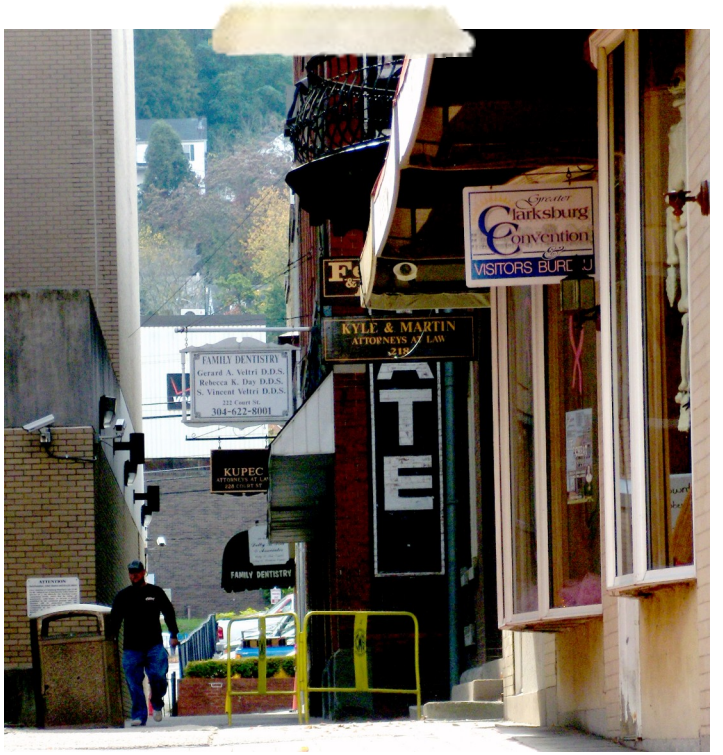
Clarksburg Comprehensive Plan Update 2010

"Proud Past... Unlimited Future"

City of Clarksburg, WV
Prepared By: Bedard Consulting LLC
February 2010
Draft

Contents



Clarksburg Alleyway

All photos by Janel Bedard unless otherwise noted

List of Figures

Downtown Clarksburg

City Officials

Mayor:	Margaret A. Bailey
Vice Mayor:	Sam Lopez
Council Members:	James Hunt Mary Mayer Martin Shaffer Dan Thompson Patsy Trecost II
City Manager:	Martin Howe
City Clerk:	Annette Wright
Public Works:	Anthony Bellotte Frank Scarcelli
Community and Economic Development:	James Marino
Planning Chairman:	J. Patrick Shaffer
Planning Commission:	Fortunato J. Barberio John Halterman Martin Howe Mary Mayer (council representative and voting member) C. David McMunn Cheryl Mehaulic Dortha Parsons Bryan Payne Autrice Thomas Tim Wells

Acknowledgements:

Comprehensive Plan Committee Members:

Adam Barberio, Code Enforcement
Janel Bedard, Comprehensive Plan Consultant
John Elbert, Citizen Representative
Frank Ferrari, Director of Finance
Lisa Ford, Citizen Representative
Martin Howe, City Manager
James Marino, Director of Economic Development
Mary Mayer, Council Member
Dave McMunn, Planning and Zoning (Vice-Chairman)
Greg Morgan, City Attorney
Patrick Shaffer, Planning and Zoning (Chairman)
Annette Wright, City Clerk

Community Members:

Pam Preston
Rod Rogers

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A Church in Downtown Clarksburg

Section One:
Introduction to Planning in Clarksburg

Comprehensive Planning

A comprehensive plan is a document that guides decision making and influences resource allocation related to land use planning in a community. This document is an expression of what a community wants through a statement of goals that create a vision for the future. Comprehensive plans work with a wide range of land use issues. A comprehensive plan investigates social, economic, and environmental matters and uses these to construct a framework for local policy makers to use for several years.

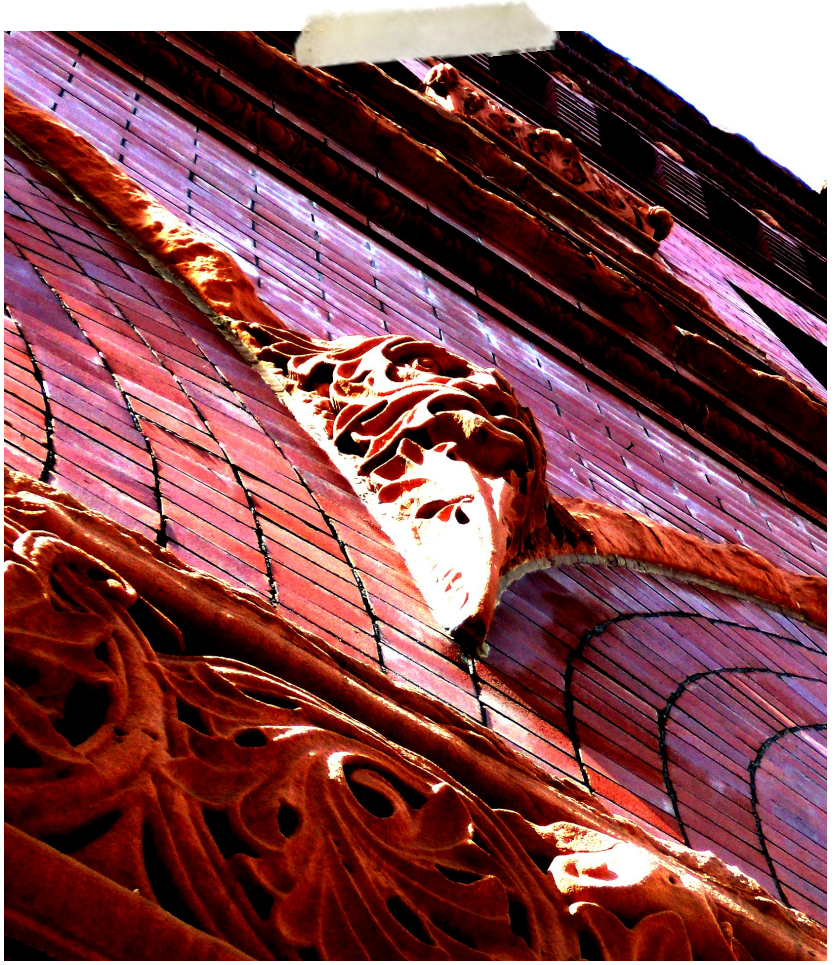
In West Virginia, the creation of a comprehensive plan is guided by the West Virginia Planning Code. The code identifies a set of specific elements recommended for every plan. Communities are not limited to these criteria, but are encouraged to research and analyze data unique to each community.

Planning is an ongoing government function whose outcome depends on many local factors. Comprehensive planning helps organize and direct this government function with sets of long and short term goals. Plans guide legislative bodies and commissions responsible for influencing land use and administering regulations. No single body has the ability to execute a comprehensive plan. Several bodies implement a plan through zoning, subdivision

ordinances and land development and capital improvement allocation.

In order to comply with West Virginia State Code and positively impact community development, Clarksburg has updated their *Comprehensive Plan Update 1997* in the *Clarksburg Comprehensive Plan Update 2010*. This Comprehensive Plan update is the result of research, analysis and community input. The goals and objectives of this plan form the critical text of the *Comprehensive Plan Update 2010*. Goals and objectives were formed from research and analysis of demographic and environmental conditions, evaluation of former plans and community input and comment. The City of Clarksburg, Comprehensive Plan Committee Members and Bedard Consulting LLC worked together throughout the comprehensive planning process.

The *Comprehensive Plan Update 2010* will be reviewed through a series of public hearings before the Clarksburg Planning Commission recommends the plan for adoption by Clarksburg City Council. Once adopted, the comprehensive plan update will become a guide for local development. Recommendations can be implemented in development. As new land use projects are evaluated, the plan can be consulted to ensure consistent development themes persist throughout the city.



Building in Downtown Clarksburg

City History

Before Clarksburg was settled, it was occupied by Native Americans who hunted in the area. Early settlers began arriving to the area in the 1770's. The first known permanent settlers, Andrew and Samuel Cottrill, arrived in 1772. John Nutter, who founded Nutters Fort, arrived soon after in 1774. Daniel Davisson also arrived in 1774 and purchased 400 acres, where the business district now sits.

Clarksburg was chartered in 1785 by the Commonwealth of Virginia and designated as the Harrison County seat. At that time, the city was described in historical letters, "as a town built by two rows of cabins extending from near the court house to Jackson's house on the east side of Elk Creek". Clarksburg was named after General George Rogers Clark, who gained fame on the frontier through his expeditions against the British and Indians in the Revolutionary War and the Indian Wars.

Clarksburg became part of West Virginia when the state broke away from Virginia during the Civil War. West Virginia was admitted to the Union on June 20, 1863. The city played an important role in the war as a military supply base with constructed fortifications; no battles were fought in the city. The closest battle took place 20 miles southeast in Philippi. Civil war bunkers, however, are still present on two prominent hills within Clarksburg.

When two roads were opened in 1788 and 1789, the city became a hub for goods transportation. These

Clarksburg City Hall

roads connected Clarksburg to Morgantown, WV and Marietta, OH. Goods were then shipped down river to Brownsville, PA. In 1857, the building of the Baltimore and Ohio railroads further stimulated the growth of commerce in the city.

In 1917, the city's charter was revised, allowing for unincorporated areas to be annexed. Many of these areas were developed at different times with different street standards, creating haphazard street connections that continue to influence development.

The opening of the Fairmont Coal Fields, in 1870, increased industrial and economic development. Growth continued with the exploitation of oil and gas fields in 1890. The economic boom that followed this exploration was short lived. The rapid growth of glass and chemical industries diminished by 1930, and a period of economic stability began.

From 1930 to 1950, growth remained stable. Growth in the mining and glass industries began to decline by 1950. The city's population declined as residents left for areas with better employment. Many young families were affected as workers with seniority rights kept jobs and younger employees were let go.

Prominent Historical Figures

Clarksburg has been the birth place and home of many notable politicians, artists, and authors. Clarksburg is the only city in the nation to ever have a presidential, U.S. senatorial, and gubernatorial candidate in one election. The long list of politicians with close ties to Clarksburg begins with John George Jackson, who moved to Clarksburg with his family in 1784 at 13 years of age.[2] His first wife was the sister of Dolly Madison, creating a bond between President Madison and Jackson. He was a U.S. congressman from 1803-1810 and was the first Senate confirmed judge for the United States District Court for the Western District of Virginia.

Born in Clarksburg, WV in 1824, General Thomas Jonathan Jackson was a prominent Confederate General in the Civil War. Orphaned soon after his birth, he earned his historic nickname, "Stonewall" Jackson in the first Battle of Bull Run after General Bernard E. Bee shouted, "There stands Jackson like a stone wall".[1] Jackson was quickly promoted to divisional command, and soon became a Corps Commander under

Historic Jackson Cemetery

General Robert E. Lee. Jackson fought many battles under Lee's direction. He was killed at the Battle of Chancellorsville where three bullets wounded him and his arm had to be amputated. He died seven days later from complications of the amputation.

John James Davis was born in Clarksburg in 1835 and served in the 42nd and 43rd Congress of the United States.[3] His son, John William Davis, was born in Clarksburg in 1873, and was the democratic candidate for president in 1924; he lost to Calvin Coolidge. Nathan Goff continued the political legacy of Clarksburg after John James Davis. He served in the Union Army during the Civil War and became a prominent Republican in state politics. He was Secretary of the Navy under President Hayes, a U.S. congressman from 1883 to 1889 and a US senator in 1912. Nathan Goff began a political legacy in his family as his son and granddaughter served as a US senator and US congressmen respectively. Guy Despard Goff, the son of Nathan, was born in Clarksburg in 1866 and served as a senator from 1925 to 1931. His daughter, Louise Goff Reece, was a US representative from Tennessee.

Howard M. Gore was born in Clarksburg in 1824, and held several positions in government based on his agricultural expertise.[4] He was eventually appointed the Secretary of Agriculture under President Coolidge, but resigned to become West Virginia's Governor.

Louis Johnson practiced law in Clarksburg, and became Secretary of Defense under Truman. His controversial proposals on money saving measures in national defense made him nationally known.

One of the most recent political figures born in Clarksburg is Cyrus Robert Vance. He served as Secretary of State during President Carter's single term and was Secretary of Defense under President Johnson.

Historic Jackson Cemetery in Clarksburg

1.Rogers, Rod. Interview. History of Clarksburg Power Point. December 3, 2009.
2. Rogers, Rod. et al.
3. Rogers, Rod. et al.
4. Rogers, Rod. et al.
5. Rogers, Rod. et al.

Clarksburg has also been home to noteworthy artists and authors. Melville Davisson Post was born in the city in 1869.[5] He was an author, lawyer, and political figure but he is most famous for his novel *Uncle Abner, Master of Mysteries*. Julia Davis was born in Clarksburg in 1900 to John W Davis, politician and democrat candidate for president in 1924. Her mother passed away and she was raised mostly by her grandparents. She authored over 20 history and fiction books, often centered on West Virginia. She is also famous for her dedication to children as a social worker.

Blanch Lazzell is a famous artist of the early 20th century who spent time in Clarksburg. She became a leader in color wood block prints and opened her own art school. Phyllis Curtain is a famous opera singer born in Clarksburg in 1921 who performed all over the globe until 1984. She taught at the Aspen School of Music and the Berkshire Music Center in Tanglewood, Yale, and was dean for the School of Arts in Boston. Clarksburg's history is rich and detailed from it famous inhabitants to its place in civil war history.

Historic Cannon in Clarksburg

Demographic Analysis

Introduction

Demographic data is select population characteristics used to analyze a population. This data helps describe trends and assess current populations. Demographic data can be used to identify needs and enhance decisions. This section summarizes an analysis of selected demographic trends in Clarksburg. Data was analyzed based on its relevance to this comprehensive plan update.

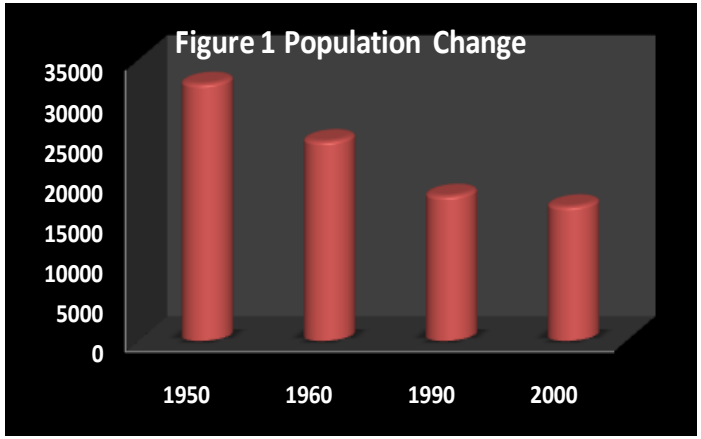
Most demographic data is obtained from the U.S. Census process, which has been performed every ten years, since 1790. Collected data includes: male and female populations, educational attainment, job status, distance of daily commute and several other statistics. Data is compiled into two sets which include 100 percent data and sample data. Errors are possible in the census but it is very useful for decision makers.

