



Office of the City Clerk

The City of Morgantown

Linda L. Tucker, CMC
389 Spruce Street, Room 10
Morgantown, West Virginia 26505
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ltucker@morgantownwv.gov

AGENDA
MORGANTOWN CITY COUNCIL
COMMITTEE OF THE WHOLE
July 26, 2016
7:00 p.m.

NOTE: Committee of the Whole Meetings of the Morgantown City Council are intended to provide an opportunity for the Council to receive information, ask questions, and identify policy options in an informal setting. No official action is taken at these meetings. At this Committee of the Whole Meeting the following matters are scheduled:

PRESENTATIONS:

1. Arts Mon Presentation - Jack Thompson and Terry Cutright

PUBLIC PORTION:

ITEMS FOR DISCUSSION:

1. Implementing Senate Bill 648 Traffic Signs, Signals and Markings
2. BOPARC Levy update
3. Care Here on-site wellness center
4. Urban Agriculture Ordinance
5. Ordinance providing Zoning reclassification for 2 parcels in the 6th wd from R-1 to R-1A.
6. Ordinance amending 1329.02, 1349.08, 1365.04 if the Zoning Code as it relates to Bicycle Storage.
7. Ordinance amending 1383, 1389, 1391 of the Zoning Code as it relates to Administrative Appeals and the BZA.
8. Ordinance amending 1329.02, table 1331.05.01, 1365.04, and 1365.07 of the Zoning code as it relates to Parking Lot and Parking Structure Uses.
9. Amending article 767 as it relates to Hotel Tax

If you need an accommodation contact us at 284-7439

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Enrolled

Senate Bill 648

BY SENATOR BLAIR

[Passed March 8, 2016;

in effect 90 days from passage]

1 AN ACT to amend and reenact §17C-3-7 of the Code of West Virginia, 1931, as amended, relating
2 to allowing local authorities to permit flashing traffic signals during low traffic times.

Be it enacted by the Legislature of West Virginia:

1 That §17C-3-7 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 3. TRAFFIC SIGNS, SIGNALS AND MARKINGS.

§17C-3-7. Flashing signals.

1 Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it
2 requires obedience by vehicular traffic as follows:

3 (1) Flashing red (stop signal). — When a red lens is illuminated with rapid intermittent
4 flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or
5 at a limit line when marked, or, if none, then before entering the intersection, and the right to
6 proceed is subject to the rules applicable after making a stop at a stop sign.

7 (2) Flashing yellow (caution signal). — When a yellow lens is illuminated with rapid
8 intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal
9 only with caution.

10 (3) Local authorities, in areas that experience low traffic times, may permit flashing signals
11 between the hours of eleven o'clock p.m. and six o'clock a.m.



**MORGANTOWN BOARD OF
PARKS AND RECREATION**

P.O. Box 590 Morgantown WV 26507
304-296-8356 www.boparc.org

July 19, 2016

Jeff Mikorski, City Manager
City of Morgantown

Dear CM Mikorski:

I am submitting the following information regarding the Ice Arena levy funding and BOPARC's current plan of action for the designation of that funding. As you know, the levy funds will be used for improvements, upgrades and renovations to the Morgantown Ice Arena.

The first step in the process will be to formulate a strategic plan for this project, including visioning, diagnostics, and recommendations for the execution of a future design for the improvements and renovations. BOPARC is currently in preliminary consultation with Brailsford & Dunlavey on this portion of the process, as they are familiar with the Ice Arena and provided us with a recommendation outline involving that facility during the recreation study of 2015. I was able to meet with representatives from the firm last week and give them some initial information as well as tour the facility.

The strategic planning process will involve input from stakeholder groups, as well as include BOPARC's goals and objectives for increased usage opportunity and revenue generation. It will also take into account site analysis, community considerations, overall budgetary objectives, and any identified funding constraints.

I would not anticipate being in a design phase until sometime next year, as there is a great deal of preliminary planning to be done for such a project. We will keep all stakeholders informed as we put together official requests for proposals regarding design and for the project itself.

As to the footprint of the existing Ice Arena and how it relates to the improvements, upgrades and renovations, I would not anticipate the design infringing upon other areas of the park, such as trails and wooded spaces. The upgrades to the facility will need to meet the budgetary measures as set forth by the levy funding and we will need to adjust our expectations to accommodate those measures as we move through the process.

I will provide regular updates to your office during the planning, design and implementation. As always, thank you for your support of BOPARC and recreation within our community.

A handwritten signature in black ink, appearing to read "Melissa Burch", written over a faint, light-colored signature line.

Melissa Burch, Executive Director



City of Morgantown

On-Site Health & Wellness Center

Cost and Savings Analysis

June 30, 2016

CareHere!

EXECUTIVE SUMMARY

CareHere, LLC is a leader in providing exceptional on-site health centers and provider driven wellness programs. The patient-centered healthcare approach practiced by CareHere integrates a vast scope of resources such as on-site primary care, case/disease management, wellness and behavior modification programs, occupational healthcare, wellness improvement tracking applications, and much more. CareHere's on-site services provide companies with the means to significantly decrease claims cost, while improving the overall health and morale of the employees. CareHere clients are experiencing savings in industries consisting of municipalities, manufacturers, service companies, hospitals, educational institutions, and transportation entities. CareHere, LLC operates 180+ health centers nationwide.

The cost savings comes in two waves with the initial wave consisting of increased efficiency of on-site health center as opposed to the "Retail" system used by organizations today. The second wave of savings comes as the population's health improves and catastrophic claims are reduced in large part due to the wellness, disease management, and chronic care programs offered as a part of the model. In the following projections for the **City of Morgantown** you will see the considerable cost savings each year that the program is in place with an overall savings during the first five years totaling

\$1,686,262

Estimated Health Center Expenses

Medical and Wellness Cost Analysis	
Staffing (Pass-Through)	\$96,000
Pharmaceuticals (Pass-Through)	\$11,743
Laboratory/Pathology (Pass-Through)	\$5,971
Supplies (Pass-Through)	\$4,976
Administration Fee (PEPM)	\$78,384
Set-Up Estimate (Pass-Through)	\$35,000
Health Risk Assessment	Included In Admin. Fee
Wellness Coaches	Included In Admin. Fee
Electronic Medical Records (EMR)	Included In Admin. Fee
185 Wellness Programs	Included In Admin. Fee
Total Medical Cost Year One:	\$232,074

Year One Savings Detail	
Medical Savings	\$82,200
Pharmaceutical Savings	\$11,743
PEPM Cost	(\$78,384)
Productivity Savings	\$49,760
Set-Up Estimate	(\$35,000)
Total Savings	\$30,319

Health Center Projected Savings

Accumulative Savings (Before Productivity Savings)	
Accumulative Savings Year 1	-\$19,441
Accumulative Savings Year 3	\$337,932
Accumulative Savings Year 5	\$1,636,502

Accumulative Savings (Productivity Savings Included)	
Accumulative Savings Year 1	\$30,319
Accumulative Savings Year 3	\$387,692
Accumulative Savings Year 5	\$1,686,262

*The productivity savings is only applied to year one.

Accumulative Employee Co-Pay Savings	
Accumulative Savings Year 1	\$34,832
Accumulative Savings Year 3	\$130,619
Accumulative Savings Year 5	\$252,531

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COST BREAKDOWN: YEAR 1

Health Center Operation

			Weekly Hours	Hourly Rate (Including Benefits)	Annual Cost
Employee Total	284	Physician	4	\$150.00	\$30,000
Visit Total On-Site	995	Mid-Level Provider	8	\$85.00	\$34,000
Medical Provider Hours Per Week:	12	Nurse	16	\$40.00	\$32,000
Total Staffing Cost					\$96,000

Health Center Cost Breakdown

Staffing Cost				\$96,000
Labs	Per Visit Average:	\$6.00		\$5,971
Supplies	Per Visit Average:	\$5.00		\$4,976
Pharmaceuticals	Per Visit Average:	\$11.80		\$11,743
Administration Fee	PEPM:	\$23		\$78,384
Set-Up Cost				\$35,000
<small>Set-up cost is passed through and includes a two exam room clinic. The cost associated with each additional exam room is \$10,000.</small>				
Total Cost (Year One)				\$232,074
Total All-In PEPM Cost				\$68.10

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SAVINGS BREAKDOWN: YEAR 1

Primary Care Savings				
	Medical without CareHere	CareHere Cost	Savings	Savings PEPM
Average Cost Per Office Visit	\$190.06	\$107.46	\$82.60	
On-Site Visits (Covered Members)	995	995		
Total Cost	\$189,147	\$106,947	\$82,200	\$24.12

Pharmaceutical Savings				
	Marketplace Cost	CareHere Cost of Medication Dispensed	Savings	Savings PEPM
On-Site Dispensary	\$23,487	\$11,743	\$11,743	\$3.45

Administration and Set-Up Cost	
	CareHere Cost
Administration Fee	\$78,384
Clinic Set-Up	\$35,000
Total Cost	\$113,384

Net Savings After All Expenses				
	Medical Without CareHere	Total CareHere Cost	Savings	Savings PEPM
Total Cost/Savings	\$212,634	\$232,074	-\$19,441	-\$5.70

Net Savings (Productivity Included)				
	Medical Without CareHere	Total CareHere Cost	Savings	Savings PEPM
Total Cost	\$212,634	\$232,074		
Productivity Savings	\$49,760			
Total Cost/Savings	\$262,393	\$232,074	\$30,319	\$8.90

CareHere!

EMPLOYEE CO-PAYMENT SAVINGS: YEAR 1

Office Visit Co-Pay Savings to Employees

	Visit Total	Average Co-Payment Amount*	Savings	Savings PEPM
Co-Pay Savings	995	\$25.00	\$24,880	\$7.30

Pharmacy Co-Pay Savings to Employees

	CareHere Total Scripts	Average Co-Payment Amount*	Savings	Savings PEPM
Co-Pay Savings	995	\$10.00	\$9,952	\$2.92

Total Co-Pay Savings

			Savings	Savings PEPM
Co-Pay Savings			\$34,832	\$10.22

*The co-payment totals are assumptions. The totals will be updated once the actual co-payment totals are provided.

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COST BREAKDOWN: YEARS 1 - 5

Utilization and Medical Provider Hours

	Year 1	Year 2	Year 3	Year 4	Year 5
Employee Visit % Shift from Marketplace	40%	50%	60%	70%	70%
Employee Visit Total	995	1,244	1,493	1,742	1,742
Physician Hours	4	4	4	4	4
Mid-Level Provider Hours	16	16	16	16	16
Total Medical Provider Hours	12	20	20	20	20
Total Nurse Hours	16	20	20	20	20

Operational Cost Breakdown

	Year 1	Year 2	Year 3	Year 4	Year 5
Staffing	\$96,000	\$167,960	\$174,678	\$181,666	\$188,932
Pharmaceuticals	\$11,743	\$16,147	\$21,314	\$27,353	\$30,088
Labs	\$5,971	\$7,763	\$9,688	\$11,754	\$12,224
Supplies	\$4,976	\$6,469	\$8,073	\$9,795	\$10,187
Set-Up Estimate: Equipment and Supplies	\$35,000				
Administration Fee (PEPM) 284 Employees at \$23 PEPM:	\$78,384	\$78,384	\$78,384	\$78,384	\$78,384
Projected Total:	\$232,074	\$276,722	\$292,137	\$308,952	\$319,816

1. Staffing assumes a 4% annual increase to account for market trends. The staffing cost is 100% pass-through, so if the trend remains flat, then there will be no requirement to pay for staffing at an increasing rate.

2. Pharmacy / Dispensary is a 100% pass-through cost. Assumes a 10% annual increase to account for market trends.

3. Labs and Supplies are a 100% pass-through cost. Assumes a 4% annual increase to account for market trends.

* CareHere provides a health risk assessment (30 panel biometric screening) to all employees. The HRA is included as part of the administration fee.



City of Morgantown

ESTIMATED RETURN ON INVESTMENT: YEARS 1 - 5

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Employee Total	284	284	284	284	284	
Visits	995	1,244	1,493	1,742	1,742	7,215
Medical Claims Savings	\$82,200	\$63,700	\$114,433	\$169,123	\$175,888	\$605,344
Pharmaceutical Savings	\$11,743	\$16,147	\$21,314	\$27,353	\$30,088	\$106,646
Productivity Savings	\$49,760					\$49,760
Wellness & Case/Disease Management Savings		\$81,348	\$217,199	\$415,655	\$637,231	\$1,351,432
Administration Fee (PEPM)	(\$78,384)	(\$78,384)	(\$78,384)	(\$78,384)	(\$78,384)	(\$391,920)
Set-Up Estimate: Equipment and Supplies	(\$35,000)					(\$35,000)
Annual Savings Through CareHere	\$30,319	\$82,811	\$274,562	\$533,747	\$764,823	\$1,686,262
Estimated Return on Investment Ratio:	\$1 to \$1.13	\$1 to \$1.30	\$1 to \$1.94	\$1 to \$2.73	\$1 to \$3.39	\$1 to \$2.18

	Employer	Employee Co-Pay
Accumulative Savings Year 1:	\$30,319	\$34,832
Accumulative Savings Year 3:	\$387,692	\$130,619
Accumulative Savings Year 5:	\$1,686,262	\$252,531

Medical Data Collection

City of Morgantown

CareHere!

The data you are providing below includes costs for the health plan year ending on (mm/dd/yy):

12/31/2014

Enter the total number of months included in the current year data below:

12

Add Notes for exceptions, comments, etc.

	Year Ending December-14	Year Ending December-13	Year Ending December-12	Notes
Total Medical costs should include				
<i>All Medical, Drug, Work Comp (if applicable)</i>				
Total Medical (as given):				
Annualized Total Medical Costs:	\$ 3,845,668			
Prescription Costs (as given):				
Breakout of Prescription Costs:	\$ 874,536			
Prescription Costs PEPY:	\$ 3,016			
% of Total Medical Claims:	22.7%	0.0%	0.0%	
Primary Care costs should include				
<i>Dr/Office visit, Diagnostic & Lab (DXL), ER visits, Prevention</i>				
Primary Care Costs (as given):	\$ -			
Annualized Primary Care Costs:	\$ 464,286	\$ -		
% of Total Medical Claims:	12.1%	0.0%	0.0%	
Primary Care Office Visits (as given):				
CareHere Visit Total	2,541			
Average Primary Care Office Visit Cost:	\$ 182.75	\$ -	\$ -	
Total Number of Employees with Medical Benefits:	290			Retirees & Actives
Total Medical Costs PEPY:	\$ 13,261	\$ -	\$ -	
% Increase YoY	0.0%	0.0%		
Year Ending December-15				
Planned number of Employees for next year:	284			
Planned number of Retirees for next year:				
Average hourly wage per employee:	\$ 20.00			

Should census vary more than 10% in a 12-month period, this projection is subject to revision.

Proposal Assumptions

Total Health Plan % Annual Increase:	8%	Estimated Avg Office Visit:	\$ 182.75
Primary Care % Annual Increase:	4%		
Prescriptions % Annual Increase:	10%		
Medical Provider Mix:	Doctors 50%	Physician Extender (NP/PA)	50%

SERVICES *CareHere!*



Medical & Health Services:

- Primary Care
- Acute Care
- Episodic Care
- Patient Medication Adherence
- Pharmaceutical Dispensary
- Mail Order Medication
- Immunizations
- Sports Physicals
- Plan of Care Compliance



Wellness:

- Case Management
 - Weight Management
 - Hypertension Management
 - Addiction Intervention
 - Pre-Diabetes Management
 - Lipid Management
 - Stress Management
 - Nutritional Counseling
 - Plan of Care Compliance
 - Mental Health Management
 - Disease Management
 - Tobacco Cessation
 - Exercise Adherence
 - Cardiovascular Risk Reduction
- *Health Risk Assessments/28 Panel Biometric Blood Draw**



Staffing:

- CareHere Staffing
- Wellness Coaches
- Accounting
- Training
- Pharmacist
- Director of Client/ Clinic Operations
- Care Coordinator/ Case Manager
- Medical Staff Management
- Medical Provider Management
- Medical Staff Recruitment
- Medical Provider Recruitment
- Medical Malpractice Insurance



Technology:

- Electronic Medical Record
- CareHere Connect
- Information Technology
- Online Appointment Scheduler
- Smartphone Application
- EMR Access & Integration with Outside Specialist/PCP/ER



Clinical Outcome Services

- Self-Care Education Tools
- Reporting
- Purchasing Coordination
- Clinic Inventory Management
- Patient Survey Feedback
- Clinic Best Practices Sharing
- Integration of Services
- ROI Analysis
- Budget Adherence



Support Services

- 24/7 Call-Center
- 1-800 Customer Support
- Education Tools
- Marketing
- Information Technology Support
- HRA Employee Events



CAREHERE.COM

CareHere

Features & Services

2014

Long Term Prevention Program

Population Health Management	Programs are designed specifically to target chronic health problems.
Disease/Case Management	To help patients control and manage high risk health factors, CareHere offers over 180 wellness initiatives, as well as health coaches to better educate the patient on healthy decision making.
LabInsight Health Risk Assessments	30 panel biometric screening/questionnaire
Self-Care Education Tools	Available through print material, the CareHere website, coaches, email, webinars, phone app, newsletters, etc.
Integrated Service	A unified approach to primary care, acute care, case/disease management, and wellness services provide the optimal experience for the patient.
Promotions/Incentives	Wellness promotions are conducted periodically to re-energize patients and inspire them to take the appropriate steps toward leading a healthier lifestyle. Incentive plans can be developed to further encourage participation as well.

Comprehensive Health Education Training

Weight Management
Diabetes/Pre-Diabetes Management
Lipid Management
Smoking Cessation
Plan of Care Compliance
Addiction Intervention

Exercise Adherence
Hypertension Management
Stress Management
Mental Health Management
Cardiovascular Risk Reduction
Medication Adherence

Program Enablers and Infrastructure

24/7 Nurse Telephone Line	CareHere provides a 24/7 nurse telephone line for online appointment scheduling and health related questions.
Online Scheduling System	Scheduling an appointment is only a few clicks away. Each appointment slot allows the patient to spend a full 20 minutes with the health center medical provider.
Electronic Medical Management & Tracking System	CareHere developed its own electronic medical record (EMR) system, which documents all patient activity within or outside the health center.
Best Practices Sharing Among Health Centers	Successful techniques, methods, and processes are communicated and shared with all CareHere health and wellness centers.
Health Center Inventory Management	A thorough medical inventory check is performed once a month. Any expired medications or supplies are appropriately disposed of.
Physician Recruiting	This is one of the most important tasks when implementing a health and wellness center. Success is directly related to the quality of the medical personnel. Their personality and interaction with the patient is what drives the patient to return and utilize the health center.
Staff Management	Clinical Quality Improvement (CQI) is a program integrating both physician and ancillary staff actions to provide quality healthcare. It establishes a framework for continuously improving patient care and services by encouragement. This promotes the staff to work individually and as a team, and also eliminates any barriers that affect the quality of care.
Annual Analysis, Trends, Reporting, and Survey Results	Management reports are provided by CareHere to show financial analysis, health center utilization, population health status, HRA participation, patient satisfaction, and all other ad hoc reports. Also, analysis can be provided that includes information on medications, labs, procedures, diagnosis, providers, and wellness results.



Development Services
389 Spruce Street
Morgantown, WV 26505
304.284.7431

MEMORANDUM

Date: 15 JUL 2016

To: Jeff Mikorski, City Manager *via email*
Linda Tucker, City Clerk..... *via email*

RE: City Council Committee of the Whole Agenda – 26 JUL 2016
RZ16-04 / Turak / Jerome Street
Zoning Map Amendment from R-1 to R-1A
Tax Map 22, Parcels 25.1 and 26

During its 14 JUL 2016 hearing, the Planning Commission voted to forward a recommendation to City Council to APPROVE the above referenced Zoning Text Amendment petition.

Attached herewith are the related Staff Report presented to the Planning Commission and the draft ordinance. The following dates will keep to standard Planning and Zoning Code Map Amendment protocol:

City Council Meetings

Committee of the Whole Tuesday, July 26, 2016

First Reading: Tuesday, August 2, 2016

Public Hearing and Second Reading: Tuesday, September 6, 2016

Please include this item on the City Council meeting agendas noted above and include this communication and attachments (provided in color) in the 26 JUL Committee of the Whole meeting packet. Only the ordinance should be included in the 02 AUG and 06 SEP meeting packets.

Thank you.

Digitally signed by Christopher M. Fletcher, AICP
Date: 2016.07.15 15:24:49 -04'00'

**RZ16-04 / Turak / Jerome Street
Staff Report**



MORGANTOWN PLANNING COMMISSION

July 14, 2016
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 Blosser, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

William Kawecki, City Council

VACANT, City Administration

STAFF REPORT

CASE NO: RZ16-04 / Turak / Jerome Street

REQUEST and LOCATION:

Request by Jason Turak, for a Zoning Map Amendment to reclassify property from R-1, Single-Family Residential District to R-1A Single-Family Residential District; Tax Map 22, Parcels 25.1 & 26.

SURROUNDING ZONING:

North and West; R-3, Multi-Family Residential District

South; R-1, Single Family Residential District

East; R-1A, Single Family Residential District

BACKGROUND:

The petitioner seeks approval to reclassify Tax Map 33; Parcels 25.1 and 26 to R-1A, Single-Family Residential District. Addendum A of this report illustrates the locations of the subject properties along with surrounding zoning classifications

Because the subject area adjoins the R-1A District at the site's eastern side, the proposed zoning map amendment is considered a zoning district boundary adjustment and not "spot zoning." The map amendment would include the area identified as Right-of-Way of Jerome street to the street's center line.

