



# Jefferson County West Virginia

Public Information

**An Ordinance Amending and Re-enacting Chapter 19, Section 21 “Traditional Neighborhood Development District” of the Ranson Municipal Code**

Be it therefore enacted and ordained by the Council of the City of Ranson that Chapter 19, Section 21 of the Ranson Municipal Code be modified and amended as follows:

**Sec. 19.21. Traditional Neighborhood Development District**

**Purpose:** This article is intended to define the character of the City of Ranson’s mixed-use districts. The mixed-use zones implement the concepts identified in the 2004 Comprehensive Plan for the City of Ranson by enhancing development and maintaining “Downtown Ranson”. The purpose of a mixed-use designation is to provide a center of neighborhood and commercial activity, providing a horizontal and vertical mix of retail and residential uses to serve nearby neighborhoods. The goal of the district is to reduce reliance on automotive traffic by promoting pedestrian and bicycle transportation that connect work home and shopping; to continue the historic architecture and urban grid pattern commonly found in the City of Ranson; and, to create sustainable communities that provide a mixture of housing types, interconnected open spaces, amenities and civic places as well as neighborhood shopping and employment.

To this end, it is the specific goals of such district include: (i) Dwellings, shops and workplaces are generally located in close proximity to each other; (ii) generally rectilinear patterns of streets and blocks; (iii) A hierarchy of public and/or private streets with facilities for automotive vehicles, public transit, bicycles and pedestrians; (iv) well configured squares, greens, landscaped streets and parks woven into the pattern of the town center and dedicated to collective social activity, recreation and visual enjoyment; (v) Civic buildings for assembly, or other civic purposes, that act as landmarks, symbols and activity centers for community identity; (vi) On-street parking and centralize parking facilities to collectively support principle uses ins the town center

**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. All other properties to be may receive such zoning designation by petition and in accord with this section. In order to implement the mixed use and livability concepts of the Town center, the following districts are created:

**19.21.A TND-UCX-** 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 a mixture of housing types and prices, 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 district architecture is meant to reinforce built environment qualities such as building facades and pedestrian oriented streetscapes. The minimum size of a TND-UCX is thirty acres.

19.21.A.1 Permitted Uses By Right:

- Art Gallery
- Theatre
- Bank or financial institution
- Child care center
- Community center
- Restaurant
- Dwellings above first floor of permitted commercial use
- Educational institution
- Facility for dance, gymnastics, karate, health and sports
- Library
- Professional services
- Movie Theatre
- Convenience store
- Hotels
- Bakeries
- Schools, art, music or dance
- Catering
- Coffee House
- Park
- Health Club
- Pharmacy
- Personal services
- Single family attached
- Studio space, art, crafts and boutiques
- Essential utilities
- Church (less than 150 person congregation)
- Assisted Living (up to 20 patient beds)
- Housing for the elderly
- Medical office buildings
- Multi-family units
- Animal hospital/ Veterinary
- Neighborhood Pub/Private Clubs/Limited video lottery (no more than 4 machines per site)
- Bed and Breakfast Inn
- Grocery Store

19.21.A.2 By Special Exception:

- Automotive service station
- Recycling drop off
- Church (greater than 150 person congregation)
- Animal hospital/veterinary service
- Bakeries in excess of 5,000 square feet

- Farmer's Market
- Pawn shop
- Assisted Living or Community home (greater than 20 beds)
- Parking, Commercial
- Vehicle, equipment repair
- Residential areas exceeding 50% of the total traffic
- Big Box retail (in excess of 75,000 square feet)
- Hospital

**19.21.B. TND- MUX-** The TND-MUX district is intended primarily to serve a residential market. The district provides development opportunities for small offices, office uses in districts that are primarily residential in nature and also provides opportunities for small commercial uses, not to exceed 5,000 square feet in size, and, in close proximity to residential areas. The district should contain a variety of housing types and a variety of residential districts.

**19.21.B.1 Permitted Uses by-Right:**

- Single Family Detach
- Single Family Attach
- Duplex
- Plaza parks not more than 1,000 feet from any residential lot or dwelling unit within the district
- Medical office building
- Community Center
- Restaurant
- Childcare
- Grocery store, no more than 15,000 square feet
- Garden Center or Nursery, retail
- Banks or other financial Institution
- Antique shops
- Housing for the elderly
- Office
- Personal services
- Retail services not greater than 15,000 square feet
- Pharmacy
- Hardware store (less than 40,000 square feet)
- Neighborhood Pub/Private Club
- Church (less than 150 person congregation)
- Convenience store

**19.21.B.2 Uses by Special Exception**

- Plaza parks greater than permitted from a residential areas or dwelling units
- Assisted Living with more than 9 patients
- Childcare with more than 20 children

- Automotive service station
- Grocery stores not greater than 20,000
- Church (greater than 150 person congregation)
- Health Club
- Bed and Breakfast
- Hotel
- Facility for dance , gymnastic, karate and health

19.21.C. TND-NCX- 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 dwellings. It is the intent that the district will be well served with public water and sewer as well as fire and rescue services available within its boundaries. The neighborhood center shall be developed on an interconnected pattern of streets but is limited to approximately ¼ mile in radius. Uses in the neighborhood center will have a primary market area compatible with surrounding residences, however, the district itself shall be designed as a destination place. Civic uses, such as post office, libraries and civic focal features such as community plazas with fountains, statues and other features should prominently identify the district. Pedestrian and bicycle traffic are the preferred transportation system with vehicular traffic limited to regional or outside interconnections by visitors outside the district and surrounding neighborhoods.

19.21.C.1. Permitted Uses:

- Bed and breakfast inns
- Boarding or rooming houses for up to six roomers
- Civic fraternal, cultural, community or club facilities
- Commercial/retail uses
- Congregate housing
- Financial and banking service
- Government and civic buildings
- Pharmacies, drugstore
- Hotels
- Indoor amusements
- Multi-family
- Restaurants, sidewalk cafes,
- Temporary outdoor display of retail items not to exceed 250 square feet in area and removed daily
- Offices
- Professional services
- Parks, plazas and the like with a community focal feature
- Movie or theatres
- All commercial uses permitted by-right in other districts

19.21.C.2 Uses permitted by Special exception:

- Automobile and or motorcycle sales and associated services and repair

- Cemeteries
- Churches and other religious places
- Neighborhood gasoline stations, excluding major service and repair of motor vehicle
- Parking lots as a principal use
- Government buildings up to 6,000 SF of the first floor
- Private schools
- Temporary outdoor sales of seasonal agricultural products
- Nightclubs, music clubs, bars and similar entertainment facilities
- Veterinarian

#### 19.21.D. APPLICATION REQUIREMENTS: REQUIRED DOCUMENTS AND INFORMATION

##### 19.21.D.1 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:

- 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 Mixed Use 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;
- 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;
- Strategies for establishing shared stormwater management facilities, off-site stormwater management facilities and the proposed phasing of the establishments of stormwater management facilities;
- A General Development Plan as provided, including all information required to support any element of the plan;
- Design Guidelines should be submitted for policy, including all information required to support any element of the code.

19.21.D.2. Design Guidelines:

- Design Guidelines are recommended to be submitted with the rezoning application. 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:
  - The uses permitted in the district by-right and by special exception if different from this section;
  - The amount of developed square footage proposed, delineated for the entire Mixed Use 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.
  - 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 (2) housing types.
  - 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.
  - The amount of land area devoted to green space and amenities;
  - All uses expressly prohibited in the district. Any prohibited use shall not be considered accessory to a permitted use;
  - The design guidelines supplement, and, in no case, replace, and architectural and landscape standards outlined in the City Code. The Design Guidelines in the Mixed Use district shall address the following:
    - The form, massing and proportions of structures;
    - Architectural styles;
    - Materials colors and texture;
    - Roof form and pitch;
    - Architectural ornamentation;
    - Façade treatments including window and door openings;
    - Landscape treatments; and
    - The preservation of historical structures, sites and archeological sites identified by the West Virginia Department of Historic Resources
    - Preliminary lot layout

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

19.21.D.3. 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:
- 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. 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. Gross living area for residential uses 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. Gross square footage or gross residential living area shall not include underground or garage parking, stairways, steps, stoops, exterior balconies, decks or porches. The ratio shall compare the Gross commercial square footage to the Gross Residential Living Area;
- 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;
- The General Development Plan shall demonstrate any cluster bonuses that are utilized along with the design element, maximum percentage increase and permitted increase.