Data was obtained from the following sources:

Figure 1: U.S. Census, 2000, Population, SF1
Figure 2: U.S. Census, 2000, Sex by Age, SF1
Figure 3: U.S. Census, 2000, Median Income, SF3
Figure 4: U.S. Census, 2000, Poverty Status, SF3
Figure 5: U.S. Census, 2000, Household Income, SF3
Figure 6: U.S. Bureau of Labor Statistics, Industries with the Fastest Growing and most Rapidly Declining Wage and Salary Employment
Figure 7: U.S. Census, 2000, Sex by Industry for the Employed Civilian Population 16 years and Older, SF3
Figure 8: U.S. Census, 2000, Educational Attainment for persons over 25, SF3

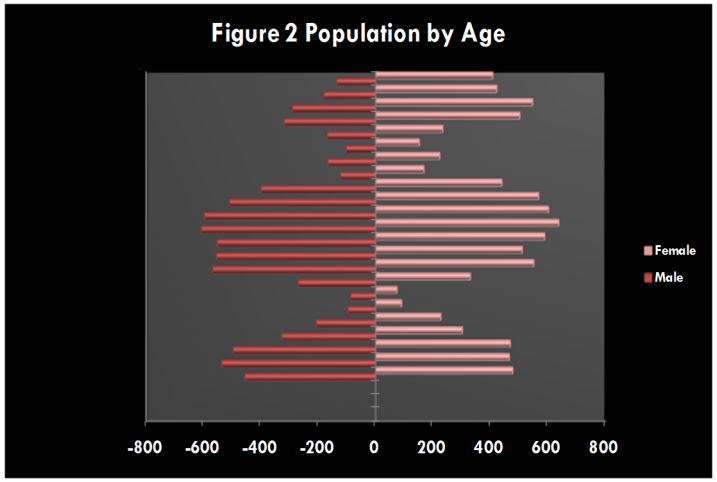
I. General Population Characteristics

Clarksburg is the largest city in Harrison County, and is also home of the county seat. Because Clarksburg is one of the most urbanized locations in Harrison, Taylor and Dodridge Counties, much of the areas population is concentrated there. From 1930 to 1950, population and economic growth remained consistent. In 1950, employment in the mining and glass industries began to decline, slowly eroding the city's economic base. The city has since experienced a steady population decline (Figure 1). This population decrease mirrored that of the state from 1980 through 1990. When state population increased slightly from 1990 to 2000, however, Clarksburg's population decreased by about seven percent.



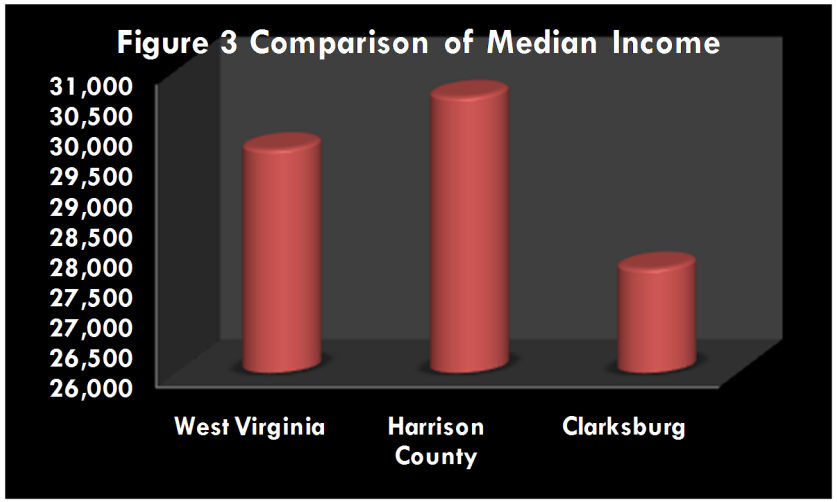
Despite population decline in the city, state wide population has slightly increased since 1990. Clarksburg can adapt to its reduced population size but should not accept constant decline as state population is not consistently declining.

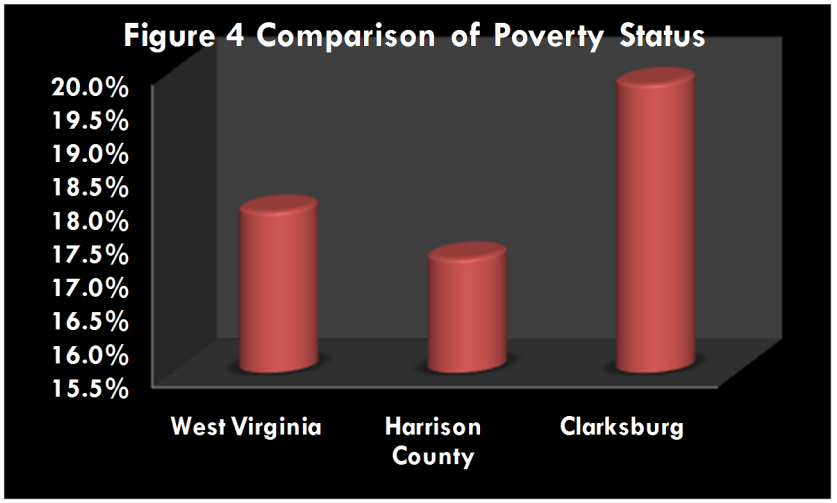
Clarksburg has experienced both an aging and declining population in the past years. In 1980, 22 percent of the population was 18 and under and 20 percent of the population was 65 and over. In 1990, only 18 percent of the population was 18 and under and almost 25 percent was 65 and over. Since 1990, these percentages have remained relatively constant (Figure 2). As the generation of baby boomers ages, the city will need to adapt relevant services. These services will only be required in high volume for one generation, as baby boomers had fewer children than their own parents.



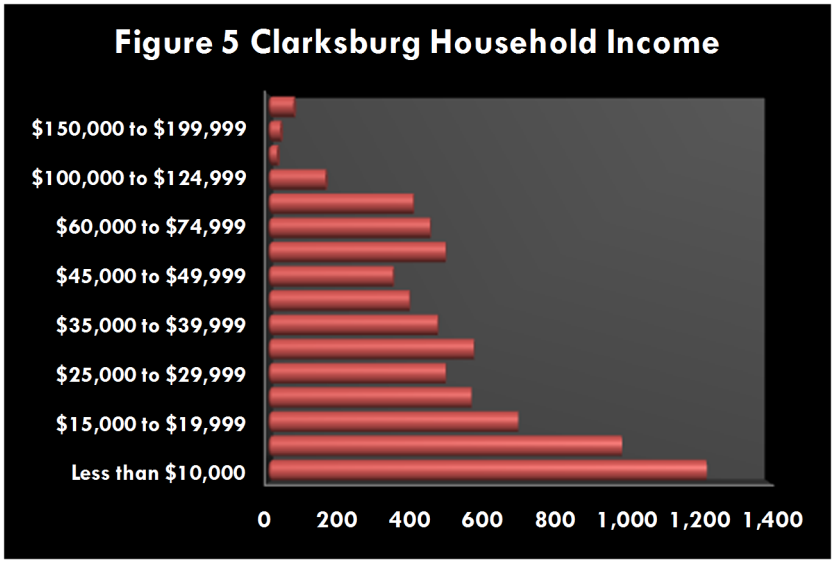
II. *Income Characteristics*

The City of Clarksburg differs slightly from the state of West Virginia and Harrison County when examining income trends. The median income for the city is about nine percent less than the state and county (Figure 3). The poverty status is about two percent higher than the state and county (Figure 4). Income and poverty data may indicate a need for more employment in the community, including employment with higher salaries.





Household income in Clarksburg is similar to incomes across the United States. The majority of households earn less than $30,000 per year in Clarksburg (Figure 5). About 46 percent of Clarksburg households receive between $30,000 and $200,000 per year.



III. Employment Characteristics

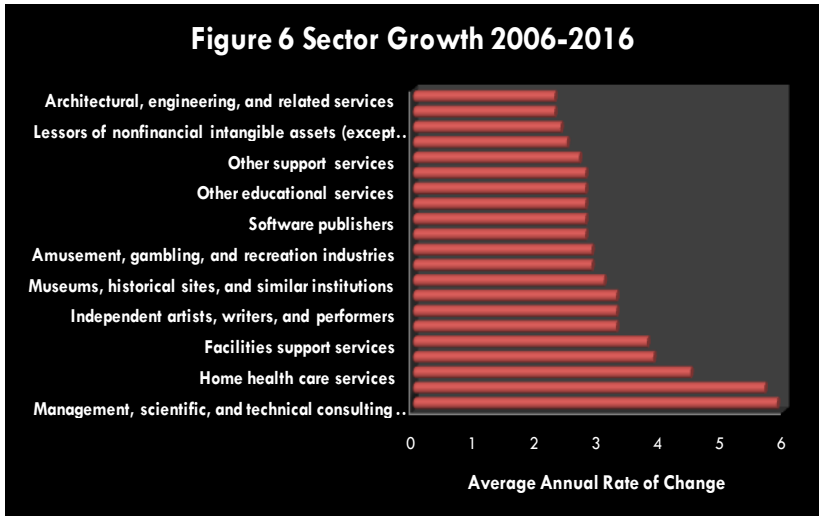
Employment in Clarksburg was once concentrated in the mining, manufacturing, and contract construction sectors. Employment in these sectors has steadily declined since the early twentieth century boom. In the late 1980's, the Anchor Hocking Plant closed and about 1600 jobs were lost. Employment in the good producing sector has continued to decline since the 1980's, mirroring a national trend of declining goods production projected to the year 2016 (Figure 6).

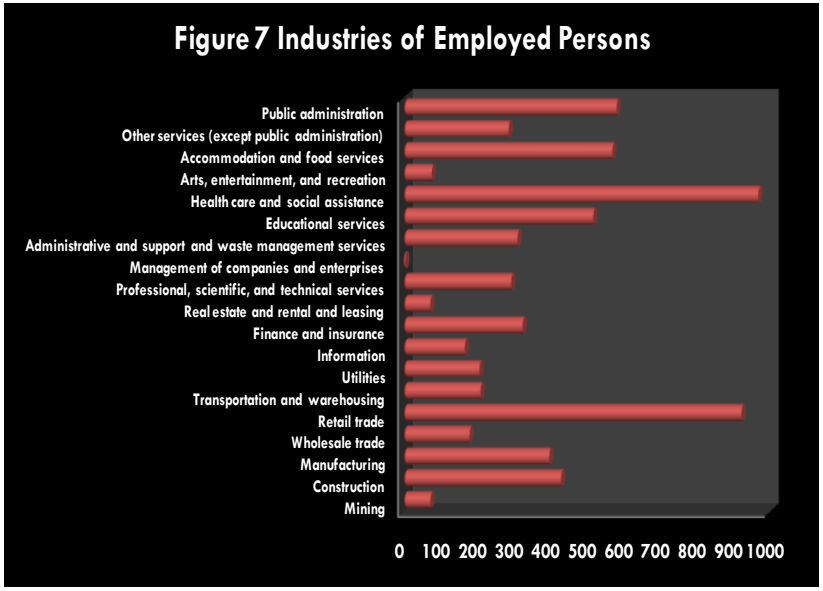
Today, the largest portion of Clarksburg's workforce is centered in the healthcare and retail industries. Together, these two industries employ about 29 percent of the workforce (Figure 7) The distribution of Clarksburg's labor force is somewhat diversified; it is not dominated by one or two sectors. Should one industry decline, the majority of workers will stay employed.

Despite the city's diversified economy, it has experienced growing unemployment in the past decade. Unemployment was 7 percent in May of 2009 and preliminary estimates predicted a rise to 8.3 percent in June, 2009. Unemployment rates in Clarksburg (8.4%) are lower than the state of West Virginia (9.2%). They are also lower than the national average of 9.4 percent in 2009.

Since 1997, an average of 49 businesses have opened in Clarksburg annually. The majority of these businesses are in the service industry, with some retail development. Many of Clarksburg's businesses are sole proprietorships or employ very few employees.

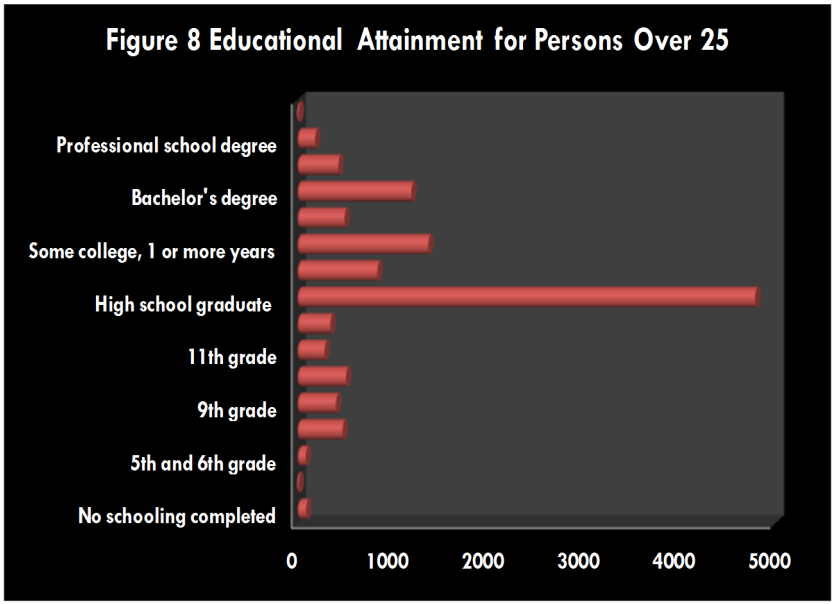
Several industries continue to grow in the United States despite economic downturn. Healthcare, technology, and educational services are just a few of these industries growing nationwide (Figure 6). Several growing industries, such as consulting businesses and independent artist, are home based businesses, or located in minimal or shared commercial spaces. Small businesses add about 75 percent of jobs to the economy every year. The state of West Virginia continues to improve the business climate, with a phasing out of the corporate net income tax and the business franchise tax.





IV. Educational Characteristics

Clarksburg has a population with varying degrees of educational attainment (Figure 8) . The majority of persons over 25 have a high school diploma or equivalent (40%); fewer individuals have a college degree (20%) and fewer have less than high school equivalence (20%). The remaining 20 percent of the population has completed some college but did not obtain a degree. These individuals can perform middle skill jobs such as: carpenters, truck drivers, heavy equipment operators, select industrial jobs and others. This diversified workforce may help attract various employers; many individuals can be entrepreneurs with limited education.



Existing Conditions

The existing land use conditions in Clarksburg were evaluated through a series of mapping exercises performed by Thrasher Engineering and the City of Clarksburg. Maps evaluated: existing land use and zoning, community amenities, circulation patterns and property values within Clarksburg.

An existing city zoning map was produced by Thrasher Engineering (Appendix A). The map displays a somewhat concentrated presence of commercial properties in the city's downtown. This is surrounded by predominantly residential neighborhoods with some intermix of commercial properties. This development pattern is characteristic of historic cities with prominent central business districts and defined residential neighborhoods.

Large commercial zones are located in annexed districts in the eastern part of the city. Residential and unclassified properties are located in annexed areas on the western part of the city. All annexed areas are connected to the city by roads or strips of annexed land but are otherwise disconnected from the city center and surrounding neighborhoods.

Select community amenities are displayed on the 'Existing Community Facilities' map (Appendix A). Listed amenities include: hospitals, fire stations, government buildings, and educational, recreational, cultural, and public works facilities. Cultural and government facilities are concentrated in the central business district with some facilities located outside this area. Two hospitals are located in south western Clarksburg with one in the north western part of the city. Recreational facilities are located, across the city, with access to facilities in each neighborhood. Four fire stations are distributed in the north, west, central and eastern portions of Clarksburg.

A circulation map shows Clarksburg is served by two freeways (Appendix A). State Route 50 (Route 50) travels east and west through central Clarksburg. Interstate 79 (I-79) travels north and south on the far eastern side of the city and is accessed by Route 50. Arterial roads generally run in an east to west direction with collector roads serving the majority of north-south routes. All city districts have access to an arterial or collector road which can be used for access to Route 50 and I-79.

Two maps were created to evaluate property values in Clarksburg (Appendix A). Map A displays the value of all parcels; Map B displays property values and does not include commercial properties. Parcel data in Geographic Information Systems (GIS) was used to classify parcels based on their assessed value. Properties were divided into three categories: those

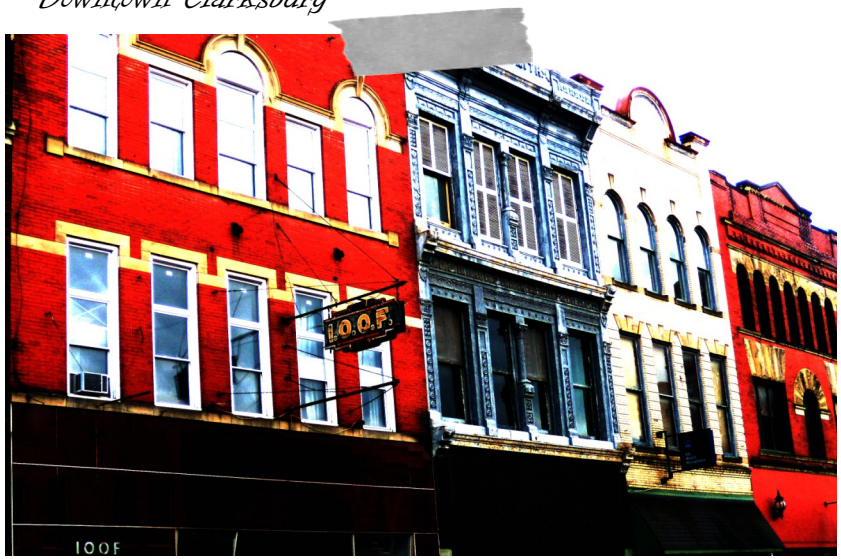
valued at $0-75,000, those worth $75,000-150,000 and properties assessed over $150,000.

The assessment revealed most properties in Clarksburg are valued between $0 and $75,000 (9,470 parcels or 82%). The average value of these parcels is $25,300 and the total value of all parcels in this category is $239,700,000. When compared to the zoning map it is apparent most properties in this range are single family residences. Single family residences are somewhat clustered based on their assessed values (Map A, Appendix A). Homes in each of the three value categories are located in distinct neighborhoods predominantly surrounded by homes in the same value ranges.

There are 1,540 parcels in the $75,000 to $150,000 range. The average assessed value in this range in $99,897 and the total value of all parcels in this category is $153,940,000. The majority of parcels in this value range are single family homes.

There are 570 parcels assessed at over $150,000. The average cost of these parcels is $903,000 with the Federal Bureau of Investigation (FBI) building as an outlier valued at $160,000,000. The total value for these high value parcels is $516,437,000.

Downtown Clarksburg



Section Two:
Goals and Objectives Discussed

Statement of Goals and Objectives

Introduction

Future development and prosperity in the City of Clarksburg is influenced by several assets and tools. Clarksburg is the seat of county government, as well as a business center. Numerous natural areas, including waterways, are present throughout the city. There is highway access and infill development opportunities with several brownfield sites.

The city has several tools available to positively influence development, such as the ability to offer tax incentives and annex new lands. The city can provide police and fire protection, reducing insurance costs due to an Insurance Services Office (ISO) rating of three. Clarksburg has the ability to zone land, and create Tax Increment Financing (TIF) districts. The city can collaborate with organizations and institutions to expand development. Clarksburg can also obtain state and federal funds to move certain projects forward.

The city's goals and objectives are centered on the city's assets and governmental powers which can be used for positive change and economic growth. Each goal and objective is realistically based on the power of local government as to ensure implementation through real-life strategies.

These goals and objectives are used to guide Clarksburg's comprehensive plan. They will ensure actions are centered on measures that will help the city prosper and that resources are allocated to projects that will make true impacts. These goals should be used to guide all future land use decisions in the city.

Goals and Objectives

OBJECTIVE 1:

"Right Size" the City of Clarksburg so that infrastructure serves the current population and not the larger population of the past. The city contains infrastructure that once served a population twice its current size. This infrastructure should be adapted to fit the needs of the current population.

GOAL: Clarksburg should continue to pursue its aggressive demolition program. It should expand this program to reduce the presence of dilapidated structures in order to make more land available for land banking or sale to adjacent land owners.

GOAL: The city should collaborate with county and state government to reduce leapfrog development and encourage development where infrastructure is currently located.

GOAL: The city should continue to pursue brownfield redevelopment and infill development strategies.

Downtown Clarksburg

GOAL: The city should update the zoning code so that cluster zoning and planned unit developments reduce the need for expanded infrastructure when current infrastructure can be reused.

OBJECTIVE 2: The city should create a more competitive business environment in order to facilitate the creation of jobs.

GOAL: Clarksburg should consider an independent evaluation of business and occupation taxes.

OBJECTIVE 3: Clarksburg should create a living environment that attracts second homebuyers and retiring individuals. As this market increases in both West Virginia and the United States, Clarksburg can bring new residents to the city.

GOAL: Clarksburg needs to improve gateways to the city.

GOAL: The city should protect environmentally sensitive areas and encourage limited development of natural areas to accommodate human access.

GOAL: Clarksburg can create contact points along waterways so rivers and streams become integral destinations within the city.

GOAL: Clarksburg should promote community services that cater to and attract mature populations.

GOAL: The city should work with the Clarksburg Harrison Regional Housing Authority to improve housing quality in the city and maintain current neighborhoods to ensure Clarksburg remains an attractive community.

GOAL: Clarksburg should continue the revitalization of historic districts, such as those in the Glen Elk District, so that the city contains urban destinations for residents.

GOAL: The city's historical connection to the Civil War should be emphasized within the community.

OBJECTIVE 4: Clarksburg should use 'green technology' to improve the urban environment and become a leader in West Virginia.

GOAL: The city should construct 'green roof' technology on selected municipal buildings to create a more attractive environment.

GOAL: Clarksburg should encourage the use of 'green' infrastructure development when following the MS4 and Long Term Control Plan. This technology can reduce the negative impact of urban run-off and the need to implement expensive infrastructure updates.

Fire Station Lantern

Building in downtown Clarksburg

Goals and Objectives Discussed

Right Sizing the City

"Right Size" the City of Clarksburg so that infrastructure serves the current population and not the larger population of the past. The city contains infrastructure that once served a population twice its current size. This infrastructure should be adapted to fit the needs of the current population.

Clarksburg had a population of 32,000 in 1950; that population has dwindled to 16,740 individuals, a 47 percent decline. This population shift left Clarksburg with infrastructure designed to serve twice the population. In order to pursue focused development, which serves the existing population, the city can utilize the concept of rightsizing. Rightsizing is a relatively new concept for cities with steady population decline in the last half century. A rightsizing city focuses development in areas of existing infrastructure to reduce the need for infrastructure expansion. Cities also repurpose districts of abandonment instead of maintaining expensive infrastructure in these areas. Rightsizing is a way Clarksburg can ensure its investments are used wisely.

Words of Wisdom on a local warehouse

Clarksburg can direct businesses to develop brownfield sites. The city can encourage development of homes on vacant residential lots in current neighborhoods. The city can annex new districts when necessary, but it is important to encourage rightsizing through the development of vacant land already served with infrastructure in the city limits. Rightsizing principles improve the aesthetics of cities and reduce the need for large capital expansions. This section discusses some objectives that can help Clarksburg reach this goal.

Rightsizing Youngstown Ohio

The city credited with mainstreaming rightsizing is Youngstown, Ohio. In the 1960's, the steel industry left Youngstown, and the population declined by over 50 percent. The city was left with more infrastructure than required to serve the population.

An aggressive demolition program took down over 1,000 vacant buildings in two years. A city ordinance allowed for demolition as the structures represented blight and threatened human safety.

The city continues to demolish blighted structures and target development in areas well served with existing infrastructure. Rehabilitation programs have been directed to marginal areas with steady populations.

I. Clarksburg should continue to pursue its aggressive demolition program. It should expand this program to reduce the presence of dilapidated structures in order to make more land available for land banking or sale to adjacent land owners.

Clarksburg currently administers a very successful demolition program of vacant and blighted properties in the city. Vacant structures threaten public safety or have been subject to neglect of regular property ownership such as the payment of utility bills, mortgage payments, or property taxes and have experienced deterioration as a result. This program identifies blighted properties by using the International Code Council (ICC) as a standard. Property owners are confirmed through courthouse records. A demolition order is then prepared for the structure and property owners are notified of pending actions. Owners have the opportunity to appeal demolition. At the end of the process before and after photos are taken to display benefit of blight removal.

Dilapidated Structure in Clarksburg

Despite the success of this program, dilapidated structures remain a problem in the city. They can injure firefighters in arson fires, lower property values, and degrade neighborhoods by influencing the neglect of other structures. They cost tax payers through nuisance responses, lost taxes, mowing costs and possible inspection and maintenance costs. The removal of vacant and blighted structures is necessary to maintain healthy neighborhoods.

Several communities across the nation have embarked upon aggressive demolition programs. Clarksburg's program serves as a national model and has been presented in conferences. Many communities have accelerated the acquisition process of blighted structures by allowing a short period for owners to pay back taxes and property liens. When this time is passed, communities quickly acquire structures to reduce the problems associated with vacancies. An Ordinance in Youngtown, Ohio allows the city to acquire structures quickly when they pose threats to neighborhoods (See page 25). This ordinance is supported by the community despite the city's use of eminent domain.

Structuring a Land Bank in Clarksburg, WV

Step One: The landbank can be formed and staffed with current city personnel as they are already administering the informal system.

Step Two: Create a mapping system to track current lands within the landbank and those expected to become part of the land bank

Step Three: Once all lands are mapped, demolitions and sales can be performed efficiently. A parcel adjacent to a currently vacant parcel may be blighted. If these parcels were located in an area of the city being rapidly redeveloped, they could prioritize the demolition of the neighboring structure.

Step Four: Vacant parcels can be sold to neighboring homes or lots can be combined and sold for larger residential developments.

A parcel from the land bank should be sold to the developer willing to build structures which complement a neighborhoods character. Parcels should be sold at the best possible price to ensure the land banking system will generate revenue for the city and tax payers. Louisville, Kentucky's land bank allows citizens to apply for land purchase directly from the land bank.

Columbus, OH and San Diego, CA prosecute negligent owners through civil actions, which has benefits over criminal court prosecutions. In civil court, properties, are often transferred to organizations or municipalities for abatement more easily in civil court.

In addition to improving the method of vacant structure acquisition, the city should institute a formal land banking program to increase the effectiveness of demolition efforts. The goal of demolition is not only the destruction of blight, but also the repurpose of parcels into economically sustaining properties. The city currently uses an informal land banking structure to monitor properties for possible re-use. The formalization of this process can improve the city's demolition success.

Land banking is holding land titles until it can be sold for more than the cost to acquire and demolish structures upon the property. Land banks have special powers to acquire and assemble multiple abandoned properties and then legally transfer those properties to private developers and non-profit institutions. Land banking should bring benefit to Clarksburg residents and can be administered to reduce or eliminate the need for taxpayer funding.

Clarksburg should also consider allowing temporary uses on land held in the land bank. Temporary uses can include community gardens, private gardens, and urban farms. These uses do not have to be permanent. They reduce the sparse and uninviting look of vacant properties in residential and commercial areas. In Buffalo, NY, lease agreements are signed between the city and the temporary users of properties. These leases are generally very low cost or free of charge, provided each property is maintained to code. Each user is permitted to terminate the lease with a 30-day notice period. This can lead to some irritation if the gardened

1104.11 ACQUISITION AND BLIGHT DETERMINATION BY CITY (Youngstown, Ohio City Code)

Upon determination of Council that a premises is blighted and that acquisition by the City is necessary in order to eliminate the blight and prevent recurrence of blight upon the premises, the Community Development Director is authorized to introduce and submit appropriate legislation to do the following:

I. Acquire the premises by purchase
II. Acquire the premises by court action exercising the city's constitutional right of eminent domain
III. After acquisition, to eliminate blight by:
- ***A.*** Demolition and clearance of the premises by an independent contractor of city force, or clearance if demolition of structure is not necessary
- ***B.*** Rehabilitation by an independent contractor or city forces
- ***C.*** Sale of the blighted premises to a purchaser upon terms providing for the elimination of blight and prevention of its reoccurrence
- ***D.*** Sale of the premises after demolition and clearance to a purchaser upon terms providing for the elimination of blight and prevention of its reoccurrence Any combination of the above provisions

(Ord. 07-17. Passed 1-17-07)

areas become staples within the community. If both parties understand the temporary nature of the garden use and the desire to bring economic prosperity to Clarksburg some conflict can be avoided. Temporary uses are worthwhile pursuits regardless of termination issues as those can be settled though communication. These uses prevent the look of abandoned neighborhoods and commercial areas so Clarksburg is more attractive for current and prospective residents.

Buffalo Blueprint

The city of Buffalo, NY has one of the highest vacancy rates in the county. The city recently issued a policy brief and action plan called *Buffalo Blue Print* outlining the demolition of structures and the re-use of land. Though Buffalo has a much larger population than Clarksburg, and an extreme vacancy problem, the policy briefs may help Clarksburg expand its current land reuse policy.

Policy Brief: vacantproperties.org/resources/BuffaloBrief_FINAL.pdf

Action Plan: vacantproperties.org/resources/BUF_Action%20Plan_lo.pdf

II. The city should collaborate with county and state government to reduce leapfrog development and encourage development where infrastructure is currently located.

Leapfrog development is characterized by sprawl that skips tracts of land to develop on cheaper land far away from the city. This land may be more inexpensive but the cost of development is not. There are much higher infrastructure and service costs to municipalities as a result. Comprehensive planning can direct development to distinct areas to help ensure the best use of the city's current inventory of services and infrastructure.

Clarksburg is a historic city with walkable neighborhoods surrounded by rural mountain character. These characteristics should be preserved because they are valued by residents, and those looking for new homes and businesses. Clarksburg should encourage compact development to ensure city's character remains constant, and that leapfrog development does not deter from the current urban structure.

