



## Small Area Plan

### Area 18 – Don Knotts Boulevard

### Final Recommendations Report

### January 4, 2019

MAP NUMBER	CURRENT ZONING	GENERAL DESCRIPTION	OBSERVATIONS
18	I-1	Don Knotts Boulevard	<p><i>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.</i></p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> <li>Evaluate existing nonconforming commercial uses and viability of larger-scaled former industrial buildings.</li> </ul>



## Background

### What is an Area for Future Study?

During the course of preparing the *2013 Comprehensive Plan Update (2013 Comp Plan)*, sixteen (16) areas were identified that could benefit from further exploration and study. Each of these areas has its own unique character that should be protected and/or enhanced as new development or redevelopment opportunities take place. These areas were identified in Appendix A of the *2013 Comp Plan* as “Areas for Future Study”.

The “Areas for Future Study” 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 *2013 Comp Plan’s* Conceptual Growth Framework map and Land Management map. These areas require further land use and development study by the Planning Commission to support zoning map amendment and/or zoning text amendment recommendations to City Council that will advance the goals, objectives, strategies, and consistency principles of the *2013 Comp Plan*.

### What is a Small Area Plan?

A Small Area Plan is a neighborhood-level planning process that addresses land use, transportation, and a variety of other development-related topics. For each Area for Future Study, a planning document is developed that is submitted to the Planning Commission for consideration. If accepted, the planning document is filed by the Planning Commission as an appendage to and product of the *2013 Comprehensive Plan Update*. Ultimately, the principal goal of the Small Area Plan is to enhance the quality of life in each distinct Future Study Area and its surrounding environs.

### Relationship to the City of Morgantown Comprehensive Plan Update

Small Area Plans assist in implementing the goals and recommendations of the *2013 Comp Plan* within the sixteen (16) identified Future Study Areas. Recognizing the unique character of the City’s different neighborhoods and/or commercial nodes, Small Area Plans provide a separate, more detailed land use planning initiative guided by the *2013 Comp Plan’s* vision, objectives, and strategies, the Conceptual Growth Framework map, and the Land Management map.

### Benefits of Small Area Plans

A key benefit of the Small Area Planning process is local stakeholder involvement in the development of each plan’s analysis and recommendations. Small Area Plans serve as a guide for land use, development patterns, environmental protection, transportation improvements, open space and other capital improvements, and identify opportunities for revitalization and, where appropriate, mixed-use development.



### Benefits of Small Area Plans:

- Represent the community's vision
- Reflect property owner and resident stakeholders' input
- Provide specific recommendations at a neighborhood level
- Offer increased efficiency in the provision of public services
- Remove potential regulatory obstacles and catalyze revitalization opportunities
- Allow greater predictability in land use and development
- Enable neighborhoods to be proactive in making land use recommendations
- Identify priority neighborhood projects and possible resources for implementation
- Help to guide the investment decisions of local governments

## Introduction

The Area 18 Study Area is identified as those parcels between Don Knotts Boulevard and the Monongahela River, north of Cobun Creek and south of Mountaineer Heritage Park, that are currently zoned I-1, Industrial District. **Figure 1** displays the planning area, as identified in the *2013 Comp Plan*, with the boundary shown in green, and **Figure 2** shows the zoning districts located within and adjacent to the study area. Appendix A contains photographs of the study area.

According to the *2013 Comp Plan*, the area is currently commercially developed with an adjoining single-family residential neighborhood, commonly referred to as First Ward across Don Knotts Boulevard. The closest homes in the First Ward neighborhood to the study area sit more than 70 feet vertically above. The permitted industrial uses do not seem practical due to these existing commercial uses and the adjoining First Ward neighborhood. The *2013 Comp Plan* recommends an evaluation of the existing nonconforming commercial uses and the viability of larger-scaled former industrial buildings in the study area.

Through further analysis, there are 9 structures situated on the 10 parcels that are either fully- or partially-included in the study area. From those 9 structures, there is one multi-story office building with ground-floor commercial, one grocery store, one strip-style commercial building, and six standalone commercial businesses (see **Figure 3**). All properties have access from two locations, one at each end (north and south) of the study area, onto Don Knotts Boulevard.

**Figures 4** and **5** show US Census population and housing data for the year 2010 for those Census blocks that fall within the study area. Although they are the smallest Census geographic unit available, the blocks are much larger than the affected parcels (they extend north towards the Wharf District) and do not adequately represent the actual affected population.



For the purposes of this planning study, the estimated population can be calculated based on the average household population in the area reported for the year 2010 by the US Census Bureau and the assumptions made in this report on the number of residences. The US Census reported an average household population of 2.35 persons per household between 2009 and 2013. *Note: It is assumed due to the existing zoning and land use classifications that there are no households within Area 18 and therefore zero population.*

A major component of the planning process and site evaluation for this study area is the topography of the property and how elevation may affect the ability to utilize the land for its highest and best use. As you can see in **Figure 6**, the grades that exist in Area 18 are minimal and most types of development can proceed without significant investment in site work and engineering to overcome slope issues.

From these parcels, there are three (3) land use designations identified. Table 1 shows the most recent land use designation, the number of parcels in that designation, and the total land area in acres for each land use type. **Figure 7** illustrates the land use.

**Table 1: Land Use Types**

Land Use	Number of Parcels	Area (Acres)
Office	1	1.16
Retail	6	9.80
Parks / Recreation	2	4.76

The transportation system serving Area 18 (**Figure 8**) is very simplistic and made up of local collector streets leading to Don Knotts Boulevard. Don Knotts Boulevard (US 119) is a major arterial in Morgantown connecting downtown, Sabraton, and Interstate 68 within minutes. Traffic volume in Area 18 is not an issue, and with mixed-use, commercial and industrial development considered, connectivity is good and will not be an impediment to future growth.



Figure 1: Small Area Study 18 - Study Area



Figure 2: Existing Zoning Districts



Figure 3: Affected Structures

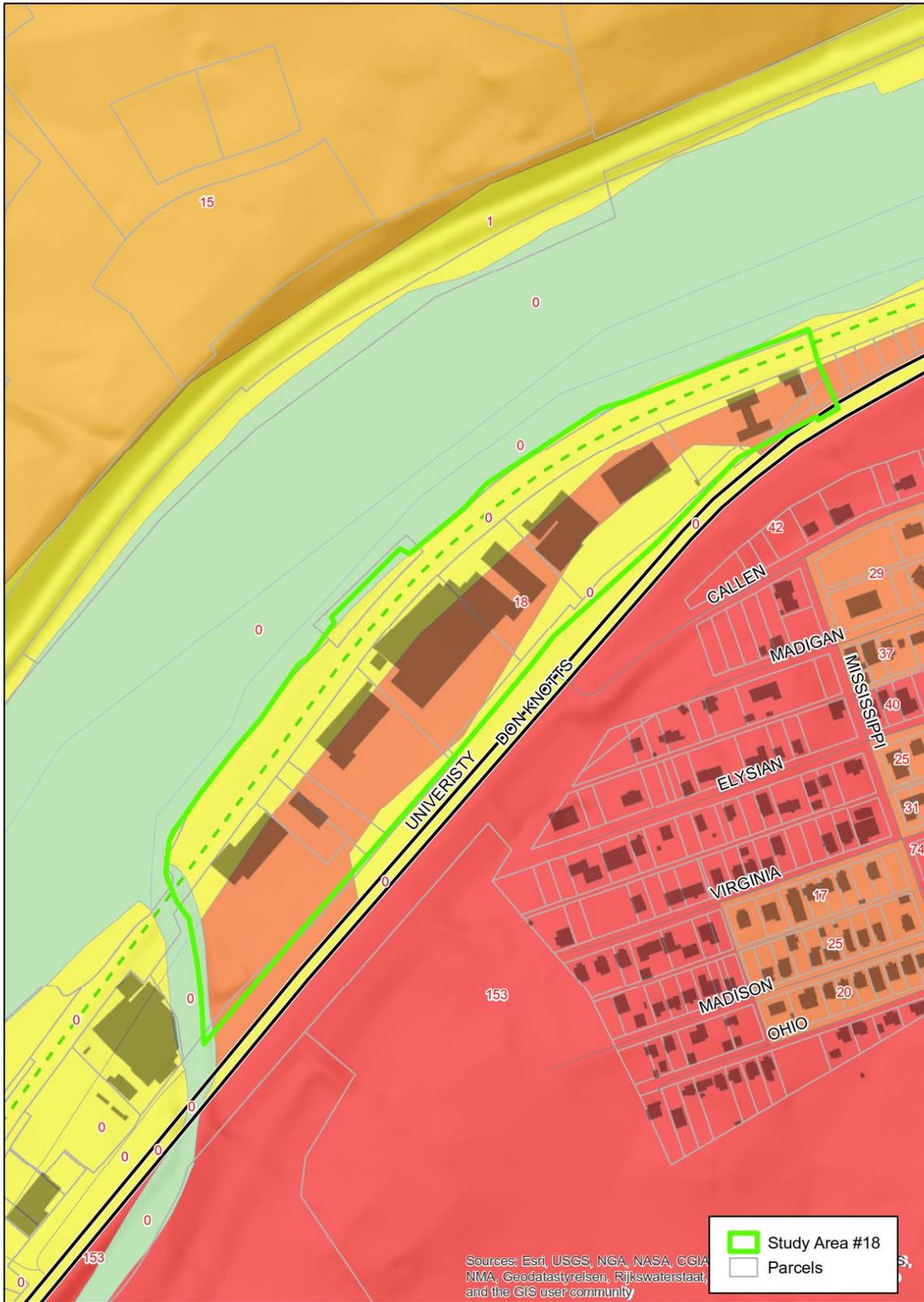


Figure 4: 2010 Population by Census Block



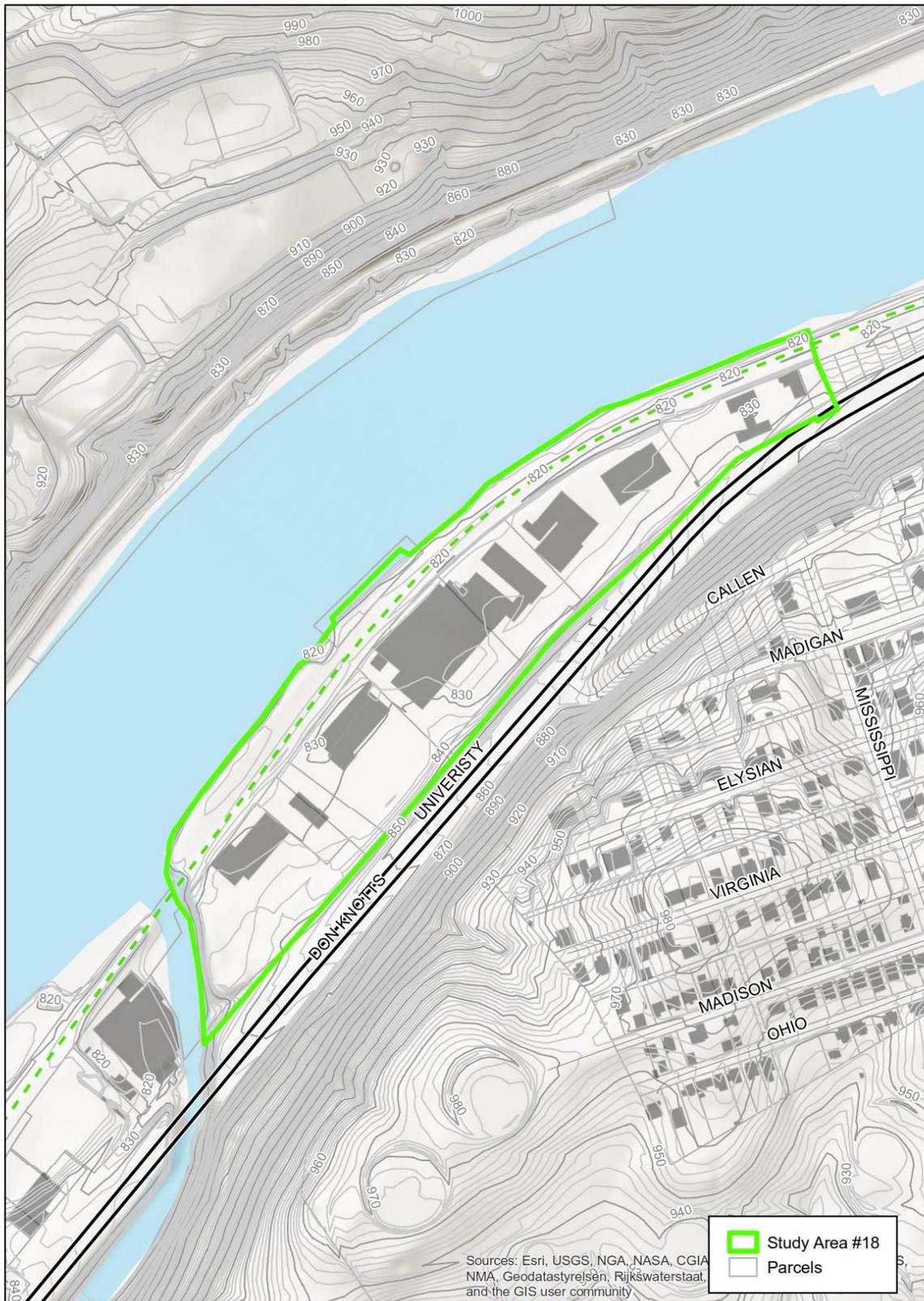


Figure 6: Elevation



Figure 7: Land Use

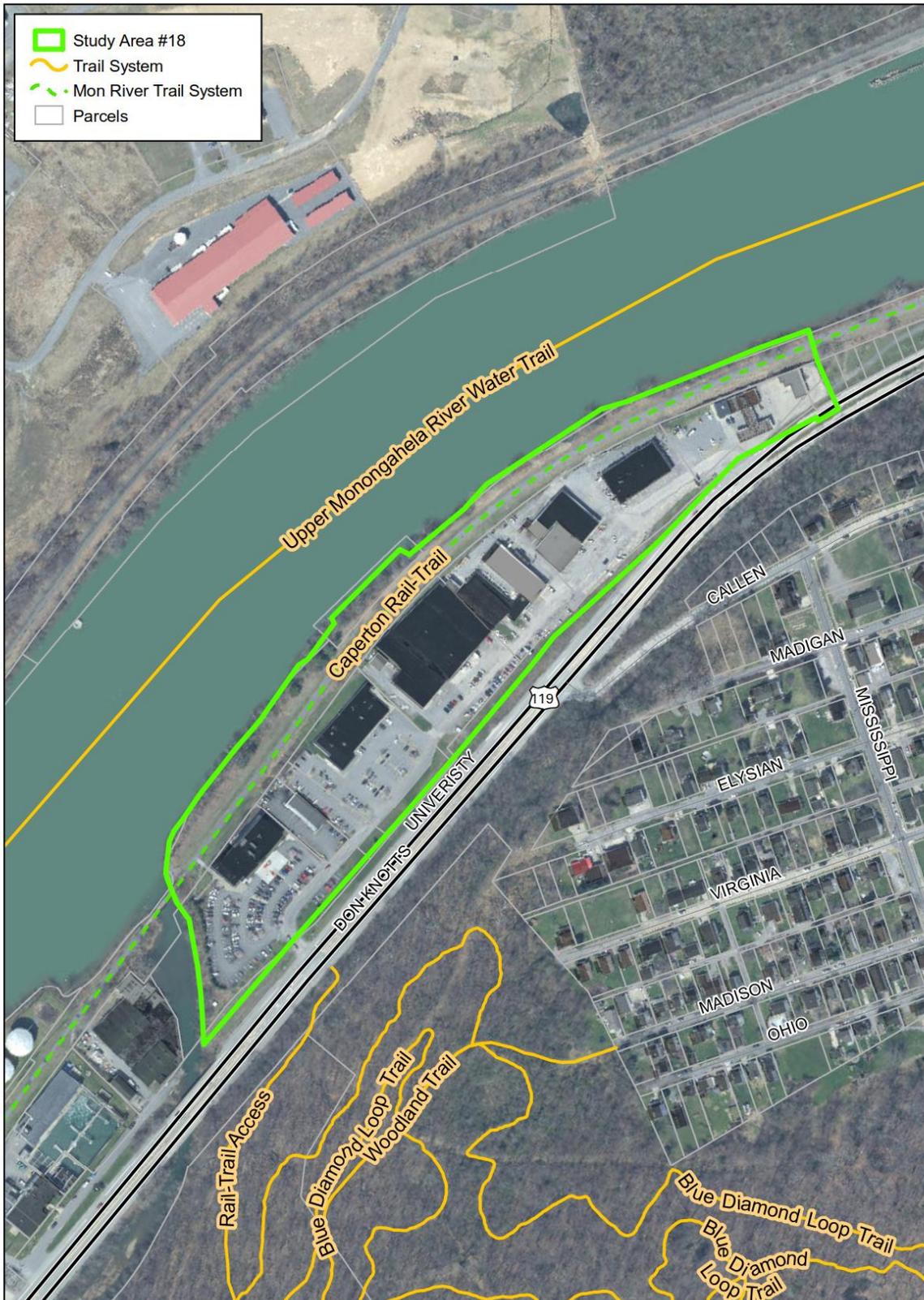


Figure 8: Transportation





## Community Preferences

The local community input process revealed that most people were satisfied with the types of development presently occurring in the study area and did not see any issues with adjusting the zoning to better match existing uses. While not all opinions were in total agreement, consensus was reached on many aspects of the desired future condition of the study area. Local input from property owners and interested neighbors ranged from history on the neighborhood to feedback on original and future development intentions. Through a series of two community meetings and a hearing before the Planning Commission, participating residents overwhelmingly supported changing the existing I-1 zoning classification for the study area to a zone that better matches the existing uses, such as B-2 Service Business District. Additionally, a B-2 zoning classification would support existing commercial uses and advance desired mixed-use redevelopment patterns, as the I-1 zoning prohibits this type of development pattern.

### Community Forum No. 1 | August 8, 2018

7 p.m. | Pierpont at MTEC, 1000 Mississippi Drive, Room 107

Attendees at the first neighborhood public forum shared concern for future development patterns of an industrial nature that might alter the existing commercial nature of the study area. Land uses that exist today in the area function well, and a change in the zoning to better reflect these types of uses would better serve the neighborhood. Attendees noted that if the density in the area were to increase, the transportation access to the study area would need to be improved. The only existing signalized intersection might not be sufficient to handle increased traffic loads, but an additional access point exists to the north at the BFS fueling station.

### Community Forum No. 2 | October 29, 2018

7 p.m. | Pierpont at MTEC, 1000 Mississippi Drive, Room 107

The second neighborhood public forum served as a chance to reintroduce the concepts and discussion that took place at the first public forum. In addition, as attendees learned more about the existing issues and opportunities, deeper conversation took place and common ground was discovered. Attendees overwhelmingly supported conversion of zoning classification from I-1 to B-2 to support neighborhood-level mixed use development and reinvestment in this area as a future hub for residential, commercial, and community uses. Concerns centered around transportation access, lack of community support for a new bridge to the Morgantown Industrial Park, and enhanced connectivity for pedestrians and cyclists that would serve the First Ward neighborhood and White Park.

### Stakeholder Meetings | 2018 | Various Locations

AECOM met with two separate stakeholders regarding property interests in the study area. AECOM planners met with the owner of Waterfront Jeep, who expressed interest in extending service offerings of his dealership, which is located less than one mile north of the study area, to include a used car lot and service center in one of the existing storefronts in the study area. This arrangement would involve restriping the parking lot in front to include storage space for vehicles for sale, as well as through-access for vehicles using the interior frontage road. The



existing seven bays of service garage would be utilized for vehicle maintenance and service. Automotive sales would be allowed as a conditional use in the B-2 District, while automotive service is a permitted use.

AECOM met with the property manager of many of the properties in the district. The overall goal of the owner at this time is to maintain the current uses and occupancy types. If a few additional key pieces of property could be assembled with the estimated 6 acres currently owned, then there would be interest in possibly redeveloping the majority of the study area into a mixed-use destination with office, residential, and retail on the first floor. The area is very desirable, with good vehicular access, the rail-trail, and a general location in a growth area of Morgantown.

Planning Commission Public Hearing | January 10, 2019  
6:30 p.m. | City Council Chambers

Christopher Fletcher, AICP, Director of Development Services reported that the small area planning project had been completed and advised the Planning Commission of procedural steps to accept the report. Chet Parsons, AICP CTP of AECOM provided a presentation summarizing project activities, the final draft document and recommendations, and addressed questions.

The Planning Commission voted unanimously to:

1. Accept, as submitted, the Small Area Plan and Recommendations Report for Future Study Area 18 – Don Knotts Boulevard dated January 4, 2019, with the understanding additional narrative will be included beginning on Page 14 summarizing Commission and public comments and Commission action. No additional public comments were made during the January 10, 2019 public hearing.
2. File said Area 18 Report as an appendage to and product of the 2013 Comprehensive Plan, affirming the Report advances implementation of Comp Plan Strategies NH 1.2 and ED 5.7.
3. Direct Staff to proceed with drafting a zoning map amendment as outlined in the Area 18 Report for future consideration by the Planning Commission.

A sample of the community forum and stakeholder comments received throughout the planning process includes:

**Notifications:** *The City's notification system works well. The direct mail postcards and press release to neighborhood organizations and media helped to spread the word.*

*Double-checking addresses and times posted on social media will help to avoid any confusion in meeting dates and times for the future. All those people directly impacted by any proposed changes received mailed postcards, but the larger community learns about the meetings through Facebook and other media announcements.*

**Transportation:** *If the building density increases in the future, transportation access will be impacted, and an additional signalized intersection may be necessary.*



**Land Use:** *Be aware of any impacts that a zoning change might have on taxes. Although this was discussed in detail at the first meeting and clarified that zoning has no influence on taxes, it is worthwhile to note that the concern was raised.*

*Modifying the zoning to reflect the existing and planned uses of the property would be desirable rather than the existing industrial uses designated for the property.*

The analysis and recommendations contained in the following pages effectively considers landowner preferences and balances public opinion with sound planning practice and overall community and economic development objectives enumerated in the *2013 Comp Plan*.

## Development Context

Currently, Area 18 is classified as an I-1, Industrial District. This type of land-use district allows for the development of research and industrial parks, wholesale business, manufacturing and the like. Industrial districts are intended to be located on major thoroughfares where truck traffic does not disrupt local streets (Article 1355.01 Planning & Zoning Code). After carefully reviewing the study area's built environment and considering community and stakeholder input, the I-1 zoning classification appears to be more of an impediment than impetus to achieve desired continued commercial occupancy, redevelopment to diversified mixed-use opportunities, and preservation of the quality of life for the adjoining First Ward neighborhood.

Since future development is considered in Area 18, the zoning of the study area should be reclassified to better adapt to the growth of the city. Following the goals set forth in the *2013 Comp Plan Update*, the best fit for new growth in the City of Morgantown should be a development type that can accept new growth but will also blend into its surroundings and be harmonious with adjacent land uses. With that concept in mind, Area 18 would be best suited to transition to uses and development patterns that better reflect the existing establishments as well as potential future development in the area.

Considering current land use, the existing properties would be well supported by a zoning classification of B-2, Service Business District. The Morgantown Planning and Zoning Code establishes this district, "to provide areas that are appropriate for most kinds of businesses and services, particularly large space users such as department stores. Typically, B-2 Districts are located along major thoroughfares." In this case, there are large space users such as a neighborhood grocer, a paint distributor, and a medical pharmacy in addition to automotive-focused businesses that have the potential to expand. The study area is situated immediately adjacent to Don Knotts Boulevard, a major four-lane arterial connecting the downtown to Interstate 68, with a posted speed limit of 50 miles per hour in this particular area.

Appendix B contains the full text of the I-1 and B-2 Districts from the City's Planning and Zoning Code and also contains a table comparing the two zoning classifications for quick reference.



## Planned Infrastructure Improvements

Regional infrastructure improvement planning and coordination will be significant in providing future services to Study Area 18. Additional land development in Area 18 will depend on nearby planned infrastructure improvements and their ability to support additional development density. Certain infrastructure improvement entities in Monongalia County have already planned the following improvements that may affect the study area.

### ***Morgantown Monongalia Metropolitan Planning Organization***

As part of the 2045 Metropolitan Transportation Plan (MTP), there are two long-term projects which may impact the study area. The two projects are shown below with references to the 2045 MTP. Project 28 is shown as a Tier 2 and Project 29 is shown as a Tier 4 priority in the MTP, which indicates both projects are of high value yet have a low priority for funding.

**Project 28** provides improved connectivity from White Park and adjacent neighborhoods to the regional trail system. Those improvements include:

- Improvements from White Park to the Caperton Trail
- Construction of a multi-use trail
- Consider installation of a pedestrian/bicycle bridge over US 119, connecting White Park and Caperton Trail.



Figure 9: MMMPO Project 28

Although the City was unsuccessful in seeking West Virginia Transportation Alternatives Program (TAP) grant funds in 2017 and 2018, this project remains a City priority, as it will serve to improve bike/ped connections between neighborhoods, open spaces, and passive and active recreation facilities.

**Project 29** increases automobile capacity to address existing deficiencies and to provide bike connectivity. Those improvements include:

- Improvements from Greenbag Rd to 4 H Camp Rd (Walmart)
- Complete 4-lane roadway
- Provide turn lanes where appropriate
- Limit any new full access points to no closer than 2,000 feet from an existing full access point
- Bike lanes or climbing lanes

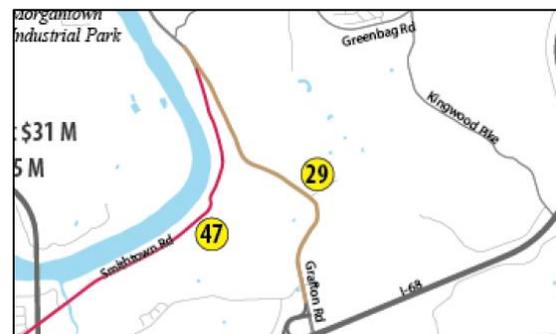


Figure 10: MMMPO Project 29



At the request of the Monongalia County Commission and the Morgantown Industrial Park representatives, the MMMPO recently completed a “Morgantown Industrial Park Access Study” concerning the need for additional access to the industrial park located on the west side of the Monongahela River due to River Road closures and future expansion of the park. This work was presented to the MMMPO’s Policy Board on 18 OCT 2018. The next step for the MMMPO Policy Board will be to amend the Metropolitan Transportation Plan (MTP) to include additional industrial park access. Following an MTP amendment, a more advanced preliminary investigation and engineering traffic study is anticipated. The MMMPO’s Option D involves construction of a bridge over the Monongahela River connecting the Morgantown Industrial Park with Don Knotts Boulevard in the general vicinity of Mississippi Street. Seven (7) total preliminary alternatives were developed (see **Figure 11**) but not prioritized or analyzed from an engineering feasibility perspective.

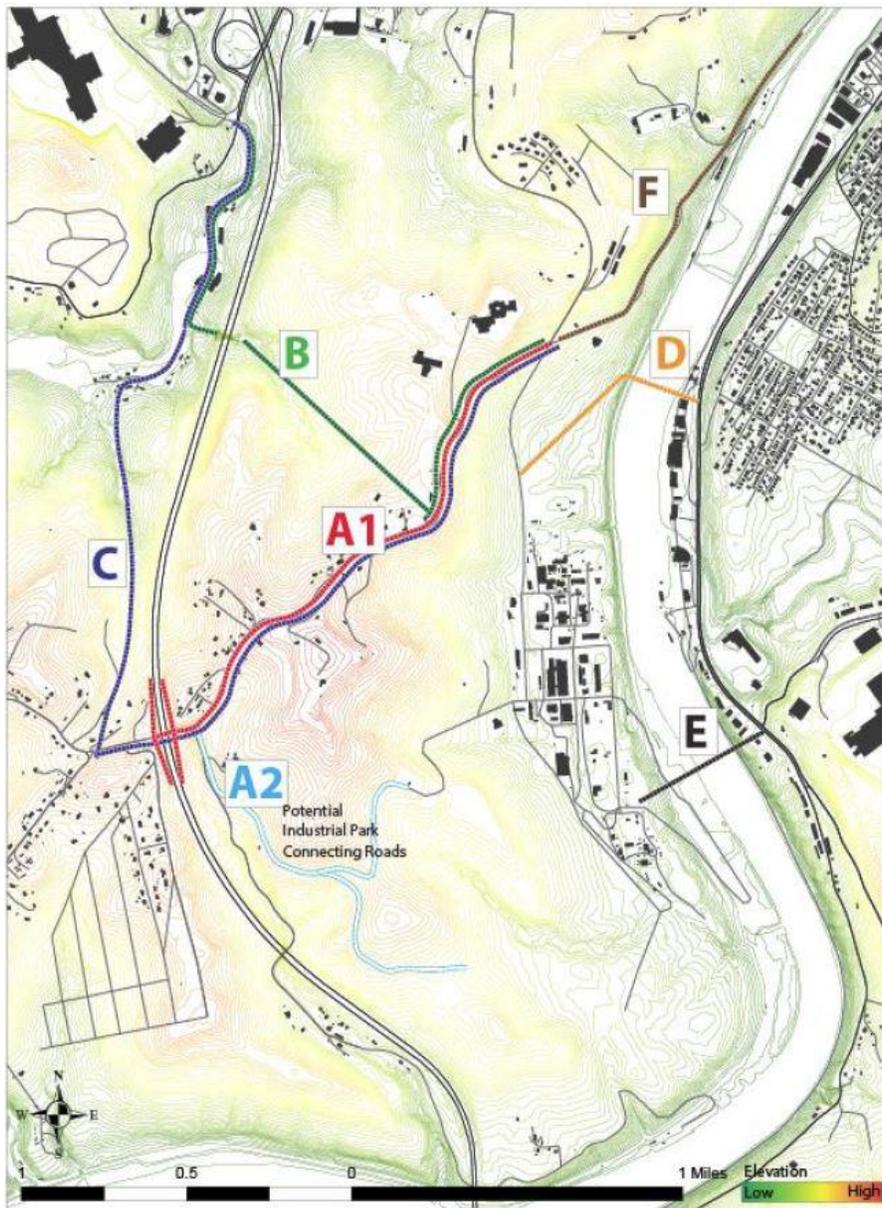


Figure 11: MMMPO Industrial Park Access Study



### **Morgantown Utility Board**

At this time, there are no known short-term improvements planned within or serving the Area 18 study area. MUB's water treatment plant is located approximately 350 feet south of the study area opposite Cobun Creek. MUB is exploring property acquisition opportunities within the immediate area of its plant for land banking and facility expansion purposes as demand necessitates in the long-term.

## **Development Recommendations**

Based upon best practices, professional planning experience, and feedback from residents and stakeholders, the following recommendations are made for Area 18 and future development scenarios.

### **Land Use**

The land use recommended for Area 18 is directed to a more walkable neighborhood-scale model that encourages a blend of residential, office, and retail uses. The location of this development node in relation to Downtown Morgantown and First Ward opens up a variety of exciting future development possibilities. The potential for an assembled property of close to 16 acres that is flat and on the riverfront is limitless. The benefit of having the Mon River Trail adjacent to the properties opens up the opportunities of alternative pedestrian-scale recreational development patterns. Redevelopment could benefit from having two front doors, with one facing the river and trail and the other facing Don Knotts Boulevard. Although separated by the four-lane Don Knotts Boulevard facility and more than 70 vertical feet, increased density and development intensity should be harmonious with the adjoining First Ward neighborhood.

### **Zoning**

The zoning classification within Area 18 should be consistent with the desires of the majority of landowners and neighboring property owners and residents, informed by conceptual growth framework and land management objectives established in the *2013 Comp Plan Update*. Area 18 represents an opportunity to direct new growth, infill and redevelopment in a manner that reasonably increases density and mixed-use patterns within City limits. The overwhelming feedback received from participating residents is to retain density and scale in this area without significantly increasing traffic or jeopardizing quality of life within the adjoining First Ward neighborhood. The existing zoning district of I-1 is not consistent with the existing and planned uses in the study area; specifically, moving away from industrial type uses and toward diversified and mixed-use residential / office / commercial offerings and development patterns.

The B-2 District appears to allow for the study area to remain commercial and retain the patterns of development that currently exist, while also promoting mixed-use redevelopment opportunities. The allowable lot sizes will be reduced to 6,000 square feet rather than the existing 2 acres (87,120 sf) required in the I-1 District. In addition, the minimum front setbacks for the B-2 District are 15 feet as opposed to the 50 foot setbacks in the current I-1 district. Further, the Planning and Zoning Code's Permitted Land Uses Table provides that a B-2 zoning



classification will advance the preservation and expansion of existing commercial type occupancies and harmonious mixed-use redevelopment opportunities.

## Housing

There is currently no housing located within the study area and there are no immediate plans by landowners to develop housing. In the event additional properties can be assembled, the potential exists for long-term mixed-use master planning.

This study area is the one last site along the river in the City of Morgantown that can be redeveloped into an attractive urban mixed-use node, well served by a four-lane major arterial, in the heart of the city, abutting Mountaineer Heritage Park and White Park, and along a prime travelway for the Mon River Trail system. Modest increased density at this site will have no intrusive impact or cut-through traffic on the First Ward neighborhood – it actually serves as an opportunity for the neighborhood to grow with additional quality of life benefits of having retail and recreation destinations within walking distance, particularly with bike/ped improvements identified as Project 28 in the MMMPO's metropolitan transportation planning (MTP). Don Knotts Boulevard appears to have capacity to support higher densities associated with redevelopment in this area.

## Transportation

Mountain Line Transit services the study area through the Grafton Road Route 15. This route is run twice daily, departing Westover terminal and travels south on University Avenue to this area before going on to Grafton. The second trip of the day returns the opposite direction.

In addition to this route, there are also adjacent routing options through First Ward using the Orange route, which stops at the corner of Mississippi Street and Madigan Avenue. Mountain Line is a viable transportation option for this area.

The Mon River Trail is adjacent to the study area and provides connection to downtown Morgantown and points north as well as south to Fairmont. Sidewalks exist along University Avenue north to downtown Morgantown and south over Cobun Creek. Additional sidewalks would be constructed by developers under the direction of the City of Morgantown to serve new growth and to provide connections to adjacent neighborhoods and adjoining transportation network. An obvious connection would extend sidewalks further south to connect to Greenbag Road and its upcoming improvement project.

Access through the study area to the Morgantown Industrial Park on the opposite side of the Monongahela River should be discouraged due to its impacts in a number of categories:

- Efforts to mitigate and reduce industrial freight truck traffic through Downtown Morgantown and within the city has long been a community objective. Specifically, the *2013 Comprehensive Plan Update* addresses this issue as a community priority under Chapter 4 Transportation, a portion of which is illustrated in the graphic below.



**Objective 2. Reduce presence of freight trucks within city limits.**

COMMUNITY PRIORITY

- TR 2.1 Develop and implement a Regional Truck Traffic Plan in partnership with the MMMPO.
- TR 2.2 Expand efforts to enforce weight limits, covered loads, and truck exhaust standards.
- TR 2.3 Evaluate the long-term viability of the Morgantown Energy Facility.

- Future development within the study area would be negatively impacted by industrial traffic through or over this prime river real estate, particularly for residential and mixed-use development patterns.
- The safety of pedestrians and cyclists would be negatively impacted by increased industrial traffic, particularly given the objective to connect the Mon River Trail and White Park facilities through the study area.
- The type and volume of traffic along Don Knotts Boulevard would transition to a truck corridor with increased safety concerns rather than a showcase boulevard providing gateway access to downtown for visitors and residents.

### **Historic Preservation**

A cursory review of existing structures in the study area does not indicate the presence of any historic buildings or sites that would warrant special consideration during redevelopment planning. As development occurs, more careful study may be warranted during site review and permitting.

### **Environment**

There are no known pressing environmental issues related to the discussion of land use and zoning. As development opportunities arise in the future, there is one tract of realty that provides river access along the riverbank separated by the Mon River Trail from the rest of the study area realty.

### **Parks**

One tract of realty provides direct access to the river across the rail-trail facility. This access can provide a critical connection in this area for the growing river-oriented recreation and tourism focus in Morgantown.

In the future, as developers work with City staff to implement new projects, pocket parks, streetscaping and green space should be a consideration to support quality of life amenities for mixed-use housing opportunities and provide a greater sense of place for existing and future nonresidential uses.



### Neighborhood Services

No additional neighborhood services are expected as a result of a potential zoning change from I-1 to B-2 within Study Area 18.

### Economic Development

A variety of neighborhood- and pedestrian-scaled retail, commercial, and service businesses in conjunction with residential development in a mixed-use development pattern is highly desired in this study area. A mixed-use approach should serve to increase market interest of key tracts and permit developers to diversify margins and risk.

Appendix B provides the current list of permitted and conditional use options within the study area’s existing and proposed zoning districts. Commercial uses that generate higher vehicular trips from locations outside the neighborhood should generally be avoided to cut down on the amount of necessary parking, but the availability of direct access from Don Knotts Boulevard allows some flexibility in vehicular allowances.

### Implementation

Task	Category	Capital Cost	Timeframe	Responsible Agency
Reclassify study area from I-1 to B-2	Zoning	N/A	<1 yr	City of Morgantown
Investigate potential river access opportunity	Quality of Life	N/A	<1 yr	City of Morgantown
Install / Update sidewalks	Transportation	Site-dependent	1-5 yrs	Developer(s)
Develop new connection from White Park to the Caperton Trail	Transportation	\$500,000*	5-10 yrs	City of Morgantown, MMMPO

\* 2045 Metropolitan Transportation Plan - Morgantown Monongalia Metropolitan Planning Organization

## Appendix A: Area 18 Photographic Inventory



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## Appendix B: I-1 vs B-2 – A Comparison for Area 18 Small Area Plan

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### ARTICLE 1355 I-1, Industrial District

1355.01	Purpose.	1355.05	Building height and use.
1355.02	Permitted and conditional uses.	1355.06	Parking and loading standards.
1355.03	Lot provisions.	1355.07	Landscaping.
1355.04	Setbacks and encroachments.	1355.08	Performance standards.

#### CROSS REFERENCES

Composting sites - see P. & Z. 1331.06(3)  
Recycling station - see P. & Z. 1331.06(6)  
Self storage facilities - see P. & Z. 1331.06(15)

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#### 1355.01 PURPOSE.

The purpose of the Industrial District (I-1) is to allow for the development of research and industrial parks, wholesale business, manufacturing and the like while ensuring the health and safety of Morgantown residents. Industrial districts are intended to be located on major thoroughfares where truck traffic does not disrupt local streets.  
(Ord. 12-29. Passed 7-3-12.)

#### 1355.02 PERMITTED AND CONDITIONAL USES.

See the Permitted Land Use Table 1331.05.01.  
(Ord. 12-29. Passed 7-3-12.)

#### 1355.03 LOT PROVISIONS.

- (A) The minimum lot size shall be two (2) acres.
- (B) The minimum lot frontage shall be 60 feet.
- (C) The minimum lot depth shall be 100 feet.
- (D) Maximum lot coverage shall be 40 percent.  
(Ord. 12-29. Passed 7-3-12.)

#### 1355.04 SETBACKS AND ENCROACHMENTS.

(A) The following setbacks shall be required for all principal structures, except as otherwise provided in Section 1363.02(B) Yard, Building Setbacks and Open Space  
Exceptions:

- (1) Minimum Front setback 50 feet
- (2) Minimum Side setback 30 feet
- (3) Minimum Rear setback 30 feet

2018 Replacement

(B) The minimum setback for accessory structures on a lot shall be five (5) feet from the rear property line and five (5) feet from each side property line when abutting another I-1 District zoned property. No accessory structures are permitted within the front setback, or within the side setback along a public or private street. Where an I-1 District abuts another zoning district, a minimum setback of thirty (30) feet shall be provided for the yard along the shared zoning district boundary line.

(C) On a corner lot, the front lot line shall be the lot line having the shortest dimension along the street right-of-way line. The required side yard setback on the side facing a street shall be one and one-half (1.5) times the normal side yard setback requirement. (Ord. 12-29. Passed 7-3-12.)

#### 1355.05 BUILDING HEIGHT AND USE.

(A) The maximum height of a principal structure shall not exceed sixty-five (65) feet, except as provided in Section 1363.02(A), Height Exceptions.

(B) The maximum height of an accessory structure shall not exceed thirty-five (35) feet. (Ord. 12-29. Passed 7-3-12.)

#### 1355.06 PARKING AND LOADING STANDARDS.

All uses within this district shall conform to the off-street parking and loading requirements in Article 1365, Parking, Loading and Internal Roadways. (Ord. 12-29. Passed 7-3-12.)

#### 1355.07 LANDSCAPING.

Landscaping and screening as required in Article 1367, Landscaping and Screening, shall be provided for all uses, unless otherwise noted. (Ord. 12-29. Passed 7-3-12.)

#### 1355.08 PERFORMANCE STANDARDS.

(A) A Light Industry Use is one which ordinarily uses only light machinery; is conducted entirely within enclosed substantially-constructed buildings; does not use the open area around such buildings for storage of raw materials or manufactured products or for any other industrial purpose and conforms to the following performance standards:

- (1) Smoke. No smoke is emitted of a density greater than No. 1 according to the Ringlemann's Scale, except that smoke of a density not in excess of No. 2 of Ringlemann's Scale shall be permitted for a period not in excess of six minutes in any hour.
- (2) Fly Ash. No particles from any flue or smokestack shall be permitted to escape beyond the confines of the building in which it is produced.
- (3) Dust. No dust of any kind produced by the industrial operations shall be permitted to escape beyond the confines of the building in which it is produced.
- (4) Odor. No noxious or obnoxious odor of any kind shall be permitted to extend beyond the lot line.
- (5) Gases and Fumes. No gases or fumes toxic to persons or injurious to property shall be permitted to escape beyond the building in which they occur.

- (6) Glare. No glare shall be seen from any street or any residential area.
- (7) Vibration. No intense earth shaking vibration shall be created or maintained by any industry beyond the property on which it is located.
- (8) Noise and Sound. A maximum of 70 decibels at the property line is permitted. Noise is required to be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. Sound may equal but may not exceed street traffic noise in the vicinity during a normal day shift work period.
- (9) Exhaust Control. Exhaust from any internal combustion engine or compressor, stationary or mounted on wheels, used in connection with any operation shall not be discharged into the open air unless it is equipped with an exhaust muffler, mufflers, or an exhaust box constructed of noncombustible materials designed and installed to sufficiently suppress disruptive noise and vibrations and prevent the escape of noxious or obnoxious gases or fumes. All such equipment shall be maintained in good operating condition according to manufacturer's specifications.

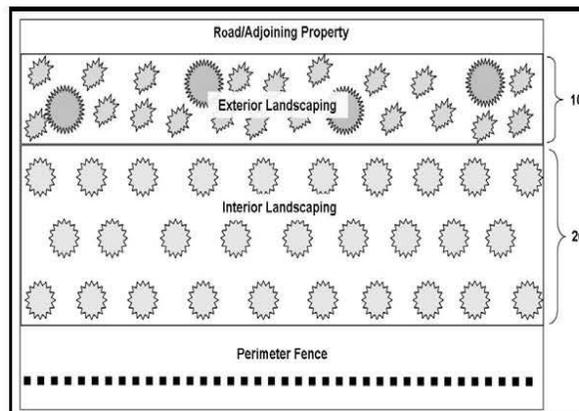
(B) Heavy Industry or Heavy Manufacturing Use is one which requires both buildings and open area for manufacturing, fabricating, processing, extraction, heaving, repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes and provided the use conforms to the following performance standards:

- (1) Smoke. No smoke is emitted of a density greater than No. 2 according to the Ringlemann's Scale, except that smoke of a greater density shall be permitted for a period not in excess of six minutes in any one hour.
- (2) Fly Ash. No particles from any flue or smokestack shall exceed 0.3 grains per cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit.
- (3) Dust. No dust of any kind produced on the development site shall be permitted to escape beyond the limits of the property being used. Watering, wetting or other methods or materials must be used to control dust to adjacent properties. Watering, wetting, chemical suppression, or any other dust control measures which result in deposition of the dust control media and/or the captured dust upon the ground surface, or upon surfaces draining to the ground surface, shall be subject to regulation under City Code Article 929 "Stormwater Management and Surface Water Discharge Control" of the City of Morgantown.
- (4) Odor. No noxious or obnoxious odor of any kind shall be permitted to extend beyond the lot lines.
- (5) Gases and Fumes. No gases or fumes toxic to persons or injurious to property shall be permitted to escape beyond the building in which they occur.
- (6) Glare. No glare shall be seen from any street or any residential area.
- (7) Vibration. No intense earth shaking vibration shall be created or maintained by any industry beyond the property on which it is located.
- (8) Noise and Sound. A maximum of 70 decibels at the property line is permitted. Noise is required to be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. Sound may equal but not exceed street traffic noise in the vicinity during a normal day shift work period.

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- (9) Exhaust Control. Exhaust from any internal combustion engine or compressor, stationary or mounted on wheels, used in connection with any operation shall not be discharged into the open air unless it is equipped with an exhaust muffler, mufflers, or an exhaust box constructed of noncombustible materials designed and installed to sufficiently suppress disruptive noise and vibrations and prevent the escape of noxious or obnoxious gases or fumes. All such equipment shall be maintained in good operating condition according to manufacturer's specifications.
- (10) Perimeter Landscaping and Fencing. For the purpose of screening, buffering, and security, the following improvements shall be installed within thirty (30) days after commencement of development.
  - (a) Landscaping. Where a heavy industry, heavy manufacturing, or extractive industry development site abuts a nonindustrial property (zoned or used) or public or private street, a thirty (30) foot landscaping transitional yard shall be installed the length of said common border as follows:
    - (i) A ten (10) foot wide exterior landscaping transition area containing three (3) to four (4) medium to large trees and fifteen (15) to twenty (20) evergreen shrubs per 100 linear feet.
    - (ii) A twenty (20) foot wide interior landscaping transition area containing parallel, staggered and/or concentric rows of evergreen trees or evergreen hedge planted eight (8) to twelve (12) feet on center per 100 linear feet.
    - (iii) Trees shall have a minimum two inch (2) caliper and shrubs shall be at least three (3) gallons in size.
  - (b) Fencing. A minimum ten (10) foot black vinyl-coated chain link fence must be erected the entire perimeter of a heavy industry, heavy manufacturing, or extractive industry development site between the landscaping transitional yards and the development site. Prominently displayed no trespassing signs are required on all four or more sides of the perimeter fencing.

Graphic 1355.08.01: Perimeter Landscaping and Fencing - Industry



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- (c) Entrance Gate specifications. All perimeter fences shall be equipped with at least one (1) entrance gate. The gate shall meet the following specifications:
  - (i) Each gate shall be not less than twelve (12) feet wide and be composed of two (2) gates, each of which is not less than six (6) feet wide, or one (1) sliding gate not less than twelve (12) feet wide. If two (2) gates are used, gates shall latch and lock in the center of the span;
  - (ii) The gates shall be provided with a combination catch and locking attachment device for a padlock, and shall be kept locked except when being used for access to the site; and,
  - (iii) The person in charge of the development site must provide the Morgantown Fire Department with a Knox Padlock or Knox Box entry system or equivalent on the gate to access the site in case of an emergency.
- (d) Administrative Adjustment. The Planning Director may approve administrative adjustments to the perimeter landscaping and fencing design if it is found that the adjustments:
  - (i) Are consistent with the spirit and intent of the landscaping and fencing requirements; and,
  - (ii) Will not adversely affect the proposed development, use of adjacent property or neighborhoods, or obstruct sight lines at intersections; and,
  - (iii) Are necessary to accommodate an alternative or innovative design that achieves to the same or better degree the objective of the landscaping and fencing standard to be modified.
- (11) Signage. For development that involves the use, storage, or generation of highly flammable, toxic, explosive, or hazardous materials, the following signage shall be provided as approved or designated by the City Fire Marshal.
  - (a) Prominently displayed permanent weatherproof retroreflective signs reading "DANGER NO SMOKING OR OPEN FLAME ALLOWED" shall be posted upon completion of the perimeter fencing at the entrance gate(s) or in any other appropriate location. Sign lettering shall be at least four (4) inches in height and shall be red on a white background or white on a red background.
  - (b) Prominently displayed permanent weatherproof labels must be located on each tank containing highly flammable, toxic, explosive, or hazardous materials indicating the exact chemicals that are contained in the tank. Sign lettering shall be at least six (6) inches in height, contrasting with the background color.
- (12) Waste Disposal. All waste and hazardous materials used, stored, or generated by the development may only be discharged into above-ground and/or axle-mounted tanks. Waste materials shall be removed from the site and transported to an approved and permitted off-site disposal facility no less frequently than every thirty (30) days. Wastewater stored in on-site above-ground and/or axle-mounted tanks shall be removed as necessary, except:

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- (a) Domestic sanitary sewage shall be discharged to a public sanitary sewer, as required under City Code Article 921 "Sewer Regulations" of the City of Morgantown. Such discharge shall conform to the rules and regulations of the Morgantown Utility Board; and,
  - (b) Certain limited process/industrial waste may be discharged to the public sanitary sewer, but only as allowed and regulated under City Code Article 923 "Industrial Wastes" of the City of Morgantown. Any such allowed industrial discharge shall conform to the rules and regulations of the Morgantown Utility Board.
  - (c) Any liquid, or semi-liquid, waste not characterized as domestic sanitary sewage or as allowed industrial discharge, as described in items (a) and/or (b) above, shall be disposed of as herein provided above.
- (13) Security. At all times, the development site shall have a minimum of one security camera mounted inside the perimeter fencing. Signs shall be posted on the fence or wall of the site to indicate that activity on the site may be recorded by video surveillance. Camera systems shall be maintained in proper operating condition and shall be designed and located to meet the following requirements:
- (a) Capture clear video images (day and night) of all traffic entering and exiting the gate(s).
  - (b) Be equipped with motion detection technology.
  - (c) Be equipped with panning technology to pan immediately to any motion detected at or near the gate(s).
  - (d) Show the date and time of all activity on the footage.
  - (e) Be capable of being viewed at the monitoring facility.
- The person in charge of the development site shall maintain video data for a period of five (5) business days. At the request of City law enforcement officials, the person in charge of the development shall make available recorded footage required herein.
- (14) Storage of equipment. On-site storage of equipment is prohibited on the development site except when servicing on-going operations. No vehicle or item of machinery shall be parked or stored on any public street, right-of-way or in any development site driveway entrance which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires except that equipment which is necessary for the operations of the development site. The Morgantown Fire Department shall be the entity that determines whether equipment on the site constitutes a fire hazard.

- (15) Private roads and driveway entrances. Prior to the commencement of development, all private roads and driveway entrances to the development site shall be at least twenty-four (24) feet wide and have an overhead clearance of at least fourteen (14) feet. At a minimum, the road shall be surfaced with bituminous surface treatment (e.g., chip seal), however asphalt and concrete paving are preferred. Roads shall not be surfaced with gravel or caliche. All private roads shall have a concrete drive approach constructed in accordance with City design standards. In particular cases these requirements governing surfacing of private roads may be altered at the discretion of the City Engineer after consideration of all circumstances including, but not limited to, the following: distances from public streets and highways; distances from nonindustrial property (zoned or used); topographical features; nature of the soil; and, exposure to wind.

(C) An Extractive Industry Use involves the extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gasses, such as natural gasses. In addition to the Heavy Industry or Heavy Manufacturing Use performance standards provided in Section 1355.08(B), extractive industry uses shall conform to the following performance standards:

- (1) Minimum area. The tract of land on which an extractive industry use is to be developed must have a minimum area of five (5) acres.
- (2) External Setbacks. An extractive industry development must be a distance, calculated from the outermost boundary of its development site in a straight line without regard to intervening structures or objects, of no less than:
  - (a) 625 feet from the R-1, R-1A, R-2, R-3, and PUD Districts.
  - (b) 625 feet from the property boundary on which the following protected uses exist:
    - (i) A dwelling unit located within any zoning district other than the R-1, R-1A, R-2, R-3, and PUD Districts.
    - (ii) A church or place of worship.
    - (iii) A hospital.
    - (iv) A public or private school (K-12).
    - (v) A day care facility.
    - (vi) A park.
  - (c) 100 feet from the 1% (100-year) floodplain.
  - (d) 1,000 feet from the Morgantown Utility Board public water supply intake.
  - (e) 1,000 feet from the 1% (100-year) floodplain of the Monongahela River south or upstream of the Morgantown Lock and Dam.

- (3) External Setback Exception. With variance approval by the Board of Zoning Appeals, the external setbacks provided in paragraph (b) above may be reduced to not less than 300 feet when there is the written consent of sixty percent (60%) of the surface property owners within the external setback exception radius area between 300 feet and 625 feet around said extractive industry development site. In the event such consent is not obtained, and upon providing evidence of an attempt to obtain written consent of sixty percent (60%) of the surface property owners, then the distance may be reduced to not less than 300 feet with variance approval by the Board of Zoning Appeals. For protection of the public health, safety and welfare, the Board of Zoning Appeals may impose additional requirements for a reduction of such distance, and take into account the presence of natural or man-made barriers.
- (a) External setback exception applicants shall adhere to the following written consent or objection verification methodology:
- (i) A consent/objection form provided by the Planning Department shall be used by the applicant to obtain consent or objection from all surface property owners as described above. Only one consent/objection form may be obtained from each property owner. Said form shall at a minimum include the name and contact information of the applicant and the operator; a description of the proposed extractive industry development; a map illustrating the location and extent of the proposed extractive industry development site and the external setback exception radius area; the name and address of the surface property owner; the tax map and parcel number(s) owned by the individual surface property owner; and, signature lines to provide written consent or objection by the individual surface property owner.
  - (ii) The applicant shall submit to the Planning Department a complete list of the names and addresses of all property owners for parcels that are, in whole or in part, within 625 feet of the proposed extractive industry development site. Such information shall be obtained from the Monongalia County Assessor's Office.
  - (iii) The applicant shall be responsible for sending by certified mail the consent/objection form described above to all property owners with the radius of 300 feet and 625 feet around the proposed extractive industry development site.
  - (iv) For those surface property owners for which consent or objection is not obtained on the form described above, evidence of an attempt to obtain same shall be provided by returned unopened certified mailings and/or certified mail receipts. Certified unopened mailings returned due to incorrect address shall not be sufficient evidence of an attempt to obtain consent or objection.

- (b) Applicants seeking a reduction of the external setback shall submit all obtained consent/objection forms, returned unopened certified mailings, certified mail receipts, and a summary sheet of the results of the effort to obtain written consent or objection from all of the surface property owners within the external setback exception radius area. The summary sheet shall include at a minimum the following:
  - (i) A map illustrating the location of the proposed extractive industry development site and the external setback exception radius area.
  - (ii) Total number of properties within the external setback exception radius area.
  - (iii) Total number of property owners within the external setback exception radius area.
  - (iv) Total number of consenting properting owners within the external setback exception radius area.
  - (v) Total number of objecting property owners within the external setback exception radius area.
  - (vi) Total number of nonresponsive property owners within the external setback exception radius area.
  - (vii) Total number of returned unopened certified mailings.
  - (viii) Total number of certified mail receipts.
  - (ix) Total number of obtained consent/objection forms.
- (c) Applicants shall use ethical methods to obtain written consent/objection forms. The Board of Zoning Appeals should reject an external setback exception variance request if it finds that there is evidence of coercion, deception, compensation, or similar ethical misconduct on behalf of the applicant seeking a reduction of the external setback.
- (d) Pursuant to Section 1381.03(E), at least ten (10) days prior to the Board of Zoning Appeals hearing on the external setback exception variance approval, the applicant shall notify all owners of property within 625 feet of the public hearing by mail.
- (4) Signage. A sign shall be prominently displayed at the perimeter gate(s) enclosing the development site. Such sign(s) shall be durable weatherproof material, maintained in good condition and, unless otherwise required by the City, shall have a surface area of not less than two (2) square feet nor more than four (4) square feet and shall be lettered with the following:
  - (a) Mine, quarry, or well name and number.
  - (b) Name of operator.
  - (c) The emergency 911 number.
  - (d) Telephone numbers of two (2) persons responsible for the extractive industry site who may be contacted in case of emergency.
- (5) Water Impoundment. Freshwater impoundments are permitted on extractive industry development sites. Freshwater impoundments may be earthen impoundments or semi-portable axle-mounted above-ground storage tanks.
  - (a) Freshwater storage shall be prevented from putrefaction and/or becoming a mosquito breeding habitat.

- (b) Freshwater earthen pits shall be securely enclosed by a six (6) foot tall black vinyl-coated chain link fence.
- (6) Secondary containment. Secondary containment using existing best practices shall be required for all equipment and storage facilities; be capable of containing a release of no less than one hundred twenty-five percent (125%) of the total combined volume of all storage containers; and, have a freeboard of no less than eight (8) inches. In addition, for oil and gas extraction development, an earthen perimeter berm of not less than two (2) feet shall be developed around the entire development site and meet at a minimum the following standards:
  - (a) The earthen perimeter berm shall confine a containment volume of no less than one hundred twenty-five percent (125%) of the total combined volume of all liquids utilized in the preparation, drilling, and completion of the well.
  - (b) The areas confined within the secondary containment facilities, and within the earthen perimeter berm, including the walls of the secondary containment facilities and the earthen berm, shall all be covered by a synthetic impermeable liner. Joints and seams within said liner shall be chemically or thermally fused so that it serves as a single, continuous unit.
  - (c) Access roadways into the development site shall be configured and designed in such a way as to not compromise the containment integrity of the perimeter earthen berm.
- (7) Waste Disposal.
  - (a) Portable closed steel storage tanks must be used for storing liquid hydrocarbons. Tanks must meet American Petroleum Institute (API) standards. All tanks must have a vent line, flame arrester, and pressure relief valve. No tank battery shall be within one hundred (100) feet of any combustible structure.
  - (b) Drilling mud, cuttings, liquid hydrocarbons, flowback, produced water, and all other field waste derived or resulting from or connected with extraction shall only be discharged into above-ground axle-mounted tanks (closed loop mud and closed loop fracking system).
  - (c) Waste materials shall be removed from the site and transported to an off-site disposal facility no less frequently than every thirty (30) days. Wastewater stored in on-site tanks shall be removed as necessary.
  - (d) All waste disposal shall be documented using manifest procedures. The manifests shall record the complete chain of custody from the retrieval at the development site to the ultimate disposal location, for all volumes/units of waste generated and removed from the development site. All such documentation shall be provided to the City of Morgantown and/or the Morgantown Utility Board upon their request.
- (8) Gas emission or burning. As a temporary and necessary safety function of the extractive industry operation, venting or burning by open flame (e.g., flaring) is exempt from light and glare regulations as required in this Article and acceptable under the following conditions:

- (a) No person shall allow, cause, or permit gases to be vented into the atmosphere or to be burned by open flame except as allowed by applicable state and federal laws, rules, and regulations.
  - (b) Such venting or open flame shall not be located closer than three hundred (300) feet from any building not used in development site operations. Every reasonable effort should be made to screen such venting or open flame in such a way as to minimize detrimental effects to adjacent property owners.
  - (c) In order to ensure community awareness and security, the following notifications must be provided by the operator before any temporary burning or flaring activity is to begin:
    - (i) At least ten (10) calendar days, public educational press release and advance notice sent to all primary local news media outlets.
    - (ii) At least five (5) calendar days, published notice in a local newspaper of general circulation.
    - (iii) At least 72 hours, written notification to the City Fire Chief and MECCA 9-1-1.
  - (d) Flaring or burning of gas or petroleum of any kind after an oil or gas well is in production is prohibited.
- (9) Security. In addition to the standards provided in Section 1355.08(B)(13) above, camera systems shall be designed and located to meet the following requirements:
- (a) Be equipped to capture clear video images (day and night) of all production equipment located on the site.
  - (b) Be equipped with panning technology to pan immediately to any motion detected at or near production equipment located on the site.
- (10) Cleanup and Maintenance.
- (a) With the exception of freshwater, any spill, leak, or malfunction resulting in five (5) gallons or more shall be reported within twenty-four (24) hours to the Morgantown Utility Board and the West Virginia Department of Environmental Protection. Regardless of the amount of fluid resulting from the spill, leak, or malfunction, the operator shall remove or cause to be removed all waste materials from any public or private property affected by such spill, leak, or malfunction. Clean-up operations must begin immediately.
  - (b) The twenty-four (24) hour reporting period provided in item (a) above shall apply to discharges occurring within a containment area of the development site. For any discharge which occurs outside of a containment area, the Morgantown Utility Board and the West Virginia Department of Environmental Protection shall be notified immediately.

- (c) Rainfall onto the development site for which containment barriers are required shall be captured by the required containment barriers and be collected and disposed of as is required for spilled wastes, except the occurrence of rainfall shall not require report notification to the Morgantown Utility Board and/or the West Virginia Department of Environmental Protection. Rainfall may not be left to undermine the capability of secondary containment to contain a release of no less than one hundred twenty-five percent (125%) of the total combined volume of all storage containers.
  - (d) The development site and public space within one hundred (100) feet shall at all times be kept free of debris, pools of water or other liquids, contaminated soil, weeds, brush, trash, or other waste material.
  - (e) Oil and gas extraction development. After well drilling has been completed and the well is either producing or temporarily plugged for later production and delivery to market, the operator shall clean the drill site, remove derrick(s) and all appurtenant equipment thereto, complete interim restoration activities, and repair all property damage caused by such operations within ninety (90) days.
- (11) Site Restoration. Within six (6) months following the abandonment of an extractive industry development site, including permanent well plugging, the operator shall be responsible for the restoration of the development site to its original condition as nearly as practicable. Abandonment shall be approved by the City Engineer after restoration of the development site has been accomplished in conformity with the following requirements at the discretion of the City Engineer:
  - (a) All production, derricks, tanks, towers, and other appurtenant surface equipment and installations shall be removed from the development site.
  - (b) All concrete foundations, piping, wood, guy anchors and other foreign materials regardless of depth, except surface casing, shall be removed from the development site, unless otherwise directed by the City.
  - (c) All holes and depressions shall be filled with clean, compactable soil.
  - (d) All waste, refuse or waste material shall be removed from the development site.
- (D) Provisions and Exceptions to Light Industrial and Industrial Uses.
  - (1) Parking space requirements may be waived by the Board of Zoning Appeals where fifty percent (50%) or more of the area in a block was occupied by business or industrial structures at the time of passage of this article.
  - (2) One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.

- (3) Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks, water towers, transmission towers, derricks or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.
- (E) Supplementary Regulations.
- (1) There shall be one principal entrance to the industrial site from any major thoroughfare bordering the tract, which shall be designed so that traffic at its intersection with the major thoroughfare may be controlled and so that there will be adequate storage space for traffic destined to enter the thoroughfare or to leave the industrial site.
  - (2) There shall be direct entrances or exits from parking areas or structures onto the adjoining major thoroughfare, but a service drive parallel to the main traffic-way may be provided for such access. Traffic on the service drive shall enter the main traffic-way via the principal entry.
  - (3) The owner or owners shall provide a plan for the installation of adequate facilities for the disposal of human and industrial wastes meeting the approval of the State Department of Health.
  - (4) The owner or owners of the site shall establish in the restrictions, which are a part of the plot for the subdivision, a perpetuating organization for the maintenance of the industrial site, such as roads and planting areas, the approval of building plans and other improvements, and the future maintenance of the site.  
(Ord. 12-29. Passed 7-3-12.)

ARTICLE 1347  
B-2, Service Business District

1347.01	Purpose.	1347.05	Building height, use and size.
1347.02	Permitted and conditional uses.	1347.06	Parking and loading standards.
1347.03	Lot provisions.	1347.07	Performance standards.
1347.04	Setbacks and encroachments.	1347.08	Landscaping.

CROSS REFERENCES

Group residential facility - see W. Va. Code 8A-11-2  
 Outdoor kennels - see P. & Z. 1331.06(7), (24)  
 Daycare facility - see P. & Z. 1331.06(19)

1347.01 PURPOSE.

The purpose of the Service Business (B-2) District is to provide areas that are appropriate for most kinds of businesses and services, particularly large space users such as department stores. Typically B-2 districts are located along major thoroughfares.

1347.02 PERMITTED AND CONDITIONAL USES.

See the Permitted Land Use Table 1331.05.01.

1347.03 LOT PROVISIONS.

- (A) The minimum lot size shall be 6,000 feet.
- (B) The minimum lot frontage shall be 60 feet.
- (C) The minimum lot depth shall be 100 feet.
- (D) Maximum lot coverage shall be 60 percent.

1347.04 SETBACKS AND ENCROACHMENTS.

(A) The following setbacks shall be required for all principal structures, except as otherwise provided in Section 1363.02(B) Yard, Building Setbacks and Open Space  
Exceptions:

- (1) Minimum Front setback:..... 15 feet
- (2) Maximum Front setback:..... 30 feet
- (3) Minimum Side setback:..... 5 feet on one side and 20 feet on the side where any access drives are located.
- (4) Minimum Rear setback: ..... 40 feet.

(B) The minimum setback for accessory structures on a lot shall be ten (10) feet from the rear property line and ten (10) feet from each side property line. No accessory structures are permitted within the front setback.

(C) On a corner lot, the front lot line is the one having the shortest dimension along the street right-of-way line. The required side yard setback on the side facing a street shall be one and one-half (1.5) times the normal side yard setback requirements.

1347.05 BUILDING HEIGHT, USE AND SIZE.

(A) The maximum height of a principal structure shall not exceed seventy-two (72) feet, except as provided in Section 1363.02(A), Height Exceptions.

(B) The maximum height of an accessory structure shall not exceed twenty (20) feet. (Ord. 06-40. Passed 11-21-06.)

1347.06 PARKING AND LOADING STANDARDS.

(A) All uses within this district shall conform to the off-street parking and loading requirements in Article 1365, Parking, Loading and Internal Roadways.

(B) No parking spaces shall be permitted between the front façade of a building and any street right-of-way.

1347.07 PERFORMANCE STANDARDS.

(A) Important structures should be built so that they terminate street vistas whenever possible, and should be of sufficient design to create visual anchors for the community. All principal structures within a development should maintain a consistent architectural style.

(B) Metal paneling may be used for wall surfaces but the area of the metal paneling should not exceed twenty (20) percent of any one wall face.

(C) Materials:

- (1) Walls should be clad in stone, brick, marble, stucco, approved metal paneling, and/or cast concrete.
- (2) Roofs should be clad in slate, sheet metal, corrugated metal, and/or diamond tab asphalt shingles.
- (3) The orders, if provided, should be made of wood or cast concrete.

(D) Techniques:

- (1) Windows should be set to the inside of the building face wall.
- (2) All primary entrance exterior doors should have rectangular recessed panels or glass.
- (3) All rooftop equipment that is enclosed should be enclosed in building material that matches the structure or is visually compatible with the structure.

(E) Playground equipment, if provided, shall be located entirely behind the principal structure and shall meet required setbacks.

(F) Sidewalks shall be constructed along the frontage of a lot upon which a use is to be constructed. New sidewalks shall be at least six (6) feet wide, or the same width as an existing but incomplete sidewalk along the same side of the street.

1347.08 LANDSCAPING.

Landscaping and screening as required in Article 1367, Landscaping and Screening, shall be provided for all uses, unless otherwise noted.

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**I-1 vs B-2 Zoning**  
City of Morgantown  
Small Area 18 Plan

	I-1 Zone	B-2 Zone
<b>Purpose</b>	Research and industrial parks, wholesale business, manufacturing and the like Develop while ensuring the health and safety of Morgantown residents Located on major thoroughfares where truck traffic does not disrupt local streets	Businesses & Services Large space users such as department stores Located along major thoroughfares
<b>Permitted Uses</b>	Agricultural Activity Animal Shelter Apparel Shop Appliance Repair Establishment Automotive Paint Shop Automotive Supply Automotive Tire Repair/Sales Automotive/Boat Repair Shop Automobile Repair Shop, Incidental Bakery, Wholesale Building Materials Supplier Car Wash/Detailing Caretaker's Residence Clinic, Medical Communications Equipment Building Composting Operation Distribution Center Drive-in Theatre/Outdoor Equipment or Furniture Rental Establishment Essential Services and Equipment Extractive Industry Fairgrounds Gas Station Mini-Mart Gasoline Service Station Golf Course Government Facility Greenhouse, Non-Commercial Greenhouse, Commercial Grocery Store Hardware Store Health/Sports Club Heavy Machinery Sales Industrial Equipment Repair Establishment Industrial Park Industrial Supplies Establishment Industry, Light Laboratories Manufactured Housing Sales Manufacturing, Heavy Marine Supplies Establishment Office Equipment Repair Establishment Office Park Oil Change Facility Outdoor Storage Outdoor Storage, Seasonal	Administrative Office Amphitheater Animal Grooming Service Apparel Shop Appliance Repair Establishment Appliance Sales Establishment Art Gallery Assembly Hall Athletic Field Automotive Paint Shop Automotive Tire Repair/Sales Automotive/Boat Repair Shop Bakery, Retail Bakery, Wholesale Barber Shop / Beauty Salon Bed and Breakfast Inn Brew Pub Building Materials Supplier Car Wash/Detailing Cemetery Charitable, Fraternal or Social Organization Churches, Places of Worship Clinic, Medical Club or Lodge Coin-operated Cleaning/Laundry Service Communications Equipment Building Community Center Conference Center Convenience Store, Neighborhood Dance or Social Club, Youth Day Care Facility, Class 1 Day Care Facility, Class 2 Day Care Facility, Class 3 Department Store Dormitory Drug Store Dry Cleaning and Laundry Pick-up Dry Cleaning and Laundry Service Dwelling, Mixed Use Dwelling, Multi-family Dwelling, Over-store Dwelling, Townhouse Electrical Repair Shop Equipment or Furniture Rental Establishment Essential Services and Equipment



**I-1 vs B-2 Zoning**  
City of Morgantown  
Small Area 18 Plan

	<b>I-1 Zone</b>	<b>B-2 Zone</b>
	Passenger Station, Motor Bus, Railroad Private Club Recyclable Collection Center/ Solid Waste Transfer Station Recycling Center Repair, Small Engine and Motor Shop Research and Development Center Restaurant, Private Club Restaurant, Private Wine Shooting Range, Indoor Tattoo Parlor/Body-Piercing Studio Tavern Taxicab Service Telecommunications Class I Telecommunications Class II Transient Amusement Enterprise Terminal, Truck or Motor Freight Video Gaming / Lottery Establishment Warehousing / Distribution Wholesale Establishment Wrecker Service	Financial Services Establishment Florist Shop Fraternity or Sorority House Funeral Home Furniture Sales Establishment (Antique, New or Used) Garden Center Gas Station Mini-Mart Gasoline Service Station Golf Course Government Facility Greenhouse, Commercial Grocery Store Group Residential Facility Group Residential Home Hardware Store Health/Sports Club Home Improvement Center Hospital Hotel Hotel, Full-service Hypermarket Instructional Studio Kennel, Commercial Laundromat Liquor Store Lodging or Rooming House Marine Supplies Establishment Motel Motorcycle Sales Establishment Movie Theater, Large Movie Theater, Small Newsstand Nursery, Plant Nursing Home Office Building Office Equipment Repair Establishment Office, Medical Office Supplies Establishment Oil Change Facility Outdoor Storage, Seasonal Park and Recreational Services Parking Lot, Commercial Passenger Station, Motor Bus, Railroad Pawnshop Personal Services Establishment Professional Services Establishment Recreational Facility, Commercial, Outdoor Recreational Facility, Commercial, Indoor Repair, Small Engine and Motor Shop Restaurant



**I-1 vs B-2 Zoning**  
City of Morgantown  
Small Area 18 Plan

	I-1 Zone	B-2 Zone
		Restaurant with Drive-in Restaurant, Family Restaurant, Fast Food Restaurant, Private Club Restaurant, Private Wine Retail Sales Establishment School (K-12), Private Shopping Center, Small Scale Snack Bar/Snack Shop Sporting Goods Establishment Tattoo Parlor/Body-Piercing Studio Tavern Taxicab Service Telecommunications Class I Telecommunications Class II Transient Amusement Enterprise Upholstery / Interior Decorating Service Veterinary Clinic Wellness Center
Conditional use	Airport Dog Run Driving Range, Golf Heliport or Helipad Home Occupation, Class 2 Hospital Industry, Heavy Junkyard Marina, Commercial Marina, Private Penal/Correctional Institution Personal Storage Facility Salvage Yard Sexually Oriented Business Telecommunications Class III	Animal Shelter Artist Studio Assisted Living Facility Automotive Rentals Automotive Sales Automotive Supply Automobile Repair Shop, Incidental Caretaker's Residence Dog Run Driving Range, Golf Emergency Shelter Farmer's Market Half-way House Home Occupation, Class 2 Industry, Light Marina, Commercial Marina, Private Outdoor Flea Market Outdoor Storage Personal Storage Facility Private Club Re-use of Closed/Vacant School or Church Shooting Range, Indoor Telecommunications Class III University or College, Private Wrecker Service



**I-1 vs B-2 Zoning**  
City of Morgantown  
Small Area 18 Plan

		I-1 Zone	B-2 Zone
Lot Provisions	Minimum lot size (sf)	87,120	6,000
	Minimum lot frontage (ft)	60	60
	Maximum lot coverage (%)	40	60
Setbacks	Minimum front (ft)	50	15
	Maximum front (ft)		30
	Minimum side (ft)	30	5 / 20 on access side
	Minimum rear (ft)	30	40
Building Height	Maximum height - Principal structure	65	72
	Maximum height - Accessory structure (ft)	35	20