ANALYSIS:

According to Article 1333.01 of the Planning and Zoning Code the purpose of the R-1 Districts is to:

- (A) Provide for attractive single family neighborhoods for residents who prefer larger lot sizes, and do not generally desire to live in close proximity to other types of 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 provide for adequate light, ventilation, quiet, and privacy for neighborhood residents.

According to Article 1335.01, the purpose of the 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.

**Development Services
Department**

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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William Kawecki, City Council

VACANT, City Administration

The functional difference between the two single-family residential districts are the permitted housing density and the allowance of conditional commercial uses in the R-1A District as opposed to the R-1 District.

The R-1 District allows for lots to be 7,200 square feet in area with a permitted road frontage minimum of seventy (70) feet, and a maximum lot coverage area of forty percent (40%). The R-1A zone allows for lots to be 3,500 square feet in area with a permitted road frontage minimum of thirty (30) feet, and a maximum lot coverage area of fifty percent (50%). Additionally, setbacks are more restrictive in the R-1 District as compared to the R-1A District as shown in the table below:

Zoning District Setbacks Comparison

	R-1 District	R-1A District
Minimum Front Setback	25 feet	8 feet
Maximum Front Setback	30 feet	20 feet
Minimum Side Setback	10 feet	5 feet
Minimum Rear Setback	25 feet	20 feet

Moreover, the R-1A District allows for the following conditional uses that are not permitted in the R-1 District:

- Animal Grooming Service
- Appliance Repair Establishment
- Art Gallery
- Artist Studio
- Retail Bakery
- Barber Show/Beauty Salon
- Neighborhood Convenience Store
- Drug Store
- Florist Shop
- Instructional Studio
- Newsstand

The R-1 Zoning District does permit Agricultural Activity, which is not permitted in any other zoning district, except for the I-1 Industrial Zoning District.

Comprehensive Plan Concurrence

As recommended in Chapter 9 "Implementation" of the 2013 Comprehensive Plan Update, Addendum B of this report identifies how the proposed development program relates to the land management intent, location, and pattern and character principles of the current Comprehensive Plan.

It should be noted that "shall" statements within the Comprehensive Plan must be understood as desired objectives and strategies that do not have the force or effect of law unless incorporated into the City's Planning and Zoning Code.

Staff encourages the Planning Commission to review the Comprehensive Plan and Area 17 Small Area Plan for guidance as Addendum B is not intended to represent a complete comparative assessment.

Development Services Department

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

Planning Division

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MORGANTOWN PLANNING COMMISSION

July 14, 2016

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Mike Shuman, 5th Ward

William Kawecki, City Council

VACANT, City Administration

The Comprehensive Plan identifies the subject parcels as a part of the "Infill and Redevelopment" Land Management Concept Area, which provides for:

"Existing developed sites or districts that are underutilized or functionally obsolete, where infill development or redevelopment that is consistent with the surrounding context is appropriate."

Additionally, the subject parcels abut the "Controlled Growth / Traditional Neighborhood Area" Land Management Concept Area to the rear (west) of the parcels and northerly side of Parcel 26.

The proposed zoning map amendment from R-1 to R-1A appears to represent the general goals of the Comprehensive Plan document and appears to be in general concurrence with the Comprehensive Plan document's principles for land management and encouraged growth objectives. However, the recently completed Area 17 – Darst and Jerome Street – Small Area Plan accompanies the 2013 Comprehensive Plan document and provides more detailed and site specific future land-use goals and objectives.

The Area 17 – Darst and Jerome Street – Small Area Plan, approved in May 2016, included the two subject parcels and provided for a thorough discussion with neighborhood property owners and residents that re-evaluated the existing R-1 zoning classification for that overall study area. The Area 17 Small Area Plan included workshops with local residents, to gauge their opinion on land-uses identified by the 2013 Comprehensive Plan. The overall consensus of the planning workshops by participants was for the existing R-1 zoning classification of the study area to remain thereby keeping the density and scale of R-1 permitted residential development.

STAFF RECOMMENDATION:

Zoning map amendment requests should be evaluated on their land-use merits alone. The petitioners' development intentions are extraneous and the Commission should consider the requests on their merits as a land-use decision.

In conducting such an analysis, the Planning Commission should determine if the R-1A, Single-Family Residential District is the appropriate zoning classification for the subject realty, weighing all possible future development and land use scenarios as permitted by the Planning and Zoning Code; particularly, Article 1335 "R-1A, Single-Family Residential District" and Table 1331.05.01 "Permitted Land Uses."

Given the recent adoption of the Area 17 Small Area Plan and its respective recommendations, Staff respectfully advises the Planning Commission to forward a recommendation to City Council to deny the requested zoning map amendment petition so that the zoning classification of Parcels 25.1 and 26 of Tax Map 22 remains R-1.

**Development Services
Department**

Christopher Fletcher, AICP
Director

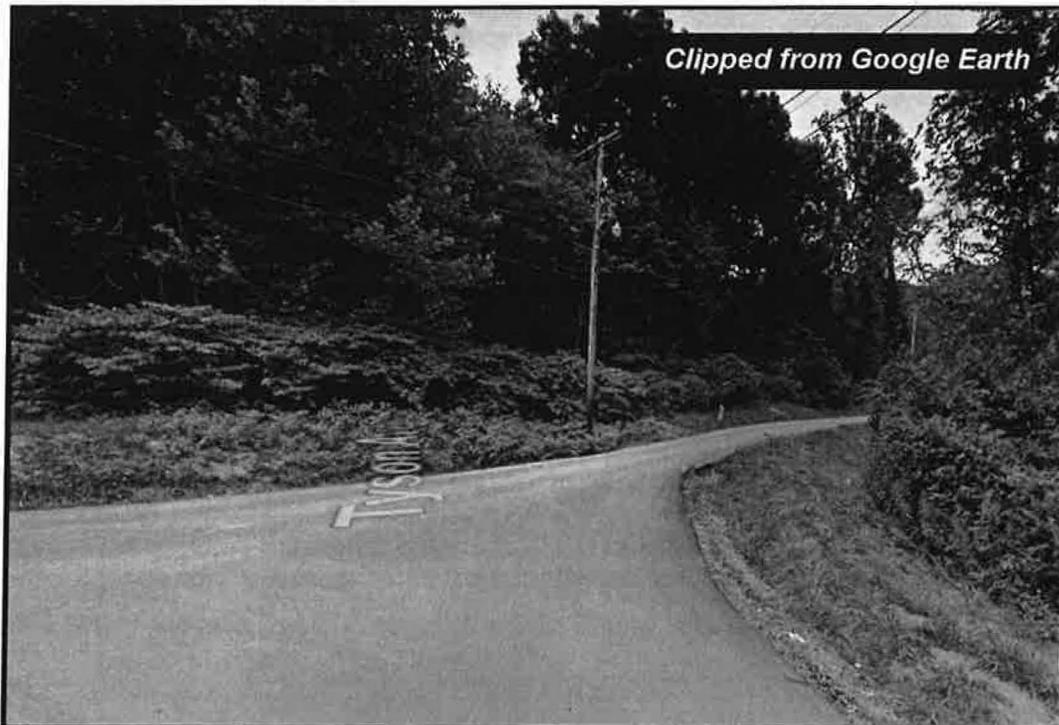
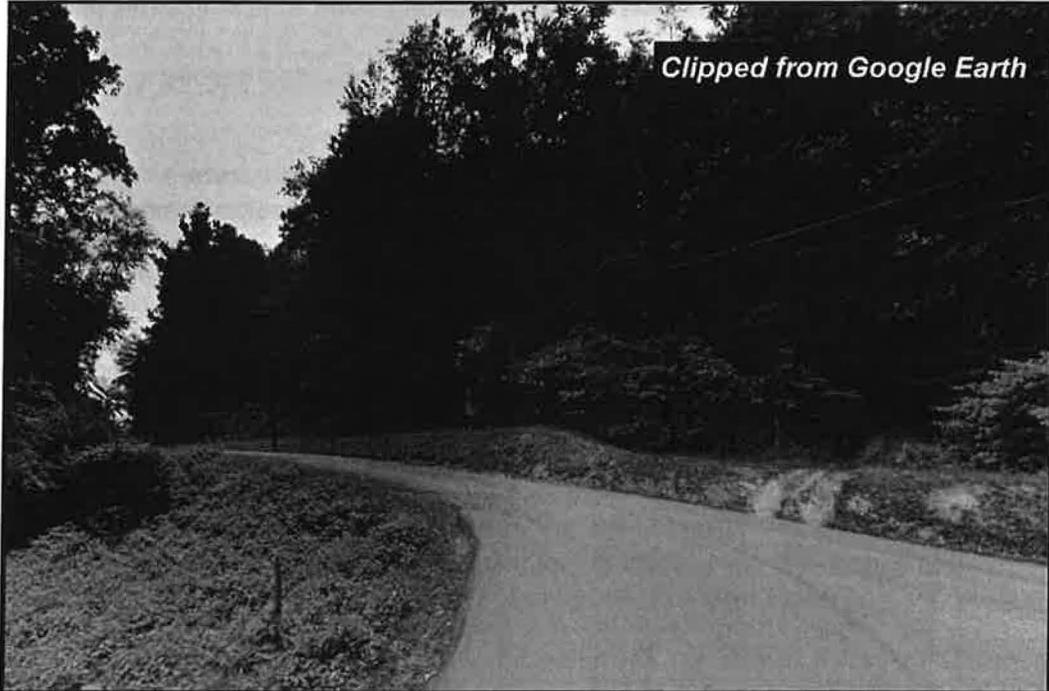
John Whitmore, AICP
Planner III

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

STAFF REPORT ADDENDUM A
RZ16-04 / Turak / Jerome Street

Parcels included in Case No. RZ16-04 are 25.1 and 26 of Tax Map 22 as illustrated below.



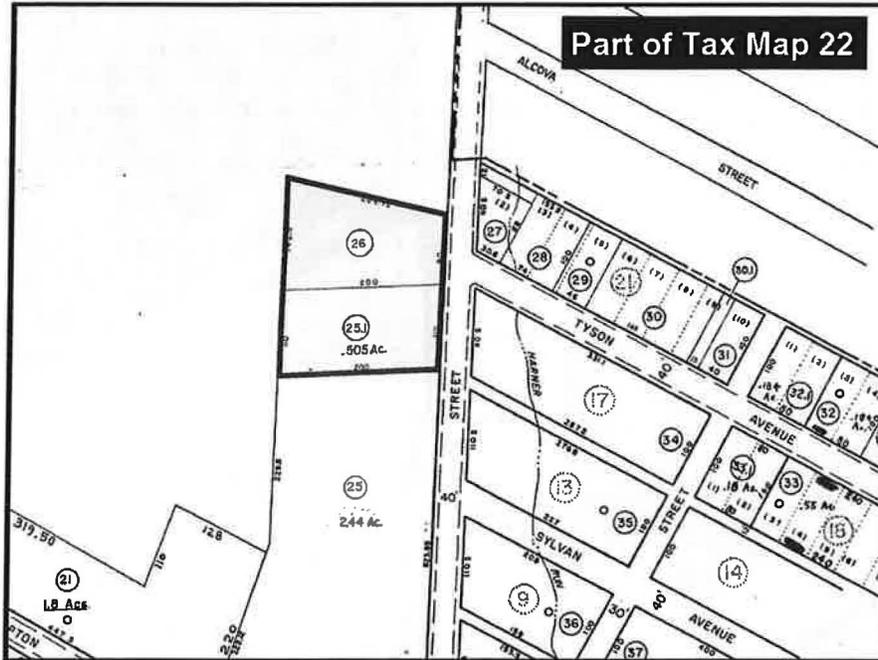
STAFF REPORT ADDENDUM A

RZ16-04 / Turak / Jerome Street



STAFF REPORT ADDENDUM A

RZ16-04 / Turak / Jerome Street



STAFF REPORT ADDENDUM B

RZ16-04 / Turak / Jerome Street

Concurrence with the 2013 Comprehensive Plan Update

The following narrative identifies where, in the opinion of the Planning Division, the subject zoning map amendment petitions are in concurrence and/or are inconsistent with the 2013 Comprehensive Plan Update.

INTENT	Development proposals will reflect the spirit and values expressed in the Plan's principals.
---------------	--

Principles for Land Management

-
- | | | |
|-------------|---|--|
| Principal 1 | Infill development and redevelopment of underutilized and/or deteriorating sites takes priority over development in green field locations at the city's edge. | <input checked="" type="checkbox"/> Concurrence
<input type="checkbox"/> Inconsistent
<input type="checkbox"/> Other |
|-------------|---|--|

The subject parcels are located in an area that supports the development of single-family dwellings enabled by the R-1A zoning designation.

-
- | | | |
|-------------|---|--|
| Principal 2 | Expansion of the urban area will occur in a contiguous pattern that favors areas already served by existing infrastructure. | <input type="checkbox"/> Concurrence
<input type="checkbox"/> Inconsistent
<input checked="" type="checkbox"/> Other |
|-------------|---|--|

The subject tracts of realty are within the urban area with existing utility and road infrastructure in close vicinity, but there does not appear to be similar development in close proximity.

-
- | | | |
|-------------|--|--|
| Principal 3 | Downtown, adjacent neighborhoods and the riverfront will be the primary focus for revitalizations efforts. | <input type="checkbox"/> Concurrence
<input type="checkbox"/> Inconsistent
<input checked="" type="checkbox"/> Other |
|-------------|--|--|

Although the subject tracts of realty are not located within or adjacent to the central business district, they are located near other residential properties of a similar development pattern.

-
- | | | |
|-------------|--|--|
| Principal 4 | Existing neighborhoods throughout the city will be maintained and/or enhanced. | <input type="checkbox"/> Concurrence
<input checked="" type="checkbox"/> Inconsistent
<input type="checkbox"/> Other |
|-------------|--|--|

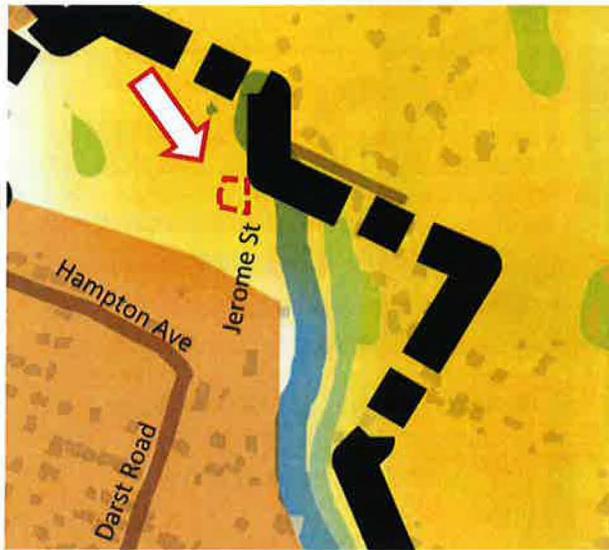
The proposed zoning reclassification could compromise or undermine desired land use and/or development pattern goals and objectives within the nearby neighborhoods of Jerome Park, as presented by the Area 17 Small Area Plan.

Principal 5	Quality design is emphasized for all uses to create an attractive, distinctive public and private realm and promote positive perceptions of the region.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
	<i>Site design is extraneous to the petitioner's zoning map amendment request.</i>	
Principal 6	Development that integrates mixed-uses (residential, commercial, institutional, civic, etc.) and connects with the existing urban fabric is encouraged.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
	<i>The proposed R-1A District classification creates opportunities for a mix of uses but with limited development in the area, the impact of these uses is inconclusive.</i>	
Principal 7	Places will be better connected to improve the function of the street network and create more opportunities to walk, bike and access public transportation throughout the region.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
	<i>The map amendment would not result in any street or pedestrian network improvements.</i>	
Principal 8	A broad range of housing types, price levels and occupancy types will provide desirable living options for a diverse population.	<input checked="" type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input type="checkbox"/> Other
	<i>A similar range of residential dwelling types are permitted within the R-1A District as compared to the R-1 District while providing for increased housing density.</i>	
Principal 9	Residential development will support the formation of complete neighborhoods with diverse housing, pedestrian-scaled complete streets, integrated public spaces, connection to adjacent neighborhoods, and access to transportation alternative and basic retail needs.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
	<i>Site design is extraneous to the petitioner's zoning map amendment request.</i>	
Principal 10	Parks, open space, and recreational areas are incorporated as part of future development.	<input type="checkbox"/> Concurrence <input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Other
	<i>No parks, open space, or recreational area plans were included with the subject map amendment petition.</i>	
Principal 11	Environmentally sensitive and sustainable practices will be encouraged in future developments.	<input type="checkbox"/> Concurrence <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Other
	<i>Site design is extraneous to the petitioner's zoning map amendment request.</i>	

LOCATION

Development proposals will be consistent with the Land Management Map. If the proposal applies to an area intended for growth, infill, revitalization, or redevelopment, then it should be compatible with that intent and with any specific expectations within Areas of Opportunity. If the proposal applies to an area of conservation or preservation, it should be compatible with and work to enhance the existing character of the immediate surroundings.

The following graphic is clipped from the **Conceptual Growth Framework Map** included on Page 19 of the 2013 Comprehensive Plan Update. The subject development site is located within an “**Controlled Growth**” concept area and near a a “**Infill and Redevelopment**” concept area.



Infill and Redevelopment

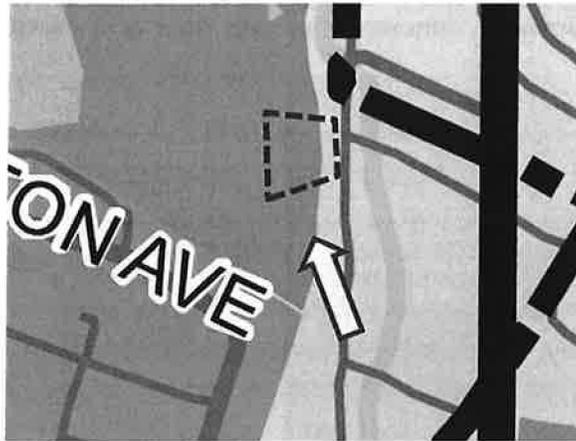


Controlled Growth

**PATTERN
AND
CHARACTER**

Development proposals in growth areas will be consistent with preferred development types. Development in areas where growth is not intended should be compatible with the relevant Character Areas description and expectations for how those areas should evolve in the future.

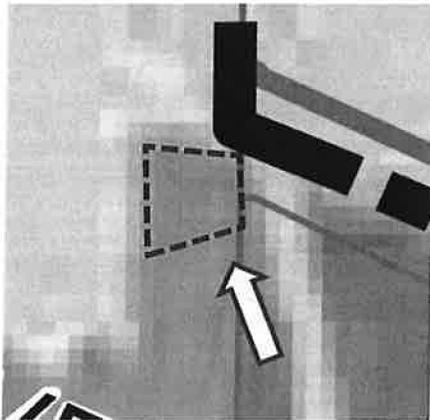
The following graphic is clipped from **Map 3 – Pattern and Character** included on Page 27 of the 2013 Comprehensive Plan Update. The subject development site is located within the “Rural” and “Natural” pattern and character areas.



Rural. Rural areas are the least intensely developed. These include isolated residential or commercial uses and farming operations.

Natural. Land in its natural state that is mostly forested. Within the city, these areas are often undevelopable steep slopes.

The following graphic is clipped from **Map 4 – Land Management** included on Page 39 of the 2013 Comprehensive Plan Update. The subject development site is located within the “Infill and Redevelopment” concept area.



Infill and Redevelopment*: Existing developed sites or districts that are underutilized or functionally obsolete, where infill development or redevelopment that is consistent with the surrounding context is appropriate.

The following graphics are clipped from Pages 41 through 43 of the 2013 Comprehensive Plan Update and identify the development types desired within the “Infill and Redevelopment” concept area.

CONCEPT AREA	Appropriate Development Types											
	SF	TF	MF	C	NX	UC	CC	O	I	CD	OS	
 Infill and Redevelopment*			•	•	•	•			•			•

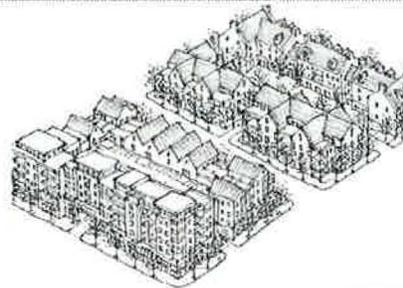
* Appropriate development depends on existing context. See Development Patterns and Character (pages 26-32)

DEVELOPMENT TYPE DESCRIPTIONS

PATTERN AND CHARACTER EXAMPLES

MF Multi-family Residential

Includes various forms such as apartment buildings where three or more separate residential dwelling units are contained with a structure and townhouse dwelling types. They vary considerably in form and density depending on the context – from four-story or larger buildings set close to the street in and at the edge of the downtown core and along major corridors, to smaller two- to four-story buildings with greater street setbacks in areas between the downtown core and single-family neighborhoods.



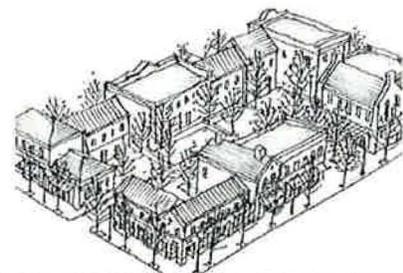
C Civic and Institutional

These sites include both public uses (government buildings, libraries, community recreation centers, police and fire stations, and schools) and semi-public or private uses (universities, churches, hospital campuses). Public uses should be strategically located and integrated with surrounding development. Civic and Institutional sites may be distinctive from surrounding buildings in their architecture or relationship to the street.



