

Appendix A Resource Documents

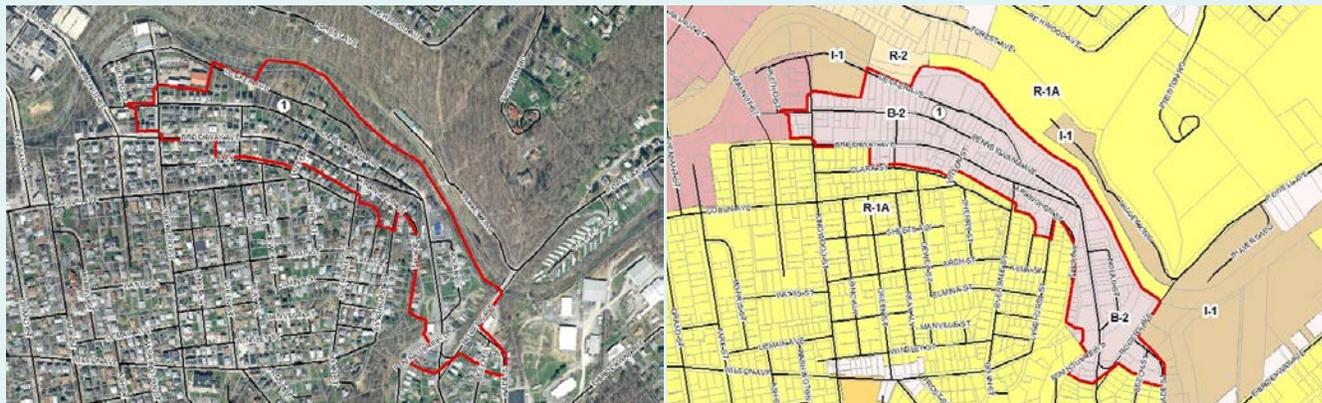
1. Areas for Future Study

The following table and accompanying map identify areas for future study throughout the City of Morgantown. These areas are places where the existing zoning does not align with the existing land uses or the existing pattern of development. It may also be an area where the existing zoning is not compatible with, or does not fully support the desired future of the area as indicated in the Comprehensive Plan’s Land Management Map. These areas require further land use and development study by the Planning Commission to enable zoning map amendment and/or zoning text amendment recommendations to City Council that will advance the goals, objectives, strategies, and consistency principles of this Comprehensive Plan Update.

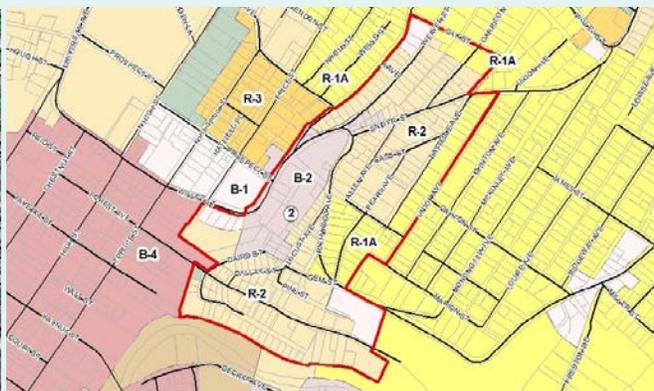
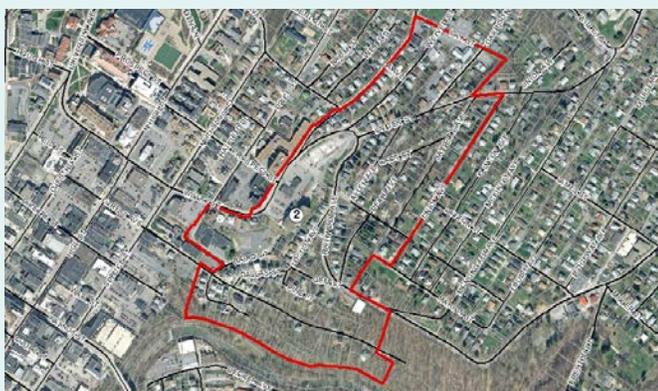
Appendix A

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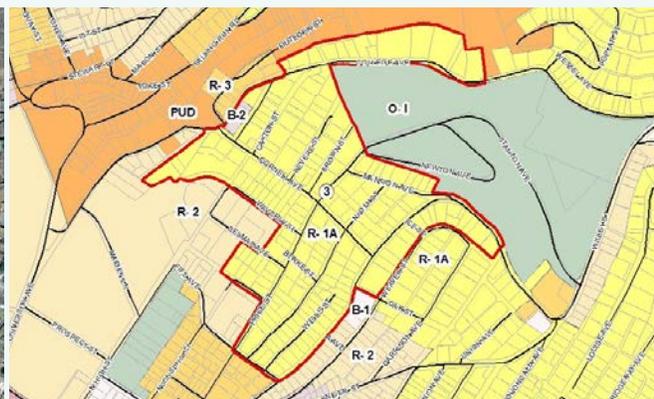
MAP NUMBER	CURRENT ZONING	GENERAL DESCRIPTION	OBSERVATIONS
1	B-2	Brockway Avenue Corridor; adjoins the Greenmont Neighborhood.	<p>Current low density commercial zoning does reflect the existing pattern of development, site constraints, and is an obstacle to redevelopment.</p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> • Permitting higher density residential patterns • Permitting mixed uses • Incentives to assemble and consolidate parcels for redevelopment • Design standards that are appropriate to the location and scale of the corridor • Increasing supply of on-site parking reducing on-street parking congestion • Infrastructure improvements supporting higher densities including sidewalks, pedestrian crossings, public open space, connection to Deckers Creek Trail.