Clarksburg should prioritize development within city limits in locations already served by infrastructure and services such as roads, water, sewer, and fire and police protection. Development prioritization is a key component of rightsizing, as vacant land can be reused with reduced costs to the municipality. Other benefits result from infill development versus leapfrog development. Neighborhoods become more vibrant and driving time to access goods and services is reduced.

The land banking system, recommended in this document, will help generate areas for smaller developments within the city. Former brownfield sites present opportunities for larger developments. Larger developments, however, may require more land than available within city limits. These developments do not have to be turned away if a method for responsible annexation is followed.

Land should be annexed for development to ensure the city's resources are used efficiently. Land that connects to current city limits, representing a logical extension of city limits should be prioritized for annexation. Avoiding leap frog development and preserving the existing mountain city character of Clarksburg should be considered during any annexation process. Annexed areas should become an asset within the city rather than a financial burden.

Areas Prioritized for Future Annexation

- Summit Park Bridgeport Hill
- Route 20/Route 98 Area
- Route 19 South Corridor
- Route 98/ Route 25 Area
- Davisson Run Route 50 Area
- Route 58 Area
- East View/ Stonewood Area

Map of prioritized areas located in Appendix A

III. The city should continue to pursue brownfield redevelopment and infill development strategies.

Clarksburg contains several brownfield sites which once housed local industry. Brownfields are parcels that formerly contained commercial ventures, and have real or perceived contamination as a result of this activity. Brownfields are often viewed as obstacles in a community, but can be assets due to their large size, strategic urban location and availability for development. Site contaminants are regulated by the Environmental Protection Agency (EPA) and the West Virginia Department of Environmental Protection (WVDEP), and can be cleaned in order to accommodate safe residential and commercial development. The process to clean sites may be lengthy but Clarksburg continues to use funds to move processes forward.

Brownfield redevelopment should begin with efforts focused on the Quality Glass Foundry site. This site has been accepted into the WVDEP Voluntary Remediation Program (VRP) and has received the certificate of completion issued through this program. This site is close to redevelopment and should be prioritized to ensure redevelopment will occur.

When Quality Foundry is redeveloped, it will bring economic benefits to the city as the site will be transformed from a weed lot into a community asset. The experiences at Quality Foundry can be used to prepare more brownfield sites for development. Large pieces of land within urban boundaries are often sought after parcels to develop; by cleaning brownfields for reuse, the city can bring economic growth to Clarksburg.

Overlooking the Adamston Flat Glass Brownfield Site

Brownfields in Clarksburg, WV

Adamston Glass Factory

- 5.6 acres on Adams Avenue and North 26th Street
- $240,000 total grant including $40,000 of city 20% match money
- Voluntary Remediation Agreement on September 13, 2007 and expected Certificate of Completion before July 1, 2010
- Property zoned I2 (Industrial 2)

Quality Foundry

- Four (4) lots, .4 acres on 100 Stiles Street
- $144,000 total grant funds including $24,000 of city 20% match money
- Voluntary Remediation Agreement on February 12, 2008 and Certificate of Completion #08535 received on November 16, 2009
- Recorded Land Use Covenant October 21, 2009
- Property zoned I2 (Industrial 2)

WV Mack Site

- 11.83 acres on North Ohio Avenue
- $156,000 total grant funds including city's 20% match of $26,000
- Voluntary Remediation Agreement on October 30, 2007
- Recorded Land Use Covenant February 5, 2010
- Property zoned I2 (Industrial 2)

*All sites redevelopment plans will be submitted to the Clarksburg Urban Renewal Authority so they can assess proposals and negotiate a contractual agreement that best fits the city's master plan

IV. The city should update the zoning code so that cluster zoning and planned unit developments reduce the need for more infrastructures when current infrastructure cannot be reused.

Updating the city's current subdivisions ordinance should be considered to encourage compact development schemes that efficiently use infrastructure and stay within the character of Clarksburg. Planning methods that can be incorporated into the subdivision ordinance include Planned Unit Developments (PUDs) and cluster zoning.

PUD's are special types of zoning overlay districts that allow developers to meet community goals without being bound by existing zoning requirements. This overlay zone is not characterized as spot zoning. PUDs do not detract from community assets as spot zoning frequently does. A PUD is a site specific design that may include mixed, compatible uses such as recreation areas, and residential and commercial areas. A PUD is a more flexible design allowing a community to work closely with developers to ensure site designs meet land use goals. These designs follow local laws, which may vary from existing zoning ordinances, and do not require variances for exceptions.

PUDs are generally applied to larger land areas, such as brownfield sites, but can be applied in small residential developments. PUDs can affect parcels owned by single owners as well as several lots owned by different individuals. Provisions for PUDs may increase development by attracting developers looking to work with communities, but unwilling to be burdened by several requirements calling for variances.

A PUD provision can be added to Clarksburg's Subdivision Code though the same process that updates any ordinance. Appropriate guidelines for an application and review process of PUDs and site selection criteria may be challenging to design. City officials and residents should seek a city or town with attractive PUD developments to use as a model. In 2005, the New York State Legislative Commission produced a guide to PUDs, which includes an example ordinance (see Appendix B). This ordinance is written for the State of New York and may require changes based on provisions in the West Virginia State Code.

A Planned Unit Development by Dale Associates in Tennessee

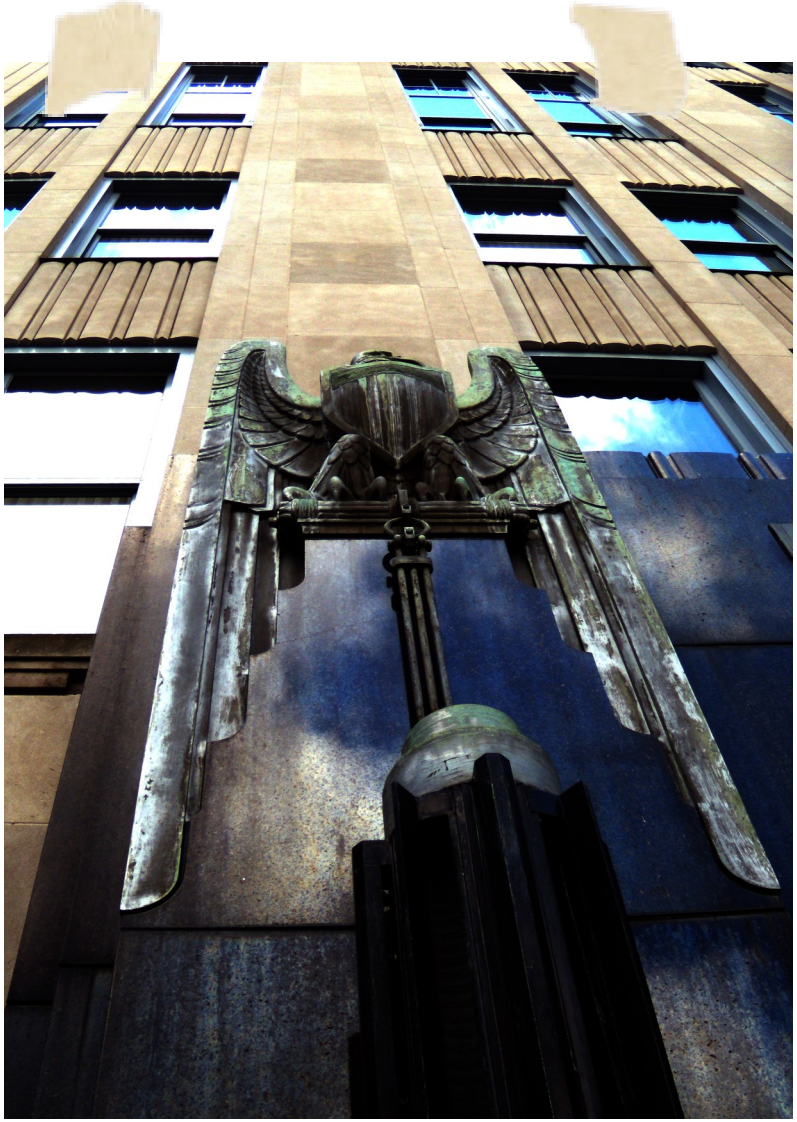
Another subdivision planning tool is called cluster development. Cluster development is when residential structures are constructed on a portion of available land, while preserving the rest as open space. This tool is usually applied to large tracts of land and can be used in both new development and redevelopment. Cluster development helps create attractive communities. This attractive community space can be managed by homeowner associations, residents, or municipalities. Cluster development produces desirable communities, which can be designed for high end and affordable home markets. Developers often build the same number of lots allowed by subdivision ordinances reducing lot sizes from 1.5 to 1 acre, for example, to accommodate areas for open space.

Many communities across the nation mandate cluster development; others allow compliance with cluster zoning ordinances to be optional. Besides aesthetic benefits, other quality of life and environmental benefits include natural storm water management options, eliminating the need for curb and guttering which reduces impact on combined sewer systems. Innovative techniques, such as large scale septic systems with soil based treatment, constructed wetlands and aerobic tanks can further reduce or eliminate the need for city wastewater infrastructure.

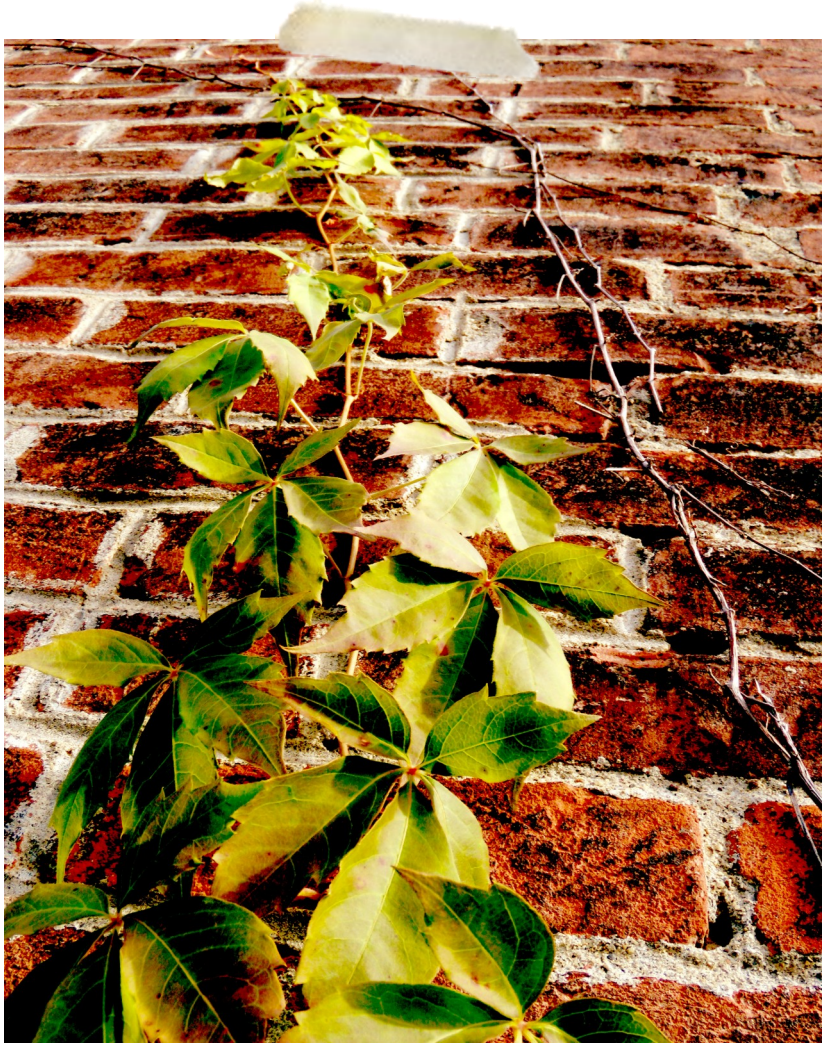
Community Space in a North Carolina Cluster Development

Because Clarksburg faces large scale capital improvements on the combined sewer system, the city may want to require cluster developments to reduce the need for this large capital expenditure.

To implement this type of land development, Clarksburg must update their subdivision ordinances. A new ordinance can be written with similar language to the current ordinance *1361.12 Natural Land and Contour Protection/ Hillside Development* that requires portions of lands to remain in a natural state. The ordinance can apply to newly developed tracts and brownfield redevelopments, emphasizing alternative storm and wastewater treatment techniques.



Harrison County Courthouse



Virginia Creeper in the Glen Elk District

Bringing Business to Clarksburg

The city should create a more competitive business environment in order to facilitate the creation of jobs.

Clarksburg has a diverse job market (discussed in *Section One*). Diversity should be maintained to ensure reductions in one industry do not cause catastrophic job losses. Clarksburg cannot create jobs, but it can foster an environment of private industry growth and job creation. Increasing the number and variety of jobs within the city will help ensure a prosperous future. More college graduates will be retained, and the city will be an even more attractive place to live. Businesses will improve districts, and increased revenue will allow more municipal projects to be completed.

I. Clarksburg should consider an independent evaluation of business and occupation taxes.

Business owners acknowledge the necessity of taxes, especially on a local level where the use of those taxes is visible. Businesses, however, attempt to locate in municipalities with lower taxes to minimize business costs. A brief analysis of Clarksburg's Business and Occupation Taxes (B&O taxes) reveals they are higher than other towns in Northern West Virginia along Interstate 79 (Figure 9). This signals the need for an independent evaluation of the B&O tax structure.

A Local Business

This study should also evaluate property acquisition costs and real estate taxes in Clarksburg and surrounding municipalities on the I-79 corridor. Property expenses in Clarksburg, for example, may be lower than in surrounding communities. Despite higher B&O taxes, the city may be able to attract business with lower property acquisition costs, business rents and real estate taxes. Property expenses should not be excluded from a tax structure evaluation. If lower property expenditures establish Clarksburg as a less expensive choice for businesses, this can be advertised in the region to promote business growth and establishment.

The city may be able to strategically reduce taxes to maximize revenue and attract businesses locating in Northern West Virginia. A study may find ways to maintain city revenue while tactically lowering certain tax categories and attracting more businesses, increasing B&O tax revenues in the long run. Bridgeport is very close to Clarksburg and is likely its biggest competitor when attracting business. Bridgeport also has one of the most competitive B&O tax rates in the Northern West Virginia Interstate 79 corridor. In order for Clarksburg to be competitive it should pursue an independent tax evaluation.

Clarksburg does offer a competitive B&O tax credit program when compared with other I-79 corridor municipalities. This program offers short term tax credits for new or expanding businesses. This may present some competitive advantage over other municipalities, but a possible permanent B&O tax decrease may ensure this competitive advantage. Some I-79 corridor communities do not offer a B&O tax incentive program, so this is a good first step in attracting business to the city. It may not be enough for companies with longer life spans who are evaluating different locations. Communities across the nation have had both positive and negative results from B&O tax reduction. The effects in Clarksburg will depend on several economic factors and will require research before the B&O tax can be altered.

Fresh produce in the city

Figure 9: Business and Occupation Tax Structure Comparison

Tax Classification	*Clarksburg Tax Rate	*Bridgeport Tax Rate	*Fairmont Tax Rate	*Morgantown Tax Rate	*Weston Tax Rate
Production of Natural Gas	$6.00	$3.00	$3.00	$0.30	$6.00
Other Natural Resource Production	$0.16	---	$1.00	$0.30	$1.00-$3.00
Manufactured Production	$0.30	$0.18	$0.22	$0.30	$0.05
Retailers and Others	$0.50	$0.41	$0.39	$0.50	$0.20
Wholesalers	$0.15	$0.12	$0.15	$0.15	$0.15
Electric Light and Power Company Sales	$4.00	$4.00	$4.00	$3.00	---
Natural Gas Companies	$3.00	$3.00	$3.00	$0.30	---
Electric Light and Power Company	$3.00	$3.00	$3.00	$3.00	---
Other Utilities or Public Service Business	~	---	$1.00	$3.00	---
Contracting Business	$2.00	2% gross income	$2.00	$2.00	$1.25
Amusement Business	$0.50	$0.41	$0.44	$1.25	$0.50
Retail/Lease Income Property (non-residential)	$1.00	$0.83	$1.00	$1.00	$1.00
Rental/Lease Income Property (residential)	$1.00	$0.83	$1.00	$1.00	$1.00
Service and All Other Businesses	$1.00	$0.83	$0.70	$0.55	$0.60
Banking and Other Financial Institutions	$1.00	$0.83	$1.00	$1.00	$0.75

*Rate per $100 of gross income

~Rate not outlined in Business and Occupation Tax Return

Targeting Population Growth

Clarksburg should create a living environment that attracts second homebuyers and retiring individuals. As this market increases in both West Virginia and the United States, Clarksburg can bring new residents to the city.

Clarksburg is a vibrant city whose slogan expresses it has, "a proud past and an unlimited future". Nestled in the West Virginia mountains, it overflows with amenities including: a unique urban downtown, close proximity to natural areas, historical significance, river access, arts, shopping, and urban parks. These amenities can be capitalized and expanded upon to attract second home buyers and retirees. The WV Chamber of Commerce explains many baby boomers and retirees are seeking second homes in the state.[1] Over 22 million families nationwide already own their first homes and plan to purchase second properties within the next ten years. Another 13.5 million say there is a 50 percent chance they will purchase a second home. With a potential market of 36.6 million individuals seeking a second home, Clarksburg should prepare itself to capture part of this market.

Clarksburg is experiencing a slow population decline. If the city aggressively targets second home buyers and retirees, population decline may become population growth. Targeting this segment of the population will not alienate other populations, as those with disposable income create new markets that provide new jobs. Clarksburg should focus its efforts on attracting a population it can accommodate, rather than loosing population. Second home buyers and active retirees look for amenities already present in the city, like recreation opportunities, pristine environments, unique urban areas, and low property taxes. Clarksburg can continue to improve them, to better appeal to this population segment, while improving quality of life for all residents.

A local church

1. West Virginia Chamber of Commerce. *Second Home Development.* Policy Issues. www.wvchamber.com.

I. Clarksburg needs to improve gateways to the city.

Clarksburg can become a destination, not only for second home buyers and active retirees but also for all visitors and prospective residents. This objective is difficult to accomplish without memorable gateways into the city that announce arrival to a visitor. The most prominent entrance into the city is along Route 50, through the municipal parking building. This unique gateway is memorable, but appears ad hoc and unpleasing. This unique asset, however, can be made dramatic so Clarksburg is positively remembered; it is an opportunity few, if any other, communities have.

Clarksburg can, for example, collaborate with local artisans to create a mural on the face of the parking garage. This mural can incorporate green wall technology to further create a memory for visitors and a proud landmark for residents. A design competition can help the city choose an artist or organization to highlight the city's gateway. This project can begin with limited capital and time.

In addition to entering the city on Route 50, visitors arrive via many other motorways. Welcome signs, such as those along Old Route 50, inform a visitor he or she is entering the city. Some of these signs are in a dilapidated condition and are not memorable for visitors. Clarksburg has initiated a Community Identification Signage Program. This program places new welcome signs in the city, as well as, unique identification signs in various city neighborhoods. Clarksburg should replace older welcome signs with the new attractive signs as part of the Community Identification Program. Improving community gateways is a very important opportunity to attract new residents and visitors and should be carefully considered for immediate implementation by Clarksburg.

Community Identification Signage Program

II. The city should protect environmentally sensitive areas and encourage limited development of natural areas to accommodate human access.

Environmentally sensitive areas are those with steep slopes, those located along river ways or unique habitats not common in the region. Although their benefits are not easily quantified, they provide places for passive recreation, bird watching, nature viewing, and can increase local biodiversity. These areas demonstrate a communities commitment to more than just infrastructure development, but also to quality of life and health of residents. Several studies show communities with a commitment to natural area development often experience higher property values and individuals desire to relocate in those municipalities.[2]

Increasing access to, and preservation of, natural areas in urban spaces necessitates a set of clear goals and actions that move beyond rhetoric. Clarksburg can follow the example of Albermarle County, Virginia to ensure natural areas are developed to attract second home buyers and improve Clarksburg's overall quality of life.[3]

Albermarle County moved to increase biodiversity in the county through three specific goals: increase community awareness of biodiversity, complete a biological resource inventory, and use the inventory to create an action plan. Clarksburg may have different goals than Albermarle County, but this example demonstrates the importance of creating specific objectives and

Street Trees in Clarksburg

planned actions. Community awareness is a key first step. Partnerships with existing groups, such and the WV Department of Natural Resources (DNR), can help educate the community and bring additional technical and financial resources. During this phase, the city can encourage private citizens to increase natural areas on their properties by growing gardens which attract birds and butterflies, installing bird feeders and nesting boxes, replacing lawn space with native vegetation, and preserving wetlands and woodlands on their properties. Increasing the quantity of private natural areas will convey feelings of responsible land stewardship and community pride throughout Clarksburg.

2. The Economic Value of Green Infrastructure. www.nwda.co.uk/PDF/EconomicValueofGreenInfrastructure.pdf.
3.McElfish, James. Nature Friendly Ordinances. Environmental Law Institute: Washington D.C.: 2004.

The DNR encourages many of these activities through its 'Wildlife Diversity Program' and it's 'Natural Heritage Program'. Clarksburg should utilize these available resources to educate homeowners. For example, they can include literature in packets to new home owners or send fliers with regular mailings such as tax bills or notifications. Additionally, the West Virginia Land Trust (WVLT) works with landowners to establish permanent conservation easements on properties. These easements ensure unique and valuable land remains natural in perpetuity. Clarksburg may consider including WVLT literature in mailings to larger land owners so they become aware of the opportunity to work with WVLT.

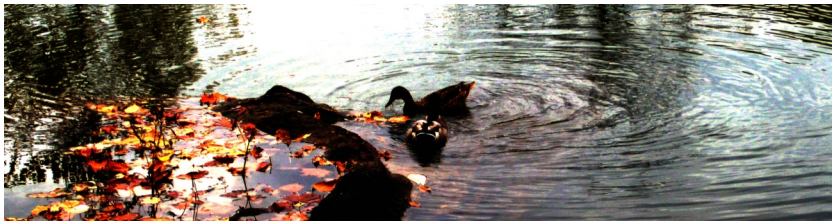
Following its community awareness campaign, Albermarle County began an extensive biological survey. Clarksburg may choose to complete a basic biological survey by performing an in-house mapping evaluation of current natural areas owned by the city. Clarksburg can also evaluate the current park system to determine areas in parks that can be converted to natural gardens. The city may then choose to create quantifiable goals based on this evaluation. Ten percent of all parkland could be converted to natural gardens in the next 10 years, or access to a certain number of current natural areas could be increased in the next five years.

Grasses growing on a vacant lot in the city

Clarksburg can further increase the presence of natural areas within the city by changing planting methods and practices. Native vegetation is planting materials which organically occur in a region and can be used to 'naturalize' any space. These plants are adapted to local conditions and require less water and fertilization than traditional plants. Many beautiful native plants exist and can easily replace traditional landscape plants. Native plants can be arranged in manicured gardens, adding a sense of naturalization to landscape designs.

Native plants can be a unique and memorable addition to the city because they are distinct by region. Even small street planters and public gardens can become 'natural' spaces with native vegetation. Park areas can be converted to natural areas though the use of native vegetation. Clarksburg may consider updating its landscape code (Article 1335 B) to require use of native vegetation in all new public plantings; this is quickly becoming a best practice in many municipalities and native plants are increasingly available at local nurseries.

When the city defines goals, an action plan can be created to naturalize locations, attracting second home buyers. This action plan should be somewhat formal and include specific goals and plan to reach those goals. This project can occur in-house, be executed by a consulting firm, or be completed by local groups or commissions with guidance from city leadership. Local colleges, organizations, or school groups can be utilized to help naturalize the city by designing and planting native vegetation in spaces. This will not only help improve the urban environment, but can be an important educational opportunity for residents and students.



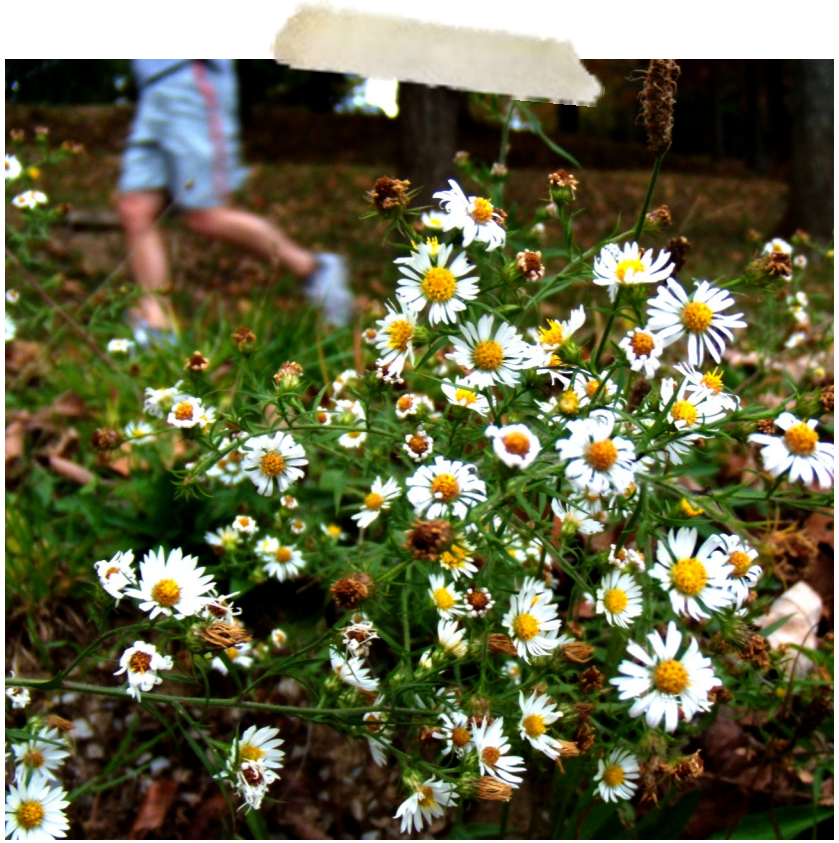
Changing leaves in Veterans Park

III. Clarksburg can create contact points along waterways so rivers and streams become integral destinations within the city.

Individuals seek water destinations within municipalities. They look for destinations where they can both interact with waterways and view these areas. Clarksburg contains several streams and rivers that can be made more accessible to the public to increase quality of life and attract residents. Increasing access to waterways was a large component of the city's 1997 Comprehensive Plan. Work on this challenging goal has included the construction of the boat launch at Veterans Park. Additionally, a Rails to Trails project will soon connect Veterans Park to the West End triangle located at the intersection of State Route 19 and State Route 20 as it is constructed alongside West Fork River.

These projects often involve cooperation among many government agencies, private institutions, and land owners. In order to maximize efforts and direct resources efficiently, the city should consider the creation of a waterway access master plan or an in-house prioritization of water access oriented projects. Broad goals to increase access are important for Clarksburg but may not lead to tangible results unless they are a priority. Projects should be chosen for prioritization based on community input, city planning and local government involvement. If the city combines a broad goal of increasing waterway access with targeted projects, the likelihood of reaching this goal certainly increases.

Sunset along West Fork River



Fitness Trail in Veterans Park

IV. Clarksburg should promote community services that cater to and attract mature populations.

About 25 percent of the current population of Clarksburg is 65 and older. The city has basic amenities that serve this population including medical centers and activity opportunities; however, amenities that attract retirees and more mature second home buyers should be increased. This does not mean adding more nursing homes and adult day care centers or turning the city into a retirement community. It means designing park spaces to accommodate older generations by using bright colors, clear signage, easy access via gentle slopes, places to sit and rest and recreational activities. It means encouraging the development of arts and entertainment which are favorable to this segment of the population as they have disposable income to participate. It means ensuring the city's website is accessible to older individuals and that all city projects have design components that serve active retirees and mature home buyers.

These urban changes will not alienate other portions of the population. Many are concerned with access, which may increase general project approval. Most changes are subtle and will be viewed as favorable development and not growth which detracts from the overall community character. These changes, however, will position Clarksburg to compete in the second home market.

V. The city should work with the Clarksburg Harrison Regional Housing Authority to improve housing quality in the city and maintain current neighborhoods to ensure Clarksburg remains an attractive community.

In addition to entertainment options and quality of life amenities, residents value safe and maintained neighborhoods. The city should maintain blight free neighborhoods through its demolition program and establish a land bank to ensure vacant lots are efficiently redeveloped. These actions will enhance the quality of neighborhoods. The city also has many vibrant neighborhoods where quality should be maintained. This can be accomplished through several right sizing principles including targeting infrastructure maintenance and avoiding leapfrog development. The establishment of the TIF district, in 2008, is an example of positive action by the city to preserve quality neighborhoods.

Because some aspects of neighborhood maintenance and housing improvement go beyond the role of local government, Clarksburg should work closely with the Clarksburg-Harrison Regional Housing Authority (CHRHA) to ensure resources and efforts are maximized. CHRHA assists low income families in their search for quality housing. The organization is also committed to working with partners to maximize resources. Clarksburg should work with the CHRHA on projects to ensure the city's goals are maximized through this organization's work.

Loft Development in the Glen Elk District

Warehouses in the Glen Elk District

VI. Clarksburg should continue the revitalization of historic districts such as those in the Glen Elk District so that the city contains urban destinations for residents.

Natural destinations improve a resident's quality of life; while urban destinations create popular places and augment that quality. Clarksburg's Glen Elk area, for example, is a unique historical setting that is experiencing revitalization and growth. The city should continue to work with organizations eager to preserve the district though development, and should avoid developers uninterested in the maintenance of the Glen Elk District. Actions that degenerate the quality of history in the district should be avoided. Buildings in marginal condition should be mothballed in lieu of demolished.

An opportunity to increase the districts' historical character presents itself though the restoration of brick streets. A study, for example, in Buffalo, NY outlined benefits of brick streets including increases in property values, decreases in maintenance costs, reductions on storm sewer impacts and reduced neighborhood driving speeds. Neighborhood walkthroughs of the Glen Elk District reveal brick pavement through damaged asphalt; restoration of these streets can add beneficial character to Glen Elk.

Clarksburg is one of the only small cities in the country with three registered historical districts and several historic structures. This important quality can be utilized to attract second home buyers. Beyond the continued improvement of districts, their presence can be advertised on the city's website so perspective residents can be aware of this unique asset.

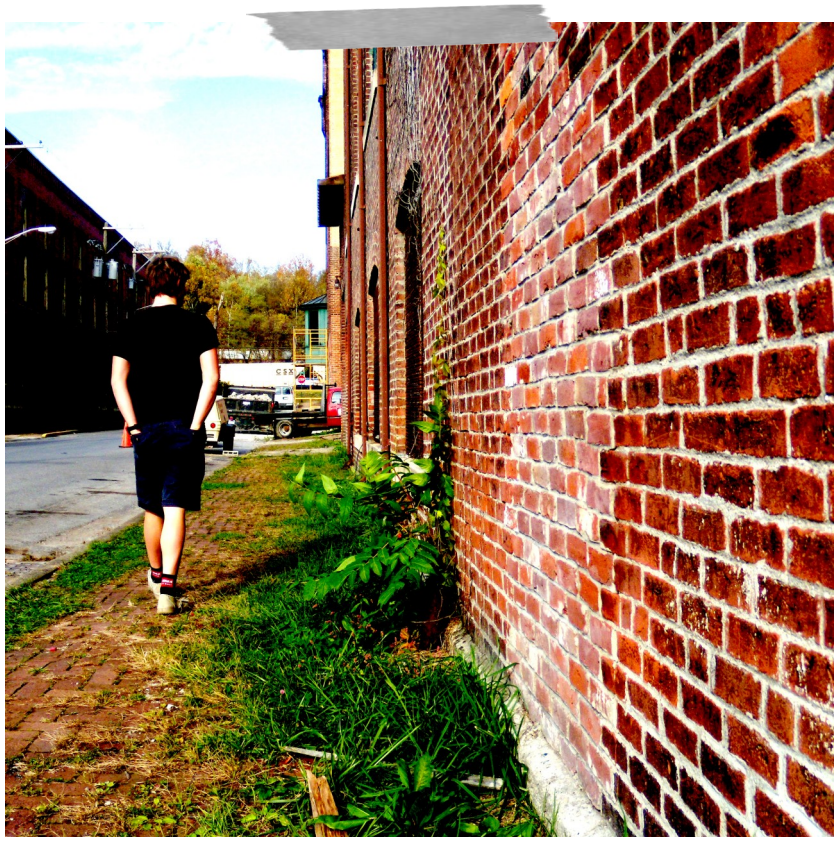
Restoring Brick Streets

Orlando, Florida began a brick street restoration program in the 1980's. Restored streets compliment historic districts and the public views areas with brick streets as historic places even if they are dilapidated.[1] Once bricks were uncovered, drainage patterns improved. Additionally, some rainwater percolates between bricks and does not go into the storm sewer, reducing pollution and water treatment costs. Property values on restored streets increased up to 25% for occupied lots and 200% for vacant parcels. A Buffalo, NY study found property values up to 33% higher on brick streets and overall vacancy rates as much as 8% lower.[2]

Brick streets are durable. Rome, Italy's Aspain Street is over 2,000 years old and continues to be used.[3] Brick streets in Blair, Nebraska are in excellent condition, with no known maintenance for 80 years.[4] Brick streets in Buffalo are over 100 years old and still in good condition. The Buffalo study revealed the cost to restore and maintain a section of brick street could be as low as $131,000 over a 60 year period compared to the $533,000 to repair and maintain the same section of street if paved with asphalt.[5]

A warehouse in the Glen Elk District

1. City of Orlando Department of Public Works. (1997). *Brick Street Restoration.* City of Orlando: city government printing.
2. Bedard, Janel. "Follow the Red Brick Road". University at Buffalo. May 2008.
3 Blair Historic Preservation Alliance. (2008). Brick Streets. Retrieved March 15, 2008, from http://blairhistory.com.
4 Blair, Ibid
5 Bedard, Janel. "Follow the Red Brick Road". University at Buffalo. May 2008.



Strolling in the Glen Elk District

VII. The city's historical connection to the Civil War should be emphasized within the community.

History is something "you don't need to build; you just need to light it up".[1] Clarksburg is home to many historic American Civil War elements which can be restored to attract tourists and second home buyers. The Civil War is not only a vital part of American history, but also Clarksburg's history, as West Virginia became a state during the Civil War. Though Clarksburg was not a battle site, it is the birthplace of 'Stonewall' Jackson, home to two Civil War bunker sites, union meetings, barracks, important good transportation hubs, and Civil War veterans are buried in two of the city's historic cemeteries. Clarksburg history is unique and cannot be replicated. A northern West Virginian city has yet to heavily emphasize its Civil War history, creating an opportunity for Clarksburg to attract thousands of tourists every year. The city needs to prioritize the restoration of its historical sites to become a leader in Civil War tourism. A 2005 study by West Virginia University's College of Business and Economics found that tourism is a growing contributor to the state's economic growth. The study cited a sustained growth in industry since September 11, 2001.

In April of 1996, Clarksburg began to move forward with the restoration of its historical places by joining with the Federation of Women's Clubs to fund the creation of a master plan for Jackson Cemetery. The plan outlines a rehabilitation strategy to create a tourist destination from the currently dilapidated historical site. John Jackson, an Indian fighter, Revolutionary

War solider and the great grandfather of 'Stonewall' Jackson and the mother and sister of First Lady Dolly Madison are intermittent in the cemetery. Several politicians, prominent businessmen, and veterans of the Revolutionary War, War of 1812, Civil War, and World War I are buried in Jackson Cemetery. The restoration of Jackson Cemetery is a logical first step in the reclamation of the city's Civil War history. The master plan is completed and requires the effort and funding necessary to make the historic monument a reality.

Clarksburg also has the opportunity to take similar steps to restore its two Civil War bunkers on Lowndes Hill and Pinnicinick Hill. They present opportunities for innovative memorials, and historical tourism locations. Civil War reenactors hold reenactments and living history events nearly every weekend in different states and cities across the country, Clarksburg's restored bunkers could be sites of an event, with proceeds going to further preserve historic locations in the city.[2]

Because Clarksburg is the birthplace of 'Stonewall' Jackson, tourists already travel to the city. His birthplace is commemorated with a bronze plaque on a modern building. Though his birthplace is occupied by development, Clarksburg can observe this event with a museum or replica dwelling of the Jackson home to augment the tourist experience and attract more visitors.

Clarksburg has other sites noted by historic trail signs. The city was home to an important union meeting which was a catalyst in the statehood of West Virginia. The Northwest Academy served as barracks, a hospital, and a prison during the Union occupation of the city. The railroad depot site on West Pike Street was an important transportation site and the Union Army headquarters. These sites attract tourists but their full potential has yet to be reached. These sites can be imporved to become prominent destinations. If Clarksburg is committed to accentuating its' place in the historic tourism industry, it can create a master plan to achieve this goal. The city can also work with the local tourist bureau to produce a brochure for visitors. Even before restoration occurs, visitors can be directed to the many sites in Clarksburg. Partnerships between the city and other interested organizations can add time and capital to the restoration of sites all across Clarksburg.

Other unique opportunities exist is historical tourism as well. A weekend festival can highlight city history and provide tours of historic sites by local experts and feature individuals in period costumes around historic sites. Businesses or individuals can sponsor benches along Main Street with bronze statues of historic figures seated around town. Because Clarksburg is filled with Civil War history, opportunities for tourism are boundless. The city should capture this opportunity before other communities saturate the market.

Saving Water with Green Infrastructure

Clarksburg should investigate the use of 'green technology' to improve the urban environment and become a leader in West Virginia.

Cities and towns across the nation are successfully using sustainable approaches to storm water management to reduce the need for expensive investments in storm water infrastructure. These sustainable storm water systems disconnect water from traditional gutters and culverts into zones that mimic nature. These systems include: rain gardens, bioswales, man-made wetlands, and even rain storage tanks. In addition to reducing the need for infrastructure investments, these systems add beautiful landscapes and unique stories to urban areas.

Many cities have launched alternative water management programs. Portland, Oregon began a natural Storm Water Retention Program in the 1990's in response to National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Discharge Permit issued by the state.[1] The city established best management practices for new storm water technologies by monitoring their programs. Projects were located on public and private land, requiring code and ordinance updates. Portland formed a Storm Water Policy Advisory Committee to help create and regularly update a storm water manual based on results from demonstration projects. The city also created a Combined Sewer Overflow (CSU) facilities plan, which included methods to reduce storm water impact. Methods included were, for example, downspout disconnection incentives where residents and businesses were encouraged to disconnect downspouts though a series of incentives. In addition, Portland has charged a separate storm water utility fee to help pay for storm water management costs since 1977.

Clarksburg should consider adding natural storm water retention methods to its current MS4 plan. These methods can be less costly, outlast many infrastructure projects, and increase aesthetic and quality of life in the city. Cities in West Virginia have yet to implement natural storm water retention methods, which allows Clarksburg to become a leader in this technology in the state.

A leaf floating in one of Clarksburg's many waterways

1. Portland Oregon: Building a Nationally Recognized Program through Innovation and Research. http://www.werf.org/livablecommunities/studies_port_or.htm.

I. city should construct 'green roof' technology on selected municipal buildings to create a more attractive environment.

Traditional roofs produce a significant amount of rain runoff in precipitation events. This runoff goes directly into the already overloaded combined sewer system. Greenroofs are flat or sloped roofs covered with any vegetation such as grass, moss, bushes, and trees. Greenroofs will reduce the amount of runoff from building roofs by 65 to 94 percent, as reported by a study in Seattle, Washington. Water is held in the greenroof soil and used by plants. Beyond water retention, rain water is also filtered of air pollutants by the greenroof plants. Water not used by a greenroof can be directed to storage tanks for later use or allowed to enter the combined sewer system.

These roofs can be installed onto existing buildings. Less intensive models consisting of grasses and mosses weigh 10 to 20 pounds per square foot. Greenroofs can also be constructed as part of new buildings. They can be less intensive models, as described above, and can be constructed more intensively, to resemble roof gardens.

Greenroofs provide many advantages to building owners. They insulate during winter months and refract heat in summer months; this effectively stabilizes indoor temperatures and reduces utility bills year round. Greenroofs also have a 40 to 50 year life span, compared to the 15 year lifespan of a traditional roof. Greenroofs installed on existing buildings extend the life of roof membranes significantly. They can reduce noise pollution inside a business. Views of greenroofs from neighboring buildings have been proven to increase property values by as much as 15%[2] as well as increase worker productivity.[3] Extensive green roofs cost approximately $1.50 per square foot. This is more expensive than traditional roofs but studies have shown they cut costs long term because of the longer life of the roof and reduction in utility bills.[4]

Extensive green roof at Schiphol International Airport in Amsterdam, Netherlands

Photo obtained from Greenroofs.com

Greenroofs have been used for thousands of years because of their practicality and beauty. They are present in Chicago, IL, Germany, and the Netherlands, proving they are beneficial even in colder climates. Building greenroofs in Clarksburg will benefit the city by increasing property values and reducing negative impact on the combined sewer system. The use of greenroofs will also display a commitment to local resident's health and quality of life.

Because greenroofs provide benefits to municipalities, their construction can be encouraged by Clarksburg. The city can justify local tax breaks to businesses installing them, as each business is reducing the impact on the storm sewer system and reducing pollutants in streams. Additionally, grants for greenroof implementation may be available from the EPA. Owners of buildings can also apply for Leadership in Energy and Environmental Design (LEED) certification from the US Green Building Council. This certification displays a commitment to the local environment and may attract customers.

Clarksburg should initiate a greenroof demonstration project on select municipal buildings. Less intensive modular roof designs can be added to these buildings. This project can be done in conjunction with Clarksburg's MS4 Wastewater Treatment Plan. Results can be monitored and greenroof technology can be considered for city wide implementation. Clarksburg has an opportunity to become a leader in the state by using green technology with measurable impact, which can result in state and nationwide recognition.

Extensive greenroof on a commercial building in Kassel, Germany

Photo obtained from msu.edu

2. Craig, Natalie. "Oases in the Sky: A Growing Trend in Concrete Jungles." *The Age*. 18 February 2008: Business.
3. Osmundson, Theodore. Roof Gardens: History, Design, and Construction. New York, W.W. Norton and Company, Inc., 1999.
4. Appendix A: Green Roof Life Cycle Costing Report. Toronto, Canada. 2004.

II. Clarksburg should encourage the use of 'green' infrastructure development when following the MS4 and Long Term Control Plan. This technology can reduce the negative impact of urban run-off and the need to implement expensive infrastructure updates.

Clarksburg should model storm water reduction programs from the City of Portland, Oregon. This program began in conjunction with the NPDES and MS4 permit system, which is affecting Clarksburg currently. Clarksburg should use green technology to reduce the need for expensive infrastructure investments. Green technology should first be tested to ensure it will benefit residents and be cost effective. Some funding anticipated for the Wastewater Treatment Plant can be directed to the development and monitoring of green infrastructure demonstration projects. If these projects prove to be successful, they can significantly reduce the anticipated 52 million dollar cost of the required sewer and treatment updates. The city should consider adding green technology to its MS4 plan because many of these methods are easily and quickly implemented. If these technologies are added to the MS4 Plan, they can be quickly implemented to ensure Clarksburg is not subject to state and federal fines for non-compliance.

Possible green technologies are described in this section. Some are implemented with little time and capital, and others require time, capital and possible zoning changes to be widely effective; A strong combination of projects that can benefit the city if implemented on public and private land. Demonstration projects will reveal this combination of technologies and the best methods for public and private implementation. These methods can be used to reduce run off costs from constructed surfaces such as streets, sidewalks, parking lots, and buildings.

View from a city pocket park

Bioretention

Bioretention does not refer to a specific storm water retention technique but to a method which can be applied in many situations.[1] These systems generally consist of shallow depressions filled with sand, soil, and native vegetation. Storm water is directed to these basins and allowed to slowly filter back into soil and aquifers. These systems can require a lot of space but are aesthetically pleasing and allow for educational opportunities relative to storm water management. Bioretention systems generally cost $1.25 to install per square foot. This includes shallow excavation and soil and plant costs. They are commonly $200 to maintain per year, which is generally the cost to maintain grassed medians per year.

Photo: buffalorising.com

1. American Rivers. *Catching Rain Guide Book*. Washington DC: 2008.

Rain Gardens

Rain gardens are small retention and infiltration systems that are aesthetically pleasing. Rain gardens are extremely popular methods for storm water treatment. They are inexpensive to install, easy to maintain, do not require much space and can be installed in developed areas. Rain gardens can be free to establish if existing plants are used, but generally involve the purchase of limited gravel, soil, and plants. These gardens are no different to maintain than regular gardens and should be constructed according to easily available design standards to ensure rain water does not stand for long periods in the garden.