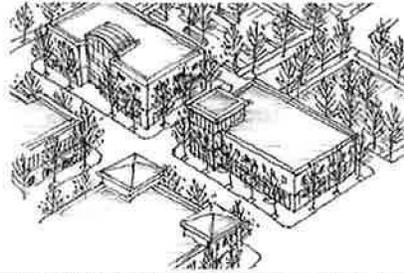
NX Neighborhood Center Mixed-Use

A mix of housing, office, commercial, and civic uses adjacent to one another or contained within the same structure (such as offices or apartments above ground-floor retail). Such uses should be compatible with and primarily serve nearby neighborhoods (within 1/2 mile). Parking should be located behind or to the side of buildings and may be shared between multiple uses.



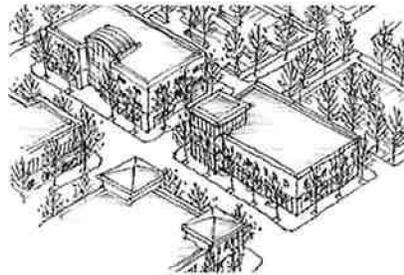
UC Urban Center Mixed-Use

A mix of housing, office, commercial, and civic uses located adjacent to one another or sharing the same building. Buildings are generally larger in scale than neighborhood mixed-use and contain more employment and commercial uses that serve the broader community. Buildings should be located near the street with parking provided on-street or in shared parking configurations behind or between buildings.



O Office / Research

Larger-scale 2-6 story buildings generally housing professional offices or research/development activities with single or multiple tenants. May involve multiple large-scale buildings in a campus setting, but buildings should be in a walkable configuration with shared parking typically behind or to the side. Supportive retail establishments may occupy the lower levels of a multistory building. Supportive retail uses include coffee shops, delicatessens, barbers, and bookstores among others.



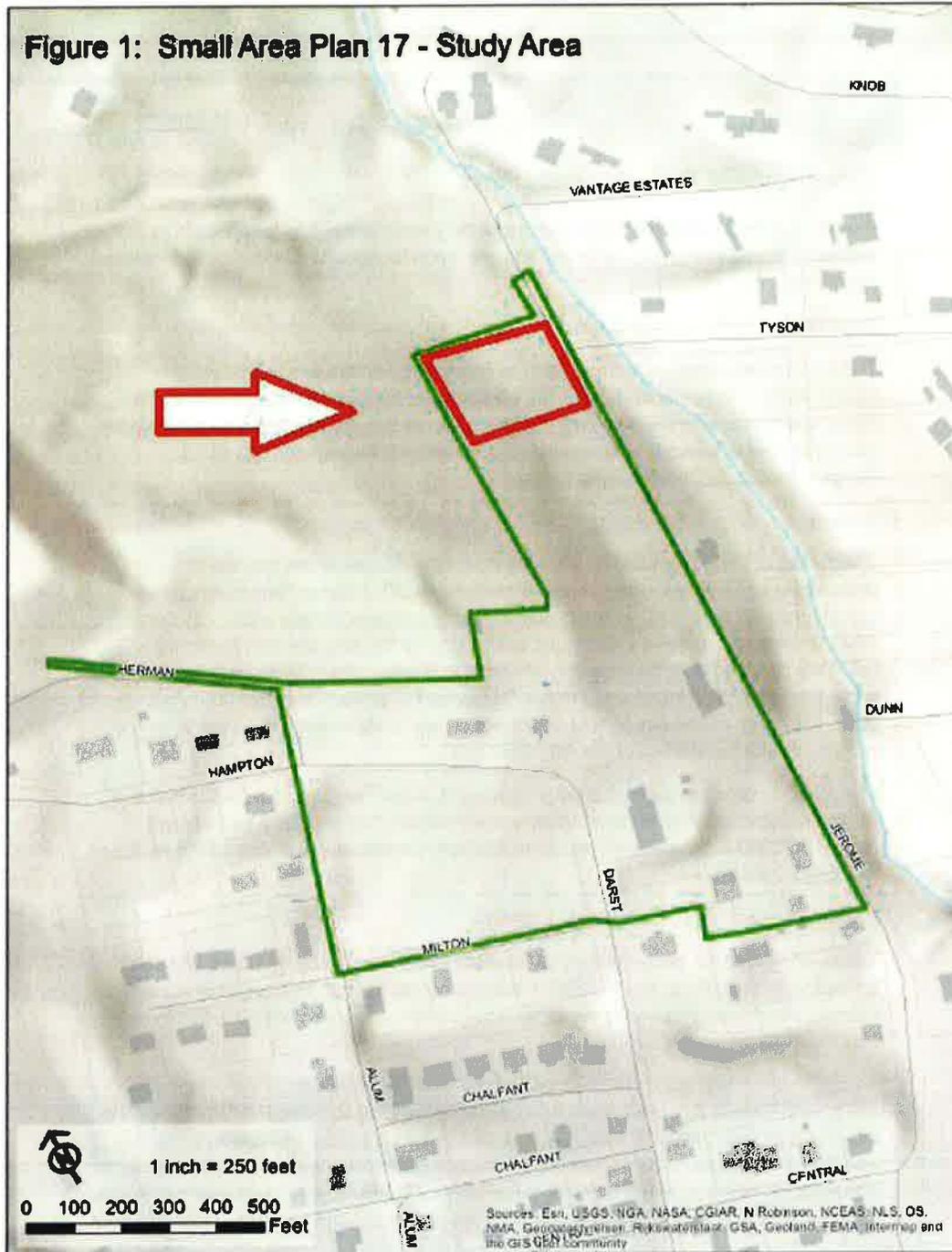
OS Greenspace

Includes formal parks, recreation areas, trails, and natural open space.



Concurrence with the 2016 Area 17 Future Study Area Plan

The following graphic is clipped from Page 5 of the 2016 Area 17 Future Study Area Plan and identifies the development site in relationship to the study area.



Development Recommendations for the Area 17 Future Study Area

The following graphic is clipped from the 2016 Future Study Area 17 Plan approved by the Planning Commission on May 12, 2016, which addresses the Plan's recommendation for the zoning classification of the subject study area to remain R-1 (emphasis added).



Small Area Plan
Area 17

Development Recommendations

Based upon best practices, professional planning experience, and feedback from residents, the following recommendations are made for Area 17 and future development scenarios.

Land Use

The land use recommended for Area 17 is consistent with the existing patterns of development in the neighborhood. The predominant land use should remain single-family residential, with the only potential derivation of that pattern being neighborhood-scale businesses allowed with conditional use approval through the City of Morgantown's established zoning process.

Zoning

The zoning of Area 17 should be consistent with the desires of the majority of landowners and with the direction established in the *2013 Comp Plan*, 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 density and scale of development. R-3 zoning was a topic of discussion at the first public forum but was discarded as an option due to lack of interest by any landowners and a poor fit for the current development fabric of the neighborhood.

The R-1 District will allow for the neighborhood to remain single-family residential and retain the patterns of development that currently exist. The allowable lot sizes will remain at 7,200 sf for the R-1 District. In addition, the minimum front setbacks for the R-1 District are 25 feet.

Housing

The housing type for the neighborhood should remain as it currently exists, which is single-family residential, as identified in the zoning ordinance. The height of allowable housing structures remains the same, with the maximum height being 2.5 stories or 35 feet.

As the planning process developed, part of the analysis pertained to the potential changes in density and buildable lots between the existing R-1 and R-1A districts. The effect of a change in zoning from R-1 to R-1A can be somewhat observed in Figure 9 and Figure 10 below. Figure 9 provides a rendering that displays how an R-1A arrangement might appear if built out in the neighborhood. Figure 10 shows a potential lot arrangement from an overhead view and the accompanying lot sizes. Note that new



City of Morgantown, West Virginia
APPLICATION FOR
FOR ZONING MAP AMENDMENT

OFFICE USE	
CASE NO.	R2116-04
RECEIVED:	
COMPLETE:	

Zoning Map Amendment Process – See Addendum A of this Application

(PLEASE TYPE OR PRINT IN BLACK INK)

PAID
JUN 02 2016
PAID

I. OWNER / APPLICANT			
Name:		Phone:	
Mailing Address:	Street	Mobile:	
	City	State	Zip
II. AGENT / CONTACT INFORMATION			
Name:	Jason TORAK	Phone:	304-282-8072
Mailing Address:	26 MADONA DR.	Mobile:	282-8072
	Street	Morgantown WV	26505
	City	State	Zip
Mailings –	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact		
IV. PROPERTY			
Street Address (if assigned):			
Tax Map(s) #:	22	Parcel(s) #:	26, 25.1
		Size (sq. ft. or acres):	43,000
Current Zoning Classification:	R1	Proposed Zoning Classification:	R1A
Current Land Use:	VACANT	Proposed Land Use*:	residential
*The Planning Commission does not take proposed use into consideration. The question is asked merely for staff to determine if the proposed district allows the intended use.			
V. ATTEST			
I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.			
 Type/Print Name of Applicant/Agent		 Type/Print Name of Applicant/Agent	
		6.2.16 Date	

Zoning Map Amendment Fee - \$75

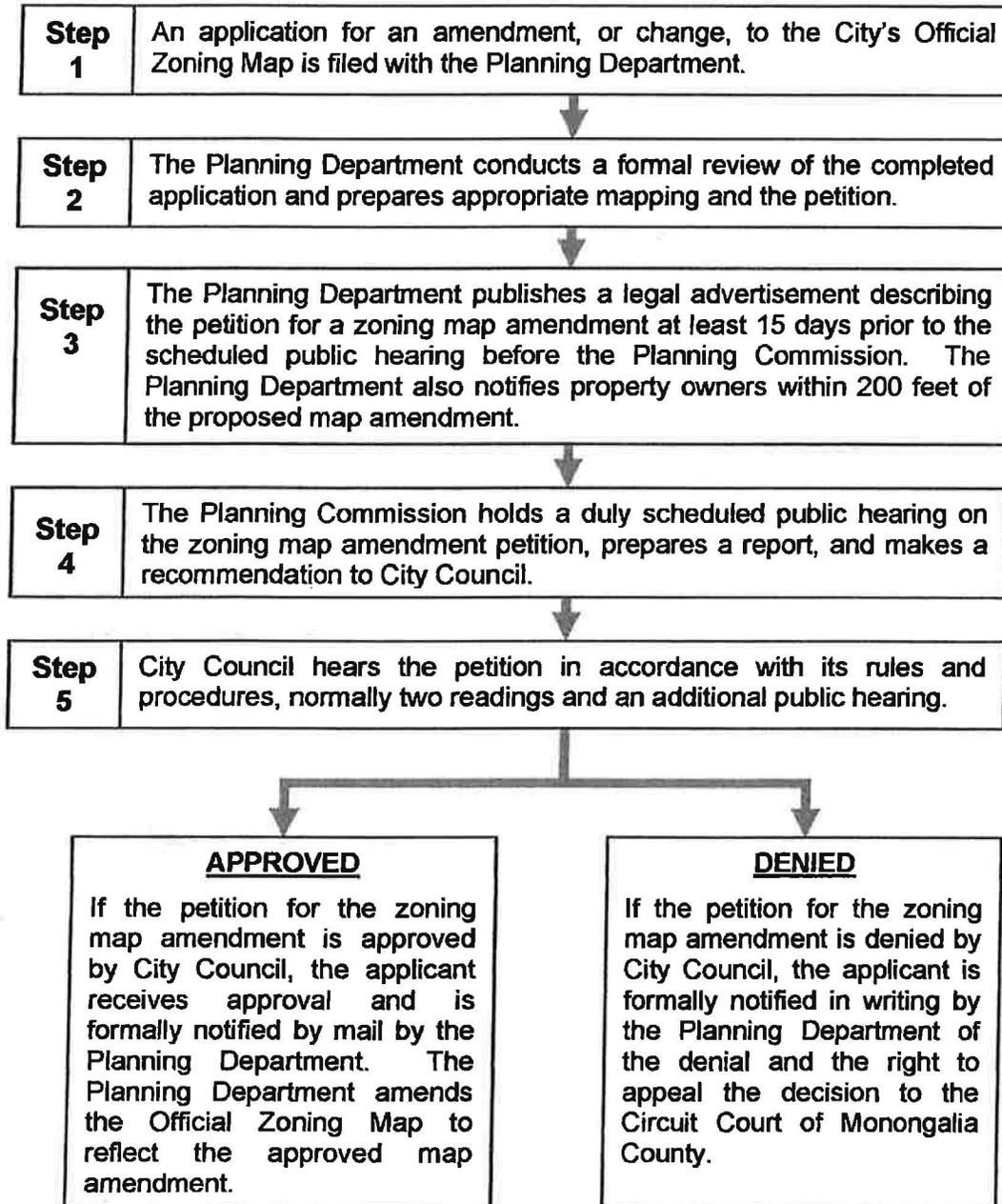
OK 1285



City of Morgantown, West Virginia
APPLICATION FOR
FOR ZONING MAP AMENDMENT

OFFICE USE	
CASE NO.	_____
RECEIVED:	_____
COMPLETE:	_____

ADDENDUM A - Zoning Map Amendment Process



**RZ16-04 / Turak / Jerome Street
Ordinance**

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO (2) PARCELS OF REAL ESTATE IN THE SIXTH WARD OF THE CITY OF MORGANTOWN FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-1A, SINGLE-FAMILY RESIDENTIAL DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

Property included in this consideration is identified in the Monongalia County Assessor's records as Parcels 25.1 and 26 of County Tax Map 22; Morgantown Corporation District.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning designation for Parcels 25.1 and 26 of County Tax Map 22 of the Monongalia County tax assessment as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein are reclassified from R-1, Single-Family Residential District to R-1A, Single-Family Residential District.
2. That the Official Zoning Map be accordingly changed to show said zoning classification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

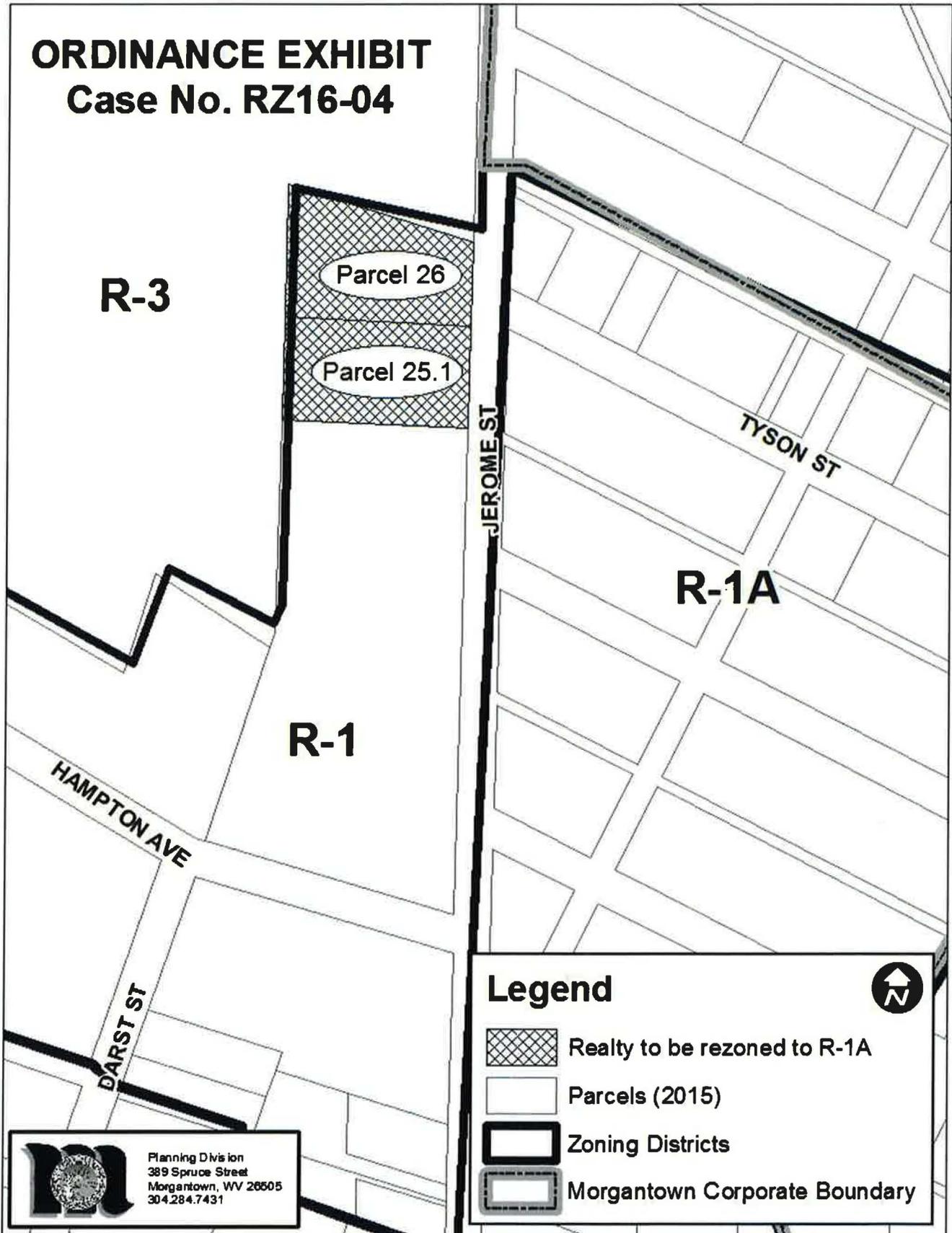
ADOPTED:

FILED:

RECORDED:

City Clerk

ORDINANCE EXHIBIT Case No. RZ16-04



 Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

Linda Tucker

From: Chris Fletcher
Sent: Tuesday, July 19, 2016 4:16 PM
To: Jeff Mikorski
Cc: Linda Tucker; Damien Davis; John Whitmore; Stacy Hollar
Subject: July Committee of the Whole Agenda Items - Text Amendments
Attachments: 20160719_memo2-Mikorski_JUL-COW-Agenda_TX16-07_Parking-Lot-Parking-Structure.pdf; 20160719_memo2-Mikorski_JUL-COW-Agenda_TX16-06_AdminAppeals-BZA.pdf; 20160719_memo2-Mikorski_JUL-COW-Agenda_TX16-03_Bike-Storage.pdf

Importance: High

Jeff:

In a 15 JUL 2016 email, I advised you the Planning Commission forwarded four (4) P&Z Code related matters to be included on the 26 JUL 2016 City Council's Committee of the Whole agenda. Appended to that email was a memorandum and accompanying documents concerning the one (1) zoning map amendment matter.

Appended here in three (3) separate files are the related memoranda, Staff Reports, and draft ordinances concerning the remaining three (3) P&Z Code text amendment matters:

- Case No. TX16-03 / Admin / Bicycle Storage
- Case No. TX16-06 / Admin / Administrative Appeals and the BZA
- Case No. TX16-07 / Admin / Parking Lot and Parking Structure Uses

The information included concerning bicycle storage is extensive to provide City Council a full account of the work involved by the Bicycle Board, the Traffic Commission, and the Planning Commission. The file named, "20160719_memo2-Mikorski_JUL-COW-Agenda_TX16-03_Bike-Storage" should be printed in color. The other two (2) files can be printed in B/W.

Because the three (3) zoning text amendment matters are not related to each other, the order in which they appear on the respective City Council agendas is of no consequence.

Please include these matters on the 26 JUL 2016 COW agenda.

Thank you.

Christopher M. Fletcher, AICP
Director of Development Services



Development Services
389 Spruce Street
Morgantown, WV 26505
304.284.7431

MEMORANDUM

Date: 19 JUL 2016
To: Jeff Mikorski, City Manager *via email*
Linda Tucker, City Clerk *via email*
RE: City Council Committee of the Whole Agenda – 26 JUL 2016
TX16-03 / Administrative / Bicycle Storage

During its 14 JUL 2016 hearing, the Planning Commission voted to forward a recommendation to City Council to APPROVE the above referenced Zoning Text Amendment petition.

Additionally, appended is a memorandum from City Engineer Damien Davis concerning the Traffic Commission's 01 JUN 2016 decision to forward a recommendation to City Council to APPROVE the related bicycle storage standards proposed for inclusion in the Planning & Zoning Code.

Attached herewith are the related Staff Report presented to the Planning Commission and the draft ordinance. The following dates will keep to standard Planning and Zoning Code Map Amendment protocol:

City Council Meetings

Committee of the Whole Tuesday, July 26, 2016
First Reading: Tuesday, August 2, 2016
Public Hearing and Second Reading: Tuesday, September 6, 2016

Please include this item on the City Council meeting agendas noted above and include this communication and attachments (provided in color) in the 26 JUL Committee of the Whole meeting packet. Only the ordinance should be included in the 02 AUG and 06 SEP meeting packets.

Thank you.

Digitally signed by Christopher M. Fletcher, AICP
Date: 2016.07.19 16:03:50 -04'00'



The City of Morgantown
Public Works Department
389 Spruce Street
Morgantown, WV 26505
PH: (304) 284-7412 FAX: (304) 284-7409
E-MAIL: bshellito@cityofmorgantown.org
ddavis@cityofmorgantown.org

**Engineering*

**Public Works Operation*

Memoranda

To: Jeff Mikorski, City Manager
From: Damien Davis, Interim City Engineer/Public Works Director
Date: June 3, 2016
Subject: January 2016, March 2016 and June 2016 Actions of Traffic Commission

The following actions were taken at the January 6, 2016 Traffic Commission Meeting.