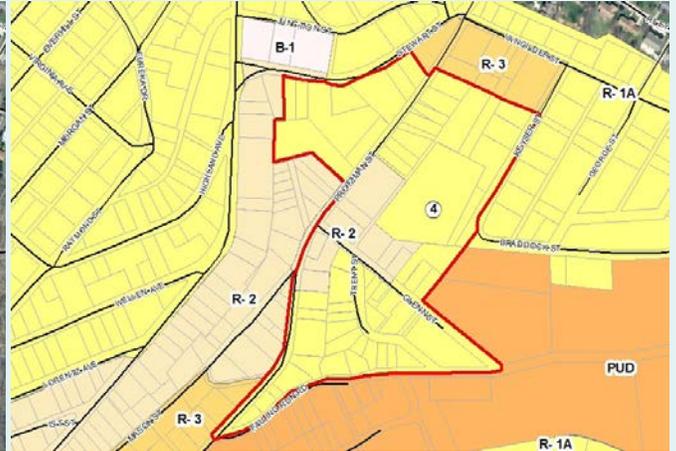
MAP NUMBER	CURRENT ZONING	GENERAL DESCRIPTION	OBSERVATIONS
2	R-1A, R-2, B-1, B-2	North Willey Street, Snyder Street, and Richwood Avenue; adjoins the Woodburn Neighborhood.	<p>Current mix of residential and commercial zoning does not reflect existing uses or future potential.</p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> • Permitting higher density residential patterns • Permitting mixed uses • Incentives to assemble and consolidate parcels for redevelopment • Design standards that are appropriate to the location and scale of the corridor • Transition to lower density residential adjoining the Woodburn Neighborhood. • Infrastructure improvements supporting higher densities including sidewalks, pedestrian crossings, street lighting.



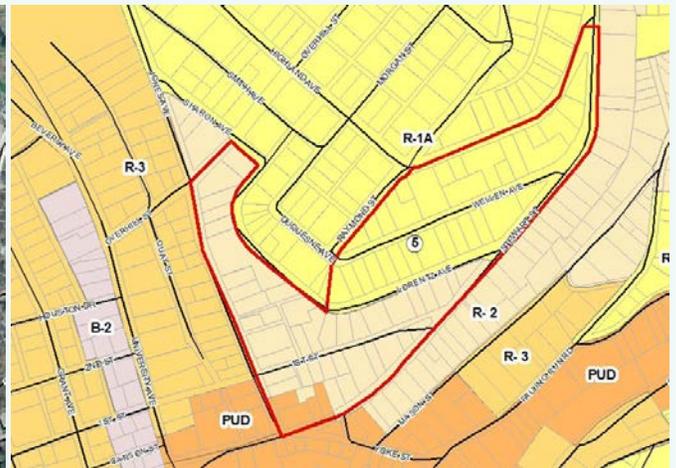
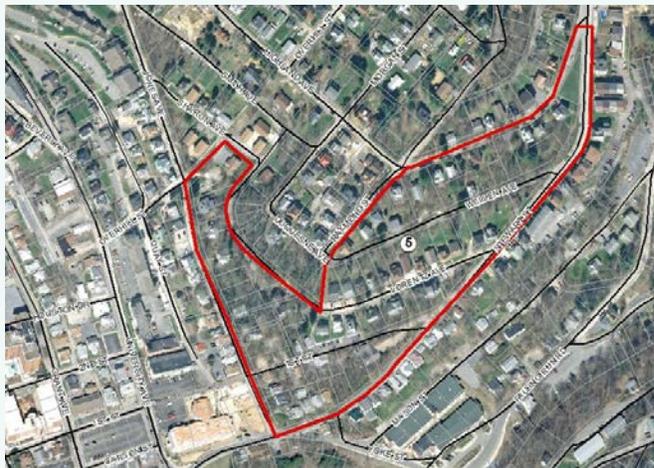
3	R-1A	Fraternity Hill, Price Street	<p>Current single-family residential zoning does not reflect existing uses or future potential.</p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> • Further a greek village concept with related design standards. • Increase density of market-rate housing stock; • Increase on-site parking supply • Improvement of infrastructure to support higher densities, sidewalks, public open space, pedestrian connections to the downtown campus, street lighting.
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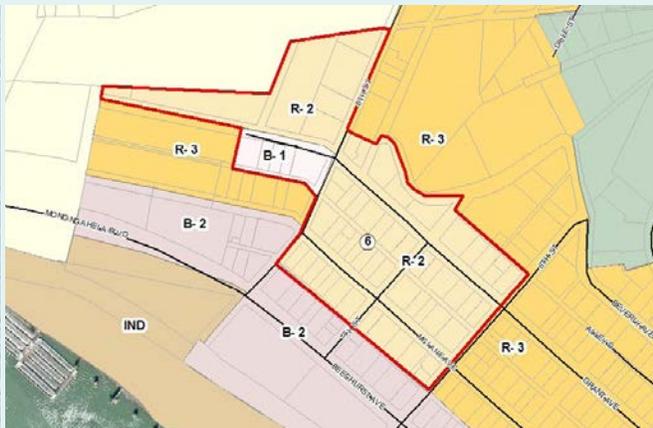
MAP NUMBER	CURRENT ZONING	GENERAL DESCRIPTION	OBSERVATIONS
4	R-1A and R-2	Protzman, Glenn, and Van Gilder Streets; adjoins the Wiles Hill / Highland Park Neighborhoods	<p>Current single-family residential zoning does not reflect existing uses, existing development patterns, or future potential.</p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> Permitting of higher densities to match surrounding development.



