a special feature adapted to transportation facilities.~~

~~F. Significant or specimen trees shall be preserved and left undisturbed within open space or designed to present a special feature adapted to transportation facilities.~~

~~G. Stormwater systems drainage areas shall utilize best management practices prior to draining into such streams. Stormwater systems shall emphasize preservation of existing vegetation and channels as an alternative to structural approaches to stormwater management in order to promote efficiency, reduce development costs and to enhance water quality.~~

~~H. The applicant shall cluster proposed development in order to preserve the maximum amount of open space.~~

~~I. The applicant shall preserve wooded areas, which are connected to offsite wooded areas.~~

~~2. Performance measures and density bonuses.~~

<del>Performance Measures</del>	<del>Density Bonus</del>
<del>Preservation of slopes placed in open space &gt; 20 percent, &gt; 1,000 sq. ft., &gt; 5:1 rectangle OR</del>	<del>0.05</del>
<del>Preservation of slopes placed in open space &gt; 20 percent, &gt; 1,000 sq. ft., &gt; 5:1 rectangle and connecting to offsite/adjacent steep slopes</del>	<del>0.10</del>
<del>Bicycle/pedestrian trails proposed on grade with contours</del>	<del>0.10</del>
<del>Additional dedicated open space (not already required and not environmentally sensitive) placed adjacent to streambeds, floodplains and wetlands OR</del>	<del>0.10 per extra acre of open space dedicated</del>
<del>Additional dedicated open space (not already required and not environmentally sensitive) placed adjacent to streambeds, floodplains</del>	<del>0.10 per extra acre of open</del>

<del>connected to offsite/adjacent areas previously dedicated</del>	<del>space-dedicated</del>
<del>Stormwater systems preserving existing vegetation and channels</del>	<del>0.05</del>
<del>Perform a habitat enhancement project within dedicated open space areas</del>	<del>0.05</del>
<del>Disturbing less than 10 percent of wooded areas for roads, paths or commercial facilities</del>	<del>0.05</del>
<del>Undisturbed wooded areas, remaining in open space outside of environmentally sensitive areas OR</del>	<del>0.10</del>
<del>Undisturbed wooded areas, remaining in open space outside of environmentally sensitive areas, connected to adjacent/offsite wooded areas</del>	<del>0.10</del>
<del>Providing one additional tree per residential unit OR</del>	<del>0.05</del>
<del>Providing two additional trees per residential unit</del>	<del>0.10</del>
<del>Preserving and adopting rock outcrops into transportation facilities</del>	<del>0.05</del>
<del>Clustering development, keeping 30 — 50 percent of site in open space after right of way dedications OR</del>	<del>2.0</del>
<del>Clustering development, keeping 51 — 70 percent of site in open space after right of way dedications</del>	<del>3.0</del>
<del>Applicant must qualify for a minimum of 2.0 units to receive any credit in this subcategory</del>	<del>Max. 4.0 units possible</del>

~~c. — Civic enhancement/identity and transportation interconnectivity. The purpose of this bonus provision is to promote and to connect all sections of the community together by developing a hierarchy of civic identities and centers that is in excess of the minimum required. The applicant may obtain a maximum percentage increase of up to five dwelling units per acre subject to the following performance measures:—~~

~~1. — General requirements.—~~

~~A. — Provision of a hierarchy of courtyards/roundabouts with features such as a statue, clock, fountain, etc, and plazas. Larger features shall be located within the most intensive commercial portion of the district with smaller scale features within neighborhoods;—~~

~~B. — Provision of bicycle/pedestrian trails, grassed medians that connect all civic features together;~~

~~C. — Connection of bicycle/pedestrian trails to other planned or existing offsite trails or intermodal facilities.~~

~~D. — All neighborhood collector roads shall contain grassed medians planted with trees;~~

~~E. — Entrances shall contain landscaping and a series of features;~~

~~F. — Dedicate to the city area for new schools, fire and rescue and recreational facilities in accordance with the comprehensive plan. Provision of recreational facilities in excess of the minimum requirements.~~

~~2. — Performance measures and density bonuses.~~

<del>Performance Measures</del>	<del>Density Bonus</del>
<del>Providing courtyards, roundabouts with special features</del>	<del>0.05</del>
<del>Providing circuitous pedestrian/bike trails circumnavigating the development OR</del>	<del>0.05</del>
<del>Providing circuitous pedestrian/bike trails circumnavigating the development and connecting residential areas to commercial areas</del>	<del>0.05</del>
<del>Connecting circuitous pedestrian/bike trails circumnavigating the development to offsite trails or to other intermodal systems such as commuter rail sites</del>	<del>0.20</del>
<del>Provision of landscaped medians</del>	<del>0.05</del>
<del>Provision of landscaped and significant hardscaped entrance features</del>	<del>0.05</del>
<del>Developing mixed use building footprints 25 percent of total building footprints OR</del>	<del>0.20</del>
<del>Developing mixed use building footprints 25 percent of total building footprints and incorporating a plaza or public square concept</del>	<del>0.50</del>
<del>Providing additional open space (min. one acre), significant recreational facilities and/or equipment</del>	<del>0.10</del>
<del>Dedication and development of active recreation areas (playfields) 10 — 19 acres OR</del>	<del>0.50</del>
<del>Dedication and development of active recreation areas (playfields) 20 — 40 acres OR</del>	<del>1.0</del>
<del>Dedication and development of active recreation areas (playfields) &gt; 40 acres</del>	<del>1.5</del>
<del>Dedication of land (minimum five acres) and constructing a facility (minimum 3,000 sq. ft.) for recreational/community purposes.</del>	<del>2.0</del>
<del>Dedication of land for fire/rescue/public safety containing at least five acres OR</del>	<del>0.5</del>
<del>Dedication of land for fire/rescue/public safety containing at least five acres and performing site work and constructing building (or providing equivalent funding)</del>	<del>2.0</del>
<del>Dedication of land (minimum 25 acres) for public schools</del>	<del>2.0</del>
<del>Applicant must qualify for a minimum of 2.0 units to receive any credit in this subcategory</del>	<del>Max. 8.0 units possible</del>

~~d. — Energy efficient communities and affordable/workforce housing. The purpose of this section is to promote energy efficient communities that are sustainable and to promote a~~

~~variety of housing that support a variety or "mixture" of affordability as well. "Affordable/workforce housing" as defined by the state housing authority that is of a safe, decent quality. Furthermore, it is the intent of this bonus to include lower income residents as part of the city's mixed-use districts. The applicant may obtain a maximum percentage increase of up to five dwelling units per acre subject to the following performance measures:~~

~~1. General requirements.~~

~~A. Provision of energy efficient design includes building materials and provision of alternative energy systems such as solar or passive energy design such as strategic placement of landscaping.~~

~~B. Qualifying for the civic enhancement/identity and transportation interconnectivity bonus provisions.~~

~~C. Provision of affordable/workforce housing within the district and constituting not less than 10 percent of the total number of units. "Affordable/workforce housing" shall be housing costs not to exceed 30 percent of the median household income from the last census or as defined by HUD and the West Virginia Affordable Housing Partnership. Such housing units shall be interspersed among other housing units.~~

~~2. Performance measures and density bonuses.~~

<del>Performance Measures</del>	<del>Density Bonus</del>
<del>Energy efficient design/passive solar energy conservation in all units</del>	<del>0.25</del>
<del>Active alternative energy use, energy efficient design/passive solar energy conservation in dedicated community facilities</del>	<del>0.25</del>
<del>Active alternative energy use in at least 25 percent of all units</del>	<del>0.25</del>
<del>Supplemental use of alternative energy sources in street and open space lighting</del>	<del>0.25</del>
<del>Providing affordable/workforce housing: 10 percent of all residential units OR</del>	<del>0.5</del>
<del>Providing affordable/workforce housing: 15 percent of all residential units OR</del>	<del>1.0</del>
<del>Providing affordable/workforce housing: 10 percent of all residential units with approved deed restrictions limiting realized appraised resale value OR</del>	<del>2.0</del>
<del>Providing affordable/workforce housing: 15 percent of all residential units with approved deed restrictions limiting realized appraised resale value OR</del>	<del>2.5</del>
<del>Providing affordable/workforce housing: 10 percent of all residential units with approved Community Land Trust program OR</del>	<del>2.0</del>
<del>Providing affordable/workforce housing: 15 percent of all residential units with approved Community Land Trust program OR</del>	<del>2.5</del>



<del>Providing affordable/workforce housing: 10 percent of all residential units with program managed by local, state or federal housing authority OR</del>	<del>2.0</del>
<del>Providing affordable/workforce housing: 15 percent of all residential units with program managed by local, state or federal housing authority OR</del>	<del>2.5</del>
<del>Donation of a minimum of one percent of residential lots to local, state or federal housing authority or program</del>	<del>2.0</del>
<del>Donation of a minimum of two percent of residential lots to local, state or federal housing authority or program</del>	<del>3.0</del>
<del>Applicant must qualify for a minimum of 1.0 unit to receive any credit in this subcategory</del>	<del>Max. 5.0 units possible</del>

(8) *Commercial/residential economic development study.*

a. *Intent.* The study shall demonstrate that although the required TND use ratios may not be obtained within the proposed project, uses outside of the project are directly linked, and, therefore, have no inverse impact on the community and provide a positive cash flow. The applicant shall provide documents demonstrating [the following].

b. *Sustainability/compatibility.*

1. That the project area and the additional study area provide a positive cash flow and/or positive impact to the city;
2. Uses within the project are permitted and are deemed compatible with the surrounding neighborhood; and
3. The proposed development shall have no negative impact on the district, surrounding areas or the city.

c. *Uses.*

1. Such land area inclusions, including uses and any alternatives to the area and bulk requirements, support the goals of the TND.
2. The comprehensive plan supports the proposed use.
3. The proposed development is an infill project and/or there are at least two housing types already present within one-quarter mile of the proposed district.
4. The area considered in the report is located within [a] one-mile radius of the proposed district.
5. No such modification of use mix shall be needed to accommodate a "big-box" type development in excess of 50,000 square feet without a special exception through the board of zoning appeals for the proposed development.

d. *Open space compatibility study.* The open space compatibility study permits consideration for combining efforts to coordinate the community facilities. Such coordination must consider timing and implementation of appropriate facilities. The purpose of the compatibility study is:

1. To concentrate efforts in areas identified for parks and community open space in the comprehensive plan.
2. To permit multiple funding sources so to obtain a complete capital improvement rather than partial facilities.
3. To offset capital improvement expenditures and reduce administrative costs of managing project implementation through promoting public private partnerships.

e. *Community facilities impact.*

1. All supporting infrastructure including, but not limited to, roads, open space and park areas are available to the proposed development.
2. Allocation of such community facilities elsewhere does not serve the public interest and that consolidation of facilities is more appropriate.
3. Such study demonstrates that by providing on-site facilities, there will be improved efforts through better coordination.

(9) *Standards for development.* The general development plan must contain all mandatory elements in each section of the cluster bonus chart and, through application of the bonus factors, must obtain densities of at least eight dwelling units per acre. In addition, following standards for development shall apply for residential, commercial and mixed use areas:

a. *Architectural standards for residential.* Predominantly residential structures shall maintain the following:

1. Attached garages shall be set back at least five feet from the front building plane of the dwelling. Detached garages shall be located in the rear yard.
2. The front elevation and massing of an apartment building or other multi-family structure shall not exceed thirty percent of the adjacent structures.
3. Pitched, hipped, gabled or mansard roofs shall be used. Flat roofs shall be avoided unless constructed as a roof garden. For apartment buildings, mechanical equipment, whether ground level wall or roof mounted, shall be screened from public view and designed to appear as an integral part of the building.
4. Effort shall be made to include bay, or picture windows, porches, porticos, and stoops so to increase the amount of fenestration facing public areas.
5. Accessory uses shall be subordinate, incidental and non-intrusive to the

principle use of the building.

b. *Commercial/office use standards for development.* Each district shall consist of a commercial element that concentrates on and supports the residential component on the district.

c. *Architectural standards for commercial/office.* Mechanical equipment whether ground level, wall or roof mounted, shall be screened from public view and designed to appear as an integral part of the building;

1. There should be an effort to provide similar or themed materials and treatment on the exterior walls of each building. Buildings shall be constructed of common building materials such as wood, glass, or brick. Materials such as sheet metal, cinder or concrete block shall not dominate any building facade and the city manager or his designee must approve use of such materials.

2. Permanent use of office trailers in any district or use of trailers in districts other than residential is prohibited.

3. Building design shall avoid long monotonous (65 percent minimum at front building plane), uninterrupted, windowless walls or roof planes. Building wall offsets, including projections, recesses and changes in floor level shall be used to add architectural interest and variety.

4. No uninterrupted length of any facade shall exceed 150 horizontal feet without a building wall offset, projection or floor level change. Facades facing or adjoining the front setback which exceed this length shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending a minimum total of 20 percent of the length of the facade.

5. Where the construction of a blank wall is necessitated by the building code, the wall should be articulated by the provision of blank window openings trimmed with frames, sills and lintels, or by using recessed or projecting display window cases.