- 1.) Paul Steel moved to approve the recommendation of Matt Watson, Christina Hunt, and Brian Ricketts as members of the Bicycle Board. Dave McKain seconded the motion. Motion passed unanimously

No actions were taken at the March 2, 2016 Traffic Commission Meeting.

The following actions were taken at the June 1, 2016 Traffic Commission Meeting.

- 1.) Paul Steel moved to change the parking to the other side of Callen Avenue between Lawnwood and Mississippi. Martin Dombrowski seconded the motion. Motion passed unanimously.
- 2.) Matt Cross moved to recommend the changes to the Bicycle Storage for Developments of significant impact to the Planning Commission and to City Council. Paul Steel seconded the motion. Motion passed unanimously.

TX16-03 / Admin / Bicycle Storage
STAFF REPORT



MORGANTOWN PLANNING COMMISSION

July 14, 2016
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 Blosser, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

William Kawecki, City Council

VACANT, City Administration

STAFF REPORT SUPPLEMENT

CASE NO: TX16-03 / Administrative / Bicycle Storage

REQUEST:

Administratively requested Zoning Text Amendments to Articles 1329.02, 1349.08, and 1365.04 of the City's Planning and Zoning Code as they relate to establishing bicycle storage requirements for Developments of Significant Impact.

SUPPLEMENTAL INFORMATION:

At the Planning Commission's May 12, 2016 hearing, the Bicycle Board's proposed zoning text amendments concerning minimum short- and long-term bicycle storage and requirements and design standards were tabled for further study and to schedule a workshop with the Bicycle Board.

A workshop was held on June 2, 2016 during the Bicycle Board's regular monthly meeting. Planning Commissioners in attendance included Blosser, Loretta, Petros, Kawecki, Shuman, and Pyles. Staff in attendance included Fletcher and Whitmore. Bicycle Board members in attendance included D. Gatlin, C. Wamsley, C. Hunt, B. Ricketts, H. Grandon, J. Nellis, and J. Rosenbaum.

The Planning Commission was tasked with identifying three (3) bullet point items corresponded to concerns regarding the proposed bicycle storage requirements for Development of Significant Impact (DSI) projects. The following points were developed based on comments at the workshop and one-on-one following telephone calls to Planning Commissioners.

1. That the storage requirement may be overly difficult for developers to achieve.
2. That existing bicycle infrastructure is lacking.
3. That more parties need to be engaged with bicycle storage.

The following bullet points summarize matters raised by Planning Commissioners attending the workshop. Responses to these items are presented below each bullet points and were developed by Staff with the assistance of the Bicycle Board.

- What is the construction cost per square foot for new commercial or mixed-use buildings in Morgantown and how does that relate to proposed indoor bicycle storage standards? (Blosser)
 - The North Central West Virginia Home Builders Association provided that new construction for finished space is generally \$90 to \$140 per square foot, depending on the type of construction and quality of the finishing materials.
- The proposed standards do not appear to require bicycle storage for stand-alone parking lot or parking garage uses. (Whitmore)

Development Services

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

Planning Division

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Morgantown, WV 26505
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MORGANTOWN PLANNING COMMISSION

July 14, 2016
6:30 PM
City Council Chambers

President:

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Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Blosser, 3rd Ward

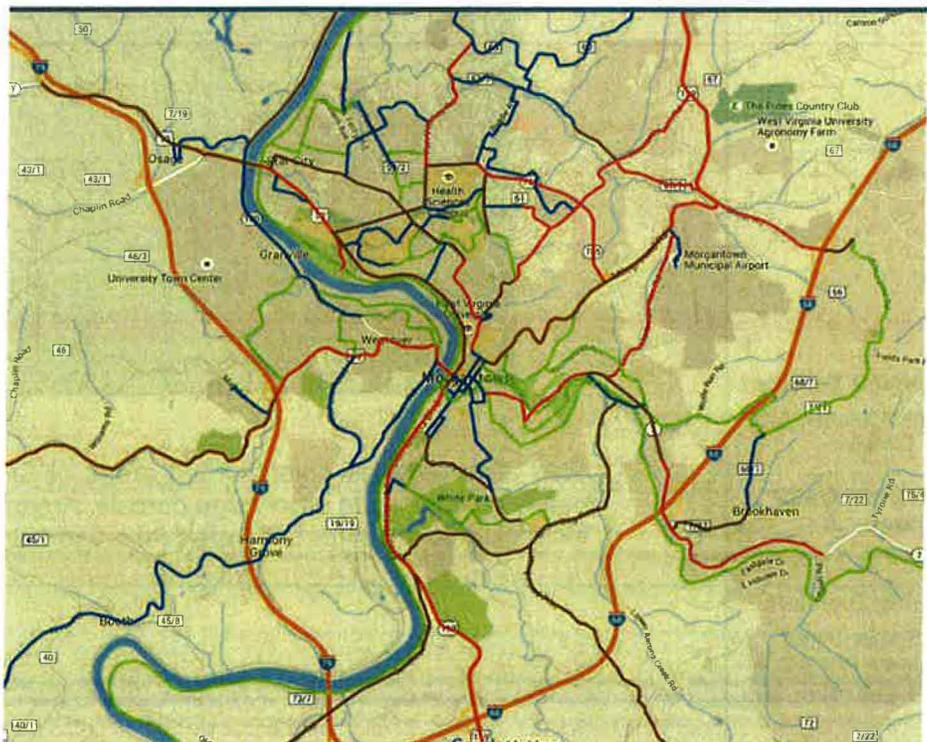
Bill Petros, 4th Ward

Mike Shuman, 5th Ward

William Kawecki, City Council

VACANT, City Administration

- Parking garages and parking lots do not have a minimum parking requirement, negating the ability to calculate a bicycle storage requirement under the proposed amendments. As these uses are space rental in nature, their offering of bicycle storage could be made based on market demands. However, governmental or similarly owned or managed parking facilities are generally encouraged to provide bicycle facilities through the use of grant funding or specific performance metrics.
- Mapping developed by the Bicycle Board illustrating alternate biking routes through the City for commuting purposes should be provided to the Planning Commission. This mapping will help to illustrate biking opportunities. (Petros)
 - All public roads in the City of Morgantown are available to bicycle users. Even when a road is not identified as a bicycle route, it can be used by cyclists. While some roadways may appear unfavorable for bicycle use, their use for cyclists should not be discounted. Additionally, the City of Morgantown is currently working with the West Virginia Division of Highways for installation of bicycle use identification that includes signage on the road surface as shown in the illustrations on the following page. Signage does not replace segregated bicycle route facilities or bike lane markings, but do provide a visual stimulus to promote mixed-mobility on the roadway. The map below shows bicycle routes identified in the MPO Long Range Transportation Plan. These routes are in sync with probable DSI development sites, as will be shown below.



Development Services

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

Planning Division

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MORGANTOWN PLANNING COMMISSION

July 14, 2016
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

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Tim Stranko, 2nd Ward

William Blosser, 3rd Ward

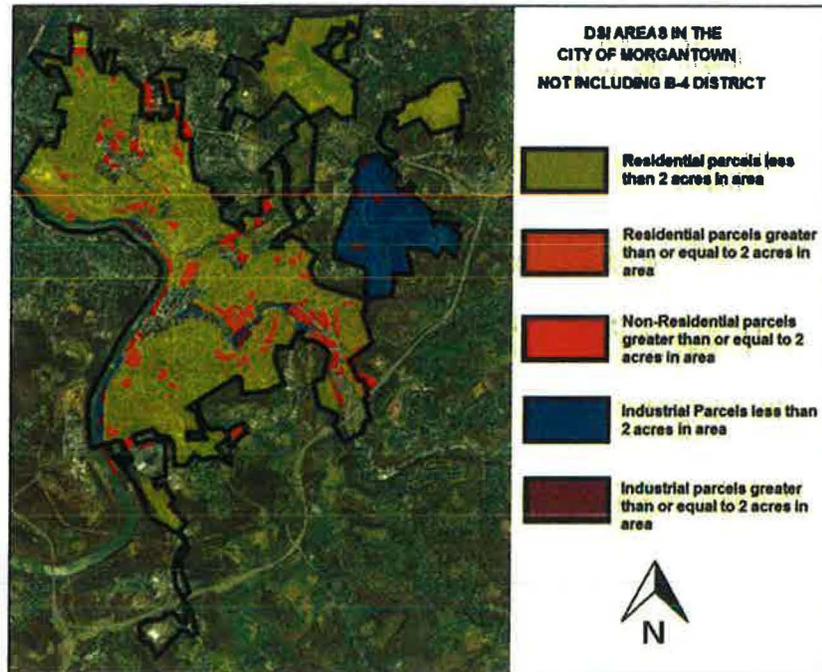
Bill Petros, 4th Ward

Mike Shuman, 5th Ward

William Kaweckı, City Council

VACANT, City Administration

- A concern was expressed that proposed standards may result in creating infrastructure in areas of the City that are not accessible or not easily accessible to bicycling. A map of the City illustrating areas within which DSI projects are more likely would be helpful when compared to the Bike Board's alternative bicycling routes map. (Petros and Blosser)
 - The 2016 Bicycle Storage Plan developed by the Planning Division, with the assistance of the Bicycle Board, provides guidance for bicycle storage policy, as it relates to physical development. DSIs are enabled in developments throughout the city that impact parcels with areas greater than two acres. The parcels in the City of Morgantown having the highest spatial characteristics to enable DSIs are presented below. DSIs are overall envisioned to occur along collector, minor-arterial, and major-arterial roadways, which are in close proximity to existing bicycle routes.



Development Services

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

Planning Division

389 Spruce Street
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Staff also reviewed potential DSI areas as larger parcels being contiguous or nearly contiguous to other large parcels. Areas throughout the city that have this increased potential for DSIs are presented below.



MORGANTOWN PLANNING COMMISSION

July 14, 2016
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

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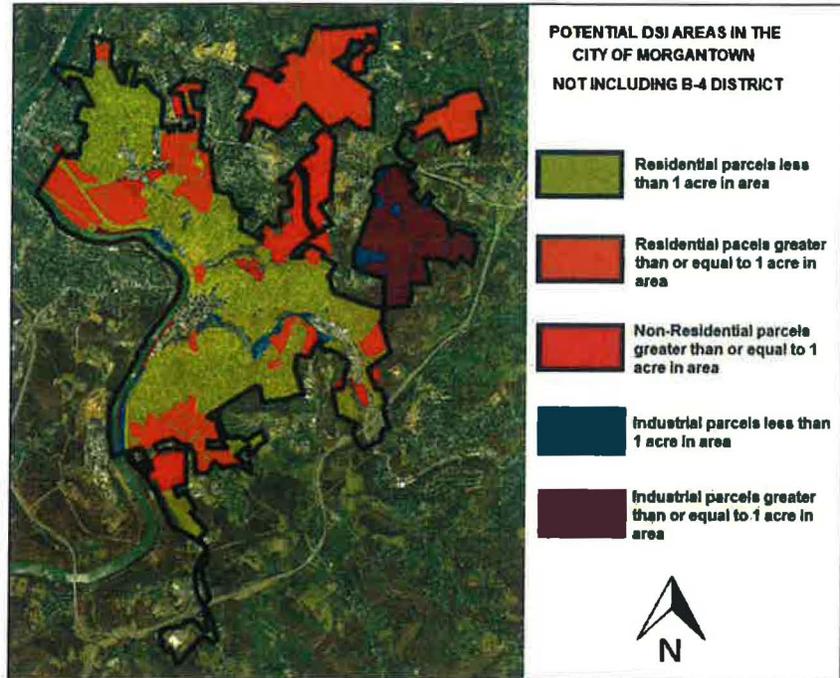
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- An explanation and illustration of shared lanes and related markings would be beneficial to understanding bicycling opportunities in Morgantown for commuting purposes. (Fletcher)
 - The following are examples of signage present in other communities used to alert motor vehicles, cyclists, and pedestrians.



Sharrow notifies motor-vehicle traffic of cyclists present on the roadway, and notifies cyclist of the route.



Bike Route Sign notifies cyclist of the route.



Share the Road Sign notifies motor-vehicle traffic of cyclists present on the roadway.

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- How were the minimum number of long-term and short-term bicycle storage spaces developed? How and why are these minimum storage spaces related to the Bike Board's desire to increase bicycle mode trips to 5% of all transport mode trips? How and why did the Bike Board identify 5% as the target for bicycle mode trips? (Kawecki, Shuman, Petros, Loretta)
 - Throughout the United States Bicycle Storage spaces follow varying metrics to determine the number of spaces required. Many jurisdictions utilize standards as found with automobile parking, with the number of required spaces determined based on the use of the property. Morgantown's method would be to enable 5% of all transit trips to utilize bicycles. The result in that there should be at least one Short-Term and one Long-Term Bicycle Storage space for every twenty automobile parking spaces. While this method does not absolutely create the complete technical mechanics for 5% of all transit trips to be made by bicycle, it does provide justification that there is space in DSIs to accommodate at least 5% of the expected automobile driving trips, as established by the Parking section of the Planning and Zoning Code, while not limiting additional bicycle infrastructure, including bicycle sharing opportunities, or causing an extreme burden on developers.

- Why is long-term storage required in the proposed standards for non-residential uses (i.e., commercial uses)? To what extent will these facilities actually be used? (Kawecki)
 - With regards to individual DSIs, the Bicycle Storage text amendment language requires the installation of bicycle racks for short-term use, and some manner of secured space for long-term use. Short-term Bicycle Storage is akin to customer parking spaces used in retail shops with frequent turn-over and ease of access, while Long-Term Bicycle Storage is more similar to employee parking, or the parking used in our homes. A bicycle commuter benefits from Long-Term Bicycle Storage, as their bicycle will be secured in a setting that protects the bicycle from inclement weather, as may occur over the period of a day, and provides increased security. Commercial, Industrial, and Office uses benefit from Long-Term Bicycle Storage, just as long-term automobile parking is often provided in different settings as compared to customer parking. Additionally, Long-Term Bicycle Storage facilities can be configured to offer Short-Term Bicycle Storage, similar to a parking deck or in combination with a parking deck.

- How would the proposed bicycle storage standards be applied to retrofitted (reuse) buildings? (Shuman)
 - The reuse of existing buildings or improvements do not limit the DSI review requirement for development or other requirements such as parking, signage, life-safety, etc. In some instances, the inclusion of bicycle storage infrastructure can be utilized to facilitate new development in older buildings for grant and tax credit purposes.

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- Images of long-term bicycle storage options (from various single units to amassed systems) would aid in illustrating compliant approaches and space consumption needs under the proposed standards. (Kawecki)
 - The following images highlight examples of long-term bicycle storage systems.



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- How would a proposed Planned Unit Development (PUD) be required to comply with the proposed bicycle storage standards? (Loretta, Blosser)
 - A PUD development utilizes a different planning process, as opposed to developments that occur under DSI Type III Site Plan Reviews, or general improvements to a site (Type II or Type I administrative site plan reviews). The PUD utilizes a specific development plan for the site, and includes all aspects of the City of Morgantown's existing zoning regulations into a site specific regulation. The developer presents this plan to the Planning Commission to achieve a Zoning Map Amendment, which requires ordinance approval, necessitating Planning Commission and City Council review. In the event a PUD is proposed that would not provide necessary bicycle storage, the Planning Commission would be presented with an opportunity to evaluate the facility's omission with the developer, allowing for negotiations to potentially provide increased bicycle facilities and/or infrastructure.
- How would a bicycle sharing company (e.g., Hubway, Zagster, Motivate, etc.) affect implementation of the proposed bicycle storage standards? (Blosser)
 - Bicycle sharing programs should serve to expand market-driven infrastructure development, promote use, and capitalize on minimum storage requirements; particularly, the need for and utilization of short-term bicycle storage. Bicycle sharing companies generally use their own specific infrastructure to facilitate the rental of bicycles (long-term storage), allowing users to pick-up and drop-off bicycles in areas that allow for the turn-over necessary for the system to operate. An increase in short-term storage facilities only serves to promote the use of bicycle sharing programs/services. Current operational systems are shown below and highlight their specific infrastructure.

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- One (1) long-term bicycle storage space per dwelling unit might be a concern. Providing one (1) storage space within a dwelling unit might not be attractive to property owners concerning wear and tear caused by bicycles in common areas of a building between the entrance and the dwelling unit as well as wear and tear (damage) caused by bicycles inside the unit (e.g., carpeting, pulling hocks out of walls/ceiling, etc.). Are there other minimum policy approaches that could be considered? (Shuman, Kawecki)

- Individual long-term bicycle storage spaces would be required for all newly constructed DSIs, in accordance with those structure's automobile parking standards. In the B-4 District, DSIs may not be required to provide any automobile parking, and would likewise, not be required to provide any short-term bicycle storage spaces. However, all DSIs that include a residential component of the development plan in the B-4 District would be required to provide one long-term bicycle storage space per dwelling unit. The bare minimum functional requirement for a long-term bicycle storage space, would consist of a 3 x 4 x 6 foot space, that can be lit at night. For context, this space could be achieved in an apartment as a closet or even a space within the living area designated for the use of the bicycle.

During the workshop, Planning Commissioners asked for more clarification on the bicycle storage metric of one (1) bicycle storage space per twenty (20) automobile parking spaces for all short-term and all non-residential component long-term bicycle storage. A review of all non-residential, non-mixed-use, DSI developments since 2006 showed that total nonresidential use areas handle the short-term and long-term storage requirements with ease. The largest square footage of proposed bicycle storage would have been for the 2010 Mylan application for the abandoned Wal-Mart facility at the Mountaineer Mall. The applicant would have been required to provide 2,016 square feet of bicycle parking, both short and long term, which is 14 bicycle parking spaces each.

Modified Nonresidential Parking Requirements

(excludes developments with no required spaces)

	Square Footage	No. of Short-Term Spaces	No. of Long-Term Spaces
Mean	864	6	6
Median	720	5	5
Mode	432	3	3
Range	432	3	3

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A review of all residential, non-mixed-use DSI developments not in B-4 zone since 2006 showed that totally residential use areas, handle the short-term and long-term parking requirements as follows. The largest square footage of proposed bicycle parking would have been for the *UClub* development on University Avenue in Sunnyside. The applicant would have been required to provide 10,656 square feet of bicycle parking, which is 14 short-term spaces and 134 long-term spaces.



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Modified Residential Parking Requirements, Not in B-4
(numbers rounded-up)

	Square Footage	No. of Short-Term Spaces	No. of Long-Term Spaces
Mean	3,836	4	50
Median	2,700	2	36
Mode	1,224	1	15
Range	648-10,656	1-14	8-134

A review of all mixed-use DSI developments not in B-4 zone since 2006 showed that these use areas handle the short-term and long-term parking requirements with relative ease. Of the four (4) DSI mixed-use projects, the largest square footage of proposed bicycle parking would have been for the Beechurst property with 87 apartment units. The applicant would have been required to provide 6,624 square feet of bicycle parking, which is 4 short-term spaces and 88 long-term spaces.

Mixed-Use Parking Requirements, Not in B-4
(numbers rounded-up)

	Square Footage	No. of Short-Term Spaces	No. of Long-Term Spaces
Mean	3,836	4	50
Median	2,700	2	36
Mode	1,224	3	N/A
Range	1,152-6,624	1-4	20-88

A review of all B-4 DSI developments since 2006 showed that these use areas handle the short-term and long-term parking requirements with the most burden. Of the eleven DSI projects in the B-4 District, the largest square footage of proposed bicycle parking would have been for the 19 story mixed-use project on University Avenue in 2006. The applicant would have been required to provide 31,608 square feet of bicycle parking, which is 37 short-term spaces, and 402 long-term spaces. This contrasts with the 737 automobile parking spaces that would have been required (under today's minimum parking requirement), totaling, at most, 112,761 square feet of area.

Parking Requirements in B-4 not including parking garage projects
(numbers rounded-up)

	Square Footage	No. of Short-Term Spaces	No. of Long-Term Spaces
Mean	9,864	11	126
Median	7,200	11	89
Mode	1,224	0-3	0
Range	0-6,624	0-37	0-402

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Additional information was provided at the Planning Commission workshop highlighting the physical space that bicycle storage would occupy in cubic feet. While this information does provide some insight into the space a development would have to provide for bicycle storage, the context of storage is difficult to examine. For instance, while a bicycle storage space may be 72 ft³, an automobile parking space could be 1,071 ft³ given the need for an 18 feet long, 8.5 feet wide, and 7 feet of height required for an automobile parking space in an enclosed space. Additionally, the aisle width and space required for automobiles as compared to bicycles is similarly skewed.

At the conclusion of the workshop, the Bicycle Board was tasked with developing three (3) bullet point items succinctly stating the need for minimum bicycle storage standards in the Planning and Zoning Code. The Bicycle Board offered the following affirmations.

- Current transportation and land use plans for the City of Morgantown encourage the expanded use of bicycles as a mode of transportation, necessitating increased infrastructure to include bicycle storage;
- The proposed bicycle storage standards are not unique to the City of Morgantown and are utilized throughout the United States to encourage and facilitate bicycle use; and
- The proposed bicycle storage standards provide flexibility for developers to deliver bicycle storage amenities at a level that is of minimal disturbance.

STAFF RECOMMENDATION:

Staff respectfully advises the Planning Commission to forward a favorable recommendation to City Council to amend the Planning and Zoning Code as presented in the Addendum A of this report (deleted matter struck-through; new matter underlined) based on the information and findings presented herein.

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MORGANTOWN PLANNING COMMISSION

May 12, 2016
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Charles McEwuen, Admin.

William Kawecki, City Council

CASE NO: TX16-03 / Administrative / Bicycle Storage

REQUEST:

Administratively requested Zoning Text Amendments to Articles 1329.02, 1349.08, and 1365.04 of the City's Planning and Zoning Code as they relate to establishing bicycle storage requirements for Developments of Significant Impact.