5	R-1A, R-2 and PUD	Stewart Street and Highland Avenue; adjoins the Wiles Hill / Highland Park Neighborhoods	<p>Current single-family residential zoning does not reflect existing uses or future potential.</p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> Permitting of very modest increases in density of two-family and townhouse market-rate housing. Provide incentives to assemble and consolidate realty. Discouragement of continued added density of converted single-family dwellings. Establish appropriate design standards. Improved infrastructure supporting slightly higher densities; and increase supply of on-site parking.
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MAP NUMBER	CURRENT ZONING	GENERAL DESCRIPTION	OBSERVATIONS
6	R-2	Sunnyside Neighborhood between R-3 District, Eighth Street, and the Evansdale Neighborhood's R-1 District.	<p>Current single and two-family residential zoning does not reflect existing uses or future potential.</p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> Permitting higher density residential patterns



7	O-1	University Avenue, Sixth Street, Dille Street	<p>Current office and institutional zoning does not reflect existing uses, existing development pattern, or future potential.</p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> Consider zoning reclassifications that allow for higher residential density patterns. Provide incentives to assemble and consolidate realty. Discourage continued added density of converted single-family dwellings. Establish appropriate design standards Improve infrastructure supporting higher densities including sidewalks, pedestrian crossings, streetscape enhancements; public open space; increased supply of on-site parking; Consider the expansion of Sunnyside Overlay Districts.
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MAP NUMBER	CURRENT ZONING	GENERAL DESCRIPTION	OBSERVATIONS
10	R-1 and B-1	Collins Ferry Road at the edge of the City boundary; Suncrest Neighborhood; National Energy Technology Laboratory	<p>Current single-family residential zoning does not reflect existing uses, existing development pattern, or future potential.</p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> Consider zoning reclassifications mitigating existing nonconforming use.
11	B-1	Chestnut Ridge Road; Mylan Pharmaceuticals	<p>Existing zoning classification does not reflect existing well established light industrial use, WVU realty.</p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> Consider zoning reclassifications mitigating existing nonconforming use.
12	B-1	Van Voorhis Road; Cheslea Square; Suncrest Neighborhood	<p>Current zoning classification discourages denser mixed-use and commercial redevelopment that reflects commercial development patterns along the Patteson, Van Voorhis, and Chestnut Ridge Road corridors.</p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> consider incentives to increase development density and increase mixed-use housing stock.

MAP NUMBER	CURRENT ZONING	GENERAL DESCRIPTION	OBSERVATIONS
13	R-1, R-3, B-1, B-2	Oakland Street, Harding Street, Country Club Drive; Evansdale	<p><i>Includes a nonconforming motel.</i></p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> Consider zoning reclassification that could provide for the redevelopment of the motel into a more intense hotel or higher density residential uses.



14	R-1	Dorsey Avenue, Mountaineer Elementary School	<p><i>Area includes a mobile home park and existing land platting configurations appear to be more associated with R-1A District permitted density in terms of lot size, setbacks, etc.</i></p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> Consider zoning reclassifications to reflect existing single-family residential characteristics and single-family densification opportunities.
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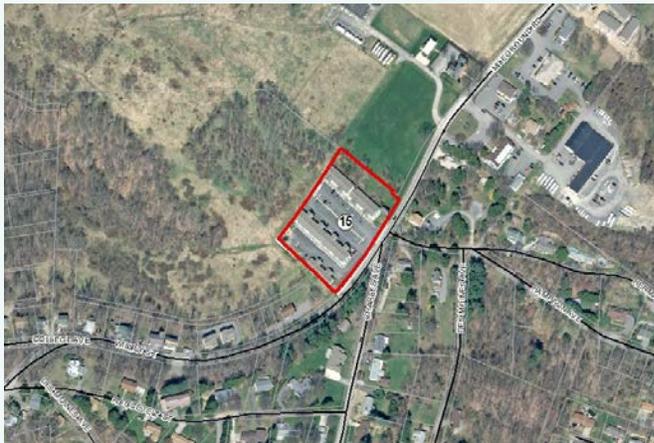


MAP NUMBER	CURRENT ZONING	GENERAL DESCRIPTION	OBSERVATIONS
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15	B-2	North Willey Street	Area includes a recently constructed multi-family development.
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Considerations for future study:

- Evaluate whether the current zoning classification, which is the same district designated within the community along primary corridors include Earl Core Road, Patteson Drive, Van Voorhis Road, Chestnut Ridge Road, etc., is the most appropriate classification given the recently constructed apartment development.



16	B-2	Powell Avenue	The area is vacant, undeveloped land with steep slopes subdivided into smaller, residentially scaled parcels.
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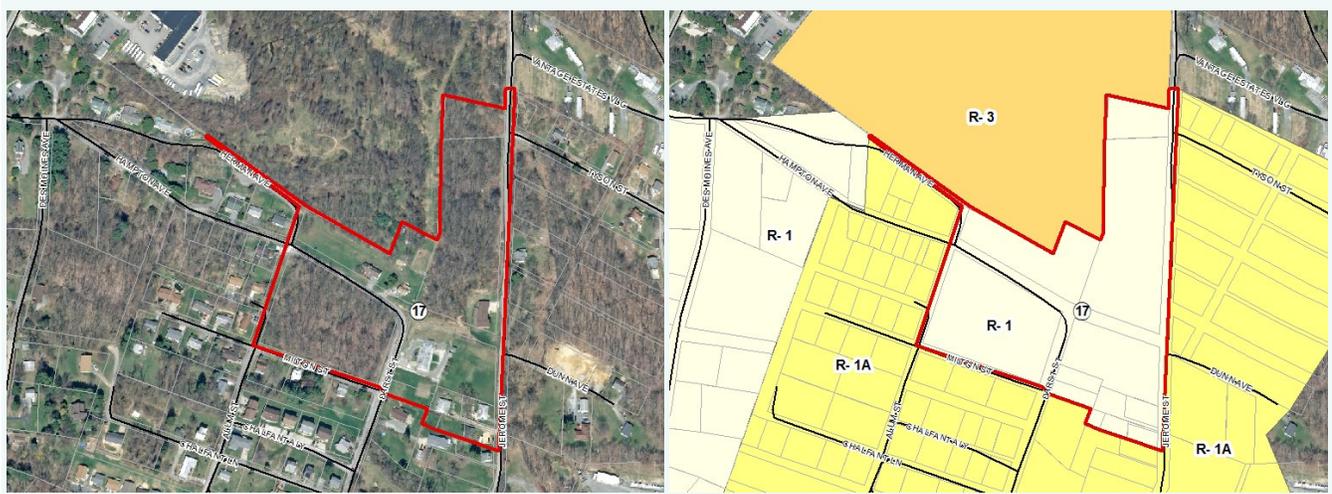
Considerations for future study:

- Evaluate appropriate residential densities.



