



City of Morgantown, West Virginia

**APPLICATION FOR
“FUNCTIONAL FAMILY UNIT”
DETERMINATION**

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

The City of Morgantown is a diverse, inclusive, attractive, and desirable university community with many vital single-family, two-family, multi-family, and mixed-housing type neighborhoods. Each of the City’s neighborhoods enjoy distinct housing stocks and quality of life characteristics.

Establishing standards for determining maximum dwelling unit occupancy is intended to:

1. Preserve and strengthen the quality of life within and the sustainability of the City’s range of neighborhoods;
2. Protect public and private investments by ensuring the vitality and stability within the City’s range of neighborhoods;
3. Enhance the character and desirability of and housing choice within the City as a whole; and,
4. Reduce urban sprawl.

Beginning September 1, 2010, the City of Morgantown enacted revisions to the Planning and Zoning Code (Article 1329.02) in an effort to modernize its policies and regulations relating to the number of residents who may reside within a dwelling unit. Addendum A of this application provides the specific definitions and standards by which residential occupancy is determined.

The purpose of this application is to determine whether or not **three (3) or more unrelated persons** occupying a dwelling unit within the **R-1 or R-1A District** are considered a **“Functional Family Unit”** who:

- Are living together as a single, nonprofit housekeeping unit whose relationship is of a permanent and distinct domestic character;
- Have a demonstrable and recognizable bond where each party is responsible for the basic material needs of the other; and,
- All are living as a single housekeeping unit consistent with the purposes of zoning restrictions in the R-1 or R-1A District.

A group of individuals living in the same dwelling unit shall be presumed **NOT** to be a **“Functional Family Unit”** if such dwelling unit contains three or more unrelated persons whose association is temporary or seasonal in character or nature or a group whose sharing of a dwelling unit is merely for convenience and economics.

A group of individuals living in the same dwelling unit shall be presumed **NOT** to be a **“Functional Family Unit”** if such dwelling unit contains three or more college students over the age of 16 years. A college student is a person who attends, at least half time, any college, university, or other institution authorized to confer degrees by the State of West Virginia. For the purpose of this presumption, dependent children of any other member of the household shall be excluded in calculating the number of college students in the household.

The initial determination of whether a **“Functional Family Unit”** status exists shall be made by the Planning Director, either by application or investigation. Any person seeking the rights and privileges afforded a member of a “functional family unit” shall have the **burden of proof by clear and convincing evidence** of a “functional family unit”. The City will limit disclosure of any information provided by “functional family unit” status applicants to the extent permitted by law.



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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------------|
| Household Member 3: (age 18 and over) | | | |
| Address of Permanent Residence: | Street | Age: | |
| | City | State | Zip |
| | Phone: | | |
| Is this household member a college student attending, at least half time, any college, university, or other institution authorized to confer degrees by the State of West Virginia: | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Is this householder employed? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If yes, what is the name and address of employer? | |
| Household Member 4: (age 18 and over) | | | |
| Address of Permanent Residence: | Street | Age: | |
| | City | State | Zip |
| | Phone: | | |
| Is this household member a college student attending, at least half time, any college, university, or other institution authorized to confer degrees by the State of West Virginia: | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Is this householder employed? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If yes, what is the name and address of employer? | |
| Household Member 5: (age 18 and over) | | | |
| Address of Permanent Residence: | Street | Age: | |
| | City | State | Zip |
| | Phone: | | |
| Is this household member a college student attending, at least half time, any college, university, or other institution authorized to confer degrees by the State of West Virginia: | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Is this householder employed? | <input type="checkbox"/> Yes <input type="checkbox"/> No | If yes, what is the name and address of employer? | |
| Please make additional copies of this page to provide information for any additional household members. | | | |



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| III. HOUSEHOLD | |
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| A. Household Tenure | |
| How many consecutive months have the household members listed herein lived together at the current dwelling? | |
| How many consecutive months have the household members listed herein lived together at previous dwelling(s)? | |
| Total number of consecutive months: | |
| List all the addresses of previous dwellings where the household members listed herein lived together during the household tenure noted above: | |
| <p>NOTE: Household members who have not lived together as a “functional family unit” for twelve (12) consecutive months or more MUST attach a clear and convincing narrative detailing how the unrelated persons noted herein are the functional equivalent of a family.</p> | |
| B. Dependent Children, if applicable | |
| Are there minor dependent children regularly residing in the household? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, how many minor dependent children under the age of 18 regularly reside in the household? | |
| Are the minor dependent children enrolled in public or private schools within Monongalia County? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| If yes, what school(s) are the minor dependent children enrolled in? <input type="checkbox"/> N/A | |
| Are the minor dependent children homeschooled? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |



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| C. | Supplementary Information | |
| <p>Applicants must demonstrate that the same address has been used during the household tenure noted above for each of the household members listed herein for the purpose of:</p> <ul style="list-style-type: none"> • Voter registration. • Drivers' licenses. • Motor vehicle registration. • The filing of taxes. • Summer or other residences. <p>Attach any and all evidence suggested above that you believe clearly and convincingly demonstrates that the unrelated persons noted herein are the functional equivalent of a family. If submitting copies of previously filed tax forms, be sure that all information relating to income and tax liability is white/blacked-out as such information is unrelated to the determining functional family.</p> | | |
| V. ATTEST | | |
| <p>I hereby attest that I have completely read and fully understand the information provided in this application and its addenda. I understand that the any persons seeking the rights and privileges afforded a member of a “functional family unit” has the burden of proof by clear and convincing evidence that the household is the functional equivalent of a family. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. I consent to the investigation and verification of all information provided herein and attached hereto. 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 investigate and process the application and enforce related approvals and conditions.</p> | | |
| _____ | _____ | _____ |
| Type/Print Name of Applicant/Agent | Signature of Applicant | Date |



**APPLICATION FOR
“FUNCTIONAL FAMILY UNIT”
DETERMINATION** **ADDENDUM A**

**DEFINITIONS AND STANDARDS
FOR DETERMINING MAXIMUM RESIDENTIAL OCCUPANCY**

The following provisions are set forth in Article 1329.02 of the Planning and Zoning Code.

FAMILY – for determining residential dwelling unit occupancy within the City’s many diverse neighborhoods and zoning districts, the following definitions shall apply:

- A. Within single-family residential zoning districts – A person living alone or any of the following groups living together as a single housekeeping unit and sharing common living, cooking, and eating facilities:
 - (1) A person or any number of **related persons**, as that term is defined in this Article;
 - (2) Two (2) unrelated people or two (2) unrelated people and any children related to either of them by blood, marriage, or legal adoption;
 - (3) One or two persons with foster children placed in the home by a government agency or court of authorized legal jurisdiction to do so;
 - (4) A **“Group Residential Home”** or **“Group Residential Facility”** as defined in this Article;
 - (5) Three (3) or more unrelated persons who the Planning Director determines to be a **“Functional Family Unit,”** as defined in this Article.
 - (6) Exceptions:
 - (a) Occupancy for legal, pre-existing, non-conforming dwelling units in single-family residential zoning districts shall be no more than three unrelated persons and any children related to either of them by blood, marriage, or legal adoption.
 - (b) Where disability requires that more than the maximum number of unrelated persons provided in this Article to reside together; in such cases, there shall be no requirement for persons with disabilities to petition, apply, or experience a process to obtain approval to live in any zoning district of the City.

- B. Within all other zoning districts – Dwelling unit occupancy will be determined by the West Virginia State Building Code as adopted and implemented by the City of Morgantown.

FUNCTIONAL FAMILY UNIT – Three or more persons occupying a dwelling unit and living together as a single, nonprofit housekeeping unit whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond where each party is responsible for the basic material needs of the other and all are living as a single housekeeping unit consistent with the purposes of zoning restrictions in the R-1, Single-Family Residential District and the R-1A, Single-Family Residential District.

- (1) In determining whether or not a group of unrelated individuals is a “functional family unit” under the definition set forth above, the following characteristics must be present:

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| Initial to confirm that you have read and understand these regulations: | |
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ADDENDUM A

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- (a) The occupants must share the entire dwelling unit. A dwelling unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a “functional family unit”.
- (b) The household must have stability with respect to the purpose of functioning as a family unit. Evidence of such stability may include the following:
- [1] The presence of minor dependent children regularly residing in the household.
 - [2] Proof of the sharing of expenses for food, rent or ownership costs, utilities and other household expenses.
 - [3] Whether or not different members of the household have the same address for the purposes of:
 - [a] Voter registration.
 - [b] Drivers’ licenses.
 - [c] Motor vehicle registration.
 - [d] The filing of taxes.
 - [e] Summer or other residences.
 - [4] Enrollment of dependent children in public or private schools within Monongalia County.
 - [5] Employment of householders in the local area.
 - [6] A showing that the householders have been living together as a “functional family unit” for twelve (12) consecutive months or more, whether in the current dwelling unit or other dwelling units.
 - [7] Any other factor reasonably related to whether or not the unrelated persons are the functional equivalent of a family.
- (2) A group of individuals living in the same dwelling unit shall be presumed not to be a “functional family unit”, as defined above, if such dwelling unit contains three or more unrelated persons whose association is temporary or seasonal in character or nature or a group whose sharing of a dwelling unit is merely for convenience and economics.
- (3) A group of individuals living in the same dwelling unit shall be presumed not to be a “functional family unit”, as defined above, if such dwelling unit contains three or more college students over the age of 16 years.
- (a) A college student is a person who attends, at least half time, any college, university, or other institution authorized to confer degrees by the State of West Virginia.
 - (b) For the purpose of this presumption, dependent children of any other member of the household shall be excluded in calculating the number of college students in the household.
- (4) The presumptions set forth in Subsections (2) and (3) of this definition may be rebutted by sufficient evidence of the characteristics set forth in Subsection (1) of this definition.

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- (5) The initial determination of whether a “functional family unit” status exists shall be made by the Planning Director, either by application or investigation. Any person seeking the rights and privileges afforded a member of a “functional family unit” shall have the burden of proof by clear and convincing evidence of a “functional family unit” as provided above. Nothing in this section shall be deemed to confer any legal rights upon any person on the basis of conduct otherwise unlawful under any existing law. The City will limit disclosure of any information provided by “functional family unit” status applicants to the extent permitted by law.

GROUP RESIDENTIAL FACILITY – A facility which is owned or leased by a behavioral health service provider and which: (1) provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled; (2) is occupied as a residence by not more than eight individuals who are developmentally disabled and not more than three supervisors, or is occupied as a residence by not more than twelve individuals who are behaviorally disabled and not more than three supervisors; (3) is licensed by the West Virginia Department of Health or the Division of Human Services; (4) complies with the West Virginia State Fire Commission for residential facilities; and (5) complies with the provisions of the Code of the State of West Virginia, Chapter 27, Article 17, et seq., as amended.

GROUP RESIDENTIAL HOME – A building owned or leased by developmentally disabled or behaviorally disabled persons for purposes of establishing a personal residence. A behavioral health service provider may not lease a building to such persons if the provider is providing services to the persons without a license as provided for in the Code of the State of West Virginia, Chapter 27, Article 17, et seq., as amended.

RELATED PERSONS – Persons related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship but limited to the following: husband, wife, child, grandchild, great grandchild, stepchild, parent, grandparent, great grandparent, stepparent, aunt, uncle, nephew, niece, and first cousin.

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| Initial to confirm that you have read and understand these regulations: | |
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