BACKGROUND and ANALYSIS:

Currently, the Planning and Zoning Code provides for bicycle storage development standards for Developments of Significant Impact only in the B-4 District. The current bicycle storage standards present the following deficiencies.

1. They do not recognize the difference between short-term and long-term bicycle storage needs or demand.
2. They only apply to indoor bicycle storage, with no language for short-term bicycle storage; particularly the design of racks, which limits functionality of the bicycle storage space.
3. They only apply to residential uses.
4. They are limited to the downtown core.

Increasing access to bicycle facilities throughout the City and greater region is identified in the City of Morgantown Comprehensive Plan and other City planning documents. The proposed bicycle storage standards will create additional opportunities for bicycle storage facilities throughout the City of Morgantown and would correct deficiencies identified above.

With the leadership and assistance of the Bicycle Board, Staff drafted text amendments are presented in Addendum A of this report addressing these deficiencies. Additionally, the Bike Board's 2016 Bicycle Storage Plan is attached hereto providing an extensive overview of the proposed bicycle storage requirements and their functional effect on Developments of Significant Impact.

The Morgantown Traffic Commission is scheduled to review these proposed text amendments at their 04 MAY 2016 meeting and then formally vote in June to submit their respective support to City Council prior to City Council's public hearing and second reading of the related ordinance anticipated for 05 JUL 2016, provided the related ordinance continues to move forward at each step of the process.

STAFF RECOMMENDATION:

Staff respectfully advises the Planning Commission to forward a favorable recommendation to City Council to amend the Planning and Zoning Code as presented in the Addendum A of this report (deleted matter struck-through; new matter underlined) based on the information and findings presented herein.

Development Services

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STAFF REPORT ADDENDUM A

TX16-03 / Administrative / Bicycle Storage

Staff recommended text amendments to the Planning and Zoning Code as they relate to proposed bicycle storage standards (deleted matter struck-through; new matter underlined).

1329.02 DEFINITION OF TERMS

AMENITY – Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as a unified building design, recreational facilities (e.g. swimming pool, walking trails, bicycle trails, lakes, tennis courts, picnic areas, playgrounds, fitness center, etc.), views, landscaping, bicycle storage, etc.

~~BICYCLE STORAGE – An indoor, secure, and sheltered storage space for bicycles, which is provided as an amenity for residents, tenants, etc. of a development.~~

BICYCLE STORAGE, SHORT-TERM – A secure storage space for bicycles, which is provided as an amenity for residents, tenants, etc. of a development for temporary purposes.

BICYCLE STORAGE, LONG-TERM – An indoor, secure, and sheltered storage space for bicycles, which is provided as an amenity for residents, tenants, etc. of a development.

~~PARKING, BICYCLE – Parking of bicycles on a temporary basis with a minimum width of three (3) feet, a minimum length of six (6) feet, and a means of securing individual bicycles.~~

1349.08 PARKING AND LOADING STANDARDS

~~(C) Bicycle Storage – For all Developments of Significant Impact in this district, the following minimum bicycle storage amenities must be provided:~~

~~(1) One (1) indoor, secure, sheltered bicycle storage space per dwelling unit.~~

~~(2) Each space shall be a minimum of 3 feet X 6 feet X 4 feet.~~

~~(3) Each bicycle shall be individually secured with a lock to a permanent structure.~~

~~(4) There should be sufficient space for easy access to each bicycle.~~

1365.04 DETERMINING THE NUMBER OF SPACES REQUIRED.

(C) Shared Parking Facilities in the B-4 District.

(2) Shared parking facilities for two or more uses, whose main traffic generation peak times do not substantially overlap, may be approved as a conditional use provided that:

STAFF REPORT ADDENDUM A

TX16-03 / Administrative / Bicycle Storage

- (c) This reduction may, with the approval of the Board of Zoning Appeals, be in addition to the reductions allowed for proximity to public transit, and/or motorcycle parking, ~~and/or bicycle parking.~~
- (3) Shared parking facilities for two or more uses, whose main traffic generation peak times substantially overlap, may be approved as a conditional use provided that:
 - (c) This reduction may, with the approval of the Board of Zoning Appeals, be in addition to the reductions allowed for proximity to public transit, and/or motorcycle parking, ~~and/or bicycle parking.~~
- (P) In the B-4 district, minimum parking requirements may be reduced as a conditional use under one or more of the following provisions:
 - (4) ~~By a factor of one (1) automobile parking space for every three (3) bicycle parking spaces provided, up to a maximum reduction of three (3) automobile parking spaces. This reduction shall not be permitted for uses that are required to provide six (6) or fewer parking stalls. Nor shall this reduction be permitted for uses that primarily sell large, bulky merchandise not typically transported via bicycle. Required bicycle storage may not be used to reduce minimum parking requirements.~~
- (Q) Bicycle Storage – Long-term bicycle storage and short-term bicycle storage shall be provided in all Developments of Significant Impact.
 - (1) For all Developments of Significant Impact, the minimum Long-term bicycle storage amenities described in this Subsection must be provided. The minimum Long-term bicycle storage amenities are as follows:
 - (a) For residential uses and for residential use components of mixed-used development, one (1) long-term bicycle storage space per dwelling unit.
 - (b) For non-residential uses and for non-residential use components of mixed-used development, one (1) Long-term bicycle storage space increasing by one (1) additional space for every twenty (20) automobile parking spaces as required in accordance with Table 1365.04.01: Minimum Off-Street Parking Requirements.
 - (c) Long-term bicycle storage is required to be covered and shall include use of one of the following:
 - (i) A locked room;
 - (ii) An area enclosed by a fence with a locked gate;

STAFF REPORT ADDENDUM A

TX16-03 / Administrative / Bicycle Storage

- (iii) An area within view of an attendant or security guard or monitored by a security camera; or,
- (iv) An area visible from employee work areas.
- (d) The long-term bicycle storage area should be located within fifty (50) feet of the primary entrance of the building it serves and shall be in a location that can be reached by an accessible route. Long-term bicycle storage must be located either:
 - (i) On the same site as the use it serves; or,
 - (ii) Off-site within 300 feet of the use it serves; provided, conditional use approval is granted by the Board of Zoning Appeals. Conditional use approval shall include a condition that the off-site long-term bicycle storage amenity is encumbered by an easement or similar agreement duly executed and acknowledged, which specifies that the land upon which the off-site long-term bicycle storage amenity is located is encumbered by the bicycle storage use. Said instrument shall specify and bind the time period to the anticipated life of the building or use to which the long-term bicycle storage amenity are accessory. Said instrument shall be filed with the applicable Building Permit files of the Department of Planning, and placed on public record in the Office of the Clerk of the County Commission of Monongalia County, WV. Further, if the pedestrian access between the off-site long-term bicycle storage amenity and the use(s) it serves is to cross an arterial street, appropriate safety measures, as determined by the Planning Director and City Engineer, must be in place to ensure pedestrian safety.
- (e) If the long-term bicycle storage is provided in an auto storage garage, the bicycle storage spaces shall be clearly marked as such and shall be separated from automobile parking.
- (f) Long-term bicycle storage designs must adhere to the design standards in section 1365.04(Q)(3), Bicycle Rack Requirements.
- (2) For all Developments of Significant Impact, the minimum short-term bicycle storage amenities described in this Subsection must be provided. The minimum short-term bicycle storage amenities are as follows:
 - (a) One (1) short-term bicycle storage space increasing by one (1) additional space for every twenty (20) automobile parking spaces as required in accordance with Table 1365.04.01: Minimum Off-Street Parking Requirements.
 - (b) Each short-term bicycle storage space shall be located:

STAFF REPORT ADDENDUM A

TX16-03 / Administrative / Bicycle Storage

- (i) Outside a building, but not within the public right-of-way, or within an automobile garage; provided, that in the B-4 District where the public right-of-way may also be used with the approval of the City Engineer.
 - (ii) Within fifty (50) feet of a main building entrance; and
 - (iii) At the same grade as the sidewalk or at a location that can be reached by an accessible route.
- (c) Short-term bicycle storage space designs must adhere to the design standards in 1365.04(Q)(3): Bicycle Rack Requirements.
- (d) Short-term bicycle storage spaces should be placed under roof to encourage cycling and bicycle rack use.
- (e) Short-term bicycle storage shall consist of a physical improvement that is installed on a permanent foundation (e.g., concrete pad) to ensure stability; is securely anchored into or on the foundation with tamper-proof nuts if surface mounted; provides support for an upright bicycle by its frame horizontally in two (2) or more places; keeps both bike wheels on the ground; is designed to prevent the bicycle from tipping over; is able to support a variety of bicycle sizes and frame shapes; provides space to secure the frame and one or both wheels to the rack with a cable, chain, or u-lock; and has a locking pole with a diameter of no more than 1.5 inches.
- (3) Bicycle Rack Requirements. Long-term and short-term bicycle storage spaces using bicycle rack facilities shall observe the following design standards:
- (a) Each bicycle storage space shall a minimum dimension of three (3) feet in width by six (6) feet in length by four (4) feet in height.
 - (b) Bicycle storage areas shall include a minimum of three (3) feet of clearance around racks or lockers to give cyclists room to maneuver and to prevent conflicts with pedestrians or parked automobiles.
 - (c) Adequate lighting (no less than 2.0 footcandles) must be provided for a bicycle storage area and the route from the storage area to the nearest building entrance intended for the cyclist.
 - (d) Racks shall conform to Americans with Disabilities Act (ADA) standards for protrusions in the right-of-way including the ability to detect the rack with a white cane. To be detected by a white cane the protruding or leading edge of the rack shall be 27" or less above the sidewalk surface. Between 27" and 80" above the sidewalk surface, protruding or leading edges may overhang a maximum of 12".
 - (e) The top of the bicycle rack design shall be a minimum of 36 inches tall. Except for the bicycle rack supporting brackets, the shortest section of the

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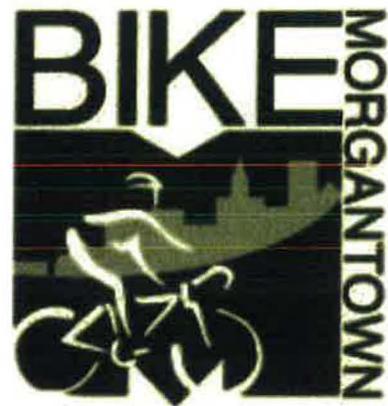
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bicycle rack must be a minimum of 27 inches tall to be perceived by pedestrians and avoid tripping hazards.

- (f) The space between rack features shall be larger than 9" and smaller than 3.5" to avoid children trapping their heads.
- (g) The design shall not include sharp edges.
- (h) Areas having more than one row of racks shall be separated by aisles. An aisle is measured from tip to tip of the bicycle storage spaces between racks. The minimum separation between aisles shall be a minimum of four (4) feet.
- (i) Racks near walls should be placed so the rack's two (2) bicycle connection points are perpendicular to such wall. Racks placed near walls shall maintain a four (4) foot minimum separation between the edge of the bicycle storage space and the wall.
- (j) Racks placed near curbs should maintain a minimum separation between the edge of the bicycle storage space of four (4) feet.
- (k) Racks should have protective coatings designed to protect bicycle frames from scratching and damage.
- (l) Racks should be able to resist being cut or detached using common hand tools, such as bolt cutters, pipe cutters, wrenches, and pry bars.

2016 BICYCLE STORAGE PLAN

PROPOSED STANDARDS FOR DEVELOPMENTS
OF SIGNIFICANT IMPACT LOCATED IN THE CITY
OF MORGANTOWN, WV



May 5, 2016

This plan was made with assistance from the City of Morgantown City Council, Planning Commission, Traffic Commission, and Bicycle Board members.

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Jay Redmond, Ward 6
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Brian Ricketts
Jonathan Rosenbaum
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Derek Springston
Matt Watson
Jing Zhang

Special Thanks to:

**Jonathan Rosenbaum
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Drew Gatlin
Chip Wamsley
Frank Gmeindl**

**and the City of Morgantown Development Services Department,
City Engineering Department, and City Attorney's Office**

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Proposed Bicycle Storage Standards for Developments of Significant Impact

Relationship to Other Plans

Bicycle parking or the storage of bicycles, is a necessary component for a complete street. The use of bicycles as a form of transit requires that the bicycle be placed in a safe and convenient location, when not in use. The City of Morgantown and the Morgantown Monongalia Metropolitan Planning Organization recognize the value of bicycle use, and is reflected within future planning documents and other organizational policy. The City of Morgantown's 2013 Comprehensive Plan, the 2012 Greater Morgantown Bicycle Plan, and the 2040 Morgantown Monongalia Metropolitan Planning Organization Long Range Transportation Plan each include specific implementation strategies to increase bicycle usage, and increase mobility. The 2016 Bicycle Storage Plan provides proposed land-use reviews/ordinance to implement these plans' strategies.

City of Morgantown's 2013 Comprehensive Plan

The City of Morgantown's 2013 Comprehensive Plan, a guide for future physical development within the city, provides guidance for land uses and transportation. The comprehensive plan's transportation element establishes the goal of providing "a balanced, safe attractive, well-connected transportation system that offers reduced congestion, supports and encourages desirable growth, and integrates private vehicles, public transportation, biking, and walking." This goal is achieved through objectives and strategies that encourage wider mobility options and biking, in particular Objective 5.

Objective 5. Increase bicycle use through infrastructure improvements and education.

- TR 5.1 Implement the Morgantown Bicycle Plan.
- TR 5.2 Develop a bicycling education plan.
- TR 5.3 Develop a traffic enforcement plan to improve bicycling safety and to reduce the perceived risk of bicycling in Morgantown.
- TR 5.4 Implement the "Complete Streets" policy adopted by City Council in December 2007 to guide development review and approval, roadway maintenance, right-of-way improvements, and right-of-way expansion wherever practical.
- TR 5.5 Develop a feeder trail system that connects neighborhoods with the Caperton and Decker's Creek Trails.

The 2012 Greater Morgantown Bicycle Plan

The 2012 Greater Morgantown Bicycle Plan utilizes the 6 E's elemental format to establish planning priorities for bicycling and bicycle infrastructure. The 6 E's are Education, Enforcement, Engineering, Encouragement, Evaluation, and Equity. Each element of the bicycle plan establishes actions to complete a wider vision and goal. The bicycle plan's vision is that:

"All Morgantown residents can enjoy bicycling safely and fearlessly anywhere, anytime for any reason. Morgantown residents choose to ride bicycles for transportation as well as recreation. Our state and our nation recognize Morgantown for the benefits of bicycle to our health, our environment, our economy and our quality of life."

The vision of the bicycle plan is achieved through the Goals of:

- Increasing use while decreasing crashes;
- Providing that 5% of all trips in and through Morgantown will be made by bicycle; and
- That 1 in every 20 vehicles on Morgantown streets will be a bicycle.

The 2012 Greater Morgantown Bicycle Plan's Engineering and Encouragement elements involve objectives and actions that encourage the increased development of short-term and long-term bicycle storage facilities. Additionally, the Equity element provides the objective of treating a bicycle and an automobile as the same in activities related to storage.

Engineering

Objective: Remove roadway impediments to bicycle use and build appropriate improvements to make bicycling a safer and more attractive transportation mode than motor vehicle use.

Action 9: Advocate secure short-term bicycle parking within 100 feet of bicyclist destinations in commercial districts.

Encouragement

Objective: Provide amenities, rewards and support to citizens for riding their bicycles rather than driving their cars. Encouragement moves people from contemplating riding their bicycles for transportation to actually doing it.

Action 14: Review current implementation and consider expansion of the Planning Zoning Code requiring developers of multi-family dwellings to provide bicycle parking and storage.

Equity

Objective: Treat bicyclists as equals to motorists in all City activities.

5% Target

The 2012 Greater Morgantown Bicycle Plan (2012 Plan) has the overall Goal of increasing bicycle use, while decreasing bicycle crashes. One objective in completing this goal is for bicyclists to be treated as equals to motorists in all activities. This 2012 Plan Goal also aims for bicycles to be used for 5% of all trips in and through Morgantown by 2020.

In keeping with the 2012 bicycle plan's use and safety goal, stated objective to this goal, and bicycle use target, the intent of these storage standards is to provide safe bicycle storage opportunities in all Developments of Significant Impact (DSI). Safe bicycle parking is achieved using existing automobile storage standards based on property use and applying a one long-term and one short-term bicycle storage space for every twenty automobile storage spaces requirement for DSI developments. The following example highlights these bicycle storage standards' requirement:

A 20,000 square-foot pharmacy is seeking approval to build in the City of Morgantown. A pharmacy is required to provide 2.5 automobile parking spaces per 1,000 square feet of gross floor area, per section 1364.04.01 of the City of Morgantown Planning and Zoning Code. At 20,000 square feet, the pharmacy would be required to provide 50 automobile parking spaces. With the new bicycle storage standard, the pharmacy would also have to provide 3 long-term

and 3 short-term bicycle storage spaces. Half spaces are rounded to the nearest whole number per section 1365.04(A)(1) of the Planning and Zoning Code, dealing with parking computations.

2040 MMMPO Long Range Transportation Plan

The 2040 Morgantown Monongalia Metropolitan Planning Organization Long Range Transportation Plan is a regional guide for transportation infrastructure planning, with emphasis on state and federal projects. The long range transportation plan encourages bicycle infrastructure and use. The vision of the long range transportation plan is made up of elements of a county-wide transportation network, and are expressed in the plan, as follows:

- **Growing**

Managed growth that is efficient, attractive, and well-connected through appropriate infrastructure will balance land consumption with redevelopment while protecting and preserving open space, local agriculture, energy resources and the environment.

- **Moving**

A balanced, safe, attractive, and accessible transportation system will reduce congestion, improve connectivity and support and direct future growth while integrating private vehicles and expanding public transportation, biking, and walking networks.

- **Living**

Job and income growth, improved community services, support for the arts, accessible and connected parks and recreational facilities, good schools, desirable, diverse, and affordable housing, and safe neighborhoods that have access to local shops and markets, will be hallmarks of our region's quality of life.

- **Competing**

A regional approach to economic development and infrastructure investments that is founded on cooperative relationships will make the region competitive and capable of attracting and supporting existing and new businesses.

- **Collaborating**

An engaged community with leaders that embrace continued citizen engagement and stronger collaboration among municipalities, the County, the State, WVU, neighborhoods and major employers will enable the sharing of resources and lead to successful implementation.

Increased options for mobility, provided with cycling and other non-motorized forms of transit, establish the regional vision of the 2040 Morgantown Monongalia Metropolitan Planning Organization Long Range Transportation Plan. Additionally, the following goal and objective of the plan encourage increased bicycle use at 5% of trips, level.

Goal #7 Reduce automobile trip demand, especially during peak travel hours

Objective 7E: 5% of all trips made by bicycle by 2025.

Increasing bicycle storage access in the City of Morgantown will help complete this objective, and assist in lowering transit congestion in our complex regional transit system.

Basis for Action

In keeping with the City of Morgantown's 2013 Comprehensive Plan, the 2040 Morgantown Monongalia Metropolitan Planning Organization Long Range Transportation Plan, and the 2012 Greater Morgantown Bicycle Plan, the Bicycle Board is seeking text amendments to Morgantown's zoning ordinance to enable increased access to bicycle storage. The Bicycle Board is a committee of the Traffic Commission, and is tasked with making Morgantown, a bicycle friendly community, in addition to advising the City on bicycle related issues.

Development of Significant Impact

The proposed standard will apply to higher impact, new development, defined by the City of Morgantown Planning and Zoning Code as Developments of Significant Impact (DSI). Developments of Significant Impact are defined per the code, as shown on Table 1: Development of Significant Impact, on Page 2.