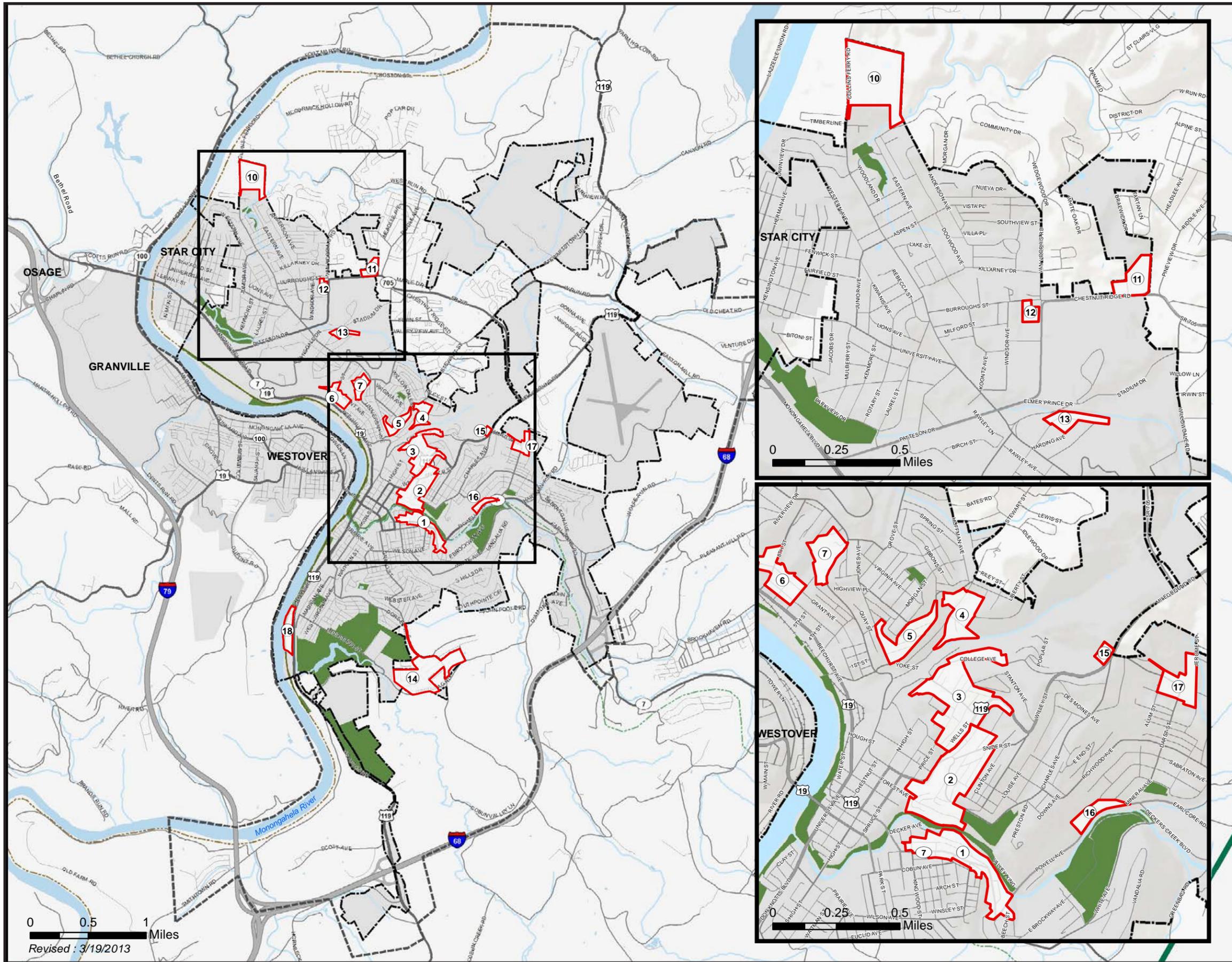
MAP NUMBER	CURRENT ZONING	GENERAL DESCRIPTION	OBSERVATIONS
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17	R-1	Darst Street and Jerome Street	<p>The area is vacant, undeveloped land with steep slopes subdivided into smaller, residentially scaled parcels.</p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> Evaluate denser single-family development opportunities.
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18	I-1	Don Knotts Boulevard	<p>The area appears to include uses not permitted in the current zoning district. Industrial-type development prospects appear impractical due to existing aggregate commercial use types and the adjoining single-family neighborhood.</p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> Evaluate existing nonconforming commercial uses and viability of larger-scaled former industrial buildings.
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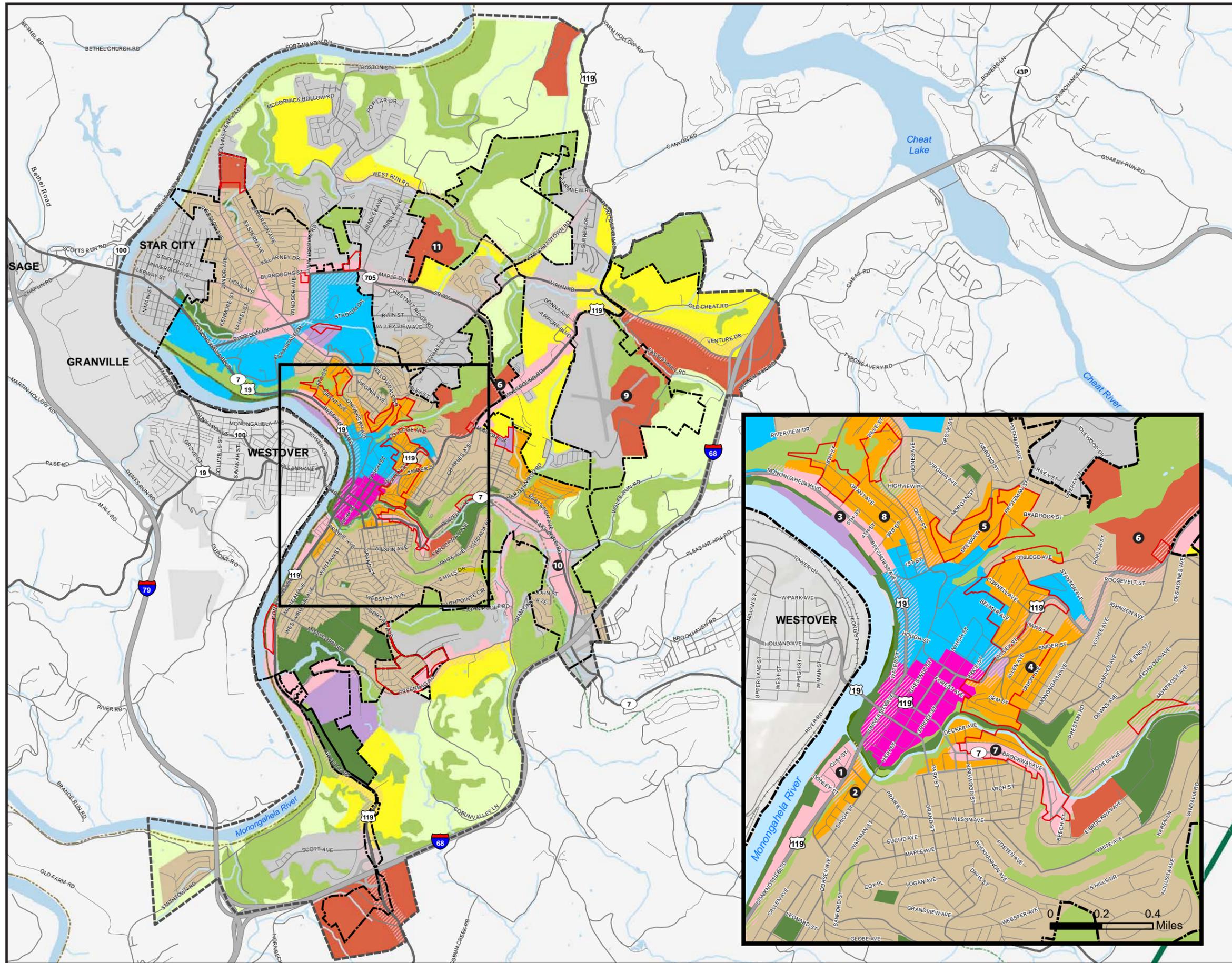


