

# City of Mount Hope Study and Report on Zoning



**April 2019**

## TABLE OF CONTENTS

### Section 1: Introduction

- ◆ Legal Requirements for Study and Report on Zoning
- ◆ Enactment of a Zoning Ordinance

### Section 2: Study of the Land

- ◆ Evaluating the Existing Conditions
- ◆ Current and Proposed Districting
- ◆ Character of the Buildings and Lots
- ◆ Desirable Use of the Land

### Section 3: Report on Zoning

- ◆ Review of the Study of the Land and the 2013 Comprehensive Plan
- ◆ Summary of Proposed Zoning Ordinance

### Appendices

- ◆ Appendix A—Proposed Zoning Ordinance
- ◆ Appendix B— Proposed Zoning Map

## Section 1: Introduction

### Legal Requirements for Study and Report on Zoning

W. Va. Code § 8A-7-4 requires that the Mount Hope Planning Commission and City Council:

- (a) After adoption of a comprehensive plan and before enacting a zoning ordinance . . . study the land within [their] jurisdiction. The study may include:
  - (1) Evaluating the existing conditions, the character of the buildings, the most desirable use for the land and the conservation of property values in relation to the adopted comprehensive plan; and*
  - (2) Holding public hearings and meetings with notice to receive public input.**
- (b) The planning commission must use the information from the study and the comprehensive plan and prepare a report on zoning. The report shall include the proposed zoning ordinance, with explanatory maps showing the recommended boundaries of each district, and the rules, regulations and restrictions for each district.*
- (c) No zoning ordinance may be enacted without a study and report.*

The City of Mount Hope City Council and the Planning Commission have studied the land within their jurisdiction and prepared a report that is based off both a study of the land and the City's comprehensive plan, recently adopted in 2013. It is the intent of City Council, based off of this *Study and Report on Zoning*, pursuant to W. Va. Code § 8A-7-4, to repeal the current zoning ordinance and adopt a new zoning ordinance.

### Enactment of the Zoning Ordinance

The West Virginia Legislature has provided the City of Mount Hope the authority to enact a zoning ordinance through W. Va. Code § 8A-7-1, which states "The governing body of the municipality . . . may regulate land uses within its jurisdiction by: (1) Adopting a comprehensive plan; (2) Working with the planning commission and the public to develop a zoning ordinance; and (3) Enacting a zoning ordinance." W. Va. Code § 8A-7-2 provides a list of requirements and optional considerations for the City of Mount Hope to include when enacting a zoning ordinance.

After completing this *Study and Report on Zoning*, the City Council must hold at least two public hearings and give public notice before enacting the proposed zoning ordinance. At least one public hearing must be held during the day, and at least one public hearing must be held during the evening. W. Va. Code § 8A-7-5. After proper notice and public hearings are held, the City Council may enact the zoning ordinance or hold an election to have the qualified voters residing in the affected area approve the zoning ordinance. After the enactment of the zoning ordinance, the City Council must file the enacted zoning ordinance in the Office of the Fayette County Clerk. W. Va. Code § 8A-7-6.

## Section 2: Study of the Land

### Evaluating the Existing Conditions

The existing conditions in Mount Hope have been studied, analyzed, and discussed extensively by the City Council, the Planning Commission, and interested citizens during the drafting processes for the comprehensive plan and proposed zoning ordinance. As part of the process of drafting a new comprehensive plan, the City identified current conditions regarding housing, transportation, infrastructure, recreation, public services, governance, and several other components of the community.