6. Parking shall be located on the street, in the rear of the structure or on the side of the structure. If located on the side, the parking area shall be screened. Parking located in the rear of the structure shall be exempt from the landscape provisions unless visible from a public right-of-way or residential uses.

d. *Standards for mixed uses.* It is the intent of this ordinance to encourage mixed uses to include live work structures. The purpose of mixed use is to allow for the development of integrated pedestrian oriented neighborhood so to minimize traffic, congestion and sprawl. The provisions utilized by mixed use development adopt urban conventions of the United States commonly found from the colonial times to the 1940s.

e. *Architectural standards for mixed uses.* In addition to the above commercial uses,

the mixed-use districts shall contain the following:

1. Mixed-use structures shall contain an expression line to delineate the division between the first and second story. A cornice shall delineate the tops of the facades. Expression lines and cornices shall either be moldings with a minimum height of two inches or jogs into the surface plane of the building.
2. All buildings will have either a mansard, hipped, gabled or pitched roof line unless constructed as a roof garden or parking. Flat roofs are not permitted.
3. All principle structures will have their main entrance opening onto a street, square courtyard or park.
4. Residential uses shall not be located on the ground floor. Access to residential uses shall be separate from commercial/office uses, unless access is located through a shared public hallway.
5. A mixed use neighborhood has an identifiable center. Edge and edge lots are easily accessible by non-vehicular means.
6. A commercial or office use is within the same building as a residential use and several are grouped within close proximity of each other.
7. A mixed use district may range from 15 to 40 acres but shall not exceed more than 25 percent of the total TND without natural or contrived boundaries distinguishing the different centers.

(10) *Application requirements—Required documents and information.*

a. *Overall.* After the application is submitted, the city manager or his designee may request additional plans, maps, studies and reports such as, but not limited to, traffic impact analyses, identification of specimen trees, and reports identifying potential non-tidal wetlands which are deemed reasonably necessary to analyze the application. The following documents and information shall be submitted in addition to any other documents required to be submitted:

1. A statement describing how the proposed development satisfies the intent of the zoning ordinance and is consistent with the applicable goals and objectives of the comprehensive plan for the applicable development area and the specific goals and purposes of the traditional neighborhood development district. If one or more characteristics of the purposes are missing from an application, the applicant shall justify why the characteristic(s) cannot or should not be provided. The statement and shall also include information regarding the following items and shall accompany the general development plan.
2. A parking and loading needs study that demonstrate the parking needs and requirements and includes strategies for dealing with these needs and

requirements, including phasing plans, parking alternatives and transportation demand management strategies.

3. Strategies for establishing shared stormwater management facilities, off-site stormwater management facilities and the proposed phasing of the establishments of stormwater management facilities;

4. A general development plan as provided, including all information required to support any element of the plan.

5. Design guidelines should be submitted for policy and for support of any requested cluster bonus provisions and should include all information required to support any element of the code.

b. *Design guidelines.* Design guidelines are recommended to be submitted with the re-zoning, general development plan, and/or sketch plan application(s). The design guidelines should establish the unifying design themes, the specific regulations for the district and the use characteristic of each block; provide for certainty in the location and appearance of central features, and the permitted uses in the district and provide a flexible range of a mix of uses and densities. To satisfy these requirements, each design guideline should establish:

1. The uses permitted in the district by right and by special exception if different from this section.

2. The amount of developed square footage proposed, delineated for the entire traditional neighborhood development and by block, by use, amenity, streets and lot coverage. The developed square footage may be expressed as a proposed range of square footage.

3. The maximum residential densities and the maximum number of residential units for individual residential land use categories and mixed-use categories, delineating at least two housing types.

4. The maintenance and enforcement methodology of the guidelines. The document shall clearly note the city's role, if any, related to maintenance and enforcement, and the recordation of such document in the clerk of the circuit court and timing of such document.

5. The amount of land area devoted to green space and amenities.

6. All uses expressly prohibited in the district. Any prohibited use shall not be considered accessory to a permitted use.

7. The design guidelines supplement, and, in no case, replace, and architectural and landscape standards outlined in the City Code. The design guidelines in the traditional neighborhood development shall address the following:

- A. The form, massing and proportions of structures.
- B. Architectural styles.
- C. Materials colors and texture.
- D. Roof form and pitch.
- E. Architectural ornamentation.
- F. Facade treatments including window and door openings.
- G. Landscape treatments.
- H. The preservation of historical structures, sites and archeological sites identified by the state department of historic resources.
- I. Preliminary lot layout.

8. For each block:

- A. The range of uses permitted on the block by right and by special exception if different from this section.
- B. All requirements and restrictions associated with each use delineated setbacks, if different from this section.
- C. Minimum and maximum lot and yard dimensions.
- D. Maximum building heights.
- E. Sidewalk and pedestrian path locations.
- F. Green spaces and amenities.
- G. Conservation and preservation areas.
- H. Parking areas.
- I. Civic spaces that are public areas for community or civic activities (schools and their associated yards, libraries and places of worship).

c. *General development plan.* A general development plan shall serve as the general guide for the project and shall not vary unless reviewed and approved as permitted under the variations from approved plans, standards of development, and design guidelines provisions. The following are required elements of the general development plan:

- 1. For the purposes of determining the commercial/residential ratio, the general

development plan shall approximately delineate for each section the amount of gross commercial square footage and the gross residential living area. The ratio shall compare the gross commercial square footage to the gross residential living area.

2. The general allocation, number, setbacks, density and type of uses in each section of residential, commercial, industrial, institutional, amenities, parks, recreational facilities open to the public and any other use in both acreage and percent and which complies with the requirements of this chapter.

3. The general development plan shall demonstrate any cluster bonuses that are utilized along with the design element, maximum percentage increase and permitted increase.

4. The location of proposed green spaces, amenities, conservation areas or preservation areas.

5. Building footprints or graphic representations of central features or major elements that are essential to the design of the development shown at the block level.

6. A regional context map at a scale of not less one inch equal to 1,000 feet showing topography at a maximum of ten-foot intervals, surrounding properties, improvements to those properties, surrounding public streets, private roads, and other thoroughfares.

7. An accurate boundary survey of the tract or plan showing the location and type of boundary evidence.

8. A plan showing existing physical conditions, including but not limited to:

A. Streams, wooded areas, non-tidal wetlands.

B. Slopes in excess of 25 percent.

C. Historic structures and sites included in the records of the state department of historic resources.

D. Floodplain, and any identified features in the open space element of the comprehensive plan.

E. Existing topography accurately shown with a maximum of five-foot contour intervals at a scale of not less than one inch equal to 100 feet. Other interval and/or scale may be required or permitted by the city manager or his designee where topographic considerations warrant.

F. Existing roads, easements, and utilities.

- G. The existing owners and zoning district.
  - H. The present use of adjoining tracts and the location of structures on adjoining parcels, if any.
  - I. The location, type and size of existing easements and rights-of-ways on the site.
9. An application plan based on a minimum of two data references for elevations to be used on plans and profiles showing:
- A. If appropriate, areas to be designated as preservation areas, and/or conservation areas, such as streams, wooded areas, specimen trees, non-tidal wetlands, and other significant environmental features.
  - B. The proposed topography with a maximum of five-foot contour intervals.
  - C. The general location of proposed streets, alleys, sidewalks, and pedestrian paths.
  - D. Typical street right of way widths to show proportions, scale, and streetscape.
  - E. Connections to existing and proposed streets, as well as proposed thoroughfares shown on the comprehensive plan.
10. Trip generation figures, if required by city.
11. The conceptual utilities systems plan if required by city, conceptual stormwater management, and a conceptual mitigation plan.
12. The location of central features or major elements within the development essential to the design of the project, such as major employment areas, parking areas, open space, parks, recreation areas and amenities if applicable, civic areas.
13. A summary of land uses including dwelling types and densities, and the gross floor areas for commercial industrial uses.
14. The general lot lay-out.
15. Standards for development including proposed yards, building heights, open space characteristics, and any landscape or architectural characteristics related to scale proportions, and massing at the edge of the district.
16. As part of the general development plan review, the applicant shall submit an economic development plan or compatibility study demonstrating the feasibility of the project.



d. *Administrative variations from approved plans, codes, and standards for development.* The city manager may allow minor variations of a site plan or subdivision plat from an approved application plan, standard of development and a general development plan or design guideline, as provided herein:

1. The manger is authorized to grant a variation from the following provisions of an approved plan, code or standard:

A. Minor variation to yard requirements, maximum structure heights and minimum lot sizes.

B. Changes to the arrangement of buildings and uses shown on the plan, provided that the major elements shown on the plan and their relationships remain the same.

C. Changes to phasing plans.

D. Minor changes to landscape or architectural standards.

E. Minor variations to street design.

2. The applicant shall submit a written request for a variation to the city manager; the request shall specify the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation; the manager may reject a request that fails to include the required information.

3. The manager is authorized to grant a variation upon a determination that the variation:

A. Is consistent with the goals and objectives of the comprehensive plan or the goals and purpose of the traditional neighborhood development.

B. Does not increase the approved development density or intensity of development.

C. Does not adversely affect the timing and phasing of development of any other development in the zoning district.

D. Does not require a special use permit.

E. Is in general accord with the purpose and intent of the approved application.

4. Any variation not expressly provided for herein may be accomplished by rezoning.

(11) *Procedures for mix use development applications.*

a. *Pre-application conference.* Each applicant for a traditional neighborhood development shall attend a meeting with city staff to review the application plan and the proposed development before the application is submitted. The purpose of the pre-application conference shall be to assist the applicant; and, to assure that the application and the documents to be submitted comply with all applicable regulations; and, to identify as early as possible conflicting regulations as well as necessary waivers or modifications.

Each applicant is encouraged to use the pre-application conference process to develop an application for a traditional neighborhood development that, when submitted with its supporting documents, will be as complete and comprehensive as possible.

b. *Review and recommendation by the planning commission.* The planning commission shall review each application for a traditional neighborhood development as follows:

1. The commission shall consider and make its recommendation to the city council on each application for a traditional neighborhood development district as it does for other zoning map amendments. Within the time provided to make a recommendation, the commission may hold work sessions on the application and proceed to a public hearing after it determines that no further work sessions are necessary, or at any time the applicant request a public hearing.

2. In making its recommendation on the application to the city council, the commission shall make findings about the following:

A. The suitability of the tract for the proposed traditional neighborhood development in terms of its relation to all applicable provisions of the comprehensive plan, the zoning ordinance, subdivision ordinance and, in addition, to the purposes of the traditional neighborhood development; physical characteristics of the land; and its relation to the surrounding area.

B. The relation of the proposed traditional neighborhood development to major roads, utilities, public facilities and services.

C. The planning commission shall review each requested waiver or modification based upon the variations from approved plans, codes and standards of development standards.

D. Depending on the findings it makes, the commission shall either recommend approval of the application as proposed, approval of the application with changes to be made prior to action on the application by the city council, or disapproval.

3. The city council shall consider and act on each application for a traditional neighborhood development district as it does for other zoning map amendments.

Once an application is approved, the application plan, all submitted standards for development, and all accepted proffers shall be included as part of the zoning regulations applicable to the traditional neighborhood development.

Definition: An "Infill project" is a project in which a parcel is developed or redeveloped, where abutting or nearby parcels are already developed and the project area is relatively small compared to the developed abutting or nearby parcels.

d. *Procedure for obtaining a bonus provision.*

1. The applicant shall submit a written request for each bonus category and the reasons why the bonus should be given. Such request shall consider the specific goals and purpose of the district and the bonus provision and shall outline strategies and plans to meet the goals.

2. Bonus provisions are to allow a development to excel in one or more district goals. The applicant must achieve a minimum percentage of a category in order to obtain such bonus. Partial application of one or more categories does not permit any bonus credit to be given in that category.

3. The applicant shall identify the increased number of units in the justification. In addition to increased lots, any development that is permitted a density bonus may reduce setbacks.

4. The planning commission shall review and the council shall either accept or deny such requests.

(Ord. No. 146, 5-4-04; Ord. No. 151, § 1, 10-19-04; Ord. No. 160, 6-13-06; Ord. No. 166, 10-3-06)

**Sec. 19-22. - Rural reserve district (RR).**

(a) *Purpose.* The rural reserve (RR) district is the zoning which is applied to annexed parcels upon approval and assignment into the city's jurisdiction. The intent of this district is to allow a minor amount of residential development and a reasonable selection of other allowed uses without having to apply for a rezoning.

Any parcels being subdivided in this zoning district must be for the purposes of creating two new lots for allowed uses prior to future development and to accommodate smaller tracts of land facilitating development of a portion of the original parcel. An approved rezoning to ~~SH (suburban homestead)~~ or a ~~TND (traditional neighborhood development)~~ SmartCode New Community (SC-NC) pursuant to Chapter 19A is necessary prior to further development. The size of the parcel must meet the acreage minimums detailed in Chapter 19A, 1.3.4, 1.3.5 or be adjacent to a SC-NC district pursuant to Chapter 19A, 3.3.5. Smaller parcels that either do not meet the size requirements in Chapter 19A or are not adjacent to SC-NC properties may be rezoned to non-transect districts so long as such rezoning is consistent with adjacent parcels. The rezoning must be compatible with the goals and policies of the comprehensive plan.

(b) *Permitted uses.* The following uses are permitted in this district:

- (1) Single family detached homes.
- (2) Temporary manufactured homes (while permanent dwelling is under construction).
- (3) Bed and breakfast inns.
- (4) Farms (except commercial slaughtering, feed lots, concentrated feeding operations).
- (5) Sale of agricultural products grown or produced on site.
- (6) Plant nurseries on parcels ten acres or larger.
- (7) Schools.
- (8) Places of worship.
- (9) Public utilities and appurtenances (e.g., water tanks, booster stations, pump stations, water and wastewater treatment systems).
- (10) Cell phone relay equipment when combined with and attached to existing structures.
- (11) Parks.
- (12) Transit shelters.

(c) *Special exceptions.* The following uses may be approved by the city board of zoning adjustment and, if approved, may be subject to certain conditions, pursuant to subsection 19-18(c)(2):

- (1) Cemeteries, mausoleums, columbarium.
- (2) Government buildings up to 5,000 square feet of gross floor area.
- (3) Commercial recreation facilities.
- (4) Mobile home parks subject to the following:
  - a. Only permitted adjacent to existing mobile home parks.
  - b. Overall maximum density: Seven units per acre.
  - c. Tenant lots minimum area: 6,000 square feet.
  - d. Utilities must be provided by municipal sources.
  - e. A residential site plan per section 19-14 is required and must be attached to the special exception request.

f. Minimum of 15 percent open space required exclusive of tenant lots. A minimum of 25 percent of the open space must be usable for recreation and the areas and amenities depicted on the site plan.

g. Setbacks:

1. Minimum 25 feet separation between units.
2. Front setback: 35 feet front; 25 feet rear; 25 feet side

h. A 15 foot wide evergreen landscape buffer area shall be established along property lines containing residential uses other than manufactured homes and commercial/office/retail uses.

i. All applicable national, state and local building codes shall apply to construction standards. In case of conflicting regulations, the stricter standard shall apply.

j. Opaque skirting shall be installed to conceal the undercarriage portion of the unit.

(5) Recreational RV parks and campgrounds provided that such use complies with section 19-24, as amended, and upon a finding that:

- a. Adequate thoroughfare access exists to prevent undue traffic congestion;
- b. The activities at the location will not have an adverse effect upon the adjoining properties; and
- c. Noise, odor, smoke, dust, illumination, and/or traffic or other adverse impacts are not likely to affect the surrounding developed property and uses or the quiet enjoyment of residential properties.

(d) *Permitted accessory uses.* The following are permissible accessory uses:

- (1) Accessory dwelling (33 percent gross floor area of main dwelling).
- (2) Day care in the home for no more than five children other than family members.
- (3) Home occupation (as defined).
- (4) Structures and buildings supporting agricultural uses.

(e) *General requirements.* Permitted divisions: Divisions of land shall only be permitted as provided herein. No parcel or tract of land of record established on the date of the adoption of this section or the date of annexation may be divided into an aggregate of more than three parcels.

(f) *Area and bulk regulations.*

REQUIREMENTS	PERMITTED
Minimum lot size	3.0 acres

Minimum Frontage: Public Road Private access easement	200 feet 250 feet
Yards	Front: 50 Feet Side: 25 Feet Rear: 25 Feet
Maximum structure height: Primary and accessory dwellings Agricultural support Other allowed uses	40 feet 150 feet 50 feet

(Ord. No. 145, 5-4-04; Ord. No. 173, 3-20-07; Ord. No. 222, 3-1-11)

**Sec. 19-23. ~~Suburban homestead district.~~ Reserved.**

~~(a) Purpose. The suburban homestead (SH) district is intended to implement city's comprehensive planning policies in facilitating a harmonious transition from the county's rural areas to the high density urban center. The SH district concept improves upon the typical sprawling suburban development pattern by encouraging clustered development patterns and enabling property owners to pursue small scale agricultural activities.~~

~~The SH district is established to provide for residential and rural economy related development in the vicinity of both agricultural areas and the urban center. This district enhances the rural-urban transect by permitting medium density development. The SH district is not intended to be served by both public sewer and water systems. However, the provision of either service type enables reduced minimum lot sizes and fosters clustered development in a rural suburban setting. Opportunities should exist to allow for reduced impacts on the community and encourage possible development toward an "off-grid" lifestyle.~~

~~All land uses in the SH district are encouraged to co-exist with, support, and complement the region's agricultural uses. Regional recreational attractions may be suitable for the SH district as well. Residential parcels are encouraged to support nearby agricultural uses establishing specialty/niche gardens and related home occupations. This development pattern should reduce pressure on the development of prime agricultural land.~~

~~The overall purposes of the SH zoning district are to:~~

- ~~(1) Control public service costs;~~
- ~~(2) Maintain and enhance the continuity of rural cultures, communities and agricultural land uses;~~
- ~~(3) Preserve historic landmarks;~~

- ~~(4) Protect and buffer agricultural, horticultural, forestry and resource extraction operations from the impact and encroachment of urban development;~~
- ~~(5) Provide a transition of suburban development from the rural areas to the urban centers;~~
- ~~(6) Protect environmentally sensitive areas and preserve open space areas; and~~
- ~~(7) Provide a unique development option.~~

~~(b) *Permitted uses.* The following uses are permissible in this district:~~

- ~~(1) Single family detached residential dwellings.~~
- ~~(2) Accessory, single family detached dwellings, 33 percent of the gross floor area of the main dwelling.~~
- ~~(3) Bed and breakfast service on parcels three acres or larger.~~
- ~~(4) Child care services for ten children or less.~~
- ~~(5) Home occupations as defined.~~
- ~~(6) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.~~
- ~~(7) Temporary dwelling/manufactured home providing temporary residence during construction of a primary residence.~~
- ~~(8) Public utility stations and public service facilities.~~
- ~~(9) Public recreational facilities.~~
- ~~(10) Public or private schools.~~
- ~~(11) Private recreational facilities on parcels five acres or larger (can be combined with required open space).~~
- ~~(12) Religious institutions on sites five acres or greater.~~
- ~~(13) Wayside stands on parcels where products displayed are grown or produced by the same property owners or on an adjacent parcel.~~
- ~~(14) Tree micro nurseries/specialty gardens/niche agriculture.~~
- ~~(15) Small scale animal husbandry on parcels four acres or larger.~~

~~(c) *Special exceptions.* The following uses may be approved by the board of zoning adjustment and, if approved, may be subject to certain conditions, pursuant to the provisions in subsection 19-18(c)(2).~~

- ~~(1) Commercial outdoor entertainment.~~
- ~~(2) General agricultural supply services on parcels three acres or greater.~~
- ~~(3) Country store/general merchandise without fuel supply.~~
- ~~(4) Restaurants.~~
- ~~(5) Professional business offices.~~
- ~~(6) Boarding kennel or domestic animals on parcels three acres or greater with animals kept indoors at all times.~~
- ~~(7) Private fraternal club or lodge (not associated with required open space and amenities).~~
- ~~(8) Veterinary supply services on parcels three acres or greater.~~
- ~~(9) Veterinary hospital on parcels five acres or greater.~~
- ~~(10) Telecommunications monopole or tower.~~
- ~~(11) Nursing homes on parcels five acres or larger.~~
- ~~(12) Natural gas/LP transmission and storage facilities.~~
- ~~(13) Child care facility for more than ten children.~~
- ~~(14) Recreational RV parks and campgrounds provided that such use complies with section 19-24, as amended, and upon a finding that:
 
  - ~~a. Adequate thoroughfare access exists to prevent undue traffic congestion;~~
  - ~~b. The activities at the location will not have an adverse effect upon the adjoining properties; and~~
  - ~~c. Noise, odor, smoke, dust, illumination, and/or traffic or other adverse impacts are not likely to affect the surrounding developed property and uses or the quiet enjoyment of residential properties.~~~~

~~(d) Area, bulk and other requirements.~~

- ~~(1) Area. Thirty thousand square feet minimum; ten acres maximum, exclusive of flood hazard area (except for areas otherwise indicated);~~
- ~~(2) Density. One dwelling unit per acre;
 
  - ~~Cluster option: Two dwelling units per acre when 40 percent of parent tract is preserved for: one dwelling unit or another permitted use or for common use open space.~~~~
- ~~(3) Width. One hundred fifty (150) feet minimum for lots fronting on public roads; two~~



~~hundred (200) feet minimum for lots fronting on private roads.~~

~~(4) Length/width ratio, 4:1 maximum.~~

~~(5) Yards. Fifty feet front; 100 feet rear; 40 feet sides. Cluster option: 35 feet front; 40 feet rear; 25 feet sides.~~

~~Side and rear setbacks accessory uses:~~

~~1. Fifteen feet for residential uses.~~

~~2. Twenty five feet for agriculture support and all other non residential structures.~~

~~3. Fifty feet for fenced livestock enclosures from an adjacent improved residential property.~~

~~(6) Height. 40 feet for residential dwellings; 100' for agricultural support or energy production structures;~~

~~(7) Utility provisions. Any lots one acre or smaller must be served with either public water or public sewer or a communal on site sewage disposal system approved by the state health department. All utility distribution lines shall be placed underground.~~

~~(8) Perimeter buffers. All commercial/office/retail uses require a 15 foot evergreen buffer strip along property lines adjoining residential uses.~~

~~(Ord. No. 172, 3-20-07; Ord. No. 222, 3-1-11)~~

## **Sec. 19-24. - Private recreational vehicle parks and campgrounds.**

(a) *Purpose.* The purpose of this section is to establish specific guidelines for private recreational vehicle (RV) parks and campgrounds that are permitted by special exception in certain zoning districts within the city and to accommodate private establishments primarily engaged in operating sites for recreational campers and their equipment, including tents, tent trailers, travel trailers, and RVs, with sufficient open space provided for park users and adequate screening. These establishments may provide access to on-site facilities, such as washrooms, laundry rooms, recreation halls and playgrounds, stores, and snack bars. These regulations are designed to allow for an economical use of land while creating an attractive, functional and safe environment that is compatible with surrounding properties. Ideal locations will feature accessibility from an arterial street, available utilities, and close proximity to services which will meet the needs of anticipated users.

(b) *Applicability and where permitted.* This section shall apply to all private campgrounds and RV parks. Such uses are permitted by special exception in certain zoning districts subject to the provisions detailed in section 19-18 and on parcels equal to or greater than ten gross acres and less than 40 gross acres and fronting an improved city- or state-maintained roadway.

(c) *Principally permitted uses.* Principally permitted uses in the RV park and campground overlay zoning district are as follows:

- (1) Recreational vehicles to include: Class A, Class B, Class C; travel trailers, and tent trailers.
- (2) Tent campsites.
- (3) Individual cabins provided that they are solely owned by the campground.
- (4) Campground manager/groundskeeper homes/cabins provided that they are solely owned by campground.

(d) *Permitted accessory uses.*

- (1) Management offices and living quarters.
- (2) Recreation facilities, such as swimming pools, activity buildings, tennis courts, playgrounds and similar uses.
- (3) Service buildings, including toilets, bathing, laundry, grounds maintenance storage and utility.
- (4) Security guard kiosk at the park entrance(s).
- (5) Retail and service uses intended primarily for park users, such as stores, restaurants, beauty parlors, barber shops, and other convenience establishments shall be permitted as accessory uses in zoning districts permitting such uses.
- (6) Signs, as provided in subsection (l).

(e) *General requirements.*

- (1) The entirety of the RV park and campgrounds and all principal and accessory uses shall be located on one tract or parcel of land. Any property merger or subdivision necessary to meet the acreage requirements must be approved by the city and recorded in the land records of Jefferson County prior to site plan approval.
- (2) A site plan shall be prepared and submitted to the city and other applicable review agencies as required. Site plans for private campgrounds/RV parks shall comply with the requirements of section 19-14
- (3) License required. It shall be unlawful for any person to operate any RV park or campground within city limits unless he/she holds a valid business license issued annually by the city in the name of such person for the specific park. The applicant shall make all applications for the licenses on forms furnished by the city. All other required licenses and agency permits for approval and operation of the establishment(s) shall be the responsibility of the owner and operator.

(4) No campsite shall be used as a permanent place of abode, dwelling, or business. Continuous occupancy extending beyond 91 days or intermittent occupancy exceeding 180 days in any 12-month period within any portion of the campground/RV park shall be presumed to be permanent occupancy. The owner of the establishment shall be required to maintain accurate accounting of occupancy time, which shall be subject to inspection by the city. Guest registration should include name, permanent address, license plate number and state, driver's license number and state, site rented, arrival and departure dates.

(5) Any action toward removal of wheels of a travel trailer, except for temporary purposes of repair or to temporarily attach the trailer to the ground for stabilizing purposes, shall be prohibited.

(6) Accessory uses shall be owned by owner of the park and so designed and developed so as to blend with the park's design and natural setting. Such uses shall be clearly accessory to the principal use as a campground/recreational vehicle park. Accessory uses shall include management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of the campground. In addition, stores, restaurants, beauty parlors, barber shops, and other convenience establishments shall be permitted as accessory uses in zoning districts permitting such uses subject to the following conditions:

- a. Such establishments and the parking areas primarily related to their operation shall not occupy more than ten percent of the gross area of the park;
- b. Such establishments shall be restricted in their use to registered occupants of the park, their authorized guests and/or related park association members;
- c. Such establishments shall present no visible evidence from any public road of their commercial character; and
- d. Individual sites within the park are not allowed to have accessory structures as defined herein.

(7) Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose, which would expose persons or property to hazards.

- a. Exposed ground surfaces in all parts of the park shall be paved, covered with stone, rock or other similar solid materials, or protected with a vegetative ground cover that is capable of preventing soil erosion and of eliminating objectionable dust.
- b. Surface drainage plans for the entire tract of land shall be reviewed by the city and other applicable review agencies to determine whether the proposed plan is compatible with the surrounding existing drainage pattern and relevant drainage plans, prior to

issuance of site plan approval and building permits. No permit shall be issued where it is determined that the plan is incompatible with surrounding areas.

c. The ground surface in all parts of the park shall be graded and designed to drain all stormwater and surface runoff in a safe and efficient manner. Drainage analysis for the site, including contributing drainage areas, discharge points, and receiving channels, shall be performed by a licensed professional engineer. Easements for the conveyance of surface water off-site to an adequate receiving channel shall be obtained, if necessary.

(f) *Dimensional requirements.*

(1) Maximum density shall be limited to 15 campsites per acre, including public areas, rights-of-way, watercourses, and other areas as may be set forth.

(2) Only one recreational vehicle, travel trailer, tent trailer, tent, or cabin is permitted per campsite. Additionally, each rented campsite may erect a maximum of two temporary outdoor structures that are not intended for overnight sleeping for the purposes of providing shade or screened enclosure, includes tarp, umbrella, canopy, screen room, or similar.

(3) In no case shall any campsite contain less than 2,100 square feet. To the greatest extent possible, campsites shall be developed to preserve their natural character. Campsites shall be level and well drained.

(4) Each campsite shall meet the following minimum dimensions based upon type of use:

Type	Width	Depth	Driveway Length
Tent	35'	60'	30'
Cabin	40'	70'	30'
RV Back-in	40'	70'	60'
RV Pull-thru	40'	90'	90'

(5) Campsite setbacks. All recreational vehicles, travel trailers, tent trailers, tents, cabins, additional temporary outdoor structures, fire rings and automobiles (and any detached individual storage building) shall maintain the following lot/space setbacks (measurements are taken from the leading edge of any carport, patio cover, awning or other extension):

Front	10'
Side	5'
Rear	10'

Corner side	10'
Distance between recreational vehicles	10'

Any accessory structures such as attached awnings, carports, or individual storage facilities shall, for the purpose of this separation requirement, be considered part of the recreational vehicle.

(6) Campsites and off-street parking spaces shall not be within the setback areas required for main buildings or principal structures.

(7) Setback areas for campsites shall contain natural vegetation or be landscaped and shall be used for no other purposes, including picnic tables and fire rings.

(8) The minimum setback of any building, structure, or campsite from a public road right-of-way shall be 25 feet from the edge of the right-of-way. The minimum setback of any building or structure from the interior road shall be ten feet from the edge of pavement.

(9) Individual cabins shall contain a minimum interior livable area of 120 square feet. The exterior dimensions of the cabin, including any roof, cantilever, deck, bay windows or any other protrusions, are not permitted to encroach into the campsite setback.

(10) The minimum exterior front, side and rear property line setbacks, when abutting residentially used or zoned areas, shall be 50 feet. In all other cases, the exterior front, side and rear property line setbacks shall be at least 25 feet. The ten feet setback for a perimeter screening wall shall be included within the 50 feet calculation. No structures or paved surfaces are permitted within the exterior property line setbacks, except for the entrance and exit points. However, if the exterior property line setback is increased by ten feet along any portion of the perimeter, a pedestrian/bicycle path of not more than eight feet in width, trail markers of height less than four feet, and pedestrian sitting bench may be placed in that portion of setback provided they are located not closer than ten feet to the adjoining property line and on the inside of any screening wall. The exterior property line setbacks shall be kept free of all structures and vehicles and shall have vegetative ground cover.

(g) *Access and road requirements.*

(1) Entrance/exit roadways shall be located not closer than 150 feet from the intersection of public roads.

(2) Entrances and exits to the park shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic into and out of the park. The need for turning lanes, acceleration/deceleration lanes and other safety measures at the entrance/exit will be determined in consultation with a traffic engineer.

(3) Entrance/exit from public roadways shall have a concrete apron commercial entrance with minimum 25-foot radius. Two-way entrances/exits shall be divided by a landscaped median with minimum dimensions of five feet [in] width and 20 feet [in] length. Attention to maintaining a clear line of site shall determine the plantings used.

(4) Internal private roadway shall have a maximum three percent grade for a distance of at least 50 feet from the edge of the public right-of-way.

(5) Internal private roadways shall be constructed of concrete, asphalt, gravel or crushed stone. Within 100 feet of driving distance from the entrance/exit onto a public right-of-way, the internal private roadway shall be constructed of concrete or asphalt.

(6) Internal private roadways without access to campsites shall have the following minimum and maximum pavement widths:

Travel Direction	Minimum	Maximum
One-way	12 feet	18 feet
Two-way	22 feet	32 feet

(7) Internal roadways with access to campsites shall have a minimum pavement width of 15 feet for one-way travel and 24 feet for two-way travel. Pavement widths in excess of 35 feet require approval from the planning commission.

(8) Internal roadways shall maintain a minimum turning radius of 50 feet. Dead-end roadways are discouraged, but if necessary shall terminate in a cul-de-sac of at least 100-foot diameter; however, in no case shall a cul-de-sac exceed 600 feet in length.

(9) No campsite shall be accessed from the internal private roadway within 100 feet of driving distance from the entrance/exit onto a public right-of-way.

(10) Each campsite within the park shall have access to a private driveway, which shall have access to the internal private roadway. No campsite shall be accessed from the public right-of-way. The private driveway shall be constructed of materials capable of minimizing soil erosion, such as gravel or other pavement, and shall have minimum dimensions of ten feet [in] width and length determined by use. Low impact design alternatives are encouraged.

(11) All access to each campsite and to all on-site amenities and facilities shall be from the interior of the park only.

(12) All paved surfaces shall be kept in good repair.

(h) *Parking requirements.*

(1) Parking within the park is to be provided with the following ratios:

a. *On-lot space.* At least one parking space (on a dust-free surface) is to be provided on

each campsite.

b. *Guest.* Paved parking (off any interior drives) is to be provided within the park at the ratio of one space for every five campsites. Minimum dimensions for perpendicular parking are ten feet [in] width and 20 feet [in] length.

(2) Parking is prohibited in the following locations:

a. Within 50 feet of the entrance/exit.

b. Along any internal private roadway.

(i) *Utility requirements.*

(1) Proposals for dumping stations and common toilets and restrooms, laundries, and baths shall have the approval and be subject to the requirements of the county health department. All community water facility proposals shall be approved and be subject to the requirements of the county health department.

(2) All water supply facilities shall have the approval of the county health department. All sewer facilities improvements shall have the approval of the county health department.

(3) All structures, water, sewer and utility improvements within the campground/RV park shall comply with the city building code.

(4) All utility lines, including electric, cable, and telephone, shall be located underground.

(5) Means of fire suppression shall be provided within 600 feet of campsites by fire hydrant, pond with dry hydrant, or 20,000-gallon tank.

(j) *Screening requirements.*

(1) Where campgrounds/RV parks abut a residential district, a permanent buffer yard of at least 50 feet shall be established with adequate restrictive covenants to prohibit development within the buffer yard. A solid (brick, stone and/or concrete) decorative fence shall be erected between the residential area and campground, which shall be a minimum height of at least eight feet and shall be erected at least ten feet but not more than 30 feet from the property line. Such fence shall complement the adjacent environment. Wood fences are prohibited.

(2) Exterior property line setbacks shall be landscaped in an effort to provide visual screening. At a minimum, one large deciduous tree shall be provided every 100 feet and one large evergreen tree shall be provided every 40 feet around the perimeter.