AREAS FOR FUTURE STUDY

- Roads
- Water Bodies
- Parks
- - - Morgantown Boundary
- Study Area
- Area for Future Study

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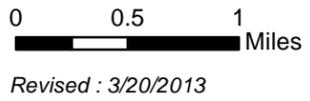
MAP 4 a
LAND MANAGEMENT
(with Areas for Future Study)



- Preserve
- Reserve
- Limited Growth
- Neighborhood Conservation
- Downtown Enhancement
- Corridor Enhancement
- WVU Campus Development
- Neighborhood Revitalization
- Infill and Redevelopment
- Encouraged Growth
- Controlled Growth/Traditional Neighborhood Area
- Developed Areas
- Roads
- Water Bodies
- Morgantown Boundary
- Study Area

Area for Future Study

- Areas of Opportunity**
- 1** Waterfront / Wharf District
 - 2** South High Street and University Avenue
 - 3** Beechurst Avenue Corridor
 - 4** North Willey Street / Richwood Avenue Area
 - 5** Stewart Street Area
 - 6** 705 University Farms Area
 - 7** Brockway Avenue Corridor (Route 7)
 - 8** Sunnyside
 - 9** Airport Technology Park
 - 10** Sabraton, Earl L. Core Rd.
 - 11** University Research Park



Revised : 3/20/2013

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2. Annexation Overview

The purpose of this appendix is to discuss annexation laws and limitations set by the State of West Virginia, and identify potentially helpful considerations and alternatives to current policy.

Background

Annexation is a legal process by which municipalities extend their municipal benefits and services, voting privileges, regulatory protections, and taxing authority to new territory. Annexation increases a municipality's size and population, and in some instances raises its level of political influence, prestige, ability to attract desirable commercial, research, medical, and industrial development as well as employment opportunities. Annexation often increases a municipality's ability to attract public and private grant funding.

Annexation allows municipalities to take in areas on their outskirts that essentially have become part of the municipality by virtue of their proximity and population density. It allows cities to grow and, therefore, to thrive. The economic health, vitality, and sustainability of a municipality drive the economic engine of the entire region.

People locate their residences and business near cities and towns for a reason. Annexation helps spread the cost for the advantages of living in proximity to a city or town among the people who benefit from them. Annexation can help to ensure that each resident and business in an urban area pays its fair share of the cost of providing municipal benefits and services and that no one group subsidizes the other. Annexation also gives the citizens who use municipal services a voice in how they are developed and funded. That can only happen when they can vote for the city or town council that sets the standards, fees, and budgets.