In June 2012, the City held a public hearing to introduce the legal requirements and purpose of a comprehensive plan as well as the methodology that would be used during the drafting process. Meetings and workshops held over the course of the comprehensive plan drafting process yielded detailed public input and ideas from citizens. Notable input related to land use and zoning includes the following:

- Cultural Facilities and Programs: rehabilitate old theaters; facilities for flea market, dog park, physical activities; historic district to include boy scout museum
- Economic Development: use buyout properties in ways that aid businesses, possibly as attractive greenspace; development for tourism, attractions, and lodging; encourage multipurpose buildings; design standards for historic downtown; Route 19—chains, gas stations, center industrial development; Route 16—Boy Scout stores, outdoor equipment, small cafes and chains, annex areas
- Environmental Resources: community gardens
- Housing and Safe Neighborhoods: more housing needed; maintenance of buyout properties; new housing in older neighborhoods should match style
- Parks and Recreation: amphitheater, dog park, community gardens; more and improved community facilities
- Quality of Life: local gardens, farmer's markets
- Transportation: Routes 211, 16, and 19 should have distinct character and uses

Mount Hope's current zoning ordinance was reviewed in detail as part of the comprehensive plan drafting process. The plan concluded that the zoning ordinance would require a more extensive review in the form of revising the zoning ordinance to be consistent with the comprehensive plan.

## **Current and Proposed Districting**

The City developed an existing land use map for inclusion in the 2013 Comprehensive Plan based off of a study of land use patterns and development over the years. Later in the comprehensive plan process, the City also developed a future land use map to reflect the desires of the community for how development should occur in the future. Both of these land use maps, reflecting a careful and recent study of the land, were frequently referred to and studied by City Council and the Planning Commission in setting new district boundaries for the proposed zoning ordinance.

Currently, the majority of land use in the City of Mount Hope is for low-density residential purposes. The City has distinct business corridors, one on Route 19 and the other on Route 16. The five current zoning districts are two Residence districts, a General Business, a Light Industrial district, and a Heavy Industrial district.

Moving forward, the 2013 Comprehensive Plan identifies the need to plan for the annexation of The Summit Bechtel Family National Scout Reserve and to plan for Mount Hope to be an appealing place for those staying at The Summit to shop and visit. The City would like to develop its business corridors into distinct areas, one with heavier intensity uses. The seven proposed zoning districts are Residential Historic Core, Historic Downtown Commercial, Residential Expansion, Civic, Natural Resources Stewardship, Route 16 Corridor, and Route 19 Corridor.

## **Character of the Buildings and Lots**

As part of the comprehensive plan process, both the character and condition of buildings were identified and analyzed. The City looked at the age of housing and whether housing is vacant. The community includes “age in place” housing so that citizens can put down roots for a lifetime. The majority of the lots within the City of Mount Hope are used for low-density residential purposes, but compared to other jurisdictions, Mount Hope has a good deal of diversity in the types of housing offered. Mount Hope has a substantial number of duplexes, townhomes, and apartments. The City would benefit from the development of higher end housing and homes that appeal to home-buyers looking for larger homes. Most housing in Mount Hope is comparatively older: Mount Hope has more of the oldest housing compared to Fayette County, the state, and the country, with 76% of homes built prior to 1960 and 43.7% built before 1940.

Mount Hope contains steep slopes, often exceeding 30%, due to the Pack and Garden Ground Mountains. Much of Mount Hope is in the Dunloup Creek floodplain and the broader Dunloup Creek Watershed. These features restrict development and economically viable expansion. Mount Hope has used “traditional neighborhood design” in developing over the years, emphasizing walkability, narrow streets, public spaces, pedestrian access, and commercial cores. Other portions of Mount Hope were built more with the use of automobiles in mind.

The City Council and Planning Commission studied the aforementioned building data gathered during the comprehensive plan process and incorporated this information into various zoning recommendations. The data proved helpful in instances such as setting district boundaries; establishing lot, yard, and height requirements; and developing regulations specific to historic buildings and signage.

## **Desirable Use for the Land**

The City found the existing and future land use maps especially helpful in determining the community's desired use of land. The future land use map shows where development is desired, which areas should be conserved, and where land uses might be encouraged moving forward. In the proposed zoning ordinance, the City compared the existing and future land use maps to develop a comprehensive list of uses that may occur in each of the proposed districts. Comparing the maps also enabled the City to district uses in a way that minimizes nonconforming uses and reflects the community's desired pattern of development. The City has identified areas for annexation.

Other details from the comprehensive plan similarly provided insight into the community's desired use of land. The City noted, from public input, a strong desire to promote alternative energy uses, preserve historic areas and open space, and increase rental housing and parking.

## **Section 3: Report on Zoning**

### **Review of the Study of the Land and 2013 Comprehensive Plan**

The Planning Commission has prepared this *Study and Report on Zoning* based on its study of the land, as explained in “Section 2: Study of the Land” and the 2012 Comprehensive Plan. The plan provides a number of goals and action steps that can materialize through the City's zoning ordinance.

The plan recommends that revised ordinances be “designed to implement the comprehensive plan.” PNG 1.3. The plan also recommends developing and adopting a zoning ordinance with a flexible approach, PLU 1.1, with design standards to maintain historic character, PLU 1.1.1, and careful consideration of permitted uses, PLU 1.1.3. The proposed zoning ordinance carefully considers the uses permitted in each district by first including a comprehensive list of defined uses. These uses are explicitly listed as permitted or conditional uses in each district. If a use is not listed as permitted or conditional, it is prohibited. Lastly, historic design guidelines are included in the supplemental regulations and are applicable to residential and commercial uses within historic buildings designated as historic on a local, state, or national register—the Board of Zoning Appeals reviews the applicability of the guidelines as part of conditional use review.

The plan recommends that the zoning ordinance have clear policies and procedures for rezonings, conditional use permits, comprehensive plan map amendments, annexations, and appeals. PLU 1.1.4; 1.1.5. Each of the issues listed have either been addressed in the proposed zoning ordinance, or are addressed by West Virginia Code Chapter 8A. Procedures for rezonings and map amendments are largely addressed in the state code. Whereas the proposed draft ordinance details standards for conditional use permits and procedures for annexations, and mirrors state code language regarding the appeals process.

The comprehensive plan recommends that the following be encouraged: a variety of housing types, including affordable and “age in place” options; the mixed use of commercial buildings in certain districts; and off-street parking. HSN 1.0. Design standards should encourage community interaction. HSN 3.4. The proposed zoning ordinance provides definitions for and zones a number of forms of housing, from single-family dwellings to multi-family dwellings, and group housing to senior housing.

The plan indicates that the zoning ordinance should address lighting concerns, including shielding requirements and issues with light trespass. ENV 4.0; 4.1. The proposed zoning ordinance includes a section specifically dedicated to lighting in residential and commercial settings. Regulations for signage lighting are also detailed.

The plan indicates a need to develop a sign ordinance detailing the amount of signage allowed in different areas. CHP 1.4. The proposed zoning ordinance has a substantial section devoted to sign regulation. The provisions define the many types of signs that are permitted. Each district then has specific parameters for the type, number, height, and area of signage permitted. The provisions address permits, nonconforming signs, and temporary signs as well.

The plan considers developing urban agricultural land. ENV 1.0. The proposed zoning ordinance includes urban agriculture provisions that allow community gardens, beekeeping, and keeping chickens in certain circumstances.

The plan states that development in the Residential Historic Core should be consistent with the surrounding neighborhood and primarily emphasize single-family attached and detached units. PLU 2.4. The proposed zoning ordinance allows single-family homes, townhomes, duplexes, and garden homes as permitted by right. Mixed-use and multi-family housing are conditional uses so that any potential use of this sort is reviewed for compatibility with the surrounding area. Meanwhile the plan indicates that development in the Residential Expansion Areas should include a variety of multi-family housing. PLU 2.5. The Residential Expansion Area in the proposed zoning ordinance allows all of the mentioned forms of housing as permitted by right, with factory-built housing as a conditional use.

The plan recommends that Mount Hope be divided into three distinct economic corridors: Historic Downtown, Route 16 Corridor, and Route 19 Corridor. ECD 2.0. The Historic Downtown area should focus on a mix of uses between commercial, residential, office, and

public use, with a heavy emphasis on the arts and tourism. ECD 2.1; PLU 2.6; CHP 1.0; 2.0. The Route 16 Corridor should focus on businesses that will support visitors, particularly with outdoor adventure needs. ECD 2.2. The Route 16 Corridor should emphasize visitor and community-oriented commercial development as well as public uses. PLU 2.7. The Route 19 Corridor should be the location of larger-scale and chain development. ECD 2.3; PLU 2.8.

The proposed zoning ordinance largely reflects the plan's recommendations. First, the proposed zoning ordinance divides the commercial areas into the three recommended districts. The uses permitted in the Historic Downtown area include smaller-scale businesses, mixed-use dwellings and similar compact living options, and community-oriented uses. The Route-16 Corridor includes more intensive commercial uses, but the most intensive uses, like industrial and heavy manufacturing, are reserved for the Route-19 Corridor.

The proposed zoning ordinance has been meticulously reviewed for internal consistency within its text, as well as between the text, the proposed zoning map, the proposed use table, and the rest of the City's ordinances. Chapter 8A has been carefully reviewed throughout the process of drafting the proposed zoning ordinance. Lastly, the proposed zoning ordinance includes a new zoning map.

## **Summary of Proposed Zoning Ordinance**

The proposed zoning ordinance has been written to be consistent with the 2013 Comprehensive Plan and this *Study and Report on Zoning*. The proposed zoning ordinance is also consistent with current statutory enabling authority, state and federal case law, federal and state regulations, and commonly accepted best practices for land use and zoning.

The proposed zoning ordinance is broken down into several different articles:

- ◆ Article 101: Purpose and Introduction
- ◆ Article 103: Definitions
- ◆ Article 301: Districts Established; Classification of Districts
- ◆ Article 303: Residential Historic Core
- ◆ Article 305: Historic Downtown Commercial District
- ◆ Article 307: Residential Expansion District
- ◆ Article 309: Civic District
- ◆ Article 311: Natural Resource Stewardship District
- ◆ Article 313: Route 16 Corridor District
- ◆ Article 315: Route 19 Corridor District
- ◆ Article 317: Conditional Use Standards
- ◆ Article 319: General Regulations
- ◆ Article 321: Supplemental Regulations
- ◆ Article 323: Sign Regulations
- ◆ Article 501: Administration and Enforcement
- ◆ Article 503: Board of Zoning Appeals; Appeals

# Study and Report on Zoning

A notable update is the expansion of the definitions. The proposed zoning ordinance defines all uses permitted by right, conditional uses, and key zoning terminology. The thorough districting and defining of uses serve to more adequately accommodate a variety of businesses within the City of Mount Hope.

Supplemental regulations in the proposed zoning ordinance are more comprehensive and have been updated based on the comprehensive plan and studying the issues that are currently affecting the community. Some supplemental regulations, such as sections on telecommunication facilities, signs, and parking, required further analysis and update to comply with changes in federal law or industry standards.

## **Conclusion**

The *Study and Report on Zoning* was completed by City Council and the Planning Commission in compliance with W. Va. Code §8A-7-4. The intended result of this *Study and Report on Zoning* is that the City Council will consider the study and report and the proposed zoning ordinance, including any maps, and hold the required public hearings on the proposed zoning ordinance pursuant to W. Va. Code § 8A-7-5.

The City Council must complete the study of the land and report on zoning and hold the two public hearings required under W. Va. Code § 8A-7-5 before a new zoning ordinance may be adopted. The new zoning ordinance must be filed with the Office of the Clerk of Fayette County.

See Appendix A for the Proposed Zoning Ordinance  
See Appendix B for the Proposed Zoning Map