Photo: bohelerengineering.com

Infiltration Basins

Infiltration basins are vegetated depressions designed to capture and hold a volume of storm water runoff and allow it to infiltrate into the ground over several days. They are generally very simple and are used as an "end of pipe" method to catch water from small creeks, channels, swales, and other storm water conveyance methods. This method allows water to infiltrate the soil and recharge groundwater rather than discharging directly into sewers and rivers. Infiltration basins are subtle storm water control methods that can appear as ordinary landscape features such as wet meadows, marshy areas, or even tree lined fields. These basins can be installed for approximately $2.00 per cubic foot for a quarter acre basin. (*Catching Rain)*

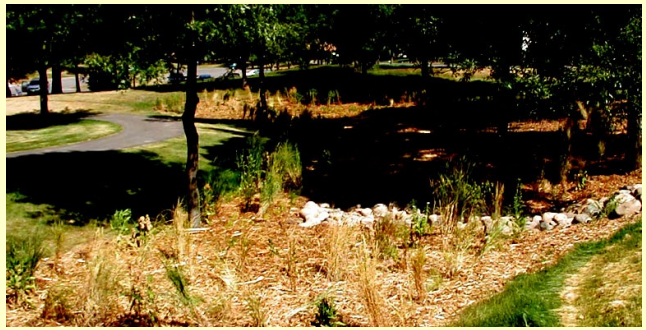


Photo: beltramiswcd.org

Rain Barrels

Rain Barrels are large containers attached to gutter downspouts. These containers catch rain water which can be accessible for watering though a spigot attached to the barrel. These barrels keep storm water from entering sewer systems and can be constructed for little cost. Barrels, which once held water or non-toxic materials, can be repurposed into rain barrels for the cost of a spigot and an appropriate capping system. Rain barrels can also be purchased commercially for $40 to $260 per barrel.

Photo: lakecountryil.gove

Constructed Wetlands

Constructed wetlands are wetlands created to mimic the storm water benefits of natural wetland systems. They consist of various trenches, small islands, and pools designed to capture, infiltrate, and filter storm water. Except in times of drought, they contain water at all times. This can include either standing water above ground or water saturated just below the soil surface. They are different from natural wetlands in that they are designed specifically for the task of storm water capture and filtration. They do not contain the breadth of vegetation nor the full ecological services provided by natural or restored wetlands. Wetlands construction can cost up to $57,000 for a one acre wetland to $1,470,000 for a ten acre wetland. (*Catching Rain)*

Photo: scotssaquaticcreations.com

Porous Pavers

Porous pavements have different forms; the term refers to pavement surfaces that allow water to pass through them. Areas can be designed with porous pavers built over a reservoir designed to further detain storm water and slowly release it to the surrounding soil. Porous pavement can also filter out certain pollutants. The four main types of porous pavers are porous asphalt, pervious concrete, grid pavers and grass pavers. Porous asphalt and pervious concrete look much like normal asphalt and concrete but are manufactured to have gaps through which water can flow into the gravel basin beneath. Grass pavers are interlocking blocks shaped in a symmetrical way to fit together and leave spaces for grass to grow through. Grid pavers are similar to block pavers but use plastic material rather than blocks. This makes them more flexible and they can be used on uneven surfaces. These pavers can cost anywhere from $2 to $10 per square foot. (*Catching Rain)*

Grass pavers with gravel

Dry Swales

Dry swales, also known as grassed channels or vegetated swales, are shallow vegetated depressions that are strategically placed to receive storm water flow from surrounding areas and convey it away from a site, while detaining the water and allowing it to infiltrate into the soil to a limited degree. When designed properly, swales slow storm water flows, reducing peak discharges while providing an aesthetic addition to a developed landscape. They can be used in neighborhoods and are especially useful when used in parking lots or along roadways. Dry Swales cost about $5 per linear foot, if extreme grading, clearing of leveling is required costs can increase to $8.50 to $50 per linear foot. *(Catching Rain)*

Photo obtained from: novarealestate.files.wordpress.com

Wet Swales

Wet swales are similar to dry swales in that they are a shallow depression designed to channel water away while filtering and detaining it. The key difference is that wet swales act more like small wetlands and therefore have water-saturated soils, unlike dry swales, which are built to facilitate water movement and not to retain it. This means that wet swales can have standing water periodically if not all the time. The cost to install wet swales is the same as those of dry swales, even in instances where additional grading work is required. *(Catching Rain)*

Vegetated Filter Strips

Vegetated filter strips are areas of grass or other dense vegetation that are placed strategically between an area that creates runoff in sheet flows, such as driveways, roads, and other impervious surfaces and a storm water reception site, such as a stream, swale or river. Filter strips slow storm water runoff, filtering it as it flows to a reception site. Strips do not even need to be directly next to a particular reception site, but only down slope from a runoff source. These strips cost $0.30 to $0.50 per square foot and those costs can be reduced if strips are included in normally required landscape. *(Catching Rain)*

Photo: landcareersearch.co.nz

Urban Tree Planting

Urban tree planting is one of the simplest and most cost effective ways of reducing storm water problems in urbanized areas. Planting trees that are indigenous to an area can beautify the area, reduce air pollution and storm water runoff, and provide a number of other environmental services. A mature tree with a 30-foot crown can intercept 4600 gallons of water per year. Trees intercept storm water in a variety of ways. First, rain is caught in branches and leaves and evaporates. Trees promote infiltration through macropores, which are large interconnected pores in the ground created by roots. Trees also absorb water from the soil, creating more room for absorption. Maintenance is low, requiring leaf removal and basic tree care throughout the year. Additionally, tree planting is a great community event that develops community pride. *(Catching Rain)*

Street trees in Clarksburg

Section Three: Comprehensive Plan Implementation

Introduction

Comprehensive planning guides land use development decisions and provides recommendations for some specific actions in conjunction with a city's overall goals and objectives. Comprehensive planning documents are intended to guide both expected and unexpected land use issues. A comprehensive plan is not intended as an implementation strategy; it will be implemented as projects arise and as capital expenditures occur within the city. This plan is not a document prescribing a timeline to reach certain goals but helps a community reach goals over time by establishing those goals and outlining possible projects to help reach objectives. The document should be consulted with for every land use decision to instigate the goals of the city though development. Still, this section provides a general outline which illustrates where some projects can be expected to occur and may be most effective. This timeline is intended as a tool to provoke use of the comprehensive plan but does not need to be strictly adhered to for the comprehensive plan to be effective.

Implementation Timeline

SHORT TERM:

- Allow temporary uses on vacant parcels
- Independent evaluation of B&O taxes
- Implement PUD and cluster development ordinaces
- Improve gateways to city
- Use natural methods to filter storm water

MEDIUM TERM:

- Expand aggrssive demolition program
- Emphasive historic community
- Emphasize arts community
- Redevelop Quality Glass
- Develop waterway access plan

LONG TERM:

- Institute a land bank
- Redevelop brownfields
- Increase contact points along waterways

ONGOING ACTIVITIES:

- Support projects that attract second home buyers and retirees, including arts and history
- Continue to reduce leap frog development
- Increase natural land areas and features
- Revitalize historic districts
- Improve and maintain quality neighborhoods


HAVE A NICE DAY

Fall 2005

A Guide to

Planned Unit Development

Prepared by the NYS Legislative Commission on Rural Resources

NYS Legislative Commission on Rural Resources

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Chairman

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Downtown Corning (Steuben County)

Corning, in South Central New York in the heart of the Finger Lakes, is filled with small town charm along with a fascinating history and strong commitment to the arts and entertainment. It has been successful in using planned unit development in its Historic Market Street area.

Preface

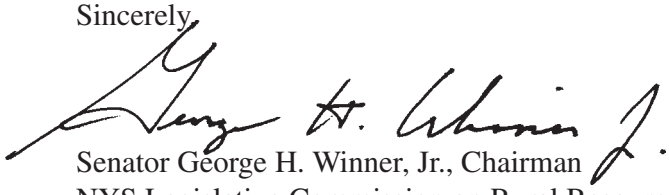
The NYS Legislative Commission on Rural Resources is pleased to present this guide to localities that are considering how they can use planned unit development to reinforce and achieve community goals and priorities. When used to implement a community's comprehensive plan, planned unit development is a cost-effective planning and zoning measure to include in a municipality's tool kit. If offers a constructive way to incorporate many other innovative land use techniques such as incentive zoning and cluster development within a single, coordinated development plan that encourages the efficient use of public facilities and services while also conserving open space and restoring our valued main streets as centerpieces of community pride.

The Rural Resources Commission has received valuable technical assistance in this effort from its state land use advisory committee which includes representatives of state and municipal agencies, builder's associations, private planning consultants, land use attorneys, professional planners, farm and business owners. In their long-range efforts to recodify and modernize New York's community planning and zoning enabling statutes, advisory committee members foresaw the need to provide clear guidance for local officials and citizens to use planned unit development (PUD) as a way to help promote quality communities across the state. Their efforts led to the enactment of Chapter 213 of the Laws of 2003 in New York which provides express statutory authority for cities, towns and villages to incorporate planned unit development provisions in their local planning and zoning.

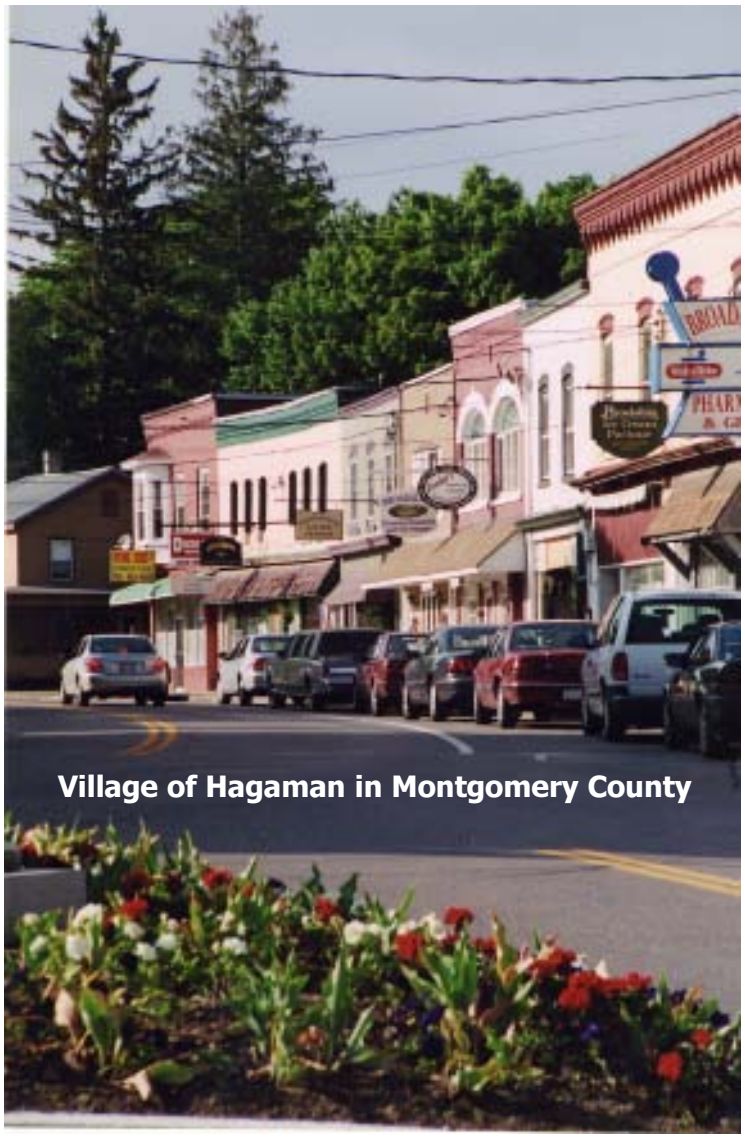
In order to further assist communities in making creative and effective use of the new PUD statute, the Rural Resources Commission has prepared this guide. It discusses when and how to use planned unit development as well as options for incorporating it in local zoning ordinances. A key to the implementation of these provisions is to link them with the municipality's comprehensive plan. Members of the Commission would appreciate any feedback readers and users of this guide wish to share regarding how it might be improved as well as examples of its use in localities. You may contact the Commission at the address shown on the inside cover of this document.

On behalf of my colleagues on the Rural Resources Commission and members of the state land use advisory committee, I wish to compliment municipal leaders considering the use of planned unit development and related community development tools. It is through their efforts that New York will remain a quality place to live, work and play for years to come.

Sincerely,



Senator George H. Winner, Jr., Chairman
NYS Legislative Commission on Rural Resources



Village of Hagaman in Montgomery County

Located in the Mohawk Valley, near Amsterdam, the Village of Hagaman has many historic and open space resources; not to mention, a charming rural main street, the community can protect through planned development.

When and How to Use the Model Local Law In This Report

Most planned unit development (PUD) local laws seek to achieve greater design flexibility and economies of scale in the development of particular land areas within the community. Above all, PUD provisions target specific goals and objectives included in the municipality's comprehensive plan. Generally, PUD local laws anticipate projects that develop a tract of land as a unit (relatively large scale, but not always) in a unified manner. For example, a community that anticipates receiving a rezoning or site plan application for the development of a large shopping mall could use a mixed-use PUD law to negotiate significant design and use changes instead of ending up with yet another commercial strip.

The Village of Seneca Falls' successful waterfront and main street revitalization along the historic Erie Canal in the Finger Lakes region.

Similarly, a community faced with the prospect of uniform single-lot subdivisions, could instead encourage some on-site shopping and services for homeowners and a mix of housing types and styles. Likewise, a rural community could adopt PUD provisions in advance of development in order to indicate the areas its feels are appropriate for mixed-use and more intense development.

Although PUD development is designed primarily for larger-scale projects, its use is not strictly limited to communities with one or more large lots under single ownership. PUDs are among the most flexible of zoning techniques because their provisions are set by local law. Whereas standard zoning may promote lot-by-lot development in which the entire tract is covered with lots of uniform size, PUD local laws can include the possibility of several medium-sized or smaller lots where the owners work together in using the PUD development options provided by the community. PUDs also provide the opportunity to achieve flexibility in architectural design, a mix of compatible land uses as well as the preservation of key natural or historic features, that are otherwise difficult to achieve using traditional, lot-by-lot zoning.

Before they can be implemented, PUD provisions must be added to the community's zoning local law or ordinance. The process of adding PUD provisions to the local zoning law is identical to adopting any zoning local law or amendment. The PUD local law must be drafted, published, subjected to public hearing, the zoning map amended, adopted and filed. The challenge is to choose appropriate methods for designating sites for PUD development, providing appropriate guidelines and establishing a process by which applications are approved by the municipality.

When and How to Use the Model Local Law In This Report Continued

The PUD local law may designate one or more particular sites the comprehensive plan currently indicates should be developed in a more flexible manner than is provided for by the underlying zoning. If so, it can require that the site or sites be developed as a PUD. Or, the zoning local law or ordinance can allow PUD development in certain types of situations and provide for specific site designation at a later time, upon application by one or more landowner-developers or upon the initiative of the local legislature.

The PUD local law must state its purpose, contain standards for site and building development, and describe a process for reviewing and approving individual projects. In drafting these provisions care should be taken to involve landowners, developers and neighbors so that all are as well informed as possible of the community's intentions, objectives and standards, including any necessary mitigating or other provisions that assure the project is in harmony with surrounding land uses.

The review and approval of PUD applications is another major consideration. If the local legislature is to retain the authority, the standards contained in the PUD local law provisions can be more general, although specific enough to help clarify when, where and under what circumstances the community desires PUD development. If the legislature delegates to the local planning board the responsibility of reviewing and approving PUD applications, the standards must be more specific.

Another PUD review and approval option is a three-step process where responsibility is shared by the local legislature, planning or zoning board. In such instances, the applicant may be requested to submit a preliminary plan to the legislative body for its approval (and amendment of the zoning local law if the subject PUD district is not already designated on the zoning map). Afterward, the planning board is responsible for approval of a final plan and oversight of its implementation, which may involve several development phases.

Not the only option a municipality may want to consider, this approach is the one envisioned in the model local PUD law presented herein. Offered as a guide to local officials and their technical advisors, an experienced attorney will be able to assist a community in tailoring the general outline of the model so that it meets local needs and goals.

It is strongly advised that officials who are planning to incorporate PUD provisions in local zoning laws or ordinances review the following authoritative works in order to avoid possible legal complications later on: ***All You Ever Wanted To Know About Zoning***, by Sheldon W. Damsky, Joseph M. Catalano & James A. Coon, published by the New York Planning Federation and ***Well Grounded: Using Local Land Use Authority to Achieve Smart Growth***, by John R. Nolon, published by the Environmental Law Institute.

A Local Law in relation to the establishment of Planned Unit Development Districts and the Review of Planned Unit Development Plans

City/Town/Village of _____
Local Law No. _____ for the year _____

Section 1. Legislative Purpose

The (city/town/village) of _____ hereby finds and determines that:

(a) When coordinated with the municipal comprehensive plan, planned unit development can be an effective tool for guiding development in ways that support community goals and priorities.

(b) Planned unit development provides a means by which different land uses within an area covered by a single development plan may be combined to achieve compatibility among such uses. Unattainable with traditional municipal zoning techniques, planned unit development provides flexibility in the regulation of land use development in order to (i) encourage innovation in land use variety and design, in the layout and type of new structures and in their integration with existing structures; (ii) enhance efficiency in the use of land, natural resources, energy, community services and utilities; (iii) encourage open space preservation and protection of natural resources, historic sites and structures; (iv) facilitate the provision of housing and improved residential environments; and (v) enhance the ability of municipalities to promote business and employment opportunities.

Section 2. Definitions

As used herein:

(a) "Authorized board or body" means the (city/town/village planning board or other body) designated by the legislative body to review and act on final planned unit development plans.

(b) "Planned unit development" means a site upon which residential, commercial, industrial or other land uses or any combination thereof may be authorized in a flexible manner so as to achieve the goals of the municipal comprehensive plan.

(c) "Planned unit development district" means an independent, freestanding zoning district, wherein the zoning regulations need not be uniform for each class or type of land use, but where the use of land shall be in accordance with a preliminary planned unit development plan approved by the legislative body.

d) "Preliminary planned unit development plan" means a proposal for a planned unit development prepared in a manner prescribed by local regulation showing the layout of the proposed project including, but not limited to, maps, plans, or drawings relating to proposed land uses, approximate location and dimensions of buildings, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as is required by local regulation; architectural features, lot sizes, setbacks, height limits, buffers, screening, open space areas, lighting, signage, landscaping, parking and loading, traffic circulation, protection of natural resources, public or private amenities, adjacent land uses and physical features, and such other elements as may be required by local regulation.

(e) "Preliminary planned unit development plan approval" means the approval with conditions, if any, of the layout of a proposed planned unit development as set forth in a preliminary plan and the simultaneous amendment of the zoning local law or ordinance by the legislative body to create and map a planned unit development district encompassing the preliminary plan; subject to the approval of the plan in final form pursuant to the provisions of this local law.

(f) "Final planned unit development plan" means an approved preliminary planned unit development plan prepared at such additional detail and showing information as is required by local regulation, and the modifications, if any, required by the legislative body at the time of approval of the preliminary planned unit development plan, if such preliminary plan has been so approved.

(g) "Final planned unit development plan approval" means the signing of a final plan by a duly authorized officer of the authorized board or body pursuant to a resolution granting final approval to the plan or after conditions, if any, specified in said resolution granting conditional approval of the plan are completed. Such final approval qualifies the plan for filing in the office of the clerk as provided herein.

Section 3. Authority

In addition to any other powers and authority to plan and regulate by zoning, the (City/Town/Village of _____) hereby enacts requirements for the review of planned unit development plans and the establishment and simultaneous mapping of planned unit development districts pursuant to the provisions of this local law.

Section 4. Elements

(Municipalities adopting planned unit development local laws may consider including the following elements in the review and approval of planned unit developments):

(a) describe the goals underlying the creation of a planned unit development district, including the types of land uses, structures and development density permitted, as well as provisions, if any, relating to cluster development, incentives, bonuses, open space, historic structures and areas;

(b) describe the minimum acreage necessary for the establishment of a planned unit development district;

(c) provide for multi-year approvals of final planned unit development plans in phases, including a schedule for the completion of buildings, public and private facilities and site improvements;

(d) describe the procedures for amending final planned unit development plans, including any notice and hearing provisions for such amendments;

(e) include provisions that ensure consistency of preliminary and final planned unit development plans with the municipal comprehensive plan;

(f) include provisions whereby approval of a preliminary and/ or final planned unit development plan may lapse or be withdrawn upon failure of the applicant to proceed with the development or otherwise fail to meet conditions of approval;

(g) designate the authorized board or body that shall review and act upon final planned unit development plans;

Section 5. Compliance with state environmental quality review act

In its review and approval of applications to create planned unit development districts pursuant to this local law, the legislative body shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations.

Section 6. Methods of Procedure

(Municipalities adopting planned unit development local laws may consider, including the following methods of procedure for the review and approval of planned unit developments):

(a) upon the receipt of an application and preliminary plan for the establishment of a planned unit development district, the legislative body shall review the application and preliminary plan in consultation with the authorized board or body;

(b) within ninety days of receiving the application, and prior to acting on a zoning amendment to create a planned unit development district, the legislative body shall hold one or more public hearings on such proposed preliminary plan and amendment. Notice of the public hearing should be published in a newspaper of general circulation at least ten calendar days in advance of the hearing. The proposed zoning amendment and preliminary plan should be made available for public review at the office of the clerk and may be made available at any other public place;

(c) At least ten days before the public hearing on the application and proposed amendment to the zoning ordinance to create a planned unit development district, the legislative body shall mail notices thereof to the applicant and to the county planning board or agency or regional planning council, as required by section two hundred thirty-nine-m of the general municipal law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision one of section two hundred thirty-nine-m of the general municipal law.

(d) within one hundred twenty days of receiving the application and after holding public hearings, the legislative body shall act to approve, approve with modifications and/or conditions or deny the application, and if approved amend the local law or zoning ordinance to establish and map a planned unit development district. Upon taking such action, the legislative body shall advise the applicant, the authorized board or body and the county planning board or agency, in writing of its determination within five business days after such action is taken, and place a copy of such letter on file in the office of the clerk;

(e) a final planned unit development plan shall be submitted by the applicant to the authorized board or body for review and approval, or approval with modifications and/or conditions. Review of the final planned unit development plan by the authorized board or body shall take into consideration the preceding action of the legislative body on the preliminary planned unit development plan; and

(f) the authorized board or body's determination on the final planned unit development plan shall be filed in the office of the clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.

Section 7. Effective Date.

This act shall take effect upon its filing in the office of the Secretary of State of the State of New York and the clerk is hereby directed to file such local law immediately.

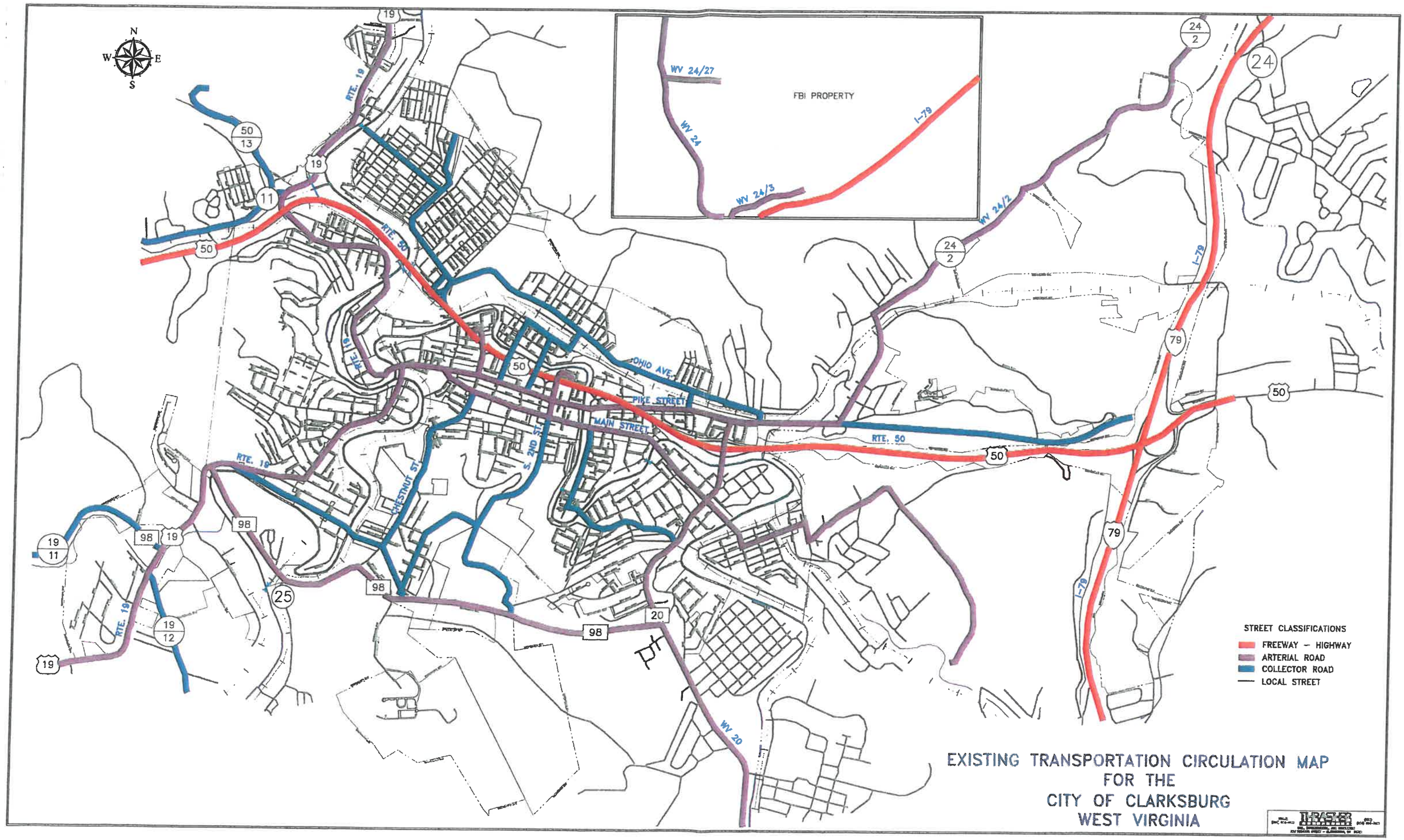
East View Gardens is located in the Village of Minoa, NY (Onondaga County) the site of the old Minoa High School. Its proximity to the center of the Village allows for easy access to shopping and all the amenities of village life. The project's owner is the Minoa Housing Co. I, LP, which consists of the Southern Hills Preservation Corp. and David Bacon as the general partners.

Photo courtesy of www.pedbikeimages.org / Dan Burden

Communities can encourage development that has creative site design and mix of uses of incorporating flexibility into its ordinances, especially with regard to use, setbacks and minimum lot sizes. Planned unit developments can help developers build projects that otherwise would fail to meet traditional zoning standards, while giving local governments valuable design oversight. — Tompkins County Planning

The St. Isaac Jogues Apartments, sponsored by the Diocese of Buffalo, NY is located in Wheatfield, NY. Funding for the project has been provided by the U. S. Department of Housing & Urban Development's HUD 202 Program and with funds provided by the Affordable Housing Program of the Federal Home Loan Bank of New York, (AHP-FHLBNY). This three story low-income housing project will house senior citizens who are 62 years or older. There are forty-nine (49) one-bedroom apartment units that have a full kitchen, living room, bathroom, appliances and ample storage.

This Boulder, Colorado development was planned with its occupants - single parent families - in mind. Building clusters surround a central green space, creating a sense of community and a place for children to play. Parking is near the front door of each unit, making it easy to get kids and groceries from car to home. And kitchen sinks are located at front windows so that children can be watched while playing.



EXISTING TRANSPORTATION CIRCULATION MAP FOR THE CITY OF CLARKSBURG WEST VIRGINIA

POTENTIAL ANNEXATION AREAS

1. SUMMIT PARK BRIDGEPORT HILL
2. ROUTE 20/ROUTE 98 AREA
3. ROUTE 19 SOUTH CORRIDOR
4. ROUTE 98/ROUTE 25 AREA
5. DAVISSON RUN ROUTE 50 AREA
6. ROUTE 58 AREA
7. EAST VIEW/STONEWOOD AREA

EXISTING POTENTIAL ANNEXATION AREA MAP FOR THE CITY OF CLARKSBURG WEST VIRGINIA

ANNEXATION AREAS FOR CITY OF CLARKSBURG

SHEET No. 1

50-4139

City of Clarksburg
Zone Map

Federal Bureau of Investigation

Harrison County Business and Technology Center

Harrison County Business and Technology Center

Bridgeport

Veterans Adaminstration Hospital

Rosebud Plaza

Robert C. Byrd High School

Nutter Fort

Stonewood

Anmoore

Legend

Corporate Limits

City Zoning

Zone Name

B-1

B-2

B-3

B-4

B-5

CBD

County Zoning

OP-1

I-1

I-2

R-1

R-2

R-3

R-4

TR

Road

Unclassified

EXISTING ZONING MAP FOR THE CITY OF CLARKSBURG WEST VIRGINIA

THRASHER
ENGINEERING
30 COLUMBIA BLVD
CLARKSBURG WV 26301
PHONE 304-624-4108

FBI PROPERTY

COMMUNITY FACILITIES
- FIRE STATION
- EDUCATION
- RECREATION
- CULTURAL
- HOSPITAL
- GOVERMENT
- PUBLIC WORKS

EXISTING COMMUNITY FACILITIES MAP FOR THE CITY OF CLARKSBURG WEST VIRGINIA

THRASHER ENGINEERING

W E S

- $0 - $75000
- $75000 - $150000
- $150000 & ABOVE

Map A

Exsisting Parcel Values

For the

City of Clarskburg, WV

W

S

- $0 - $75000
- $75000 - $150000
- $150000 & ABOVE
- No Structure Value

Map B

Exsisting Parcel Va

For the

City of Clarskburg