Annexation benefits

- Access to municipal services including professional full-time police, fire, street maintenance, infrastructure assistance, street lighting, building and fire code protection, planning and zoning, recreation, etc.
- Increased local government representation – your neighbors could be your elected representatives.
- Tax dollars are retained in the localized area.
- Land value protection through the municipality's comprehensive plan and development regulations.
- Connects communities that are separated only by jurisdictional lines.
- Creates for efficiency in providing municipal services.

Annexation can help to ensure that each resident and business in an urban area pays its fair share of the cost of providing municipal benefits and services and that no one group subsidizes the other.

Rapid development and population growth just beyond the jurisdictional lines of Morgantown, Star City, Granville, and Westover over the past 15+ years has occurred in large part because of the limited amount of available land for development. The growth of these areas affects the quality and sustainability of construction, the character of once rural areas, traffic congestion, compatibility of adjacent land uses and development, and the need for adequate police and fire protection.

This Comprehensive Plan Update recommends that the City of Morgantown, in partnership with neighboring municipalities and the county, develop an annexation plan and advance a proactive set of policies. The plan should guide focus on the long-term expansion of its boundaries and the planning and development process for undeveloped land and the selective incorporation of previously development areas.

As part of its annexation plan, the City of Morgantown should work closely with Star City, Granville, and Westover in exploring the creation of an urban growth boundary with the County.

Overview

Annexation practices are governed by Chapter 8 Article 6 of the West Virginia State Code. The article outlines the legal framework through which municipalities may expand their corporate boundaries. This is broken into a set of permissible processes detailed below.

Chapter 8 Article 6 West Virginia State Code

The state code provides three methods for annexation.

1. Petition for Annexation (by election)

At least five percent (5%) of the freeholders of a municipality can petition the governing body of a municipality to order a vote on a proposed change to the municipality's corporate limits by annexation.

The election is held in the same manner as a municipal election. The election includes all the qualified voters of the municipality as well as all the qualified voters and all of the freeholders of the additional territory.

For the annexation election to pass, a majority of all of the legal votes cast in the municipality and a majority of all the legal votes cast in the additional territory must vote "For Annexation."

If the annexation vote passes, the governing body of the municipality files a certificate with the County Commission. The County Commission is then required to enter an order approving and confirming the annexation.

2. Annexation without Election

The governing body of a municipality may, by ordinance, provide for the annexation of additional territory without ordering a vote on the question if:

- A majority of the qualified voters of the additional territory file with the governing body a petition to be annexed; and,
- A majority of all freeholders of the additional territory, whether they reside or have a place of business therein or not, file with the governing body a petition to be annexed.

A qualified voter of the additional territory who is also a freeholder of the additional territory may join only one petition of the additional territory. If all of the eligible petitioners are qualified voters, only a voters' petition is required.

It is the responsibility of the governing body of the municipality to enumerate and verify the total number of eligible petitioners, in each category (qualified voters and freeholders).

If satisfied that the petition is sufficient in every respect, the governing body of the municipality files a certificate with the County Commission. The County Commission is then required to enter an order approving and confirming the annexation.

3. Annexation by Minor Boundary Adjustment.

A municipality may initiate an annexation request by filing with the County commission an application or statement that addresses:

1. The number of businesses located in and persons residing in the additional territory.
2. An accurate map showing metes and bounds of the additional territory.
3. A statement setting forth the municipality's plan for providing the additional territory with all applicable public services such as police and fire protection, solid waste collection, public water and sewer services and street maintenance services, including to what extent the public services are or will be provided by a private solid waste collection service or a public service district.
4. A statement of the impact of the annexation on any private solid waste collection service or public service district currently doing business in the territory proposed for annexation in the event the municipality should choose not to utilize the current service providers.

5. A statement of the impact of the annexation on fire protection and fire insurance rates in the territory proposed for annexation.
6. A statement of how the proposed annexation will affect the municipality's finances and services.
7. A statement that the annexation meets all of the foregoing requirements.

The County Commission must then notify the public of a hearing on the annexation. State Code provides a great deal of discretion to the County Commission in approving or denying the municipality's annexation minor boundary adjustment.

Pros and Cons to Annexation

Annexation may benefit a municipality, but at the same time unnecessary annexations may be fiscally irresponsible. Fiscal responsibility includes a balanced budget, prudent revenue forecasts, realistic and affordable spending plans, payment of debt, investing wisely, saving for the future and a process that remains open and accountable to citizens. The creation of a sound annexation plan and related set of policies will afford the City of Morgantown the opportunity to assess the impacts of proposed annexations and make informed and fiscally responsible decisions. The City must consider the cumulative fiscal impacts of future annexations in such a plan as well as its ability to provide services to newly annexed areas. Individual annexation proposals should be evaluated by the City, property owners and voters. The following are some arguments that may be used to support or oppose a particular annexation proposal from the perspectives of both property owners and that of the City.

ARGUMENTS FOR ANNEXATION

FROM THE PROPERTY OWNER’S PERSPECTIVE:

- Zoning helps to protect for property values by making the location, intensity and character of development more predictable.
- Property code enforcement improves aesthetics, safety and reduces inappropriate activity that can negatively affect property values.
- Building code enforcement and inspection reduces substandard construction
- Improved police and fire protection, which often leads to reduced insurance rates.
- Access to other public services that may not exist in unincorporated areas such as snow removal, parks and recreation facilities, better local representation, animal control, waste management / yard waste / recycling.
- Potentially reduced fees for water, sewer and stormwater services.