(3) Landscaping at the entrance/exit of the park shall maintain a clear site triangle. Within the clear site triangle, ground shrubs shall be pruned to a maximum height of two feet; trees shall be pruned to a minimum foliage height of six feet. Live tree trunks three feet in diameter or less are excluded from this restriction.

(k) *Recreational amenity requirements.*

(1) Each park shall provide a recreational area equal in size to at least 20 percent of the gross area of the park. Streets, roads, drives, parking areas, required setbacks, storm water management areas and park service facility areas shall not be included in the required recreational area. However, if the exterior property line setback is increased by ten feet as provided in subsection (f)(10), the area of the pedestrian/bicycle path may be credited towards this requirement. The recreational areas must be land that is usable for the purpose and not, for example, low wetland. Recreation areas include space for community buildings and community use facilities (except restroom and shower facilities), adult recreation (i.e., basketball, tennis, volleyball courts, etc.) and playgrounds for children, and swimming pools.

(2) Each park must have an office for the manager of the facility. Each park must have bathroom and shower facilities, as well as laundry and vending facilities. All facilities used by occupants must be well lit inside and out during the night hours. All facilities must meet applicable codes adopted by the city.

(3) Any enclosed structure provided for public use may be reviewed by the state fire marshall for building code compliance.

(l) *Signage.*

(1) No sign of height greater than two feet shall be permitted within the clear site triangle at the park entrance/exit onto a public right-of-way. A clear site triangle shall be provided on both sides of the entrance/exit.

(2) Detached signs shall be limited to two one-sided signs or one two-sided sign per entrance/exit from a public right-of-way, and shall be a low-profile, monument-style sign, no greater than four feet in height and 24 square feet in size, including any supporting structure. The supporting structure shall be constructed of durable materials and colored to complement the development. The base of the sign shall be constructed of masonry materials, such as brick or stone or decorative concrete. Signs mounted to the required screening wall shall be considered detached signs, with the size limit of 24 square feet.

(3) Attached signs shall be allowed to be placed on buildings interior to the park (such as guard, office, and recreational buildings) only, and are limited to a total of two such signs per building side; irregularly shaped buildings shall not exceed eight attached signs, with a maximum of two signs on each side: front, left side, right side and rear. No single attached sign shall exceed six square feet in size, including any decorative background.

(4) Address sign for each individual lot/space/campsite is required, with one address sign per lot/space and limited to one square foot in size per sign. Said address sign is to be placed so as to be visible from the adjacent interior drive and may be internally illuminated.

(5) Directional and similar type signs shall conform to the city's sign code.

(6) Campgrounds on a parcel adjacent to a limited/controlled access four-lane highway such



as Routes 9 and 340 shall be permitted to erect one pylon or pole sign along the frontage of the highway. This sign and all supporting or decorative members shall not exceed 15 feet in height and 15 feet in width and shall be limited to a sign face area of 90 square feet on each side.

(m) *Mobile homes.* Placement of mobile or manufactured homes on recreational vehicle lots (spaces) is prohibited.

(n) *Maintenance.* Provisions for the private maintenance of recreational vehicles, recreational vehicle lots (spaces), buildings, screening walls, interior streets, signage and any common/open space areas to be provided.

(o) *Trash enclosures.* All trash enclosures are to meet city standards, and are to be colored and treated to complement the development.

(p) *Hitches.* All hitches on any fifth-wheel, travel trailer or similarly-styled recreational vehicles shall be shrouded by a covered cloth, canvas or similar material to screen, conceal and protect the hitch when such units are located within the park.

(q) *Laundry.* Outdoor laundry drying areas are prohibited.

(r) *Furniture.* There shall be no exposed outdoor storage of furniture (except lawn furniture), household goods, tools, equipment, or building materials or supplies.

(s) *Lighting.* All exterior park lights shall be so located and shielded to prevent direct illumination of any areas outside the park.

(t) *Landscaping.*

(1) Areas of the site not occupied by buildings, pavement, sidewalks, required screening, required parking area landscaping, required safety islands, or other required improvements shall be landscaped.

(2) Newly planted shade and landscape trees shall be of satisfactory species and shall have a minimum caliper of one inch in diameter measured at four foot. Evergreen trees shall be at least four feet tall at planting. Shrubs shall be at least two feet tall at planting or transplanted from a five-gallon container

(3) All trees, shrubbery, and other plantings that fail to survive a period of 12 months following as-built certification shall be replaced by the owner at no cost or expense to the city. Said replacement shall be within a time agreed upon by the planning commission or its representative.

(4) At a minimum one medium to large tree shall be planted for every four campsites within the campsite setback area.

(5) Parking lot landscaping.

a. Any parking lot containing six or more spaces shall have both peripheral and internal landscaping.

b. Interior landscaping area shall contain not less than five percent of the total area of the parking lot, exclusive of the peripheral area landscaping and any planting or landscaping within six feet of a building and any transitional buffering that is otherwise required. This required landscaping must be reasonably dispersed though the parking lot and situated in planting area of sufficient size and dimensions both to protect the landscape as well as provide sufficient space for adequate growing conditions.

c. A maximum of ten parking spaces uninterrupted by a landscape island is permitted. The island must be at least nine feet wide and contain at least 162 square feet of area.

(6) No cut or fill slopes shall go un-stabilized for more than ten calendar days.

(7) The planning commission may waive or modify the requirements of this section in heavily wooded areas, in area unsuitable for planting, or because of other exceptional conditions and/or may require supplementary planting.

(u) *Burn bans.* The park manager and/or operator of the campground shall stay abreast of information and restrictions concerning open burning. Burn bans issued by the governor's office must be clearly posted at the park registration office.

(v)—(y) *Reserved.*

(z) *Definitions.*

*Campsite:* Designated area in a recreational vehicle park or campground that has been reserved for the placement of temporary living quarters for recreational camping: cabin, tent, recreational vehicle (i.e., motor home, 5th wheel trailer, travel trailer, tent trailer, or similar).

*City:* City of Ranson.

*Clear site triangle:* Triangle delineated by measuring 25 feet along the edge of the right-of-way and 25 feet along the edge of the paved interior roadway.

*Site plan:* Plan meeting the criteria set forth in section 19-14, as amended, and clearly delineating design requirements.

**Section 2:** Pursuant to W. Va. Code 8A-7-1 et. seq., Chapter 19A "Ranson SmartCode," attached to this enacting ordinance, is hereby enacted and hereby adopted by reference as if fully set forth herein.

**Section 3:** The City Recorder is directed to publish a copy of this enabling ordinance and to keep a copy on file in his/her office permanently and open for public inspection during regular office

hours, Chapter 19 and Chapter 19A, with the amendments, as adopted hereby. The City Recorder is also hereby directed to file aforesaid ordinance with the Clerk of Jefferson County.

**Section 4:** This ordinance shall take effect immediately upon adoption.

Adopted this \_\_\_ day of \_\_\_\_\_, 2012.

Approved by:

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A. David Hamill  
Mayor

Attested by:

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Ray A. Braithwaite, Recorder