

A Resolution of the Ranson City Council Amending Chapter 19 Zoning, Section 2 Definitions, and Section 11-Industrial District of the Ranson Municipal Code

WHEREAS, the Ranson City Council, after hearing from the public regarding industrial development, desires to limit future heavy industrial development and uses in favor of light industrial development and uses as defined herein; and

WHEREAS, after considering the proposed amended ordinance text, pursuant to Rason Municipal Ordinance Chapter 16 – Planning and Development and Chapter 19 – Zoning, and consistent with West Virginia Code 8A-7-8(a), the Ranson Planning Commission, during the March 4, 2024, meeting, found that the proposed text amendments as described herein are consistent with the currently adopted Ranson Comprehensive Plan; and,

WHEREAS, City Council finds that the proposed amendments are in the best interests of the community and are reflective of the will of the people.

NOW THEREFORE, Ranson City Code Chapter 19 - Zoning, Section 2 Definitions and Section 11 – Industrial Districts are amended and reenacted as follows:

Chapter 19 – ZONING

Section 19- 2 – Definitions

Subsection 2 – Specific 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."

Artisan Manufacturing is the shared or individual use of hand-tools, mechanical tools, and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products, as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to electronic goods, food, and bakery products; beverages; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing.

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, multi-family: 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: Any permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure, including hedges or living bushes or shrubs, encircling either wholly or any portion of any area. See [section 16-179](#) for fencing standards.

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 salespersons, 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."

Industrial District is a category which provides for the location of industrial uses that are able to be performed in such a manner as to control the external effects of the process, such as smoke, noise, soot, dirt, vibration, odor, etc. Uses within this category, other than outside storage, shall be conducted within an enclosed building. Generally, industrial uses involve materials that have previously been prepared, or raw materials that do not need refining. These uses do not create a noticeable amount of noise, dust, odor, smoke, glare, or vibration outside of the building or on the site in which the activity takes place.

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.

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.

Chapter 19 – ZONING

Section 19- 11 – Industrial Districts

~~(a) Purpose. This district is designed to provide areas for light industry, 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.~~

(a) The intent of the industrial district zone is to provide for wholesale and warehousing uses as well as those industrial uses that include fabrication, artisanal manufacturing, assembly or processing of materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, vibration of earth, soot or lighting to a degree that is offensive when measured at the property line of subject property.

~~(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.~~
- ~~(5) Medical cannabis grower/processor; provided that the city zoning administrator finds the following conditions have been demonstrated by the applicant:
 - ~~a. — Applicant is properly licensed with city and state.~~
 - ~~b. — Applicant has been issued a state permit under W. Va. Code § 16A-6-1-1 et seq. and related regulations of the state to lawfully grow, process and/or manufacture medical [cannabis].~~
 - ~~c. — Applicant must submit detailed floor plan and location map demonstrating full compliance with W. Va. Code § 16A-8-2 and related regulations of the state.~~
 - ~~d. — Copy of an any adjustment or waivers of prohibition, if any, including conditions for this waiver granted to the applicant from the commissioner of the bureau for public health pursuant to W. Va. Code § 16A-8-2(b)~~~~

~~(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 work.~~
 - ~~(6) Little league park to be permitted as a special exception in Block 129 of the Industrial District (ID).~~
 - ~~(7) Reserved.~~
 - ~~(f) Reserved.~~
 - ~~(g) Apiaries and bees. Apiaries and bees, upon finding that all requirements and best management practices are followed as defined in section 4-28~~

Area and Dimensional Regulations.

Development Standards for Industrial Districts	
Setbacks	
Front	30 ft minimum
Side street	30 ft minimum
Side	25 ft minimum
Rear	25 ft minimum
Building dimensions	
Maximum Height	50 ft or 5 stories max.
Lot Coverage	50% max.

Landscaping	
Buffers	A 50 ft landscaped buffer abutting residential districts.

1. Any activity storing materials outdoors shall construct a fence to screen the ground-level view from any public right-of-way or of any residential or retail use. Materials shall not be piled or staked higher than the opaque fence.
2. All outdoor electrical, plumbing, and mechanical equipment must be located behind the primary structure or concealed from street view with a screen or wall. These facilities may encroach into setbacks.
3. Loading and service areas. Building orientation shall be such that loading, and service areas do not face the street right-of-way, except in the case of double frontage lots, where such areas must be located in a rear or side yard which faces the right-of-way. All loading and service areas shall be screened from view from off the premises. Where the site abuts a residential or retail use, the building wall facing such lots shall not have any service door openings or loading docks oriented toward the residential or retail use.

4. Performance Standards.

All industrial district uses shall conform to the following performance standards. Any violation of these standards is a violation of the Zoning Ordinance.

- a. Noise or vibration. No noise or vibration, other than related to transportation activities and temporary construction work, shall be discernible without instruments at any point on a lot line of the building site.
- b. Radioactivity. No activity shall result in the emission of radioactivity in any amounts.
- c. Electrical disturbance. No activity shall cause electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- d. Inflammable or explosive materials. No inflammable or explosive materials shall be produced, used, stored, or handled unless provided at all points with adequate safety devices and procedures against hazards of explosion and all equipment and devices for fire prevention and firefighting approved by the Independent Fire Department.
- e. Air pollution. No air pollution or smoke shall be produced, which is in violation of the requirements of the West Virginia Department of Environmental Management.

- f. Glare or heat. No direct or sky-reflected glare or heat shall be produced which is discernible without instruments at any point on a lot line of the building site.
- g. Odorous gases. No emission of any odorous gases or matter shall occur in quantities that are discernible without instruments at any point on a lot line of the building site.
- h. Dust, dirt, or particulate matter. No discharge into the air of any dust, dirt or particulate matter shall occur from any activity or from any products stored on the building site that is discernible without instruments at any point on a lot line of the building site.
- i. Liquid contaminants. No discharge into any public sewer, private sewage disposal system, stream, or into the ground of any liquid contaminants or materials of such nature or temperature which contaminates any water supply, interferes with bacterial processes and sewage treatment, or in any way causes the emission of dangerous or offensive materials shall occur.
- j. Adjacency. Manufacturing uses in ID shall be subject to a 50-foot separation in place of the required setback. The separation shall be landscaped with shade trees, understory trees, and evergreen shrubbery to provide a visual and sound barrier.

Section 2. (Uncodified in published ordinances)

(a) Savings Clause. The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, word, section or provision is declared void or unenforceable for any reasons by any court of competent jurisdiction, such declaration shall not affect any portion of the Ordinance other than said part or portion thereof.

(b) Repeal. All ordinances in conflict with this Ordinance are hereby repealed.

(c) Effective Date. This Ordinance shall become effective immediately upon adoption.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

A Resolution of the Ranson City Council Amending
Chapter 19 Zoning, Section 2 Definitions, and Section
11- Industrial District of the Ranson Municipal Code

First Reading: _____, 2024

Public Hearing: _____, 2024

Second Reading: _____, 2024

Enacted this _____ day _____, 2024

Keith D. Pierson
Mayor

ATTEST:

Darla Armstrong
City Clerk

Affix City Seal: