



**Small Area Plan**  
**Area 16 – Powell Avenue**  
**Final Recommendations Report**  
**January 16, 2019**

MAP NUMBER	CURRENT ZONING	GENERAL DESCRIPTION	OBSERVATIONS
16	B-2	Powell Avenue	<p><i>The area is vacant, undeveloped land with steep slopes subdivided into smaller, residentially scaled parcels.</i></p> <p>Considerations for future study:</p> <ul style="list-style-type: none"> <li>• Evaluate appropriate residential densities.</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 planning area for the Area 16 Plan is identified as those parcels on Powell Avenue north of Deckers Creek and south of Woodrow Street that are currently zoned B-2 for business use. Figure 1 displays the planning area, as identified in the *2013 Comp Plan*, with the boundary shown in red, and Figure 2 shows the zoning districts located within and adjacent to the study area.

In 2012, to support preparation of the *2013 Comp Plan*, a windshield land use survey was conducted for the entire City to establish land use classifications. Because no significant change appears to have occurred within the Area 16 study area, this data was used for identifying trends. The existing land use is mostly open space on severe slopes, but the current zoning classification for the study area is B-2, Service Business District.

There appears to be two (2) fully-enclosed structures within the study area boundary. The study team identified 37 residential sized plots including all parcels with single-, two-, and multi-family buildings. All but one (1) of the parcels appear to be vacant after viewing the Monongalia County Assessor Office's 2018 aerial imagery. Another structure is located within public right-of-way and appears to be a utility outbuilding. Figure 3 illustrates affected structures in the study area.

Property access is undetermined for most parcels. A paper right-of-way extends from Montrose Avenue west to the back side of the study area but no improved street currently exists. Twenty (20) of the parcels have direct frontage on Powell Avenue.

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 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. With a single structure inside the study area, it is safe to estimate between 2-4 people reside inside the study area.

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 16 have major impacts on the ability to develop the property to suit quality development. With over 100 feet in elevation change from the front to back of the property, significant investment in site work and engineering will be necessary to overcome elevation issues.

For these parcels, there are two (2) 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 existing land use designation.

**Table 1: Land Use Types**

Current Land Use	Number of Parcels	Area (Acres)
Residential – Single Family	1	0.19
Vacant / Open Space	36	4.31

The transportation system serving Area 16 (Figure 8) involves Powell Avenue immediately adjacent to the property with additional access to the east edge by Woodrow Street and Montrose Avenue. Powell Avenue is a primary corridor in Morgantown and has connections between downtown, Sabraton, and Interstate 68 within minutes. Traffic volume in Area 16 is currently not an issue, but with residential development considered, connectivity needs to be improved to the rear of the property and will be an asset to future growth.

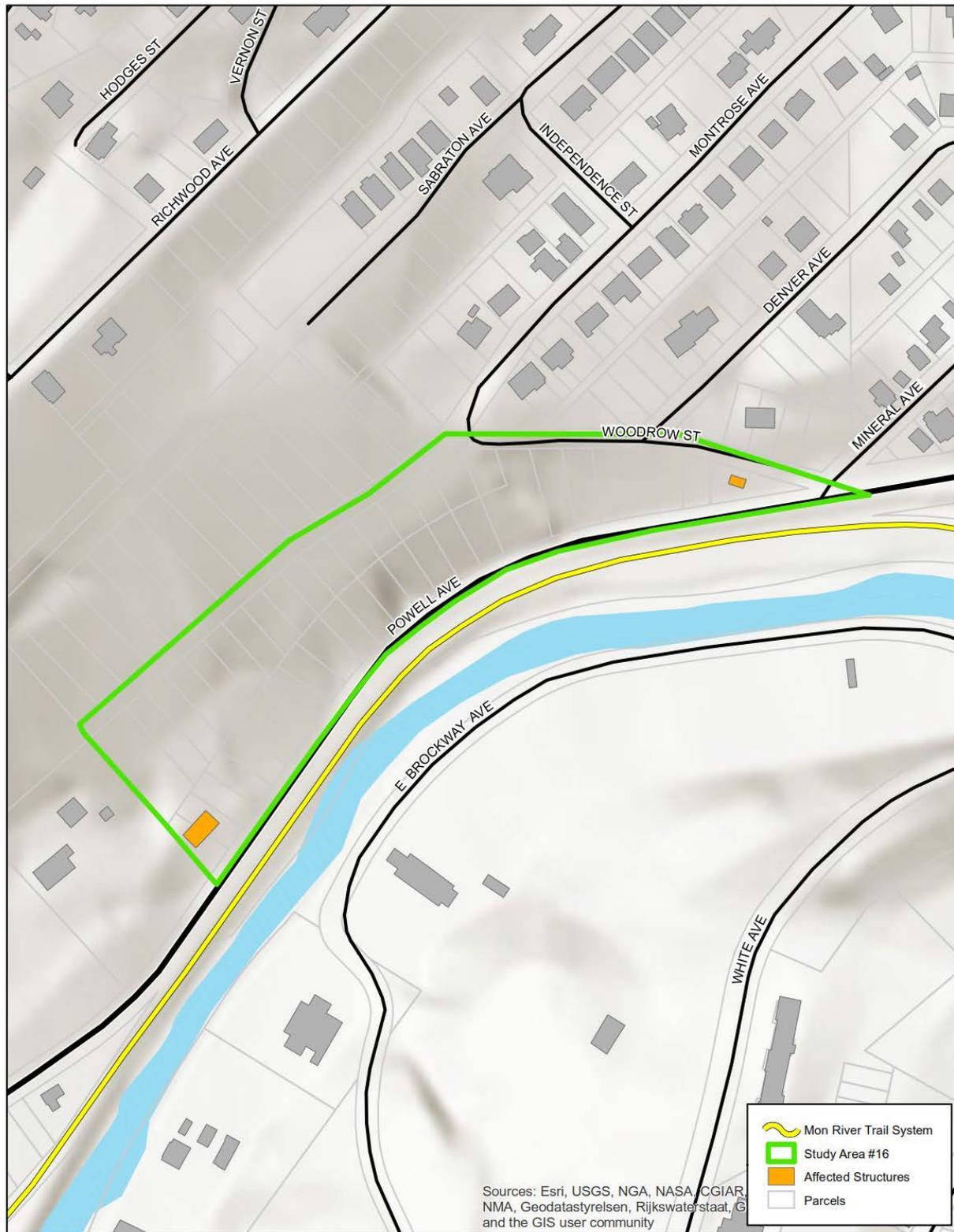


Figure 1: Small Area Study 16 - Study Area

0 100 200 400 Feet 1 inch = 250 feet

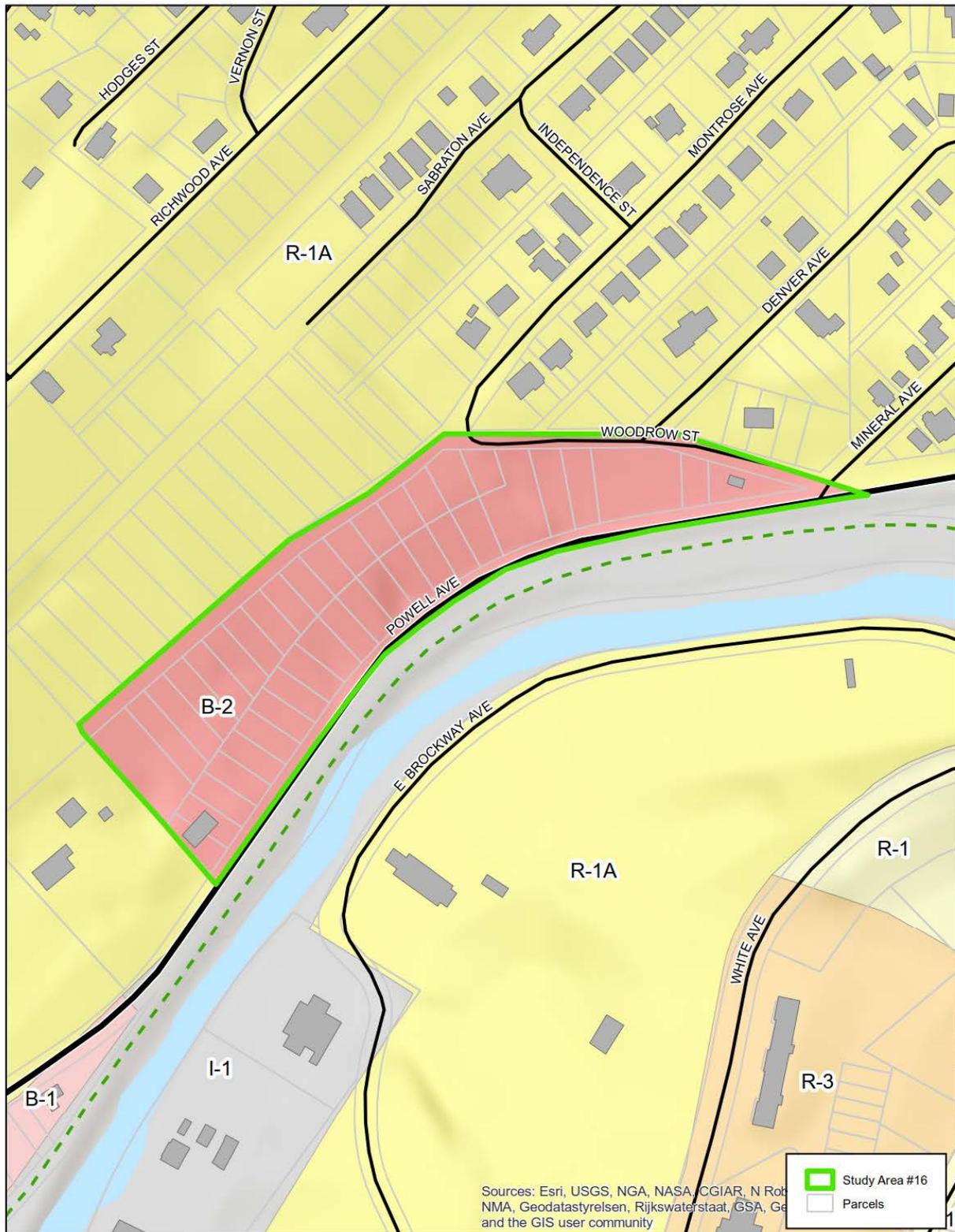


Figure 2: Existing Zoning Districts



Figure 3: Affected Structures

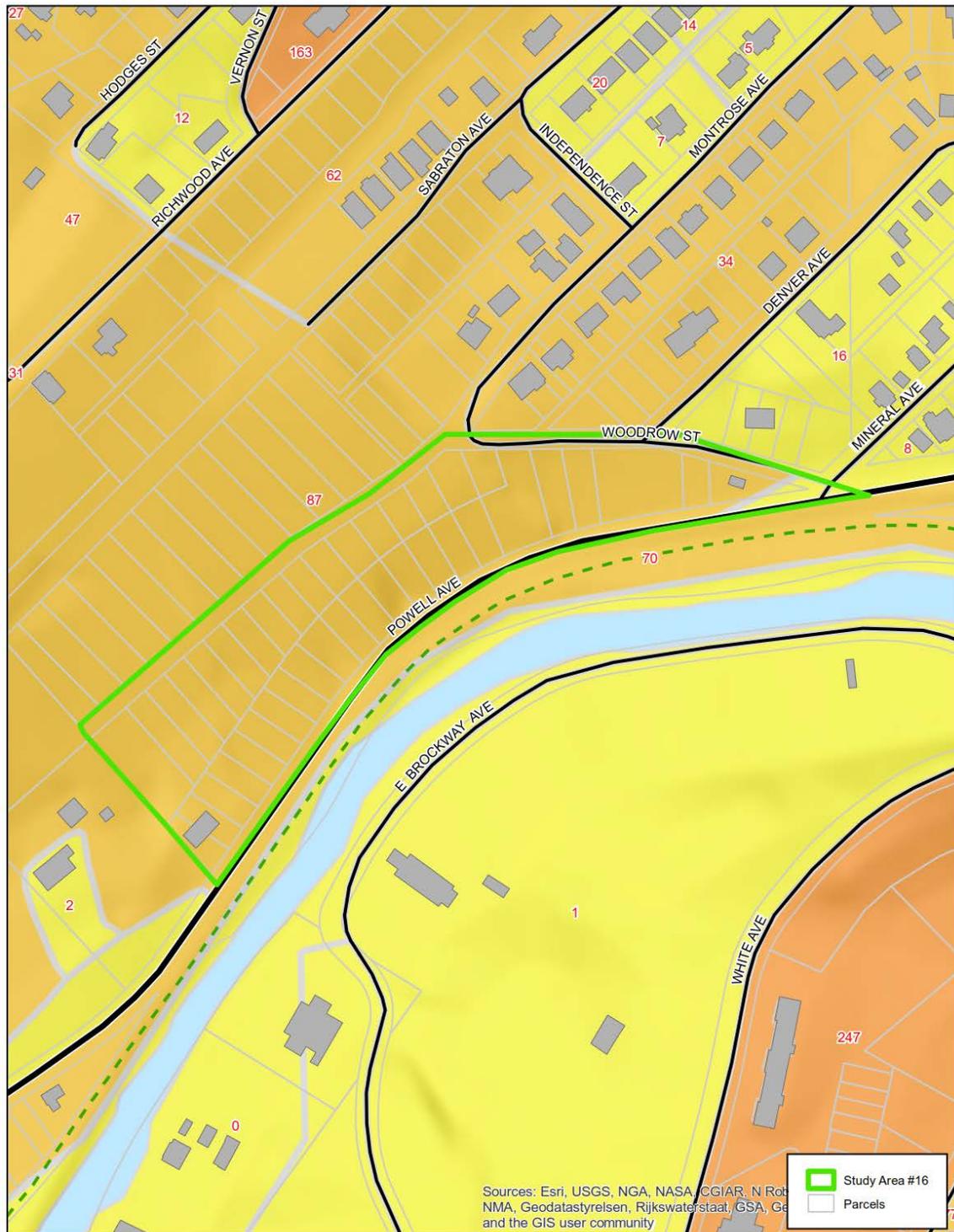


Figure 4: 2010 Population by Census Block

0 100 200 400 Feet 1 inch = 250 feet

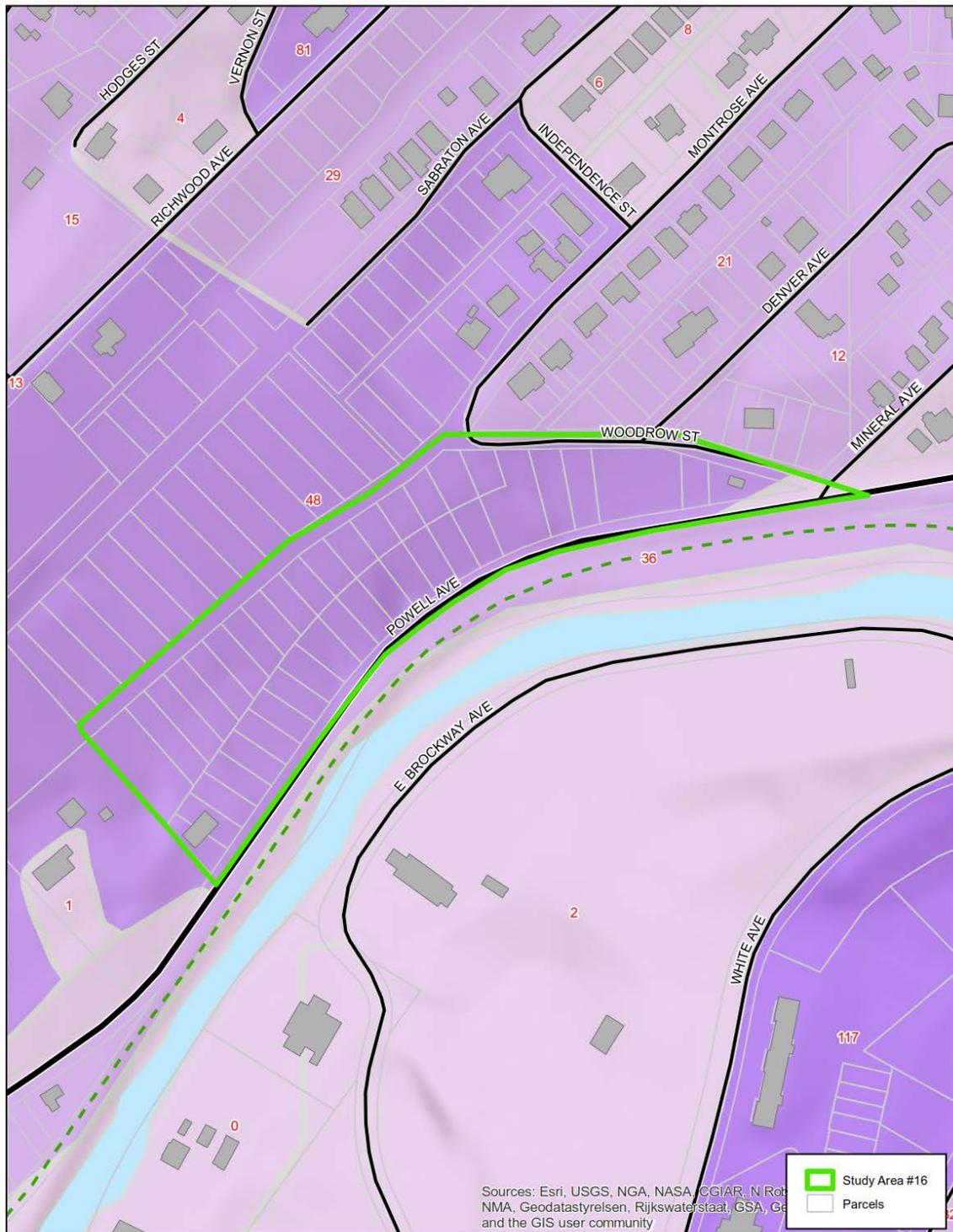


Figure 5: 2010 Housing Units by Census Block 0 100 200 400 Feet 1 inch = 250 feet