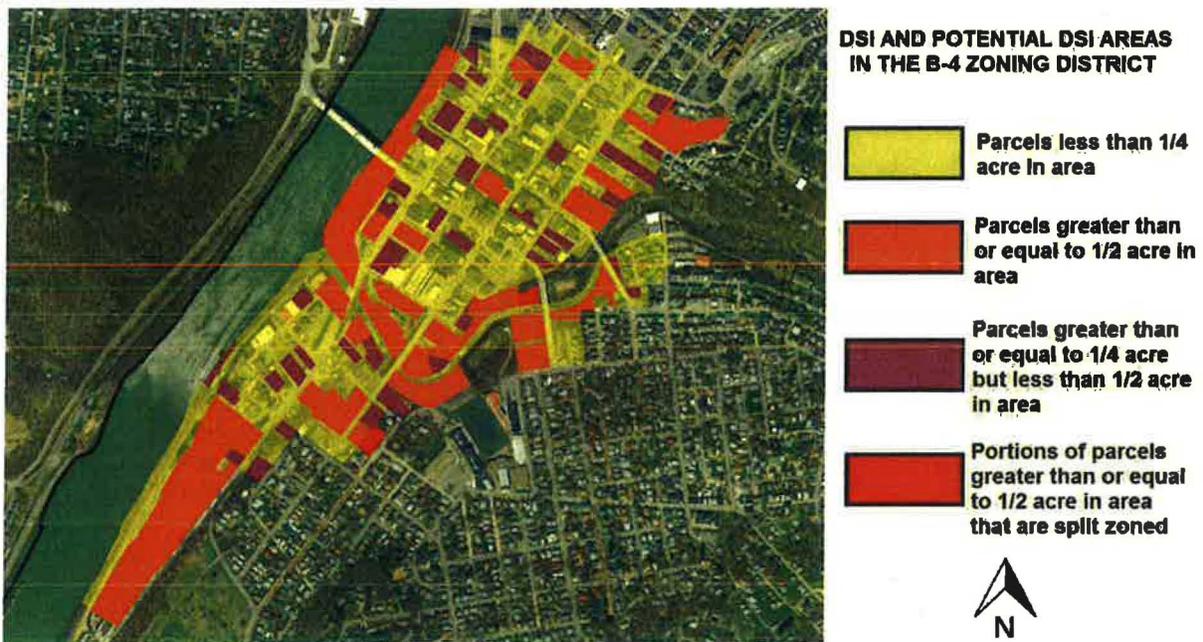
Table 1: Development of Significant Impact

<u>Land Use Category/District</u>	<u>Development of Significant Impact</u>
Residential	A development that is 12 or more dwelling units
Non-Residential	A development that is either 15,000 square feet or more of gross floor area or a site of 2 acres or more of net acreage
Mixed-Use	A development that exceeds any of the following: 15,000 square feet or more of gross floor area of non-residential use(s); or, 12 or more dwelling units; or, 2 acres or more of net acreage
Industrial	All industrial development, regardless of gross floor area or net acreage of the site
Development in the B-4 District:	
All Land Use Categories	New construction of a principal structure, regardless of land use category or net acreage of the site
Residential	A development that is 12 or more dwelling units
Non-Residential	A development that is either 10,000 square feet or more of gross floor area or a site of one-half (1/2) acre or more of net acreage
Mixed-use	A development that exceeds any of the following: 10,000 square feet or more of gross floor area of non-residential use(s); or, 12 or more dwelling units; or, one-half (1/2) acre or more of net acreage
Industrial	All industrial development, regardless of gross floor area or net acreage of the site

All new principal structures in the downtown core, developments with net acreages of two acres or more, all new industrial development, new housing subdivisions with 12 or more units, and all new non-residential development of 15,000 square feet or more (at the very least) will be required to install bicycle storage. Additional restrictions are placed onto development in the downtown area.

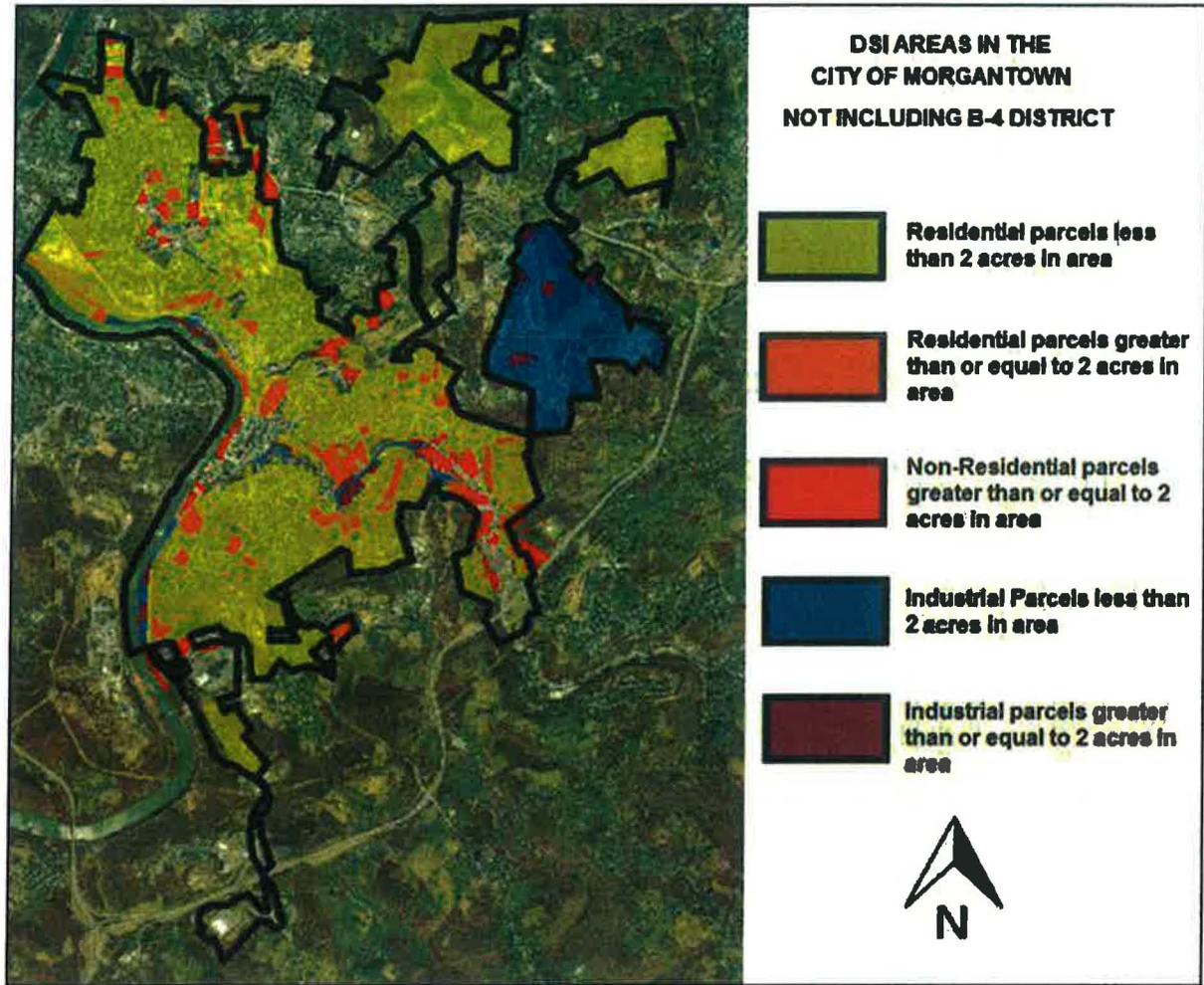
The following images highlight existing parcels currently within the corporate boundary of the City of Morgantown that do or have the potential to meet acreage thresholds identified by the Development of Significant Impact area thresholds. Image 1 provides information related to the B-4 zoning district, primarily in the area of the downtown. Images 2 and 3 provide Information for Developments of Significant Impact in areas outside of the B-4 Zoning District. Images 2 and 3 also highlight the amount of area within the City of Morgantown that is zoned for residential uses. This data does not include newer development in the most southern portion of the City of Morgantown (Walmart and associated pad-sites).

Image 1: DSI and Potential DSI Areas in the B-4 Zoning District



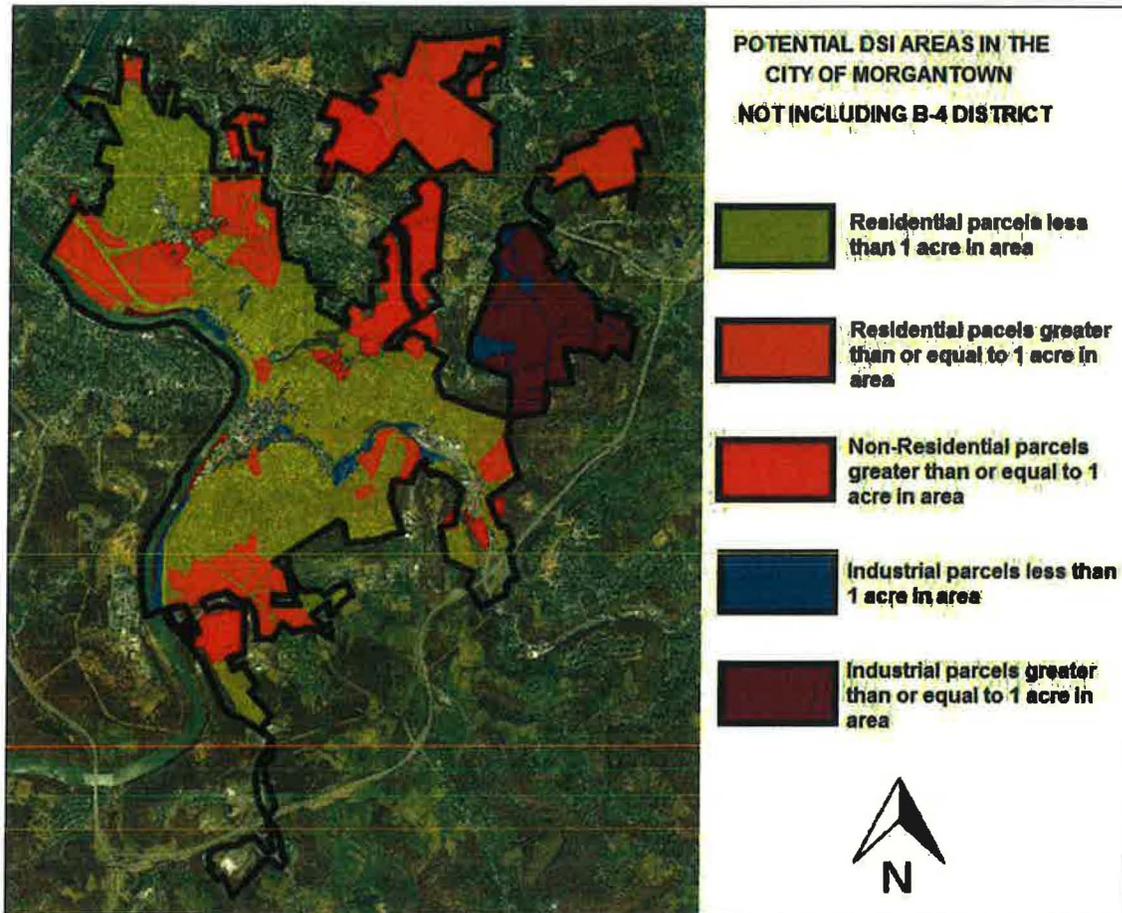
As shown in Image 1, parcels identified with the color orange and red, could be affected by the bicycle storage requirement. In addition to orange parcels, all new principal buildings on any parcel in the B-4 zone would also be affected.

Image 2: DSI Areas in the City of Morgantown Excluding B-4 Zoned Parcels



As shown in Image 2, parcels identified with the colors red, blue, and purple could be affected by the bicycle storage requirement. In addition, new development on parcels identified with the color orange may be required to conform to bicycle storage requirements if a mixed-use development is provided on site.

Image 3: Potential DSI Areas in the City of Morgantown Excluding B-4 Zoned Parcels



As shown in Image 3, parcels identified with the colors red, blue, and purple could be affected by the bicycle storage requirement, if combined with adjoining parcels. In addition, new development on parcels identified with the color orange may be required to conform to bicycle storage requirements if consolidation of parcels is utilized for a mixed-use development.

In addition to identifying acreage area thresholds for Developments of Significant Impact, gross floor area is also important to conceptualize. A building in the downtown area that includes a non-residential use that has a gross floor area of 10,000 square feet would be affected by the bicycle storage requirement. A floor area of 10,000 square feet can be conceptualized as a one story square building that is 100 feet by 100 feet square, a four-story rectangular building that is 20 feet by 125 feet per floor, or any number of other building footprint configurations. It is important to remember that while these non-residential uses may not currently be planned for the downtown, other cities in the United States have experienced neo-urban infill development in their downtown cores in the form of mixed-use apartment, office, and commercial buildings or building clusters, such as the Google's Bakery Square development in Pittsburgh and Charleston West Virginia's Urban Renewal Authority activities.

For areas outside of the B-4 Zoning District, non-residential development with a gross floor area of 15,000 square feet or more, is also regulated by the Development of Significant Impact. Smaller retailers

on individual parcels would not have to comply with the bicycle storage requirements, alleviating a potential impediment to small business entrepreneurship. Bicycle storage opportunities and improvements for smaller businesses should be encouraged by the City of Morgantown and civic institutions.

Examples of national retailers and nonresidential uses that routinely have stores that are 15,000 square feet or more in gross floor area include supermarkets, pharmacies, private recreational facilities, and combined doctors’ offices. In addition to those consumer uses, mixed-use town centers and office parks are also found to have gross square footage that would require a Development of Significant Impact designation.

Finally, residential housing developments with twelve or more units would require a Development of Significant Impact review. As permitted by the zoning ordinance and permissible under existing spatial constraints, a residential housing development outside of the B-4 zone is limited. In the R-1 Zoning District, individual single family houses are required to be on parcels that are greater than or equal to 7,200 square feet in area. Twelve housing units in the R-1 zone would thus require 1.98 acres of developable land, just for the housing sites. In the R-1A Zoning District, parcels are required to be greater than 3,500 square feet in area. Twelve housing units in the R-1A zone would thus require 0.96 acres of developable land, just for the housing sites. Additional land uses including right-of-way and open space increase area requirements, while the topography of developable land further increases needed land for a DSI residential development.

How do the Proposed Bicycle Storage Standards Compare to Other Cities in the United States?

The Proposed Bicycle Storage Standards are similar to other active cycling communities’ storage standards. The proposed standards out-perform many jurisdictions, but also provide additional room for future modification. The following table compares the Proposed Bicycle Storage Standards for Developments of Significant Impact, with other jurisdictions’ bicycle storage standards. Comparison cities were chosen based on Bicycle Friendly Community, information availability, and proximity to Morgantown.

Table 2: Bicycle Storage Comparison

	Cities				
	Cambridge, MA	Portland, OR	Boulder, CO	Pittsburgh, PA	Burlington, VT
Long-Term Residential Storage	More	Fewer than	Fewer than	More	More
Short-Term Residential Storage	More	Fewer than	Fewer than	More	Fewer than
Long-Term Retail Storage	More	Similar	Fewer than	More	More
Short-Term Retail Storage	Fewer than	More	Fewer than	More	More
Long-Term Office Storage	More	More	Fewer than	More	Similar
Short-Term Office Storage	Fewer than	More	Fewer than	More	More
Long-Term Restaurant Storage	More	More	More	More	More
Short-Term Restaurant Storage	Fewer than	More	Fewer than	More	Fewer than

Design Standard for Bicycle Racks

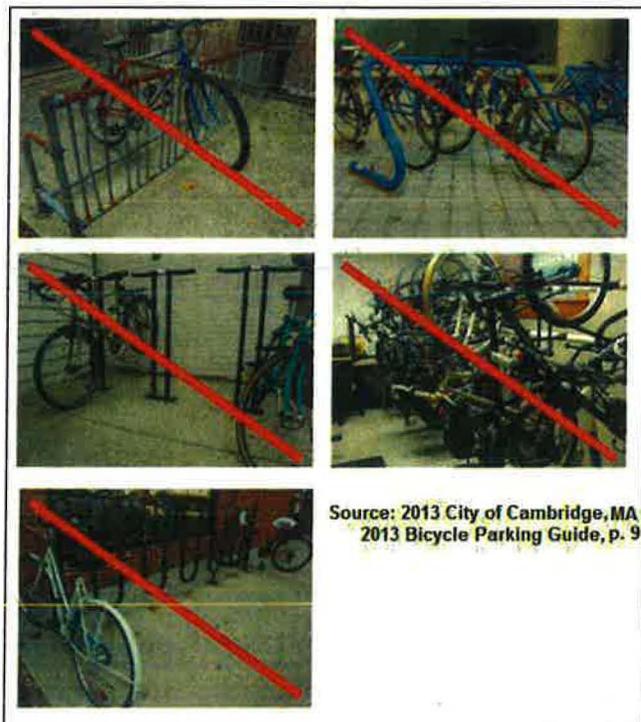
The City of Cambridge, MA 2013 Bicycle Parking Guide provides a detailed analysis of acceptable and unacceptable Short-Term bicycle Storage Racks. The following guide highlights characteristics for racks of both short-term and long-term types, based on Cambridge's 2013 Bicycle Parking Guide.

Table 3: Bicycle Racks Comparison

Acceptable Bicycle Racks	Unacceptable Bicycle Racks
<ul style="list-style-type: none"> • Area is installed on a permanent foundation (e.g., concrete pad) to ensure stability; • Securely anchored into or on the foundation with tamper-proof nuts if surface mounted; • Provides support for an upright bicycle by its frame horizontally in two (2) or more places; • Keeps both bike wheels on the ground; • Is designed to prevent the bicycle from tipping over; • Is able to support a variety of bicycle sizes and frame shapes; • Provides space to secure the frame and one or both wheels to the rack with a cable, chain, or u-lock; • Has a locking pole with a diameter of no more than 1.5 inches. 	<ul style="list-style-type: none"> • Support the bicycle at only one point; • Allow the bicycle to fall, which can damage the bike and block pedestrian right-of-way; • Have sharp edges, that can be hazardous to the visually impaired; • Support the bicycle by one wheel; • Connect to each other with a bar on top (that can block handlebars and baskets); • Suspend any part of the bike in the air or require that the bicycle be lifted to get it into position.

The following image from the City of Cambridge, MA 2013 Bicycle Parking Guide, shows examples of unacceptable Short-Term Bicycle Storage Racks:

Image 4: Unacceptable Short-Term Bicycle Storage Racks



The Proposed Bicycle Storage Standards for the City of Morgantown incorporate design characteristics for bicycle racks, by using Table 3: Bicycle Racks Comparison, as the basis for bicycle storage ordinance text. Additional language specifies one (1) bicycle storage space, as three feet in width, by six feet in length, and four feet tall (3'x6'x4'), at a minimum, and provides for safety and ADA compliance aspects for rack design. A developer would be permitted to construct a bicycle rack that meets these acceptable bicycle rack design standards, as they see fit, and potentially in a creative manner for the specific development site.

Additional Design Standard for Long-Term Bicycle Rack

Long-Term bicycle storage is required to be indoor, secured, and sheltered (e.g. a room with walls, a roof, and a door that can shut). Spaces are counted based on physical volume, at a standard of one (1) bicycle storage space, as three feet in width, by six feet in length, and four feet tall (3'x6'x4'), at a minimum. Additionally, each space must permit the bicycle to be secured with a lock to a permanent structure. How this standard is achieved is at the purview of the developer. Long-Term Bicycle Storage can be located in the primary structure or as an accessory structure (e.g. shed) within a reasonable distance to the primary structure's entrance. Indoor long-term bicycle storage could be accomplished in a closet of a building, assuming spatial requirements are met and is functioning. A door opening into the room will negate the space of a bicycle storage space and would have to be accounted for, by the developer.

Zoning Ordinance Text Amendment

The Proposed Bicycle Storage Standards will be achieved by amending the Zoning Ordinance. A text amendment to the ordinance will require recommendation by the Bicycle Board to the Traffic Commission, recommendation by the Traffic Commission to the Planning Commission, recommendation by the Planning Commission to the City Council, and City Council Action.

Zoning Ordinance Text Amendment Implementation Schedule

Item	Hearing/Information Date
Bicycle Board Draft Amendments	Thursday, April 07, 2016
Traffic Commission Draft Amendments	Wednesday, May 04, 2016
Planning Commission Draft Amendments	Thursday, May 12, 2016
City Council Review	Tuesday, May 24, 2016
City Council Ordinance 1st Reading	Tuesday, June 07, 2016
City Council Ordinance 2nd Reading	Tuesday, July 05, 2016

Addendum A: Draft Ordinance Language.

1329.02 DEFINITION OF TERMS

AMENITY – Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as a unified building design, recreational facilities (e.g. swimming pool, walking trails, bicycle trails, lakes, tennis courts, picnic areas, playgrounds, fitness center, etc.), views, landscaping, bicycle storage, etc.

~~BICYCLE STORAGE – An indoor, secure, and sheltered storage space for bicycles, which is provided as an amenity for residents, tenants, etc. of a development.~~

BICYCLE STORAGE, SHORT-TERM – A secure storage space for bicycles, which is provided as an amenity for residents, tenants, etc. of a development for temporary purposes.

BICYCLE STORAGE, LONG-TERM – An indoor, secure, and sheltered storage space for bicycles, which is provided as an amenity for residents, tenants, etc. of a development.

~~PARKING, BICYCLE – Parking of bicycles on a temporary basis with a minimum width of three (3) feet, a minimum length of six (6) feet, and a means of securing individual bicycles.~~

1349.08 PARKING AND LOADING STANDARDS

~~(C) – Bicycle Storage – For all Developments of Significant Impact in this district, the following minimum bicycle storage amenities must be provided:~~

~~(1) – One (1) indoor, secure, sheltered bicycle storage space per dwelling unit.~~

~~(2) – Each space shall be a minimum of 3 feet X 6 feet X 4 feet.~~

~~(3) – Each bicycle shall be individually secured with a lock to a permanent structure.~~

~~(4) There should be sufficient space for easy access to each bicycle.~~

1365.04 DETERMINING THE NUMBER OF SPACES REQUIRED.

(C) Shared Parking Facilities in the B-4 District.

(2) Shared parking facilities for two or more uses, whose main traffic generation peak times do not substantially overlap, may be approved as a conditional use provided that:

(c) This reduction may, with the approval of the Board of Zoning Appeals, be in addition to the reductions allowed for proximity to public transit, and/or motorcycle parking, ~~and/or bicycle parking.~~

- (3) Shared parking facilities for two or more uses, whose main traffic generation peak times substantially overlap, may be approved as a conditional use provided that:
 - (c) This reduction may, with the approval of the Board of Zoning Appeals, be in addition to the reductions allowed for proximity to public transit, and/or motorcycle parking, and/or bicycle parking.