FROM THE CITY’S PERSPECTIVE:

- Surrounding urban/suburban areas contribute to the city’s fiscal health and more fairly distribute the burden of funding urban services.
- Expands the tax base through both property taxes and the Business and Occupation tax.
- Allows the city greater control to manage growth and development in outlying areas.
- Provide services more efficiently.

ARGUMENTS AGAINST ANNEXATION

FROM THE PROPERTY OWNER’S PERSPECTIVE:

- Annexation may lead to increase in property tax rate
- Businesses will face higher taxes from the municipalities Business and Occupancy Tax. The B&O tax is based upon revenue, not profits, which can be a major obstacle certain types of businesses (such as retail) that typically have very small profit margins.
- Rising property values can be a hardship to individuals in some situations (as they lead to higher tax bills)
- Zoning and code enforcement may be perceived as negative due to the inherent restrictions imposed.
- Current levels of police and fire services may be adequate
- Concern that the “rural” character will be lost
- Many essential urban services are already provided in unincorporated areas (water and sewer service, police and fire protection, schools, etc.)

FROM THE CITY’S PERSPECTIVE:

- Annexation may not provide a net fiscal benefit. There needs to be a balance between annexing residential areas and commercial areas so that revenues collected from B&O taxes are sufficient to cover cost of providing services to annexed areas.

Urban Growth Boundaries

As noted earlier, the City of Morgantown should work closely with Star City, Granville, and Westover in exploring the creation of an urban growth boundary with the County.

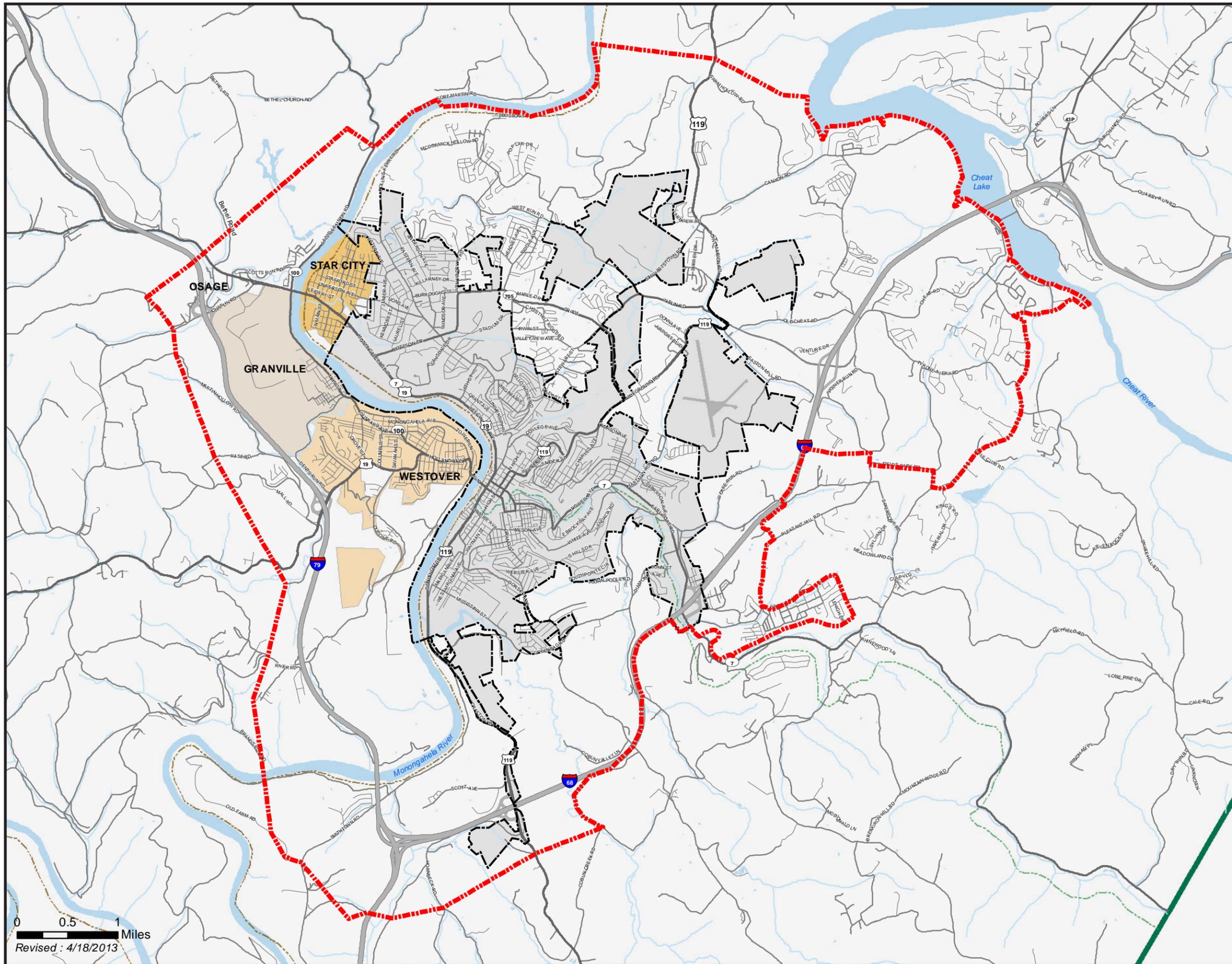
An Urban Growth Boundary makes the process of annexation easier. A growth boundary is a site-specific line, delineated on a zoning map (or a written description in a zoning ordinance) identifying an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time. The location of the line must be agreed upon by the municipality and county governments. A municipality can annex land that is entirely within its designated urban growth boundary without an election or by minor boundary adjustment and is not required to seek the County's approval.