Figure 6: Elevation

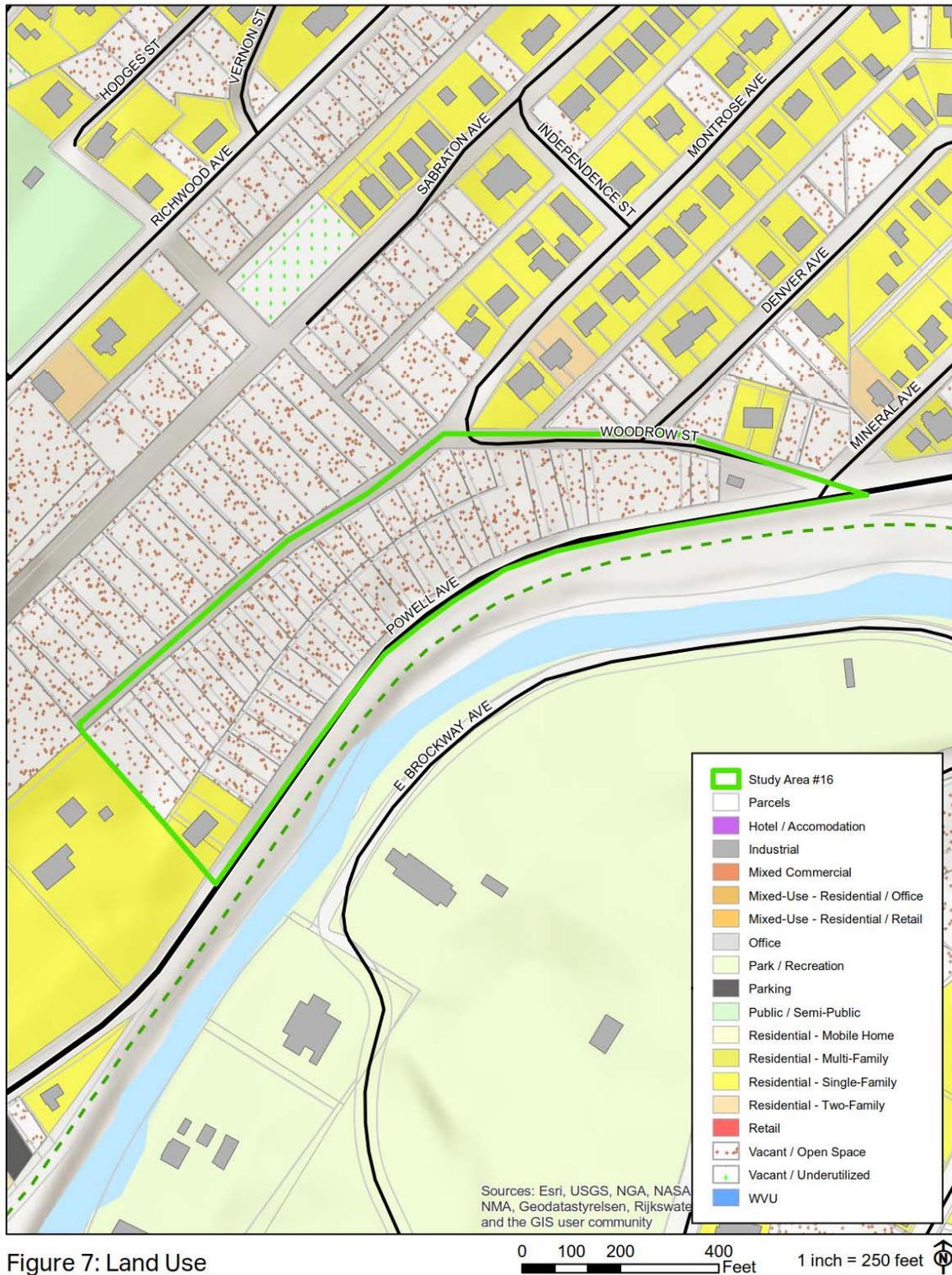


Figure 7: Land Use



Figure 8: Transportation





## Community Preferences

The local community input process revealed that the family who owns the house inside the study area and the surrounding neighbors all agree that the current zoning is not ideal and would tend to agree 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 environmental concerns and access to nearby parks and community activity centers. Through a series of two community meetings and a hearing before the Planning Commission, participating residents discussed changing the existing B-2, Service Business District zoning district for the study area to a zone that better matches the existing uses such as R-1A, Single-Family Residential. The majority of participants supported the change, but the major landowner in the study area preferred to leave the property in its current zoning classification.

### Community Forum No. 1 | August 20, 2018 7 p.m. | Marilla Center

Attendees at the first neighborhood public forum shared common concerns relating to multiple topics. There are significant issues related to water crossing many properties that has caused repeated property damage and erosion. The water issues seem to stem uphill in the Woodburn neighborhood and water sheets downhill over the underground clay seams to Deckers Creek. Attendees shared that business use is not desired for this area and that the common preference is to keep it residential if it must be developed but to also investigate preservation of the existing green space and to protect the property from future development.

Concerns regarding the ability of the local transportation network to absorb any future development were common among those in attendance, particularly for commercial type development permitted in the B-2 District. In addition, there were numerous questions raised regarding Route 7 and the ability of the City of Morgantown to regulate access from the study area directly into the route.

### Community Forum No. 2 | November 7, 2018 7 p.m. | Marilla Center

Although attendance was smaller than the first community forum, residents were active and shared numerous concerns. There were questions about the ability of the infrastructure to adequately handle B-2 permitted development, particularly water and transportation. Attendees were concerned about the ability of Route 7 to handle additional commercial access and related traffic, especially access and safety directly from the site.

There were particular concerns about the involvement of WVDOH in this and other local projects with the recent retirement of the District Four Engineer and his replacement.



Meeting with Bill Bland | November 11, 2018  
9 a.m. | City Hall

The planning team met with Mr. Bill Bland, president of O-Max, Inc. and owner of the parcels highlighted in Figure 9 below. Mr. Bland's Realtor Mr. Michael Shuman was also in attendance.



Figure 9: O-Max, Inc. owned tracts

Although no immediate site and development planning appear underway, offers to purchase the property have been made, with the existing B-2 zoning classification understood as an incentive to potential market interest. The owner does not consider the holdings to be nearly 60 individual parcels but the entire approximately eight (8) acres. The planning team advised the owner of the City's Planned Unit Development (PUD) provisions for assembled sites of two (2) or more acres. The owner understood these options, particularly given the challenge of the eight (8) acres falling within two (2) very distinct zoning districts. The owner was adamant that the existing B-2 zoning classification remain in place.

Planning Commission Public Hearing | February 14, 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, presented the project's findings and recommendations, advised the Planning Commission of procedural steps to accept the report, and addressed questions.

The Planning Commissioners present and voting unanimously to:

1. Accepted, as submitted, the Small Area Plan and Recommendations Report for Future Study Area 16 – Powell Avenue dated January 16, 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 February 14, 2019 public hearing.



2. File said Area 16 Recommendations 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 16 Recommendations Report for future consideration by the Planning Commission.

A sample of the comments received throughout the planning process includes:

**Environment:** *There are major issues with water crossing the property of current homeowners from the top of the hill from the Woodburn neighborhood down to Deckers Creek. It has damaged property and is not improving. Erosion and an existing clay seam contribute to the problems. Councilman Ron Dulaney was in attendance at the meeting and shared that he has made the City Manager aware of the issue and is working to seek solutions*

*The majority preference was to do what was necessary to preserve the existing open space, including the current groundcover and trees that help with water runoff and recapture. The primary hope is that no development of any kind occurs on this property. Discussion focused on how the city or another agency could preserve the land against future development without spending exorbitant amounts of money as proposed with the Haymaker Forest deal. Agencies such as the city's Land Reuse and Preservation Agency or the WV Land Trust were raised as possible aids in this process.*

**Transportation:** *If for some reason residential or business development happens, there will be significant access issues with substandard streets like Montrose Avenue and Woodrow Street. Powell Avenue is not equipped to facilitate multiple access points from the 17 existing parcels that front the road, so rear access would be necessary for parking and garbage service.*

*This plan should look at access to the Woodburn neighborhood from this area so that people can walk instead of being forced to drive and add to the existing traffic levels. The right-of-way for the former Columbia Street would be a natural green avenue to consider.*

*The City of Morgantown needs to do what it can to take control of Rt. 7 to regulate the traffic and maintenance of the roadway, given its continued substandard condition.*

The analysis and recommendations contained in the following pages strongly considers landowner preferences and balances public opinion with sound planning practice and overall City development needs.



## Development Context

Currently, Area 16 has a zoning classification of B-2, Service Business District. This type of land use district allows for 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 [see Planning and Zoning Code Section 1347.01].

Since future development is to be considered in Area 16, it is planned that the district will be reclassified to better adapt to the growth of the city. Following the goals set forth in the *2013 Comp Plan*, 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 topography and be harmonious with adjacent land uses. With that concept in mind, Area 16 would be best suited to shift away from its current commercial land use designation to one that better matches the existing and future potential of the study area.

Considering adjacent development patterns and land uses, the existing properties within the study area would be supported by a designation of R-1A, Single-Family Residential District. The Morgantown Planning and Zoning Code establishes this district to:

“Provide for single family neighborhoods on smaller lots, located within convenient walking distance of other uses, preserve the desirable character of existing single-family neighborhoods, protect the single-family residential areas from change and intrusion that may cause deterioration, and provide for adequate light, ventilation, quiet, and privacy for neighborhood residents.”

In this case, the existing neighborhood is residential in nature for those parcels where development is a realistic option. Lots are small, with the average lot size of 3,900 square feet. The minimum lot size for R-1A property is 3,500 square feet while R-1 parcels are 7,200 square feet.

An additional consideration is that a zoning reclassification of the four (4) parcels located at the southwest corner of the study area from B-2 to R-1A would resolve an existing nonconforming use. Specifically, the single-family dwelling addressed as 755 Powell Avenue is considered a legal, preexisting, nonconforming use within the B-2 District. Although the use may continue until abandoned “single-family dwelling” uses are not permitted in the B-2 District. Additionally, reclassifying the study area would permit the development of single-family units on the existing parcels.

Appendix A of this report contains the full text of the R-1A and B-2 Districts from the City of Morgantown Zoning Ordinance and also contains a table comparing the two (2) zoning classifications for quick reference.



## Planned Infrastructure Improvements

Regional infrastructure improvement planning and coordination will be significant in providing future services to Area 16, especially so if the current number of parcels are eventually able to be developed as residential properties. Additional land development in Area 16 will depend on transportation, water and sewer infrastructure improvements and their ability to support additional development density. Certain infrastructure improvement organizations 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 is one long-term project that may impact the study area. Project 20, shown in Figure 10 below, is a Tier 2 priority in the 2045 MTP, which indicates high value yet lower priority for funding.

**Project 20** provides pedestrian and bike connectivity from Sabraton to downtown. Those improvements include:

- Improve connections to Deckers Creek Trail
- Improve and complete sidewalk connections
- Provide bus stops with shelters at key locations

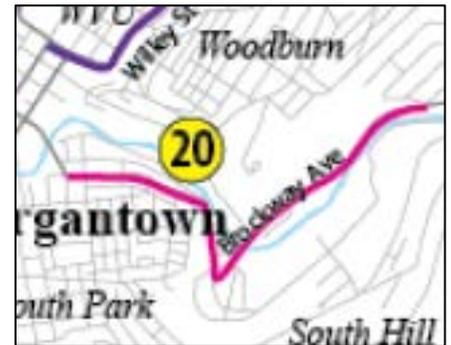


Figure 10: MMMPO Project 20

### ***Morgantown Utility Board***

At this time, there are no known short-term improvements planned within Area 16 or immediate vicinity.

## Development Recommendations

Based upon best practices, professional planning experience, and feedback from residents, stakeholders, and the principal property owner within the study area, the following recommendations are made for Area 16 and future development scenarios.

### **Land Use**

The land use recommended for Area 16 is consistent with the existing patterns of development in the adjoining Woodburn neighborhood and surrounding areas. The predominant land use should remain single-family residential, which is the current platted development pattern even though it is inconsistent with the current B-2 District zoning classification. If there are any changes in land use desired by landowners apart from those permitted by right, there is a set of established uses allowed with conditional use approval through the City of Morgantown's established zoning process (see Appendix A for use tables).



## Zoning

The zoning of Area 16 realty should be consistent with the desires of the majority of property owners and residents that would be directly impacted by development of the study area. The zoning of Area 16 should also be consistent with the *2013 Comp Plan's* objectives to direct new growth into infill situations, where possible, and to increase density within City limits. While increased density is a continued overall goal of the City, the overwhelming feedback received from participating residents is to retain the existing detached, single-family residential scale and development pattern in the worst case and in the best case to preserve the land in the study area from future development.

The R-1A District would allow for the neighborhood to remain single-family residential on smaller lots and retain the patterns of development and parcel configurations that currently exist. The allowable minimum lot sizes will change to 3,500 square feet for the R-1A District from the existing 6,000 square-foot minimum lot size in the B-2 District. In addition, the minimum front setbacks for the R-1A District are 8 feet in contrast to the 15-foot minimum setbacks in the B-2 District. Given the extreme slopes in this area, the flexibility given to landowners through the R-1A zoning classification would make it more feasible to place a house on one of the parcels if that was desired.

The principal owner of parcels within the Area 16 is resolute in preserving the existing B-2 zoning classification to safeguard existing value and market opportunity, given the fact the property has enjoyed the B-2 classification for many years. To address the owner's reasonable concerns, the Planning and Zoning Code [see Article 1357] provides opportunities to pursue a Planned Unit Development (PUD) approach to develop land assembled of two (2) or more acres, outside the Sunnyside Neighborhood. Regardless of present or future zoning classifications of the assembled approximately eight (8) acres, current or future owners may pursue an infinite number of contemplated development scenarios through the very public participatory PUD process.

## Housing

The housing type for the neighborhood should remain as it currently exists, which is detached single-family residential, as identified in the Planning and Zoning Code under the R-1A District. The maximum allowable height for principal buildings in the R-1A District is 2.5 stories or 35 feet.

However, given the fact approximately eight (8) acres has been assembled inside and adjoining the study area, more intense residential development scenarios (e.g., two-family, townhouse, multi-family, etc.) could be pursued under a Planned Unit Development (PUD) Outline Plan proposal, given site, geotechnical, slope, infrastructure, access management, traffic impact, and open space preservation analyses required under the PUD process.



## **Transportation**

Mountain Line Transit services this area through the Brookhaven and Mountain Heights routes, which are Routes 8 and 14. The Brookhaven route runs on a fixed schedule on 90-minute headways from 6:30 a.m. to 7:30 p.m. daily, departing Westover terminal and traveling to Brookhaven with a return trip. The Mountain Heights runs three times a day, with a loop through Sabraton to Summer School Road and back down Kingwood Pike.

In addition to this route, there are also adjacent routing options through Woodburn on the Blue Line, which is Route 12. The Blue Line runs down Richwood Avenue to Hartman Run Road. Accordingly, Mountain Line Transit appears to be a viable transportation option for the study area.

The Deckers Creek Trail is adjacent to the study area and provides connection to downtown Morgantown as well as east to Sabraton and out to Preston County. Aside from the Deckers Creek Trail, there are currently no sidewalk connections along Powell Avenue or adjacent to the study area.

Due to the industrial nature of Route 7 with significant truck traffic, safety is an issue for anyone on the north side of the road. Assessment of the potential for one or more pedestrian crossings / safety zones that connect residential areas north of Route 7 to the Deckers Creek Trail should be a priority of the City of Morgantown.

Other potential connections for pedestrians and cyclists should be investigated through Whitmore Park to Woodburn and up Columbia Street from Montrose Avenue.

## **Historic Preservation**

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

## **Environment**

As noted in stakeholder comments, steep slopes and water runoff are concerns with all the parcels in the study area and the adjoining uphill neighborhood. There will be higher than normal development costs within the study area to ensure slope stabilization and to properly construct requisite roadway and below-ground utility installation and improvements. Without geotechnical analysis of the hillside, it is unknown whether detached single-family type development or larger multi-family and commercial building type development would be least physically impactful to the existing slopes and uphill tracts of realty.



## **Parks**

Most landowners involved in the planning process, including the sole homeowner within the study area, are in favor of preserving the remaining land in easement or some other long-term preservation tool to retain the existing open space. Additionally, development scenarios under a Planned Unit Development (PUD) process would require the preservation of a percentage of open space, which would not be required under a by-right development scenario under the existing B-2 zoning classification.

## **Neighborhood Services**

No additional neighborhood services are expected as a result of any new R-1A scaled development within Area 16. However, driveway access and daily school bus and weekly solid waste hauling services should be carefully considered in overall site planning and development approval review.

## **Economic Development**

As presented herein, the development of Area 16 should be restricted to detached, single-family residential development patterns, if not secured for preservation of open space and the protection of steep slopes. Neighborhood-scaled commercial establishments are permitted in the R-1A District as conditional uses (see Appendix A), which would provide services to the neighborhood with a majority of patrons from inside and near the study area rather than capturing and/or attracting regional-scaled vehicular traffic.

Accordingly, the development of B-2 scaled commercial uses should be excluded from future site planning. However, given the fact approximately eight (8) acres has been assembled inside and adjoining the study area, more intense development scenarios could be pursued under a Planned Unit Development (PUD) Outline Plan proposal, given site, geotechnical, slope, infrastructure, access management, traffic impact, and open space preservation analyses required under the PUD process.



## Implementation

Task	Category	Capital Cost	Timeframe	Responsible Agency
Reclassify study area from B-2 to R-1A	Zoning	N/A	<1 yr	City of Morgantown
Investigate land preservation options including acquisition, land banking, preservation easements, etc.	Land Use	Undetermined	<1 yr	City of Morgantown
Install pedestrian crossing area between the Deckers Creek Trail and the north side of Route 7	Transportation	Site-dependent	1-5 yrs	City of Morgantown, MPO, WVDOH
System-wide stormwater planning	Environment	N/A	5-10 yrs	MUB

## Appendix A: B-2 vs R-1A – Comparison for Area 16 Small Area Plan

**B-2 vs R-1A Zoning**  
 City of Morgantown  
 Small Area 16 Plan

	R-1A Zone	B-2 Zone
Purpose	single family neighborhoods  Located on smaller lots  within convenient walking distance of other uses  Preserve existing single-family neighborhoods  Protect existing single family residential areas from change and intrusion that may cause deterioration	Businesses & Services  Large space users such as department stores  Located along major thoroughfares
Permitted Uses	Cemetary Community Gardens Day Care Facility, Class 1 Dwelling, Single-family Essential Services & Equipment Government Facility Group Residential Facility Group Residential Home Manufactured Homes Telecommunication Class 1 Greenhouse, non-commercial (Accessory) Home Occupation, Class 1 (Accessory)	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

	R-1A Zone	B-2 Zone
		Equipment or Furniture Rental Establishment Essential Services and Equipment 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 Recreation Facility, Commercial, Outdoor Recreational Facility, Commercial, Indoor Repair, Small Engine and Motor Shop Restaurant Restaurant with Drive-in

		R-1A Zone	B-2 Zone
			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		Animal Grooming Service Appliance Repair Establishment Art Gallery Artist Studio Athletic Field Bakery, retail Barber Shop / Beauty Salon Caretaker's Residence Churches, Places of Worship Communications Equipment Building Community Center Convenience Store, neighborhood Day Care Facility, Class 2 Drug Store Florist Shop Golf Course Home Occupation, Class 2 Hospital Instructional Studio Newsstand Park and Recreation Services Re-use of closed/vacant School or Church School (k12), Private	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
Lot Provisions	Minimum lot size (sf)	3,500	6,000
	Minimum lot frontage (ft)	30	60
	Maximum lot coverage (%)	50	60
Setbacks	Minimum front (ft)	8	15
	Maximum front (ft)	20	30
	Minimum side (ft)	5	5 / 20 on access side
	Minimum rear (ft)	20	40
Building Height	Maximum height - Principal structure	2.5 stories or 35 ft	72 ft
	Maximum height - Accessory structure (ft)	18	20

**ARTICLE 1335**  
R-1A, Single Family Residential District

1335.01	Purpose.	1335.05	Encroachments into setbacks.
1335.02	Permitted principal and conditional uses.	1335.06	Building height.
1335.03	Lot provisions.	1335.07	Performance standards.
1335.04	Setbacks.		

**CROSS REFERENCES**

Design standards - see P. & Z. 1331.06(16)  
Non-residential uses - see P. & Z. 1331.06(29)  
Accessory uses - see P. & Z. 1331.08  
Permitted signs - see P. & Z. 1369.06

**1335.01 PURPOSE.**

The purpose of the Single Family Residential (R-1A) District is to:

- (A) Provide for single family neighborhoods on smaller lots, located within convenient walking distance of other uses, and
- (B) Preserve the desirable character of existing single family neighborhoods, and
- (C) Protect the single family residential areas from change and intrusion that may cause deterioration, and
- (D) Provide for adequate light, ventilation, quiet, and privacy for neighborhood residents.

**1335.02 PERMITTED PRINCIPAL AND CONDITIONAL USES.**

See the Permitted Land Use Table 1331.05.01.

**1335.03 LOT PROVISIONS.**

- (A) The minimum lot size shall be 3,500 square feet.
- (B) The minimum lot frontage shall be thirty (30) feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
- (C) Maximum lot coverage shall be fifty (50) percent.

2018 Replacement

## 1335.04 SETBACKS.

(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:.....8 feet
- (2) Maximum Front setback: .....20 feet
- (3) Minimum Side setback:.....5 feet
- (4) Minimum Rear setback: .....20 feet.

(B) 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 setback requirement. (Amended by Ord. 06-24, Passed 07-18-2006)

## 1335.05 ENCROACHMENTS INTO SETBACKS.

(A) Architectural features may project into a required setback as provided below:

- (1) Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters or other similar features may extend into a setback a distance not exceeding three (3) feet, except that such features shall not extend closer than three (3) feet from the property line.
- (2) Uncovered stairs, landings and porches shall not extend closer than three (3) feet from the property line.
- (3) Open and covered, but un-enclosed front porches attached to single family dwellings may extend into the required front setback a distance equal to fifty (50) percent of the setback depth. Such porches may not subsequently be enclosed unless the normal setback requirements for the district are met.

(B) No permitted encroachment noted above shall extend to within three (3) feet of an accessory structure.

(C) Fences, walls, terraces, steps or other similar features may encroach into a required setback, except as provided in Section 1363.03, Safety and Vision. Such appurtenances shall not be located within access, drainage, or utility easements.

(D) HVAC mechanical units may be located no closer than five (5) feet to a side lot line.

(E) Parking shall be permitted in the front setback only on approved driveways constructed to the standards of the City Engineering Department and arranged so that no part of any vehicle parked on the driveway encroaches into the right-of-way of any street.

## 1335.06 BUILDING HEIGHT.

(A) The maximum height of a principal structure shall not exceed two and one-half (2.5) stories or thirty-five (35) feet, whichever is less, except as provided in Section 1363.02(A), Height Exceptions.

(B) The maximum height of an accessory structure shall not exceed eighteen (18) feet. (Ord. 06-40. Passed 11-21-06.)

1335.07 PERFORMANCE STANDARDS.

(A) All residential construction shall substantially conform in street orientation to adjacent homes.

(B) Civic buildings such as private schools, churches, should be built so that they terminate street vistas whenever possible, and shall be of sufficient design to create visual anchors for the community.

(C) Materials:

- (1) Residential building should be clad in wood siding, vinyl siding, composite siding (cement board), stone, or brick.
- (2) Civic building walls shall be clad in stone, brick, wood, marble, or cast concrete.
- (3) Garden walls should not be made from cinderblocks unless of the ornamental variety designed for use in landscaping projects.
- (4) Civic building roofs shall be clad in slate, sheet metal, corrugated metal, and/or diamond tab asphalt shingles.
- (5) Principal building roofs should have a pitch that conforms substantially to the roof pitches of adjacent homes.

(D) Homes should have substantial front porches oriented toward the primary street frontage. Covered, but unenclosed, front porches shall not count toward the permitted maximum lot coverage.

(E) Garages, if attached to the home, should be recessed a minimum of seven (7) feet from the primary building line of the front façade, unless located directly underneath the first floor of the house. Detached garages shall not be located in the front half of any lot.

(F) Sidewalks shall be constructed along the frontage of a lot upon which a use is to be constructed unless waived by the City Engineer for single and two family infill development on practicability merits. New sidewalks shall be at least five (5) feet wide. The City Engineer shall have the discretion to reduce this minimum standard to four (4) feet based on site constraints, or to conform to an existing but incomplete sidewalk along the same side of the street. (Amended by Ord. 06-14, Passed 06-06-2006.)

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.

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(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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