- The location of proposed green spaces, amenities, conservation areas or preservation areas,
- 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.
- A regional context map at a scale of not less one (1) inch equal to one thousand (1000) feet showing topography at a maximum of ten (10) foot intervals, surrounding properties, improvements to those properties, surrounding public streets, private roads, and other thoroughfares;
- An accurate boundary survey of the tract or plan showing the location and type of boundary evidence;
- A map showing:
  1. The following existing physical conditions: streams, wooded areas, non-tidal wetlands, slopes in excess of twenty-five (25) percent, historic structures and sites included in the records of the West Virginia Department of Historic Resources, floodplain, and any identified features in the open space element of the comprehensive plan;
  2. Existing topography accurately shown with a maximum of five (5) foot contour intervals at a scale of not less than one (1) inch equal to one hundred (100) feet; other interval and/or scale may be required or permitted by the City Manager or his designee where topographic considerations warrant;
  3. Existing roads, easements, and utilities;
  4. The existing owners and zoning district;
  5. The present use of adjoining tracts and the location of structures on adjoining parcels, if any; and
  6. The existing location, type and size of ingress and egress on the site;
- An application plan based on a minimum of two (2) data references for elevations to be used on plans and profiles showing:
  1. The areas to be designated as preservation areas, if appropriate, and areas to be designated as conservation areas, such as streams,

wooded areas, specimen trees, non-tidal wetlands, and other significant environmental features;

2. The proposed topography with a maximum of five (5) foot contour intervals;
3. The general location of proposed streets, alleys, sidewalks, and pedestrian paths;
4. Typical street right of way widths to show proportions, scale, and streetscape;
5. Connections to existing and proposed streets, as well as proposed thoroughfares shown on the comprehensive plan;
6. Trip generation figures, if required by City;
7. The conceptual utilities systems plan if required by City, conceptual stormwater management, and a conceptual mitigation plan;
8. The location of central features or major elements within the development essential to the design of the development, such as major employment areas, parking areas, if applicable, civic areas, parks, open space, green spaces, amenities and recreation areas;
9. A summary of land uses including dwelling types and densities, and the gross floor areas for commercial industrial uses;
10. The general lot lay-out, and
11. 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.

o General Development Plan:

- As part of the General Development Plan review, the applicant may submit a Compatibility Study Plan demonstrating the feasibility of the project.
- The purpose of the Compatibility Study is:
  - i. To include and consider compatibility of existing/proposed uses in the abutting areas outside of the project, and,
  - ii. To determine the financial impact of the project on the City, and,
  - iii. To provide an alternative to the required minimum Area and Bulk standards ratios.

- This 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, may provide a positive cash flow or impact to the community.
- In lieu of a commercial /residential ratio, the applicant may submit such study demonstrating the following:
  - i. Such study demonstrates that the project area and the additional study area provides a positive cash flow or positive impact to the City, and,
  - ii. The areas outside of the district and considered in the report are within 1 mile radius of the proposed district, and,
  - iii. Such uses are permitted within the project area and are deemed compatible with the project, and,
  - iv. Such land area inclusions, including uses and any alternatives to the area and bulk requirements, support the goals of the TND.

#### 19.21.D. 4 PROCEDURES FOR MIX USE DEVELOPMENT APPLICATIONS

##### 19.21.D.4.A. Pre-Application Conference:

Each applicant for a planned 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 to assure that the application and the documents to be submitted with the application comply with all applicable regulations, and to identify as soon 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 planned development that, when submitted with its supporting documents, will be as complete and comprehensive as possible.

##### 19.21.D.4.A. Review and Recommendation by the Planning Commission:

Each application for a planned development shall be reviewed by the planning commission as follows:

- a. The commission shall consider and make its recommendation to the City Council on each application for a planned 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.
- b. In making its recommendation on the application to the City Council, the commission shall make findings about the following:

1. The suitability of the tract for the proposed planned 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 Mixed Use Development; physical characteristics of the land; and its relation to the surrounding area, and;
  2. The relation of the proposed planned development to major roads, utilities, public facilities and services;
  3. The Planning Commission shall review each requested waiver or modification based upon the Variations from Approved Plans, Codes and Standards of Development standards.
- c. 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.

19.21.D.5. Review and Action by the City Council:

The City Council shall consider and act on each application for a planned development district as it does for other zoning map amendments. If the Council approves the application, the approving action shall constitute approval of the application plan and all standards for development submitted by the applicant. The Council's action shall also identify which proffers it has accepted and which waivers or modifications it has granted.

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 mixed use development.

19.21.E. STANDARDS FOR DEVELOPMENT:

Intent: The Standards for Development generally provide minimum requirements for a mixed use development. It is the intent of the district to guide a variety or "mixture" of uses, including a variety of housing styles, open spaces with amenities and architectural features. To such ends, each phase shall be independent from the others in meeting the standard mixes.

19.21.E.1 Required Mixture of Uses:

- Each district shall have at least two housing types. The following are considered to be different housing type: (1) single family detached; (2) single family attached dwellings (3) duplexes; (4) triplexes; (5) quadrplexes; (6) townhouses; (7) multi-

family dwelling, and (8) special needs housing such as assisted living facilities, group homes and nursing homes.

- City Council may waive this requirement if the district is an infill project or there are at least two housing types already present within one-quarter mile of the proposed district. 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.
- However, City Council may permit a higher commercial mixture of uses subject to the following:
- No such modification of use mix shall be needed to accommodate a “big-box” type development in excess of 50,000 square feet; and,
- The Phasing plan demonstrates a positive cash flow for each independent and subsequent phase; and,
- All supporting infrastructure such as, but not limited to, roads, utilities, open space and park areas shall be installed to serve the excess residential or commercial areas. There shall be no negative impact on the district, surrounding areas or the City.

#### 19.21.E.2 Uses:

Each district shall have at least three different general use classifications (i.e. residential, commercial, industrial, institutional, parks/ recreational facilities open to the public);

- City Council may waive this requirement upon finding that a different use is already present within one-quarter mile of the proposed district and accomplishes the mixture of uses within the neighborhood sought to be achieved by this section to an equivalent degree.
- The mixture of uses shall be based upon the uses recommended in the land uses element of the comprehensive plan. The required mixture of uses may be obtained with different uses in different buildings or a mixture of uses within the same building.

#### 19.21.E.3 Green Space, Open Space and Amenities:

Each Mixed Use District shall contain Open spaces and Amenities. Open Space

Open space shall include park areas, active and passive recreational areas, pedestrian areas. At least 75% of the required recreational land shall be suitable for dry ground

recreational use and shall not consist of steep slopes or water. The minimum area of open space is as follows:

- For areas shown as neighborhood residential, the required open space shall consist of twenty (20) percent of the gross acreage devoted to residential lots;
- For areas shown as regional service, office or industrial service, the area devoted to green space shall be at least fifteen (15) percent of the gross acreage;
- Environmentally sensitive areas such as, but not limited to, slopes in excess of twenty five percent (25%), wetlands, floodplain, rock outfalls sinkholes shall be interconnected within the open space.
  - These areas may not constitute more than forty percent (40%) of the total development.
- The minimum area devoted to open space may be reduced by the City Council at the request of the applicant. The Council shall consider the following factors:
  - The relationship of the site to adjoining or nearby properties;
  - Known future uses of the adjoining properties; and,
  - The goals of the Comprehensive Plan, Zoning Ordinance, and the mixed-use district.

Amenities shall include active recreational facilities such as swimming pools, club house, civic buildings, schools and the like.

- Amenities shall be within one-quarter mile of all residential units within the Mixed Use Development;
- The size, location, shape slope and condition of land shall be suitable for the proposed amenity;
- The design of any recreational facilities shall meet the minimum design requirements from recognized sources of engineering and recreational standards;
- In nonresidential areas of the development, amenities shall be located so that they are easily accessible to patrons and employees of the development

19.21.E.4. Area and Bulk Standards:

<b>SITE DEVELOPMENT STANDARDS</b>	<b>MUX (MIXED USE RESIDENTIAL)</b>	<b>UCX (URBAN COMMERCIAL MIX)</b>	<b>NCX (NEIGHBORHOOD CENTER MIX)</b>
Permitted Percent Range for Allowed Uses	Residential 60-80 Commercial 40-20	Residential 40-20 Commercial 60-80	Residential 0-15  Commercial 100-85
Required Yard See Cluster bonus option	Front: 10 minimum 20 maximum Rear: 25 minimum Side: 0 (see note 1) Garage: Front + 5 feet  (See note 3)	Front: 0 minimum 15 maximum Rear: 20 minimum Side: 0 (see note1, 2) Garage: Front + 5 feet (See note 3)	Front:: 0 10 Maximum Rear: 0 Side: 0  15 Maximum
Lot size See cluster bonus option	Single-Family 5,000 Two-Family	Single Family 4,000 Two Family	Single Family NA Two Family NA Townhouse 1,500

	3,500 Townhouse 2,000 Multi-family 900 (per unit) All other uses 2,000	3,600 Townhouse 2,000 Multi-family 900 (per unit) All other uses 2,000	Multi-Family NA
Lot coverage maximum See cluster bonus option	70%	80%	100%
Maximum Gross Density/FAR (see note 4)	4 dwelling unit per acre 4:1	6 dwelling units per acre 3:1	NA
Maximum Height	N/A	N/A	N/A

Notes:

- 1- Commercial Structures must maintain a minimum of 65% at the front building plane
- 2-Subject to a cumulative 10 foot separation between buildings
- 3- Garages facing an alley shall maintain accessory structure setback
- 4- Maximum lots permitted on gross acreage of development

The Administrator may reduce the rear yard to five feet for a maximum of one third of the total rear lot width subject to the following:

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

1. Should vegetation be provided, the applicant shall provide a double staggered row of evergreen trees spaced 25 feet on center and a minimum of 6 feet in height; or,
2. A triple row of evergreen shrubs spaced 10 feet on center.
3. Should fencing be provided, the applicant shall provide a solid wood, masonry or brick fence in combination with a minimum single row of shrubs spaced 10 feet on center; or,
4. Any combination, including berming or other acceptable screening equivalent or better to the above as approved by the administrator.

Additional Setback Requirements:

Permitted encroachments: Stoop, open colonnades and open porches, decks, balconies, stairs, bay windows and awnings may encroach into setback areas up to five (5) feet in the front yard and up to ten (10) feet in the rear yard.

Accessory Structures: Minimum front and side setbacks for accessory structures shall be the same at the principal structure. Rear setback for accessory structures will be a minimum of five feet.

Any structure not designed exclusively for residential shall maintain a minimum 65% of the building frontage along the established build-to-line.

19.21.E.6. Building Standards:

These criteria are intended to implement minimum design principles to preserve property values, promote the public health, safety and general welfare and to develop a satisfactory visual appearance within the City of Ranson. Unless otherwise specified in this Ordinance, this Section is applicable to all commercial zoning districts in the city of Ranson.

1. 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;
2. 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 be dominate any building façade and use of such materials must be approved by the City Manager or his designee;
3. Permanent use of office trailers in any district or use of trailers in districts other than residential is prohibited;
4. Building design shall avoid long monotonous, 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;
5. No uninterrupted length of any façade 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 3 percent of the length of the façade and extending a minimum total of 20 percent of the length of the façade;
6. 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.
7. All principle structures will have their main entrance opening onto a street, square courtyard or park.
8. Plaza park shall be rectangular in size with sides not exceeding a 4:1 ratio

*Accessory Uses:* Accessory uses shall be permitted in all commercial districts provided that the following conditions are met:

1. The uses are specifically intended for the benefit of the employees and families or patrons of the principal use of the property such as, but not limited to, snack bars,

cafeterias, off-street parking spaces, health, fitness and recreational centers, child care and similar uses.

2. Not more than 25 percent of the gross floor area of the structure shall be devoted to such use;
3. Hours shall not exceed those of the principal use of the property.

**19.21.F. CLUSTER BONUS OPTION:**

Purpose: It is the purpose of this provision to encourage a variety of arrangements that support the purposes of the Mixed Use Districts; to insure a suitable environment for recreation and to encourage designs that exceed the minimum standards provided.

When applicable:

The City Council, in its approval of a mixed-use development rezoning application, may permit increases in the number of dwelling units in the following instances:

- 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;
- Protect environmental features, water quality or historic resources;
- Promote non-vehicular and inter-modal transportation systems and energy efficient designs that support sustainable communities
- Promote a variety of housing stock that cater to all socio-economic and that encourage affordable housing.

To this end, the City Council may provide the following bonuses:

Preservation of Environmental Systems: This bonus provision encourages environmental protection to be viewed as part of an ecological system. Interconnected wooded areas, stream banks, steep slopes 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 two percent subject to the following performance measures:

- All slopes of twenty (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;
- No active recreational facilities shall be proposed on such slopes and transportation systems permitted shall be bicycle/pedestrian trails which are grade with the existing contours
- All stream beds, floodplains and wetlands and associated streambanks shall be placed within the open space area and shall interconnect with offsite drain areas;

- 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
- Not more than ten (10%) percent of the existing wooded areas shall be disturbed for roads, paths and commercial facilities. If the site contains forty percent or more of open fields, the applicant may comply with this provision if he does not disturb any vegetation and provides a minimum of one additional tree per residential unit in excess of other code requirements.

Civic Enhancement and Identity: 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 two percent subject to the following performance measures:

- Provision of a hierarchy of courtyards, turnabouts 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;
- Provision of bicycle/pedestrian trails, grassed medians that connect all civic features together;
- All neighborhood collector roads shall contain grassed medians planted with trees;
- Entrances shall contain landscaping and a series of features;
- 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.

Enhanced Transportation System: The purpose of this section is to promote development of an intermodal transportation system that relies heavily on pedestrian or bicycle trail systems rather than vehicular systems.

The applicant may obtain a maximum percentage increase of six percent subject to the following performance measures:

- Development of a prominent bicycle pedestrian system that strongly connects to residential with commercial areas;
- Pedestrian/trail development must connect to an intermodal system such as the commuter transit station.

Energy Efficient communities: The purpose of this section is to promote energy efficient communities that are sustainable. The goals of the mixed use development is create

sustainable communities and promotion of energy efficient communities support this goal.

The applicant may obtain a maximum percentage increase of one percent subject to the following performance measures:

- 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. The application package shall demonstrate installation of these provisions
- Compliance with the Enhanced Transportation System bonus provisions

Affordable housing: The purpose of this provision is to promote a variety of housing that support a variety or “mixture” of affordability as well. In order to meet this goal, the purpose of this bonus is to promote “affordable housing” as defined by the West Virginia 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 five (5%) percent subject to the following performance measures:

- Provision of affordable housing within the district and constituting not less than 5% of the total number of units. “Affordable housing” shall be housing costs not to exceed 30% of the Median household income from the last census or as defined by HUD and the West Virginia Affordable Housing Partnership.

Procedure for obtaining a bonus provision:

- The applicant shall submit a written request for each bonus provision 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.
- 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 and lot sizes by up to 10%.
- The Planning Commission shall review and the Council shall either accept or deny such requests.

#### 19.21.G. 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:

- a. The Manger is authorized to grant a variation from the following provisions of an approved plan, code or standard:
  - 1. Minor variation to yard requirements, maximum structure heights and minimum lot sizes;
  - 2. 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;
  - 3. Changes to phasing plans;
  - 4. Minor changes to landscape or architectural standards; and
  - 5. Minor variations to street design.
- b. 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.
- c. The manager is authorized to grant a variation upon a determination that the variation: (1) is consistent with the goals and objectives of the Comprehensive Plan or the goals and purpose of the Mixed Use District; (2) does not increase the approved development density or intensity of development; (3) does not adversely affect the timing and phasing of development of any other development in the zoning district; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application.
- d. Any variation not expressly provided for herein may be accomplished by rezoning.

Adopted by the City Council of the City of Ranson after a 1<sup>st</sup> reading on \_\_\_\_\_, 2004 and a 2<sup>nd</sup> reading on \_\_\_\_\_, 2004 by a vote of \_\_\_\_\_ in the affirmative, \_\_\_\_\_ in the negative with \_\_\_\_\_ abstaining.

\_\_\_\_\_  
A. David Hamill  
Mayor

ATTEST:

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Ray A. Braithwaite  
Recorder

AFFIX CITY SEAL

Approved in Form and Content

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Charles B. Howard  
City Attorney