The following are requirements for creating and maintaining an Urban Growth Boundary:

- County must have a comprehensive county wide zoning ordinance to adopt a boundary as established in Article 8 Section 6 of the West Virginia Code.
- Boundary established by the County Commissioners with the agreement of the all affected municipalities
- County must review the boundary every 10 years

Considerations for forming an Urban Growth Boundary in Monongalia County

- The County would need to adopt basic ordinance and map that applies to the entire county. At minimum the zoning will differentiate between areas within and beyond the growth boundary in terms of permitted uses and development procedures.
- With zoning, all development in the county must be subject to review and approval for compliance. The review process may be simple and primarily administrative.
- MUB should review its policies (and mandate) regarding utility service extension to differentiate between areas within and beyond the growth boundary.

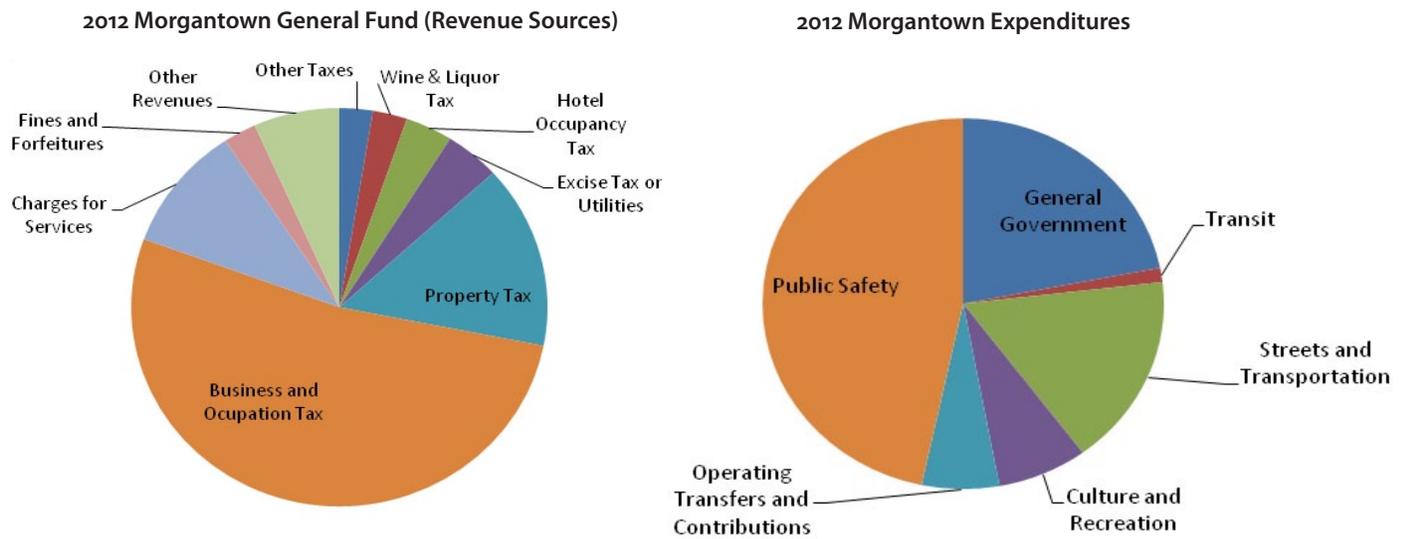


**CONCEPTUAL
URBAN GROWTH BOUNDARY**

- Developed Areas
- Roads
- Water Bodies
- Morgantown Boundary
- Conceptual Urban Growth Boundary

Fiscal Impacts

The fiscal impact of annexation must be considered when developing an annexation policy. The overall impacts on revenue and cost are the two basic factors to consider. The figures below show a breakdown of the city’s revenue sources and its expenditures.



While property taxes are significant source of revenue, over half of the city’s revenue comes from the Business and Occupation Tax. Thus, it is important for the city’s fiscal health to increase the businesses revenue within the city, which could occur through annexing existing commercial areas (in addition to supporting the growth of businesses already in the city).

Residential areas provide less of a benefit to city revenue, while incurring costs for providing services. In West Virginia, the cost of providing services to residential areas typically outweighs the revenue those areas provide. That is not to say that annexing residential areas should not be considered, but the city should take a balanced approach, one which seeks an overall mix of land uses that is fiscally sustainable. There may be a strong argument in favor of annexing residential where it makes the city’s boundaries less haphazard and allows the city to provide services more efficiently.

Because West Virginia State Code significantly limits municipal taxing authority, the City of Morgantown should work with neighboring municipalities and its residents and business community to develop a municipal tax and revenue structure that fairly and equitably distributes the fair share of the cost of providing municipal benefits and services

and that no one group, residents or businesses, subsidizes the other. The municipal tax and revenue structure should be applied across municipal boundaries, encourage annexation and economic growth, and be designed to adequately invest in improving and expanding municipal services and facilities. This will most certainly require assistance, support, and leadership by the State Legislature.

Annexation Litmus Test

A proposed annexation should be...

- Located adjacent to the existing city boundary (ideally within a designated growth area or formal Urban Growth Boundary)
- Supported by a majority of property owners in the proposed annexation area.
- Able to be efficiently served by City utilities, police and fire, and other municipal services and programs.
- Evaluated for its fiscal impact, weighing the cost of providing services to the area against the anticipated revenue generated for the City. Each annexation should not be expected to provide a fiscal benefit, but costs should be offset by other annexations such that the city experiences a net fiscal benefit from growth.
- Evaluated for other potential benefits to the city, citizens and/or property owners such as:
 - » Would the annexation open up other opportunities (access to land, natural resources, or infrastructure connections) that support the city's objectives?
 - » Would the annexation improve the cohesiveness a neighborhood?
 - » Would the annexation improve the quality or efficiency of providing urban services to the area or nearby areas?
 - » Would the population of the annexed area enjoy better government representation as part of the City?

