

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 365.01, AND REPEALING AND REENACTING SECTION 365.12 OF ITS TRAFFIC CODE AS THE SAME APPLY TO DEFINITIONS AND GATE AND PULL TICKET VIOLATIONS.

The City of Morgantown hereby ordains that Section 365.01 of its Traffic Code is amended, and Section 365.12 of its Traffic Code is repealed and reenacted as follows (new matter underlined, deleted matter struck through):

365.01 DEFINITIONS.

For the purposes of this article, unless the context clearly otherwise requires, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Off-street facilities” means the areas of land in the City which are now, or which may hereafter, be improved, paved, lighted and marked off in individual parking spaces, and equipped with parking meters for use in parking vehicles.

“Off-street gated parking facility” means any parking lot or multi-level parking garage with an installed access gate system for the purpose of regulating ingress and egress to the facility and requiring payment for time parked prior to exiting that facility.

“Parking” means the standing of a vehicle upon any off-street facility provided therefor, whether such vehicle is occupied or not, by an operator or otherwise, for a period in excess of one minute.

“Parking authority” means the Morgantown Parking Authority, established by Council.

“Parking meter” means a device which shall indicate thereon the length of time during which a vehicle may be parked in the particular individual parking space and which shall have as a part thereof a receptacle or chamber for receiving and storing coins representing currency of the United States of America, or tokens approved by the Parking Authority, and a slot or place in which such coins or tokens may be deposited.

“Vehicle” means any device in which any person or property is or may be transported upon a public highway, except such as are motivated or propelled exclusively by human power.

~~365.12 LOT E PARKING RESTRICTIONS:~~

~~Parking of vehicles within Lot E (Bossio Lot) shall be prohibited between the hours of two a.m. and six a.m.~~

365.12. GATE AND PULL TICKET VIOLATIONS.

(a) No vehicle shall exit any off-street gated parking facility by means of a gate being physically lifted for the purpose of exiting the facility without paying for time parked.

(b) No vehicle shall exit any off street gated parking facility by means of a pull ticket which has been modified or is different than that which was issued to the vehicle upon entering the facility.

(c) No vehicle shall tailgate while exiting an off street gated parking facility. For purposes of this subsection, tailgate shall mean one vehicle following another vehicle so closely that the tailgating vehicle exits through the gated area during the gate cycle for the vehicle in

front of it without using a paid parking ticket to exit.

Violations of any of the prohibitions within Section 365.12 shall be subject to a penalty of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Parking Authority Enforcement Officers shall have the authority to mail citations to a vehicle's registered owner who shall be responsible for violations set forth in Section 365.12

This Ordinance shall be effective upon date of adoption.

First Reading:

MAYOR

Adopted:

Filed:

CITY CLERK

Recorded:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 363.07 AND 363.08 OF ITS TRAFFIC CODE, AS THE SAME APPLY TO PARKING METER ENFORCEMENT ON SUNDAY AND HOLIDAYS, AND PARKING TIME LIMITS AND FEES.

The City of Morgantown hereby ordains that Sections 363.07 and 363.08 of its Traffic Code are amended as follows (new matter underlined, deleted matter struck through):

353.07 METERS NOT OPERATIVE ON SUNDAYS FROM 6:00 a.m. TO MIDNIGHT AND THE ENTIRE DAY ON HOLIDAYS.

Parking meters installed under the provisions of this article shall be operated twenty four hours per day in the parking meter zones on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday of each week; and shall not operate on Sundays after 6:00 a.m. and holidays; provided, however, that within the meaning of this article, "holidays" includes only the following days: January 1 (New Year's Day); January 21 (Martin Luther King, Jr. Day); ~~February 22 (Washington's Birthday);~~ the last Monday in May (Memorial Day); ~~June 20 (West Virginia Day);~~ July 4 (Independence Day); the first Monday in September (Labor Day); ~~October 12 (Columbus Day);~~ ~~November 11 (Veteran's Day);~~ the fourth Thursday in November (Thanksgiving Day); the day after Thanksgiving; December 24 from twelve o'clock noon to midnight; December 25 (Christmas Day); December 31 from twelve o'clock noon to midnight (New Year's Eve) and election days held within the City as follows: (national, state ~~municipal and other primary,~~ general, and Morgantown City Council elections.

363.08 PARKING TIME LIMITS AND FEES.

The hereinafter designated parking fees, regulations and fines shall become effective upon entry and recordation in the journal of the City, pursuant to Section 363.09:

- (a) Rate - \$0.50/hour - Two hour limit.
Court Street - High to Chestnut
Walnut Street - High to University
Foundary Street - High to University
Chestnut Street - Foundry to Willey
Brockway Avenue - Walnut to Kingwood
High Street - Willey to Foundry
Fayette Street - High to Spruce
Walnut Street - Spruce to Chestnut
Donley Street - Don Knotts Blvd. To Clay Street
- (b) Rate - \$0.75/hour - Ten hour limit.
North Spruce Street - Willey to Fife
North High Street - Willey to Fife
Prospect Street - Willey to University
University Avenue - Willey to Fayette
Reid Street - Chestnut to University
Fife Street - North High to Price

- (c) Off-Street Parking.
- “J” Lot (Wesley Methodist Church)
Rate: \$0.75/hr.
- “G” Lot (Trinity Episcopal Church)
Rate: \$0.75/hr.
- “K” Lot (University Avenue Garage)
Rate: \$0.75/hr. 6:00 a.m. to 6:00 p.m.
\$1.00/hr. 6:00 p.m. to 6:00 a.m.
- “A” Lot (Spruce Street Pavilion)
Rate: \$1.25/hr. 6:00 p.m. to 6:00 a.m.
Permit Lot Only 6:00 a.m. - 6:00 p.m.
- “B” Lot (Behind Daniels)
Rate: \$0.75/hr. 6:00 a.m. - 6:00 p.m.
\$1.25/hr. 6:00 p.m. to 6:00 a.m.
- “E” Lot Across from Bent Willeys)
Rate: \$0.75/hr. 6:00 a.m. - 6:00 p.m.
\$1.25/hr. 6:00 p.m. - 6:00 a.m.
- All remaining off-street parking lots and garages of the City
Rate: \$0.50/hr.

- (d) Overtime.
- (1) Long term Spaces (10 hr.) and short term spaces (2 hr.) at the following locations:
 Foundry Street - High to University
 Brockway Avenue - Walnut to Kingwood
 North Spruce Street - Willey to Fife
 North High Street - Willey to Fife
 Prospect Street - Willey to University
 University Avenue - Willey to Fayette
 Reid Street - Chestnut to University
 Fife Street - North High to Price
- First violation - \$5.00
 Each subsequent violation - \$5.00
 If any of the above fines are not paid within ten days from date of issue, then in such an event the fines will be increased to \$10.00, plus municipal court costs, if any.
- (2) Short-term spaces (2 hr.) at the following locations between the hours of 11:00 p.m. through 6:00 p.m.:
 Court Street - High to Chestnut
 Walnut Street - High to University
 Chestnut Street - Foundry to Willey
 High Street - Willey to Foundry
 Fayette Street - High to Spruce

Walnut Street - Spruce to Chestnut

First violation: \$5.00

Second violation for same incident for which first violation was issued - \$10.00.

Third violation for same incident for which first and second violations were issued - \$25.00.

If any of the above fines are not paid within ten (10) days from date of issue, then in such an event the fines will be increased by \$5.00, plus municipal court costs, if any.

There shall not be a 2 hour parking time limit upon the streets listed in this subparagraph (d) (2) between the hours of 6:00 p.m. through 11:00 p.m.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:



MORGANTOWN PLANNING COMMISSION

April 25, 2013
6:30 PM
City Council Chambers

STAFF REPORT

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Jennifer Selin, City Council

CASE NO: TX13-01 / Administrative / "Lodging or Rooming House" Uses

REQUEST:

Administratively requested text amendment to Table 1331.05.01 "Permitted Land Uses" of the City's Planning and Zoning Code as it relates to "Lodging or Rooming House" uses in the B-4 District.

BACKGROUND:

Table 1331.05.01 "Permitted Land Uses" of the City's Planning and Zoning Code permits "Lodging or Rooming House" uses in the B-4 District with conditional use approval by the Board of Zoning Appeals.

During the Boards' February 20, 2013 hearing, a conditional "Lodging or Rooming House" use petition was granted for 206 Spruce Street. In response to the considerable opposition expressed publicly surrounding this case, City Administration seeks to respond by submitting a zoning ordinance text amendment to the Planning Commission that would remove "Lodging or Rooming House" uses as permitted in the B-4 District.

ANALYSIS:

The objective of mixed-use development and land use patterns is to contribute to the creation of places that enliven urban centers while meeting the everyday needs of the community. Mixed-use development offers many advantages over single-use development in fostering better urban environments including:

- Sense of Community – Mixed-use development provides opportunities for community interaction by catering to a diversity of people and uses in one place.
- Vitality – Diversified, mixed-use urban centers become community destinations.
- Convenient Access – The mixing of diverse uses within proximity of public spaces, services, and amenities makes it possible to reduce vehicle trips and encourage shared parking and transit ridership.
- Pedestrian-Friendly Environment – Mixed-use development provides more opportunities for convenient and safe pedestrian access.
- Longer Hours of Active Street Life – A range of uses are generally active at different times of the day or on different days of the week, which activates the space for longer hours than is possible for any one single-use type.
- Safety – Mixing residential, commercial, and professional activities within a compact area ensures activity throughout the day and evening, creating a sense of safety.

The preservation of existing and continued development of at-grade commercial leasable space is paramount to ensuring desired mixed land use patterns within urban centers. The City's B-4 District represents Greater Morgantown's urban center.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN PLANNING COMMISSION

April 25, 2013
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Wyant, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Ken Martis, Admin.

Jennifer Selin, City Council

The July 2010 Downtown Strategic Plan Update provides the following guidance relating to planned land uses and preferred development patterns within the City's central business district (emphasis added).

Section 4.8 Housing (Page 51):

"The opportunities to create a variety of housing types and price levels in the downtown are vast, as downtown Morgantown has many historic buildings whose upper floors could be redevelopment for use as apartments and/or condominiums. In addition, there are a number of empty lots that could be developed with new **mixed-use buildings**."

Section 6.0 Downtown Strategies (Page 64):

"Housing and Redevelopment: Redevelop vacant and underperforming properties throughout the downtown and promote a variety of **mixed-use housing** in order to diversify the demographics of downtown residents."

Section 6.1 Downtown Framework Plan (Page 65):

"Downtown's traditional core already reflects the new paradigm for American downtowns: walkable gridded streets, public gathering places, **mixed-uses**, and mixed demographics. These qualities should be extended throughout the study area to promote a strong sense of community and **attract new residents, merchants, entrepreneurs, and investors**."

Section 6.3.1.4 Character Area C4 – Forest Avenue (Page 86):

"Opportunities – Additional **mixed-use** infill at the **north end of Spruce Street**."

Section 6.3.1.4 Character Area C4 – Forest Avenue (Page 87):

"Reinforce the urban quality by increasing the mass, density, and **mixed-use** quality buildings that front on well-designed pedestrian streets."

Section 6.6 Housing and Redevelopment (Page 122):

"6.6.2 Encourage the reuse and conversion of underutilized **upper floors for new residential uses**."

As noted above, the goals, objectives and strategies provided in the 2010 Downtown Strategic Plan Update emphasize mixed-use housing. Additionally, the preservation and growth of street level commercial retail storefronts is emphasized by focusing, in part, on the conversion of upper floors as additional residential opportunities.

Moreover, "mixed-use" and "over-store" dwelling uses are permitted by-right in the B-4 District, which supports the Plan's preferred residential use pattern of maintaining and preserving a non-residential presence at street level.

However, "lodging or rooming house" uses are currently permitted in the B-4 District as a conditional use.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN PLANNING COMMISSION

April 25, 2013
 6:30 PM
 City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

- Sam Loretta, 1st Ward
- Tim Stranko, 2nd Ward
- William Wyant, 3rd Ward
- Bill Petros, 4th Ward
- Mike Shuman, 5th Ward
- Ken Martis, Admin.
- Jennifer Selin, City Council

Article 1329.02 of the Planning and Zoning Code defines "conditional use" as:

"A use which because of special requirements or characteristics may be permitted in a particularly zoning district only after review by the Board of Zoning Appeals and upon issuance of a conditional use permit, and subject to the limitations and conditions specified in this Ordinance."

Requiring a particular land use to obtain conditional use approval affords the Board of Zoning Appeals and the community through a public hearing the opportunity to review the merits of the conditional use request on a case-by-case basis

Consideration is given to the characteristics peculiar to the proposed conditional use and its location with reference to its surroundings (e.g., built environment, neighboring uses, streets, existing improvements, demand upon public facilities, etc.). The approval of a conditional use along with specific conditions, if warranted, are intended to ensure that the particular conditional use at the particular site on which such use is proposed to be located is compatible with other existing or permitted uses surrounding the site.

Given the recent public discussion surrounding conditional "Lodging or Rooming House" uses in the B-4 District, it appears that the Planning and Zoning Code can and should be strengthened to better reflect the related goals, objectives and strategies provided in the 2010 Downtown Strategic Plan Update.

STAFF RECOMMENDATION:

The Planning Division respectfully advises the Planning Commission to forward a favorable recommendation to City Council to amend Table 1331.05.01 "Permitted Land Uses" of the Planning and Zoning Code as presented below thereby removing "Lodging or Rooming House" uses as a permitted conditional use within the B-4, General Business District.

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1
Lodging or Rooming House			C	P			P	C			

Development Services

Christopher Fletcher, AICP
 Director

Planning Division

389 Spruce Street
 Morgantown, WV 26505
 304.284.7431