- (P) In the B-4 district, minimum parking requirements may be reduced as a conditional use under one or more of the following provisions:
 - (4) ~~By a factor of one (1) automobile parking space for every three (3) bicycle parking spaces provided, up to a maximum reduction of three (3) automobile parking spaces. This reduction shall not be permitted for uses that are required to provide six (6) or fewer parking stalls. Nor shall this reduction be permitted for uses that primarily sell large, bulky merchandise not typically transported via bicycle. Required bicycle storage may not be used to reduce minimum parking requirements.~~

- (Q) Bicycle Storage – Long-term bicycle storage and short-term bicycle storage shall be provided in all Developments of Significant Impact.
 - (1) For all Developments of Significant Impact, the minimum Long-term bicycle storage amenities described in this Subsection must be provided. The minimum Long-term bicycle storage amenities are as follows:
 - (a) For residential uses and for residential use components of mixed-used development, one (1) long-term bicycle storage space per dwelling unit.
 - (b) For non-residential uses and for non-residential use components of mixed-used development, one (1) Long-term bicycle storage space increasing by one (1) additional space for every twenty (20) automobile parking spaces as required in accordance with Table 1365.04.01: Minimum Off-Street Parking Requirements.
 - (c) Long-term bicycle storage is required to be covered and shall include use of one of the following:
 - (i) A locked room;
 - (ii) An area enclosed by a fence with a locked gate;
 - (iii) An area within view of an attendant or security guard or monitored by a security camera; or,
 - (iv) An area visible from employee work areas.
 - (d) The long-term bicycle storage area should be located within fifty (50) feet of the primary entrance of the building it serves and shall be in a location that

can be reached by an accessible route. Long-term bicycle storage must be located either:

- (i) On the same site as the use it serves; or,
 - (ii) Off-site within 300 feet of the use it serves; provided, conditional use approval is granted by the Board of Zoning Appeals. Conditional use approval shall include a condition that the off-site long-term bicycle storage amenity is encumbered by an easement or similar agreement duly executed and acknowledged, which specifies that the land upon which the off-site long-term bicycle storage amenity is located is encumbered by the bicycle storage use. Said instrument shall specify and bind the time period to the anticipated life of the building or use to which the long-term bicycle storage amenity are accessory. Said instrument shall be filed with the applicable Building Permit files of the Department of Planning, and placed on public record in the Office of the Clerk of the County Commission of Monongalia County, WV. Further, if the pedestrian access between the off-site long-term bicycle storage amenity and the use(s) it serves is to cross an arterial street, appropriate safety measures, as determined by the Planning Director and City Engineer, must be in place to ensure pedestrian safety.
- (e) If the long-term bicycle storage is provided in an auto storage garage, the bicycle storage spaces shall be clearly marked as such and shall be separated from automobile parking.
- (f) Long-term bicycle storage designs must adhere to the design standards in section 1365.04(Q)(3), Bicycle Rack Requirements.
- (2) For all Developments of Significant Impact, the minimum short-term bicycle storage amenities described in this Subsection must be provided. The minimum short-term bicycle storage amenities are as follows:
- (a) One (1) short-term bicycle storage space increasing by one (1) additional space for every twenty (20) automobile parking spaces as required in accordance with Table 1365.04.01: Minimum Off-Street Parking Requirements.
 - (b) Each short-term bicycle storage space shall be located:
 - (i) Outside a building, but not within the public right-of-way, or within an automobile garage; provided, that in the B-4 District where the public right-of-way may also be used with the approval of the City Engineer.
 - (ii) Within fifty (50) feet of a main building entrance; and
 - (iii) At the same grade as the sidewalk or at a location that can be reached by an accessible route.
 - (c) Short-term bicycle storage space designs must adhere to the design standards in 1365.04(Q)(3): Bicycle Rack Requirements.

- (d) Short-term bicycle storage spaces should be placed under roof to encourage cycling and bicycle rack use.
 - (e) Short-term bicycle storage shall consist of a physical improvement that is installed on a permanent foundation (e.g., concrete pad) to ensure stability; is securely anchored into or on the foundation with tamper-proof nuts if surface mounted; provides support for an upright bicycle by its frame horizontally in two (2) or more places; keeps both bike wheels on the ground; is designed to prevent the bicycle from tipping over; is able to support a variety of bicycle sizes and frame shapes; provides space to secure the frame and one or both wheels to the rack with a cable, chain, or u-lock; and has a locking pole with a diameter of no more than 1.5 inches.
- (3) Bicycle Rack Requirements. Long-term and short-term bicycle storage spaces using bicycle rack facilities shall observe the following design standards:
- (a) Each bicycle storage space shall a minimum dimension of three (3) feet in width by six (6) feet in length by four (4) feet in height.
 - (b) Bicycle storage areas shall include a minimum of three (3) feet of clearance around racks or lockers to give cyclists room to maneuver and to prevent conflicts with pedestrians or parked automobiles.
 - (c) Adequate lighting (no less than 2.0 footcandles) must be provided for a bicycle storage area and the route from the storage area to the nearest building entrance intended for the cyclist.
 - (d) Racks shall conform to Americans with Disabilities Act (ADA) standards for protrusions in the right-of-way including the ability to detect the rack with a white cane. To be detected by a white cane the protruding or leading edge of the rack shall be 27" or less above the sidewalk surface. Between 27" and 80" above the sidewalk surface, protruding or leading edges may overhang a maximum of 12".
 - (e) The top of the bicycle rack design shall be a minimum of 36 inches tall. Except for the bicycle rack supporting brackets, the shortest section of the bicycle rack must be a minimum of 27 inches tall to be perceived by pedestrians and avoid tripping hazards.
 - (f) The space between rack features shall be larger than 9" and smaller than 3.5" to avoid children trapping their heads.
 - (g) The design shall not include sharp edges.
 - (h) Areas having more than one row of racks shall be separated by aisles. An aisle is measured from tip to tip of the bicycle storage spaces between racks. The minimum separation between aisles shall be a minimum of four (4) feet.
 - (i) Racks near walls should be placed so the rack's two (2) bicycle connection points are perpendicular to such wall. Racks placed near walls shall maintain

a four (4) foot minimum separation between the edge of the bicycle storage space and the wall.

- (j) Racks placed near curbs should maintain a minimum separation between the edge of the bicycle storage space of four (4) feet.
- (k) Racks should have protective coatings designed to protect bicycle frames from scratching and damage.
- (l) Racks should be able to resist being cut or detached using common hand tools, such as bolt cutters, pipe cutters, wrenches, and pry bars.

**TX16-03 / Admin / Bicycle Storage
ORDINANCE**

AN ORDINANCE AMENDING SECTIONS 1329.02, 1349.08, AND 1365.04 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS THEY RELATE TO BICYCLE STORAGE REQUIREMENTS.

WHEREAS, the Morgantown Bicycle Board's 2012 Greater Morgantown Bicycle Plan, the City of Morgantown's 2013 Comprehensive Plan Update, and the Morgantown-Monongalia Metropolitan Planning Organization's 2040 Long Range Transportation Plan encourage the expanded use of the bicycles as a mode of transportation, necessitating increased infrastructure to include bicycle storage; and,

WHEREAS, bicycle storage standards are not unique to the City of Morgantown and are utilized throughout the United States to encourage and facilitate bicycle use; and,

WHEREAS, bicycle storage standards, which have been recommended by the Morgantown Bicycle Board, the Morgantown Traffic Commission, and the Morgantown Planning Commission, will provide flexibility for developers to deliver bicycle storage amenities at a level that is of minimal disturbance.

NOW, THEREFORE, the City of Morgantown hereby ordains that Sections 1329.02, 1349.08, and 1365.04 of the City's Planning and Zoning Code are amended as follows (deleted matter struck through; new matter underlined and bolded):

1329.02 DEFINITION OF TERMS

AMENITY – Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as a unified building design, recreational facilities (e.g. swimming pool, walking trails, bicycle trails, lakes, tennis courts, picnic areas, playgrounds, fitness center, etc.), views, landscaping, bicycle storage, etc.

~~BICYCLE STORAGE – An indoor, secure, and sheltered storage space for bicycles, which is provided as an amenity for residents, tenants, etc. of a development.~~

BICYCLE STORAGE, SHORT-TERM – A secure storage space for bicycles, which is provided as an amenity for residents, tenants, etc. of a development for temporary purposes.

BICYCLE STORAGE, LONG-TERM – An indoor, secure, and sheltered storage space for bicycles, which is provided as an amenity for residents, tenants, etc. of a development.

~~PARKING, BICYCLE – Parking of bicycles on a temporary basis with a minimum width of three (3) feet, a minimum length of six (6) feet, and a means of securing individual bicycles.~~

1349.08 PARKING AND LOADING STANDARDS

- ~~(C) Bicycle Storage — For all Developments of Significant Impact in this district, the following minimum bicycle storage amenities must be provided:~~
- ~~(1) One (1) indoor, secure, sheltered bicycle storage space per dwelling unit.~~
 - ~~(2) Each space shall be a minimum of 3 feet X 6 feet X 4 feet.~~
 - ~~(3) Each bicycle shall be individually secured with a lock to a permanent structure.~~
 - ~~(4) There should be sufficient space for easy access to each bicycle.~~

1365.04 DETERMINING THE NUMBER OF SPACES REQUIRED.

- (C) Shared Parking Facilities in the B-4 District.
- (2) Shared parking facilities for two or more uses, whose main traffic generation peak times do not substantially overlap, may be approved as a conditional use provided that:
 - (c) This reduction may, with the approval of the Board of Zoning Appeals, be in addition to the reductions allowed for proximity to public transit; and/or motorcycle parking, ~~and/or bicycle parking.~~
 - (3) Shared parking facilities for two or more uses, whose main traffic generation peak times substantially overlap, may be approved as a conditional use provided that:
 - (c) This reduction may, with the approval of the Board of Zoning Appeals, be in addition to the reductions allowed for proximity to public transit; and/or motorcycle parking, ~~and/or bicycle parking.~~
- (P) In the B-4 district, minimum parking requirements may be reduced as a conditional use under one or more of the following provisions:
- ~~(4) By a factor of one (1) automobile parking space for every three (3) bicycle parking spaces provided, up to a maximum reduction of three (3) automobile parking spaces. This reduction shall not be permitted for uses that are required to provide six (6) or fewer parking stalls. Nor shall this reduction be permitted for uses that primarily sell large, bulky merchandise not typically transported via bicycle. Required bicycle storage may not be used to reduce minimum parking requirements.~~
- (Q) Bicycle Storage — Long-term bicycle storage and short-term bicycle storage shall be provided in all Developments of Significant Impact.
- (1) For all Developments of Significant Impact, the minimum Long-term bicycle storage amenities described in this Subsection must be provided. The minimum Long-term bicycle storage amenities are as follows:

- (a) For residential uses and for residential use components of mixed-used development, one (1) long-term bicycle storage space per dwelling unit.
- (b) For non-residential uses and for non-residential use components of mixed-used development, one (1) Long-term bicycle storage space increasing by one (1) additional space for every twenty (20) automobile parking spaces as required in accordance with Table 1365.04.01: Minimum Off-Street Parking Requirements.
- (c) Long-term bicycle storage is required to be covered and shall include use of one of the following:
 - (i) A locked room;
 - (ii) An area enclosed by a fence with a locked gate;
 - (iii) An area within view of an attendant or security guard or monitored by a security camera; or,
 - (iv) An area visible from employee work areas.
- (d) The long-term bicycle storage area should be located within fifty (50) feet of the primary entrance of the building it serves and shall be in a location that can be reached by an accessible route. Long-term bicycle storage must be located either:
 - (i) On the same site as the use it serves; or,
 - (ii) Off-site within 300 feet of the use it serves; provided, conditional use approval is granted by the Board of Zoning Appeals. Conditional use approval shall include a condition that the off-site long-term bicycle storage amenity is encumbered by an easement or similar agreement duly executed and acknowledged, which specifies that the land upon which the off-site long-term bicycle storage amenity is located is encumbered by the bicycle storage use. Said instrument shall specify and bind the time period to the anticipated life of the building or use to which the long-term bicycle storage amenity are accessory. Said instrument shall be filed with the applicable Building Permit files of the Department of Planning, and placed on public record in the Office of the Clerk of the County Commission of Monongalia County, WV. Further, if the pedestrian access between the off-site long-term bicycle storage amenity and the use(s) it serves is to cross an arterial street, appropriate safety measures, as determined by the Planning Director and City Engineer, must be in place to ensure pedestrian safety.
- (e) If the long-term bicycle storage is provided in an auto storage garage, the bicycle storage spaces shall be clearly marked as such and shall be separated from automobile parking.
- (f) Long-term bicycle storage designs must adhere to the design standards in section 1365.04(Q)(3), Bicycle Rack Requirements.

(2) For all Developments of Significant Impact, the minimum short-term bicycle storage amenities described in this Subsection must be provided. The minimum short-term bicycle storage amenities are as follows:

(a) One (1) short-term bicycle storage space increasing by one (1) additional space for every twenty (20) automobile parking spaces as required in accordance with Table 1365.04.01: Minimum Off-Street Parking Requirements.

(b) Each short-term bicycle storage space shall be located:

(i) Outside a building, but not within the public right-of-way, or within an automobile garage; provided, that in the B-4 District where the public right-of-way may also be used with the approval of the City Engineer.

(ii) Within fifty (50) feet of a main building entrance; and

(iii) At the same grade as the sidewalk or at a location that can be reached by an accessible route.

(c) Short-term bicycle storage space designs must adhere to the design standards in 1365.04(Q)(3): Bicycle Rack Requirements.

(d) Short-term bicycle storage spaces should be placed under roof to encourage cycling and bicycle rack use.

(e) Short-term bicycle storage shall consist of a physical improvement that is installed on a permanent foundation (e.g., concrete pad) to ensure stability; is securely anchored into or on the foundation with tamper-proof nuts if surface mounted; provides support for an upright bicycle by its frame horizontally in two (2) or more places; keeps both bike wheels on the ground; is designed to prevent the bicycle from tipping over; is able to support a variety of bicycle sizes and frame shapes; provides space to secure the frame and one or both wheels to the rack with a cable, chain, or u-lock; and has a locking pole with a diameter of no more than 1.5 inches.

(3) Bicycle Rack Requirements. Long-term and short-term bicycle storage spaces using bicycle rack facilities shall observe the following design standards:

(a) Each bicycle storage space shall a minimum dimension of three (3) feet in width by six (6) feet in length by four (4) feet in height.

(b) Bicycle storage areas shall include a minimum of three (3) feet of clearance around racks or lockers to give cyclists room to maneuver and to prevent conflicts with pedestrians or parked automobiles.

(c) Adequate lighting (no less than 2.0 footcandles) must be provided for a bicycle storage area and the route from the storage area to the nearest building entrance intended for the cyclist.

(d) Racks shall conform to Americans with Disabilities Act (ADA) standards for protrusions in the right-of-way including the ability to detect the rack with a white cane. To be detected by a white cane the protruding or leading edge

of the rack shall be 27" or less above the sidewalk surface. Between 27" and 80" above the sidewalk surface, protruding or leading edges may overhang a maximum of 12".

- (e) The top of the bicycle rack design shall be a minimum of 36 inches tall. Except for the bicycle rack supporting brackets, the shortest section of the bicycle rack must be a minimum of 27 inches tall to be perceived by pedestrians and avoid tripping hazards.
- (f) The space between rack features shall be larger than 9" and smaller than 3.5" to avoid children trapping their heads.
- (g) The design shall not include sharp edges.
- (h) Areas having more than one row of racks shall be separated by aisles. An aisle is measured from tip to tip of the bicycle storage spaces between racks. The minimum separation between aisles shall be a minimum of four (4) feet.
- (i) Racks near walls should be placed so the rack's two (2) bicycle connection points are perpendicular to such wall. Racks placed near walls shall maintain a four (4) foot minimum separation between the edge of the bicycle storage space and the wall.
- (j) Racks placed near curbs should maintain a minimum separation between the edge of the bicycle storage space of four (4) feet.
- (k) Racks should have protective coatings designed to protect bicycle frames from scratching and damage.
- (l) Racks should be able to resist being cut or detached using common hand tools, such as bolt cutters, pipe cutters, wrenches, and pry bars.

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

TX16-06 / Admin
Administrative Appeals and the BZA
STAFF REPORT



MORGANTOWN PLANNING COMMISSION

July 14, 2016
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 Blosser, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

William Kaweck, City Council

VACANT, City Administration

CASE NO: TX16-06 / Administrative / Administrative Appeals and the BZA

REQUEST:

Administratively requested Zoning Text Amendments to Articles 1383, 1389, and 1391 of the City's Planning and Zoning Code as they relate to Administrative Appeals and to the establishment, powers and duties, and judicial review of the Board of Zoning Appeals.

BACKGROUND and ANALYSIS:

As similarly pursued in May 2016 under Case No. TX16-04 concerning Morgantown's Planning Commission, City Administration respectfully submits certain text amendments concerning the Administrative Appeals provisions as well as the establishment, powers and duties, and judicial review of the Board of Zoning Appeals. It is the intent of the proposed amendments to conform the City's Planning and Zoning Code in all respects with related West Virginia Code requirements. Addendum A of this report presents the proposed text amendments.

West Virginia State Code 8A-7-8 "Amendments to the zoning ordinance by the governing body" provides:

- (a) Before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature with the area involved with were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.

After careful review, the 2013 Comprehensive Plan Update does not address the Administrative Appeals process nor the establishment, powers and duties, and judicial review of the Board of Zoning Appeals. However, the 2013 Comprehensive Plan Update was adopted in accordance with West Virginia Code Chapter 8A, Article 3. As such, it appears prudent and proper for the Planning Commission to advise City Council accordingly.

STAFF RECOMMENDATION:

Staff respectfully recommends the Planning Commission advise City Council that amending the Planning and Zoning Code to conform in all respects with the West Virginia Code requirements relating to Administrative Appeals and the establishment, powers and duties, and judicial review of the Board of Zoning Appeals is consistent with the 2013 Comprehensive Plan Update as said plan was adopted in accordance with West Virginia Code Chapter 8A, Article 3.

Development Services

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

TX16-06 / Admin
Administrative Appeals and the BZA
ORDINANCE

AN ORDINANCE AMENDING ARTICLES 1383, 1389, AND 1391 OF THE CITY'S PLANNING AND ZONING CODE GOVERNING ADMINISTRATIVE APPEALS AND THE ESTABLISHMENT, POWERS AND DUTIES, AND JUDICIAL REVIEW OF THE BOARD OF ZONING APPEALS.

WHEREAS, the City of Morgantown Board of Zoning Appeals is established pursuant to West Virginia Code Chapter 8A, Article 8; and

WHEREAS, the mandatory provisions of West Virginia Code Chapter 8A, Article 8 establish the jurisdiction and certain duties of the Board;

NOW, THEREFORE, the City of Morgantown hereby ordains that Articles 1383, 1389, and 1391 of the City Code are amended as follows:

**ARTICLE 1383
Administrative Appeals**

1383.01 AUTHORITY APPLICATION FOR APPEAL.

~~The Board of Zoning Appeals shall hear and determine appeals from any order, requirement, decision or determination made by an administrative official, board, or staff member charged with the enforcement of this Zoning Ordinance.~~

- (A) An appeal from any order, requirement, decision or determination made by an administrative official or board charged with the enforcement of the zoning ordinance, or rule and regulation adopted pursuant to the zoning ordinance, shall be filed with the Board of Zoning Appeals.
- (B) The appeal shall:
- (1) Specify the grounds of the appeal;
 - (2) Be filed within thirty (30) days of the original order, requirement, decision or determination made by an administrative official or board charged with the enforcement of the zoning ordinance; and,
 - (3) Be on a form prescribed by the Board of Zoning Appeals.

- (C) Upon request of the Board of Zoning Appeals, the administrative official or board shall transmit all documents, plans and papers constituting the record of the action from which the appeal was taken.

~~1383.02 INITIATION.~~

~~An appeal may be filed with the Board of Zoning Appeals by any person aggrieved by the order, requirement, decision or determination described in Section 1383.01. An appeal filed with the Board must specify the grounds of the appeal, be filed in the form established by rules of the Board, and be filed within 30 days of the original order, requirement, decision or determination.~~

1383.032 PROCESSING FILING AND NOTICE OF APPEAL.

- (A) An appeal shall be filed with the Planning staff, who shall forward such appeal to the Board of Zoning Appeals.
- (B) Within 10 days of receipt of the appeal by the Board of Zoning Appeals, the Board shall set a date and time for the public hearing of the appeal and give notice. The public hearing on the appeal shall must be held within forty-five (45) days of receipt of the appeal by the Board.
- (C) At least 15 days prior to the date set for the public hearing on the appeal, the Board of Zoning Appeals shall publish a notice of the date, time and place of the hearing on the appeal as a Class I legal advertisement in compliance with the provisions of West Virginia Code Chapter 59, Article 3, and written notice shall be given to interested parties. The publication area shall be the area covered in the appeal.
- (D) The Board of Zoning Appeals may require the party taking the appeal to pay for the cost of public notice and written notice to interested parties.

1383.043 PUBLIC HEARING.

- (A) A public hearing on the appeal shall be conducted by the Board of Zoning Appeals in conformance with the West Virginia Code and the Morgantown City Board of Zoning Appeals Rules of Procedure. ~~The party making the appeal shall be required to pay any fee established by City Council.~~
- (B) At the hearing, any party may appear in person, by agent or by an attorney licensed to practice in the State of West Virginia.

1383.054 DECISIONS.

~~The Board of Zoning Appeals shall hear testimony and evidence concerning appeals, and prepare findings of fact and conclusions of law and shall render a final decision on all appeals. A written copy of such decision, as described in the Rules of Procedure, shall be available in the Planning Department within five (5) days after making such decision.~~

- (A) Every decision by the Board of Zoning Appeals must be in writing and state findings of fact and conclusions of law on which the Board based its decision. If the Board fails to provide findings of fact and conclusions of law adequate for decision by the Circuit Court and as a result of the failure, the Circuit Court returns an appeals matter to the Board and dismisses jurisdiction over an applicant's appeal without deciding the matter, whether the Court returns the matter with or without restrictions, the Board shall pay any additional costs for court filing fees, service of process and reasonable attorney's fees required to permit the person appealing the Board's decision to return the matter to the Circuit Court for completion of the appeal.

- (B) The written decision by the Board of Zoning Appeals shall be rendered within thirty (30) days after the hearing. If the Board fails to render a written decision within thirty (30) days after the hearing, then any party may pursue additional legal remedies to obtain a decision, including, but not limited to, seeking a writ of mandamus.

- (C) Any appeal determined by the Board of Zoning Appeals shall be particular to that case and site, and shall not be applied to the entire Ordinance, except as noted in Section 1375.05, Administrative Interpretations.

1383.065 APPEAL OF DECISIONS STAYS; EXCEPTION.

~~Every decision or order of the Board of Zoning Appeals shall be subject to review by certiorari. Any person or persons jointly or severally aggrieved by any decision or order of the Board of Zoning Appeals may present to the Circuit Court of Monongalia County a petition duly verified, setting forth that such decision or order is illegal in whole or in part, and specifying the grounds of the alleged illegality. The petition must be presented to the Court within thirty days after the date of the decision or the order of the Board of Zoning Appeals complained of. In the event that an appeal is filed to the Circuit Court, the City, upon receiving notice of such appeal from the Court, shall send written notification of said appeal to the same property owners that were originally notified during initial consideration of the case.~~

- (A) When an appeal has been filed with the Board of Zoning Appeals, all proceedings and work on the premises in question shall be stayed, except as provided in subsection (b) of this section.
- (B) A stay may not be had:
 - (1) If the official or board from where the appeal was taken certifies in writing to the Board of Zoning Appeals that a stay would cause imminent peril to life or property;
 - (2) Upon further administrative proceedings, including, but not limited to, submissions to and reviews by the staff or any administrative body; or
 - (3) Upon engineering or architectural work that does not disturb the real estate beyond what is necessary to complete engineering, survey work or other tests.
- (C) If the written certification is filed pursuant to subdivision (1), subsection (b) of this section, then proceedings or work on the premises shall not be stayed.
- (D) Nothing in this section prevents a party from obtaining a restraining order.

ARTICLE 1389
Board of Zoning Appeals

1389.01 ESTABLISHMENT.

- (A) The Board of Zoning Appeals is hereby established and shall consist of five (5) members to be appointed by City Council, all of ~~which~~ whom shall be residents of the City and ~~three-fifths~~ each of such members shall have been a residents of the City for at least three (3) years prior to the time of ~~their~~ his or her appointment.
- (B) No member of the Board of Zoning Appeals shall be a member of the Planning Commission nor shall any member hold any other elective or appointive office in the municipal government of the City of Morgantown.
- (C) The members of the Board shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties. If a vacancy occurs by resignation or otherwise among the members of the Board of Zoning Appeals, City Council shall appoint a member for the unexpired term.

- (D) City Council may appoint up to three additional members to serve as alternate members of the Board who shall meet the same eligibility requirements as regular Board members. The term for an alternate Board member shall be three years and Council may appoint alternate members on a staggered term schedule.
- (E) An alternate Board member shall serve on the Board when one of the regular members is unable to serve. The alternate Board member shall serve until a final determination is made in the matter to which the alternate member was initially called on to serve.
- (F) The Board of Zoning Appeals shall establish rules and procedures for designating an alternate member who shall have the same powers and duties as a regular Board member.
- (G) ~~Any decision of the City Manager in the enforcement of this ordinance may be appealed to the Board by any person claiming to be adversely affected by such decision.~~ City Council shall provide the Board of Zoning Appeals with suitable offices for the holding of meetings and the preservation of plans, maps, documents and accounts; and appropriate money to defray the reasonable expenses of the Board.

1389.02 POWERS AND DUTIES.

The Board shall have the following powers ~~and it shall be its duty to:~~

- (A) Hear, review and determine appeals from any order, requirement, decision or determination made an administrative official or board charged with the enforcement of the zoning ordinance or rules and regulations adopted pursuant thereto ~~by the City Manager in the enforcement of this ordinance;~~
- (B) Authorize exceptions to the district rules and regulations only in the classes of cases or in particular situations, as specified in this ordinance;
- (C) Hear and decide conditional uses upon which the Board is required to act under ~~this~~ the zoning ordinance;
- (D) Authorize, upon appeal in specific cases, a variance from the terms of ~~this~~ the zoning ordinance;

- (E) Reverse, affirm or modify the order, requirement, decision or determination appealed from and have all the powers and authority of the ~~City Manager~~ official or board charged with enforcement of the zoning ordinance from whom ~~which~~ the appeal was taken;
- (F) Adopt rules and regulations concerning:
 - (1) The filing of appeals, including the process and forms for the appeal;
 - (2) Applications for variances and conditional uses;
 - (3) The giving of notice;
 - (4) The conduct of hearings necessary to carry out the Board's duties as authorized by State law;
- ~~(G) (5)~~ Keep minutes of its proceedings;
- ~~(H) (6)~~ Keep an accurate and complete audio record of all the Board's proceedings and official actions and keep the audio record in a safe manner, accessible within twenty-four hours of demand, for three years;
- ~~(I) (7)~~ Record the vote on all actions taken;
- ~~(J) (8)~~ Take responsibility for the custody and preservation of all papers and documents of the Board, which shall be filed in the Planning Office and made public record;
- ~~(K) (9)~~ With consent from City Council, hire employees necessary to carry out the duties and responsibilities of the Board, provided that Council sets the salaries; and
- ~~(L) (G)~~ Supervise the fiscal affairs and responsibilities of the Board.

1389.05 JUDICIAL REVIEW.

Every decision or order of the Board of Zoning Appeals ~~shall be~~ is subject to review by certiorari. ~~Any person or persons jointly or severally aggrieved by any decision or order of the Board of Zoning Appeals may present to the Circuit Court of the County of Monongalia a petition duly verified, setting forth that such decision or order is illegal in whole or in part, and specifying the grounds of the alleged illegality. The petition must be presented to the Court within thirty (30) days after the date of the decision or the order of the Board of Zoning Appeals complained of.~~

Within thirty (30) days after the decision or order, any aggrieved person may present to the Monongalia County Circuit Court a duly verified petition for a writ of certiorari setting forth:

- (1) That the decision or order of the Board of Zoning Appeals is illegal in whole or in part; and,
- (2) Specify the grounds of the alleged illegality.

ARTICLE 1391
Permit, Certificate, and Approval Revocation

1391.04 APPEAL OF REVOCATION.

The revocation of any permit or approval issued pursuant to ~~this~~ the zoning ordinance may be appealed to the Board of Zoning Appeals ~~by any person claiming to be adversely affected by the revocation,~~ under the processes set forth for administrative appeals in Article ~~1374~~ 1383, ~~Administrative Appeals.~~

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk



Development Services
389 Spruce Street
Morgantown, WV 26505
304.284.7431

MEMORANDUM

Date: 19 JUL 2016
To: Jeff Mikorski, City Manager *via email*
Linda Tucker, City Clerk *via email*
RE: City Council Committee of the Whole Agenda – 26 JUL 2016
TX16-07 / Administrative / Parking Lot and Parking Structure Uses

During its 14 JUL 2016 hearing, the Planning Commission voted UNANIMOUSLY to forward a recommendation to City Council to APPROVE the above referenced Zoning Text Amendment petition.

Attached herewith are the related Staff Report presented to the Planning Commission and the draft ordinance. The following dates will keep to standard Planning and Zoning Code Map Amendment protocol:

City Council Meetings

Committee of the Whole Tuesday, July 26, 2016
First Reading: Tuesday, August 2, 2016
Public Hearing and Second Reading: Tuesday, September 6, 2016

Please include this item on the City Council meeting agendas noted above and include this communication and attachments in the 26 JUL Committee of the Whole meeting packet. Only the ordinance should be included in the 02 AUG and 06 SEP meeting packets.

Thank you.

Digitally signed by Christopher M. Fletcher, AICP
Date: 2016.07.19 15:29:34 -04'00'

TX16-07 / Admin
Parking Lot and Parking Structures
STAFF REPORT



MORGANTOWN PLANNING COMMISSION

July 14, 2016
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 Blosser, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

William Kawecki, City Council

VACANT, City Administration

STAFF REPORT

CASE NO: TX16-07 / Administrative / Parking Lot and Parking Structure Uses

REQUEST:

Administratively requested Zoning Text Amendments to Article 1329.02, Table 1331.05.01, Article 1365.04, and Article 1365.07 of the City's Planning and Zoning Code as they relate to parking lot and parking structure uses.

BACKGROUND and ANALYSIS:

The Planning and Zoning Code provides the following definitions in Article 1329.02 for "Commercial Parking Lot" and "Private Parking Lot" uses:

PARKING LOT, COMMERCIAL – A private parking lot that is the stand-alone use of a parcel, and whose stalls are leased to individuals for any length of time.

PARKING LOT, PRIVATE – An open area, other than a street or alley, designed to be used for the temporary parking of more than four motor vehicles, whether free or for compensation, and available for private use or as an accommodation for clients or customers.

The Planning and Zoning Code also identifies in Table 1331.05.01 "Permitted Land Uses" where these two types of parking lot uses are permitted either by-right or with conditional use approval by the Board of Zoning Appeals.

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Parking Lot, Commercial				C		P	P	P				28
Parking Lot, Private			C	C	C	C						

The fundamental distinction between the two parking lot use types, according to their respective definitions, is whether or not the parking lot serves as the principal or stand-alone use of its parcel. However, the current definition for "Private Parking Lots" does not specifically state that the lot must serve the associated principal use of the parcel (e.g., customer and employee parking for a retail sales establishment).

The Permitted Land Uses table adds to the perplexity of determining what a "Private Parking Lot" use is and where it is permitted. Specifically, "Private Parking Lot" uses are permitted with conditional use approval in some districts but not permitted in other districts.

To illustrate this conflict, a "Laundromat" use is permitted by-right in the B-1 District and must provide a minimum number of on-site parking spaces. However, the "Private Parking Lot" use that would satisfy requisite on-site parking necessitates conditional use approval in the B-1 District.

Development Services

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



MORGANTOWN PLANNING COMMISSION

July 14, 2016
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

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Mike Shuman, 5th Ward

William Kawecki, City Council

VACANT, City Administration

A better example would be a "Retail Sales Establishment" use permitted by-right in the B-2 District, which is required to provide on-site parking, but not permitted to develop the "Private Parking Lot" in the B-2 District.

The Planning Division does not believe this confusion was intended when the major zoning ordinance re-write was drafted in 2005. Further, Staff believes the text of the Planning and Zoning Code can and should be improved to better distinguish between "principal" use and "accessory" use parking lots so the legislative intent and the regulations are clear and comprehensible.

In so doing, it also appears prudent to address the fact parking structures (e.g., parking decks, parking garages, etc.) are not identified in the Permitted Land Uses table.

Currently, the following supplemental regulations are assigned to "Commercial Parking Lot" uses under Article 1331.06:

(28) In the B-1 district, two-story buildings are permitted uses; however, one-story buildings require a conditional use permit regardless if the proposed land use is a permitted use. In the PRO district, drive-through facilities are prohibited. (Ord. 06-01. Passed 1-3-06.)

With the lack of legislative direction for parking structures in the Planning and Zoning Code, this supplemental regulation has been used to interpret parking structures as vertically layered parking lots. Again, the text of the Planning and Zoning Code can and should be amended to advance a plain language rule.

Addendum A of this report provides proposed text amendments to Article 1329.02 "Definition of Terms" and to Table 1331.05.01 "Permitted Land Uses" intended to clearly define each use type and its permissible locations. Amendments to Articles 1365.04 and 1365.07 simply address changes in terms for a parking lot and new terms relating to parking structures.

STAFF RECOMMENDATION:

Staff respectfully advises the Planning Commission to forward a favorable recommendation to City Council to amend the Planning and Zoning Code as presented in Addendum A of this report (deleted matter struck-through; new matter underlined) based on the information and findings presented herein.

Development Services

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

Planning Division

389 Spruce Street
Morgantown, WV 26505
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TX16-07 / Admin
Parking Lot and Parking Structures
ORDINANCE

AN ORDINANCE AMENDING ARTICLE 1329.02, TABLE 1331.05.01, ARTICLE 1365.04, AND ARTICLE 1365.07 OF THE CITY'S PLANNING AND ZONING CODE AS THEY RELATE TO PARKING LOT AND PARKING STRUCTURE USES.

The Morgantown City Council hereby ordains that Article 1329.02, Table 1331.05.01, Article 1365.04, and Article 1365.07 of the City's Planning and Zoning Code are amended as follows (deleted matter struck through; new matter underline):

1329.02 DEFINITIONS OF TERMS.

PARKING LOT, ACCESSORY – An off-street, ground level facility including paved parking spaces and adjacent drives and aisles for maneuvering, access, entrance, and exit; improved in a way to accommodate the parking of four (4) or more motor vehicles for the use of the owners, tenants, lessees, occupants, customers, and/or visitors of the principal use of premises on which the parking lot is located. This term includes deck parking and underground or under-building parking areas; provided, no more than one (1) level of parking area is provided. Accessory parking lot facilities shall be considered a part of the principal use to which it is accessory and, where applicable, shall be restricted by the maximum parking standards of the zoning ordinance.

~~PARKING LOT, COMMERCIAL – A private parking lot that is the stand-alone use of a parcel, and whose stalls are leased to individuals for any length of time.~~

PARKING LOT, PRINCIPAL USE – An off-street, ground level facility including paved parking spaces and adjacent drives and aisles for maneuvering, access, entrance, and exit; improved in a way to accommodate the parking of four (4) or more motor vehicles where the parking lot is either the principal use of the premises or the stand-alone use of the parcel.

~~PARKING LOT, PRIVATE – An open area, other than a street or alley, designed to be used for the temporary parking of more than four motor vehicles, whether free or for compensation, and available for private use or as an accommodation for clients or customers.~~

~~PARKING STRUCTURE – A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking and underground or under-building parking areas.~~

PARKING STRUCTURE, ACCESSORY – Parking spaces and adjacent access drives, aisles, and ramps that are located in a structure with two (2) or more levels for the use of the owners, tenants, lessees, occupants, customers, and/or visitors of the principal use of premises on which the parking structure is located and where the parking structure is not the principal use of the premises or the stand-alone use of the parcel. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed. This term includes parking spaces that are integrated into a larger structure that houses the principal use of the premises. Accessory parking structure facilities

shall be considered a part of the principal use to which it is accessory and, where applicable, shall be restricted by the maximum parking standards of the zoning ordinance.

PARKING STRUCTURE, PRINCIPAL USE – Parking spaces and adjacent access drives, aisles, and ramps that are located in a structure with two (2) or more levels, where the parking structure is the principal use of the premises or the stand-alone use of the parcel. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

Table 1331.05.01 PERMITTED LAND USES

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Parking Lot, Commercial				C		P	P	P				28
Parking Lot, Private			C	C	C	C						
Parking Lot, Principal Use				C		P	P	C		P	P	
Parking Structure, Principal Use				C		P	P	C		P	P	28

1365.04 DETERMINING THE NUMBER OF SPACES REQUIRED.

(B) Shared Parking Facilities.

- (1) Shared parking facilities for two or more separate but adjacent buildings or mixed uses may be permitted as a conditional use provided that:
 - (a) The total number of spaces used is not less than the sum required for various buildings or uses if computed separately.
 - (b) That the lot is in the same zoning district as the principal use, or in a district that permits ~~commercial parking lots~~ principal use parking lots or principal use parking structures as a principal or conditional use.
 - (c) Each use of the shared spaces shall function as if having been provided separately.

1365.07 OFF-STREET PARKING FACILITIES.

- (A) In Business, Industrial and Multi-Family Districts, the Board of Zoning Appeals may grant Conditional Use Approval to provide required spaces on a site that is:
 - (1) Within 300 feet of the principal use, and
 - (2) Within a district that permits ~~commercial parking lots~~ principal use parking lots or principal use parking structures as a principal or conditional use.

- (3) B-4 District - within 500 feet of the principal use, but not within a residential district or within the B-4 Neighborhoods Preservation Overlay District (B-4NPOD).

- (D) It is the responsibility of the business owner to maintain current and valid parking as required by this Ordinance. Evidence of such parking is required prior to approval and proof of current leases shall be made available at the request of the Planning Director. Each leased space shall have a sign noting the business for which the space is reserved. Signs shall be 12 inches wide by 18 inches tall and shall be mounted between three feet and five feet above the finished surface of the parking stall. The text on the sign shall state "This space is reserved for patrons of [name of the business] only, per City Code 1365.07(D)." All leased stalls shall be improved, paved, and striped. ~~No unimproved stalls shall be used for commercial parking.~~ Leasing of stalls shall not reduce the available parking below the minimum requirement for uses sharing the lot, except in conditions of shared parking as described in Section 1365.04(B) of the City Code.

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

**AN ORDINANCE AMENDING ARTICLE 767 OF THE CITY CODE PROVIDING FOR
A HOTEL TAX.**

The City of Morgantown hereby ordains that Article 767 of the City Code is amended as follows:

767.01 DEFINITIONS.

~~Unless the content hereof requires otherwise, all terms used herein shall have the same meanings as set forth in West Virginia Code Article 7-18, as last amended.
(Ord. 3-4-86.)~~

For the purposes of this article:

(a) "Consideration paid" or "consideration" means the amount received in money, credits, property or other consideration for or in exchange for the right to occupy a hotel room as herein defined.

(b) "Consumer" means a person who pays the consideration for the use or occupancy of a hotel room. The term "consumer" does not mean the government of the United States of America, its agencies or instrumentalities, or the government of the State of West Virginia or political subdivisions thereof.

(c) "Hotel" means any facility, building or buildings, publicly or privately owned (including a facility located in a state, county or municipal park), in which the public may, for a consideration, obtain sleeping accommodations. The term includes but is not limited to, boarding houses, hotels, motels, inns, courts, condominiums, lodges, cabins and tourist homes. The term "hotel" includes state, county and city parks offering accommodations as herein set forth. The term "hotel" does not mean a hospital, sanitarium, extended care facility, nursing home or university or college housing unit, or any facility providing fewer than three rooms in private homes, not exceeding a total of ten days in a calendar year, nor any tent, trailer or camper campsites: Provided, That where a university or college housing unit provides sleeping accommodations for the general nonstudent public for a consideration, the term "hotel" does, if otherwise applicable, apply to those accommodations for the purposes of this tax.

(d) "Hotel operator" means the person who is proprietor of a hotel, whether in the capacity of owner, lessee, mortgagee in possession, licensee, trustee in possession, trustee in bankruptcy, receiver, executor or in any other capacity. Where the hotel operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent is a hotel operator for the purposes of this article and has the same duties and liabilities as his or her principal. Compliance with the provisions of this article by either the principal or the managing agent is, however, considered to be compliance by both.

(e) "Hotel room" means any room or suite of rooms or other facility affording sleeping accommodations to the general public and situated within a hotel. The term "hotel room" does not include:

(1) A banquet room, meeting room or any other room not primarily used for, or in conjunction with, sleeping accommodations; or

(2) Sleeping accommodations rented on a month-to-month basis or other rental arrangement for thirty days or longer at the inception at a boarding house, condominium, cabin, tourist home, apartment or home.

(3) Sleeping accommodations rented by a hotel operator to those persons directly employed by the hotel operator for the purposes of performing duties in support of the operation of the hotel or related operations.

(f) "Person" means any individual, firm, partnership, joint venture, association, syndicate, social club, fraternal organization, joint stock company, receiver, corporation, guardian, trust, business trust, trustee, committee, estate, executor, administrator or any other group or combination acting as a unit.

(g) "State park" means any state-owned facility which is part of this state's park and recreation system established pursuant to this code. For purposes of this article, any recreational facility otherwise qualifying as a "hotel" and situated within a state park is considered to be solely within the county in which the building or buildings comprising the facility are physically situated, notwithstanding the fact that the state park within which the facility is located may lie within the jurisdiction of more than one county.

(h) "Tax," "taxes" or "this tax" means the hotel occupancy tax authorized by this article.

(i) "Taxing authority" means the City of Morgantown.

(j) "Taxpayer" means any person liable for the tax authorized by this article.

767.03 COLLECTION OF TAX.

(a) The tax shall be collecti-able by the hotel operator, who shall account for, and remit to the City, all taxes paid by the consumer. The hotel operator shall separately state the tax on all bills, invoices, accounts, books of account and records relating to consideration paid for occupancy or use of a hotel room.

(b) A hotel or hotel operator shall not represent to the public, in any manner, directly or indirectly, that it will absorb all or any part of the tax or that the tax is not to be considered an element in the price to be collected from the consumer.

(c) A hotel operator doing business wholly or partly on a credit basis shall require the consumer to pay the full amount of tax due upon the credit sale at the time such sale is made or within thirty days thereafter.

(d) Notwithstanding that the total amount of such taxes collected by a hotel operator may be in excess of the amount of which a consumer would be liable by application of the levy provided under Section 767.02 for the occupancy of a hotel room or rooms, the total amount of all taxes collected by any hotel operator shall be remitted to the City.

767.06 EXCEPTIONS.

The tax imposed by this article shall not be collected in the following instances:

~~—(a) For any consumer occupying a hotel room for thirty or more consecutive days.~~

~~—(b) (a) When the hotel room occupancy is billed directly to the United States of America or any agency thereof.~~

(e) (b) When the hotel room occupancy is billed directly to the State of West Virginia or any political subdivision thereof.

This ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED: