



# The City of Morgantown

389 Spruce Street  
Morgantown, West Virginia 26505  
(304) 284-7439 Fax: (304) 284-7525  
[www.morgantownwv.gov](http://www.morgantownwv.gov)

Office of the City Clerk

**AMENDED AGENDA**  
**MORGANTOWN CITY COUNCIL**  
**COMMITTEE OF THE WHOLE**  
**Tuesday, June 30, 2020**  
**7:00 p.m.**

To protect public health during the COVID-19 pandemic, personal attendance at the meeting will not be permitted. When it is time, the public may participate in the public portion by videoconference at the following link: <https://cityofmorgantown.my.webex.com/meet/cityofmorgantown> with meeting number (access code) 793 734 477, or by calling in at the following number 408-418-9388 and using the access code 793 734 477. All members of the public may view the meeting on Channel 15 and by streaming hosted on the City's website at [www.morgantownwv.gov](http://www.morgantownwv.gov). If you do not wish to speak at the meeting, please view it by these methods to conserve capacity on the videoconference. Any person who wishes to speak at the meeting may complete the form at <http://morgantownwv.gov/FormCenter/Public-Comment-Sign-Up-Sheet-14/Public-Comment-Committee-of-the-Whole-fo-72> or provide their name, phone number they will use to participate, and the topic on which they would like to speak by texting 304-288-0847 or texting 304-288-7072. You may sign up to speak at any time until the meeting begins. Additionally, the public may submit written comments for the public portion of the meeting by sending written comments via email to the City Clerk at [cwade@morgantownwv.gov](mailto:cwade@morgantownwv.gov). In the email, please use the subject line "Public Comment 06/30/2020" and indicate in the body of the email if you would like your comment read aloud during the public portion of the meeting.

**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. Proclamation for Morgantown Police Chief Ed Preston; Code Enforcement Officer Mark Trump, Sr.
2. Morgantown Police Department Crowd Control Response – Interim Chief Eric Powell
3. Resolution on Affirming and Strengthening Community Policing - Don Spencer Human Rights Commission

**PUBLIC PORTION:**

**ITEMS FOR DISCUSSION:**

1. An Ordinance amending Section 1329.02 and Chapter 1331 and establishing Article 1358 the Wiles Hill Gateway Overlay District of the City of Morgantown Planning and Zoning Code
2. An Ordinance amending Article 919 governing Addressing and Mapping Standards
3. An Ordinance authorizing a Deed to RDR Properties transferring property at the Morgantown Municipal Airport
4. Discussion of Juneteenth beginning June 19, 2021 and moving forward
5. Council Elections and Terms of Office
6. May 2020 Monthly General Fund Finance Report and Detailed Budget Report

\*For accommodations, please contact us at 304-288-7072\*



Development Services  
389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

## MEMORANDUM

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Date: 18 JUN 2020  
To: Emily Muzzarelli, Interim City Manager ..... *via email*  
Christine Wade, City Clerk ..... *via email*  
RE: City Council Committee of the Whole Agenda – 30 JUN 2020  
TX20-03 / Administrative / Wiles Hill Gateway Overlay District

During its 11 JUN 2020 hearing, the Planning Commission voted unanimously to forward a recommendation to City Council to approve the administrative zoning text amendment request establishing the Wiles Hill Gateway Overlay District.

Attached herewith is the Staff Report presented to the Planning Commission and the draft ordinance.

The following dates will keep to standard Planning and Zoning Code Text Amendment protocol:

**City Council Meetings**

Committee of the Whole ..... TUE, 30 JUN 2020  
First Reading: ..... TUE, 07 JUL 2020  
Public Hearing and Second Reading: ..... TUE, 04 AUG 2020

Please include this item on the City Council meeting agendas noted above and include this communication and documents attached herewith in the 30 JUN Committee of the Whole meeting packet (in color). Only the ordinance should be included in the 07 JUL and 04 AUG meeting packets.

Thank you.

# **STAFF REPORT**

**TX20-03**

**Administrative**

**Wiles Hill Gateway Overlay District**



# MORGANTOWN PLANNING COMMISSION

June 11, 2020  
6:30 p.m.  
City Council Chambers

**President:**

Peter DeMasters, 6<sup>th</sup> Ward

**Vice-President:**

Carol Pyles, 7<sup>th</sup> Ward

**Planning Commissioners:**

Sam Loretta, 1<sup>st</sup> Ward

Tim Stranko, 2<sup>nd</sup> Ward

William Blosser, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Michael Shuman, 5<sup>th</sup> Ward

Ronald Dulaney, City Council

AJ Hammond, City Admin.

## **STAFF REPORT**

**CASE NO:** TX20-03 / Administrative / Wiles Hill Gateway Overlay District

**REQUEST:**

Administrative request to amend Sections 1329.02 and 1331, and create Article 1358 WHOD, Wiles Hill Gateway Overlay District of the Planning and Zoning Code as recommended in the Future Study Area No. 5 – Stewart Street and Highland Avenue.

**BACKGROUND:**

Under Case No. RZ19-01, Mr. Gregg Metheny, on behalf of Scott Properties, sought to amend the zoning map by reclassifying 18 parcels from R-2, Single- and Two-Family Residential District to R-3, Multi-Family Residential District, the area of which is approximately 1.6 acres. Addendum A of this report provides a chronological timeline from Mr. Metheny’s subject zoning map amendment petition to the culmination of the present administrative recommendation to create the “Wiles Hill Gateway Overlay District.”

The Future Study Area 5 – Stewart Street and Highland Avenue – Small Area Plan Recommendations Report completed during this period and accepted by the Planning Commission on 08 OCT 2019 is made a part of the Planning Commission’s record by reference and available for review at:

<http://www.morgantownwv.gov/DocumentCenter/View/3061/Small-Area-5-Recommendation-Report-FINAL-10082019>

**ANALYSIS:**

Immediately following the Planning Commission’s 08 OCT 2019 acceptance of the Future Study Area No. 5 Small Area Plan Recommendations Report, Staff continued to collaborate with the Wiles Hill Neighborhood working group and Mr. Metheny to create the “Wiles Hill Gateway Overlay District.” Staff’s recommended text amendments are provided in Addendum B of this report. The following summarizes salient elements of the recommended overlay district.

*Definition of Terms*

The definitions of three (3) new terms are included in the recommended text amendment. “Balcony” and “Front Gathering Space” are provided to convey guidance in meeting requisite design standards for all residential construction within the overlay district. Specifically, the residential design objective is to include an area at the front of the dwelling, similar to a front porch, to promote human-scaled design and encourage resident engagement customary to traditional neighborhoods. Given the differing typologies of residential structures desired within the overlay district and significant typographic changes, achieving a front porch feature necessitated a unique land use policy approach. The overlay district also introduces “Accessory Dwelling” units in one area of the overlay district. Accordingly, a definition for this dwelling unit is included as provided for other

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Director

John Whitmore, AICP  
Senior Planner

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dwelling unit types in the Planning and Zoning Code. These new terms integrate with existing Planning and Zoning Code text and provide additional development guidance.

### *Wiles Hill Gateway Overlay District (WHOD)*

The overlay district is intended to serve as a set of demonstration land use, design, and performance standards for new construction within the study area. The overlay district is divided into three (3) blocks each having unique development objectives. The legislative purpose of the overlay district includes:

- (A) Advance desired infill development and redevelopment to modestly increase residential densities in a transitional pattern;
- (B) Advance infill and redevelopment through dwelling unit diversification; and,
- (C) Promote construction of affordable workforce housing opportunities that includes a balance of owner and renter households.

The recommended zoning text amendments provide descriptions and illustrations of the boundaries for each of the three (3) blocks. Also provided are land use regulations and development design and performance standards common to three (3) blocks that compose the overlay district. Some of these elements include:

- A permitted land use table is included that is specific to land uses permitted by-right, permitted with conditional use approval, or not permitted within the overlay district. This table supersedes the permitted land use table controlling all zoning districts at Table 1331.05.01.
- Supplemental design and performance regulations are provided for uses included in the overlay district's permitted land use table. Supplement regulations of note include:
  - Maximum gross floor area for permitted nonresidential uses
  - Accessory dwelling units
  - Two-family and Townhouse dwelling units
- Zero-lot-line provisions for side-by-side two-family and townhouse dwellings to promote affordable homeownership opportunities.
- A modified method of determining building height by correlating the location of the building with the vertical distance above the centerline grade of its frontage roadway, which better reflects the elevation changes across the study area and achieves desired terracing.
- Parking and vehicular access that better reflect desired development patterns.
- Requiring the replacement of failing or functionally obsolete retaining walls with more human-scaled and visually appealing design standards.
- Landscaping and buffering requirements for rear yards adjoining Stewart Street.

Throughout the overlay district, specific requirements provide for a built environment that highlights the neighborhood entrance aspects of the area. Driveway entrances will not be permitted on Stewart Street to limit curb cuts on that collector road. Outdoor spaces both public (sidewalks and existing pedestrian paths) and private (porches, patios, decks, balconies,

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etc.) are required with new development to encourage and provide for opportunities for increased community interaction.

*WHOD Blocks*

The overlay district is divided into Blocks “A,” “B,” and “C.” Each block is further segmented to provide optimal development outcomes given differing terrain; desired terracing of building heights to ensure practical neighborhood viewshed protection; planned pedestrian and vehicle access to dwelling units; and, essential right-of-way improvements to encourage complete street design for multiple modes of mobility and additional opportunities for residential development.

**Block “A”** includes parcels located south of Highland Avenue and north of portions of Wellen and Lorentz Avenues as shown in the image to the right. This block is further divided into four (4) subgroups to achieve desired development patterns including lot sizes, lot frontage width, lot coverage, building envelop orientation.



The purpose of Block “A” is to serve as a transition into the adjoining R-1A District while enabling creative building forms and moderately higher detached single-family densities that incentivize infill and redevelopment of underutilized, functionally obsolete, and/or nonconforming properties.

The goal in planning for Block “A” is to provide for a transition from the northern detached single-family dwellings and allow for slightly higher density development, that still maintains the physical form of the higher elevation properties in the neighborhood. This block allows for the inclusion of subordinate Accessory Dwelling Units to be located as part of the principal dwelling or as a separate structure. In addition to increased residential density, structures will be required to provide some enclosed/garage parking spaces. The public right-of-way is proposed to be improved with minimal on-street parking and new sidewalk construction.

**Block “B”** includes parcels that may support development with frontages on Lorentz Avenue as shown in the image to the right. This block group is divided into two (2) subgroups, with southern facing parcels in one subgroup and northern facing parcels in the other sub-group.



The purpose of Block “B” is to serve as a transition between Blocks “A” and “C” while enabling creative building forms and moderately higher densities than Block “A”

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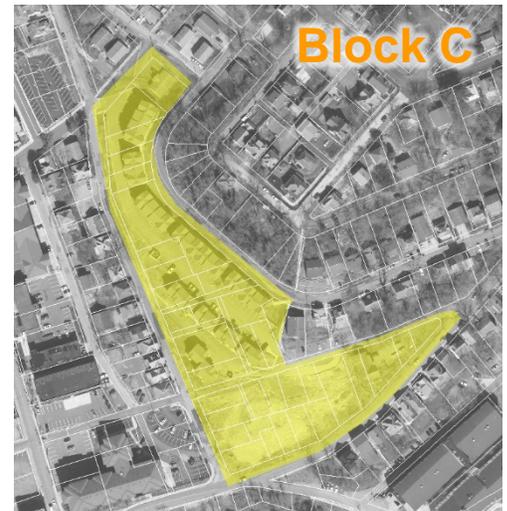
Ronald Dulaney, City Council

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to incentivize redevelopment of existing nonconforming rental properties. Two-Family and Townhouse designs are preferred for this block.

New structures on the northern side of Lorentz Avenue will have parking accessible from Lorentz Avenue, while parking for new southern side structures will be required to be accessed from First Street. Designs will include outdoor areas located in the front of the structure as either a porch or patio feature.

**Block “C”** is the southernmost area of the overlay district and includes the *Jones Place* development and parcels bordered by Jones Avenue, Stewart Street, and remaining and annulled portions of First Street as shown in the image to the right.



The purpose of Block “C” is to foster development, built into the hillside, of moderately higher densities than Block “B” that provides an attractive gateway into the Wiles Hill neighborhood.

Block “C” provides for a full transition to higher density multi-family dwellings and compatible mixed-use development. Overall development is limited in height to preserve views from development located to the north. Vehicular access is limited to Jones Avenue and First Street, with site design standards to encourage terraced development, utilizing the natural topography. The area within Block “C” between First Street, Stewart Street, and Jones Avenue was the realty included in Mr. Metheny’s zoning map amendment petition under Case No. RZ19-01.

**STAFF RECOMMENDATION:**

Staff would be inattentive if it did not acknowledge Mr. Gregg Metheny for his patience and willingness to delay Planning Commission consideration of his zoning map amendment petition [Case No. RZ19-01] and ultimate development schedule to collaborate with Wiles Hill Neighborhood residents and the City through the small area study process and the development of the recommended overlay district. Staff also recognizes the commitment of time, attention, and care by the Wiles Hill Neighborhood working group of Charlie Byrer, Zackery Cruze, Richard Dumas, Frank Scafella, and Margaret Stout. The contributions of these stakeholders over the past 18 months have ensured the presentation of a grassroots, participatory-driven set of land use and development policies ready for enactment.

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 B of this Staff Report based on the information and findings presented herein.

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# STAFF REPORT ADDENDUM A

## TX20-03 / Administrative / Wiles Hill Gateway Overlay District

### Chronological Timeline

#### Zoning Map Amendment Case No. RZ19-01

##### December 2018

On 07 DEC 2018, Gregg Metheny, on behalf of Scott Properties, submitted a Zoning Map Amendment petition for approximately 1.6 acres or property bounded by Jones Avenue, Stewart Street, and annulled and remaining portions of First Street. The request sought to reclassify the realty from R-2, Single and Two-Family Residential to R-3, Multi-Family Residential. Information related to that zoning map amendment petition is included in the Planning Commission's record under Case No. RZ19-01.

##### January 2019

A Planning Commission public hearing for that petition was held on 10 JAN 2019 and the matter was tabled based on the following two findings:

1. The Planning Commission believes it needs more holistic information given the fact the subject site is located within "Future Study Area No. 5" identified in the 2013 Comprehensive Plan Update. Please see Addendum B of the Staff Report presented to the Planning Commission for the subject zoning map amendment petition for additional information concerning "Future Study Area No. 5."
2. The Planning Commission noted it is prudent to respect the resources of the 2013 Comprehensive Plan Update and directed the Planning Division to initiate a small area study planning project for "Future Study Area No. 5", by reporting a related scope and schedule for same at the THU, 14 FEB 2019 Planning Commission meeting.

##### February 2019

Under an existing on-call professional planning services contract, staff met with AECOM on 06 FEB 2019 to develop a scope of work to complete the Future Study Area No. 5 Plan. The scope included two (2) community forums and stakeholder meetings to establish effective public participation for the planning process. Staff provided the Planning Commission with this and additional information at its 14 FEB 2019 hearing. The item was taken from the table and the public hearing reopened. Following opposition to the petition, the Mr. Metheny provided rebuttal and expressed a willingness for the City to complete the Future Study Area No. 5 Plan Recommendations Report prior to the Planning Commission deciding on a recommendation to City Council on Mr. Metheny's zoning map amendment petition. After discussion, the Planning Commission voted unanimously to table the petition again to explore the planning project further with Mr. Metheny.

##### March 2019

At the 14 MAR 2019 Planning Commission hearing, the zoning map amendment petition was removed from the table and the following motion was unanimously passed:

To postpone further consideration of RZ19-01 until the next regular business meeting following completion and acceptance of the recommendations report on Future Study Area No. 5 by the Planning Commission, with the understanding the petitioner may at any time request the Planning Commission to remove the matter from the table and proceed with consideration and recommendation action thereby safeguarding the petitioner's right to due process; provided, said request to remove the matter from the table prior to completion and acceptance of the Future Study Area No. 5 Recommendations Report must be submitted in writing by the published application

# STAFF REPORT ADDENDUM A

## TX20-03 / Administrative / Wiles Hill Gateway Overlay District

### Chronological Timeline

deadline for the following Planning Commission regular business meeting. The motion was seconded by Shuman and carried unanimously.

#### Future Study Area No. 5 – Small Area Plan

##### April 2019

The first community forum was held on 17 APR 2019 with 25 residents in attendance. Chris Rogers, AICP with AECOM provided a presentation examining the Future Study Area 5 zoning issues and the small area planning process. After the presentation, public comments were taken involving design and community character; housing; slope and soil stability; and, general questions regarding the process. A walking tour of the area was conducted with 15 of the forum attendees participating. During the month of May, individual stakeholder meetings were held.

##### June 2019

Starting in June 2019, Development Services staff began collaborating with a working group of Wiles Hill neighborhood residents that included Charlie Byrer, Zackery Cruze, Richard Dumas, Frank Scafella, and Margaret Stout. A series of meetings with the working group were held in the summer of 2019 resulting in a revised focus on the study area, moving away from the broader plan objectives typically completed for Future Study Areas. Specifically, the project focused on individual blocks within the study area containing unique characteristics and transformative development opportunities connecting the traditional neighborhood of Wiles Hill to the edge of the Sunnyside Neighborhood at Jones Avenue. This intensive analytic approach evolved into a set of overlay district principles intended to shape the design focus of the Future Study Area No. 5 Plan Recommendations Report.

##### September 2019

The second and final community forum was held on 18 SEP 2019 with approximately 18 attendees. The block concept and design focus were presented with general consensus achieved on moving forward with the final recommendations report and a future zoning overlay district. Staff continued to brief and work with Mr. Metheny through the Future Study Area No. 5 planning process.

##### October 2019

A draft recommendations report for the Future Study Area No. 5 was completed in late September 2019 and forwarded to the Planning Commission for acceptance. On 08 OCT 2019, a public hearing was held for the Future Study Area No. 5 Recommendations Report and unanimously accepted by the Planning Commission.

##### March 2020

The Planning Commission conducted a workshop following its March business meeting. Staff presented an update of the collaborative work with stakeholders to develop the Wiles Hill Gateway Overlay District.

# **DRAFT ORDINANCE**

**TX20-03**

**Administrative**

**Wiles Hill Gateway Overlay District**

**AN ORDINANCE AMENDING SECTION 1329.02 AND CHAPTER 1331 AND ESTABLISHING ARTICLE 1358 THE WILES HILL GATEWAY OVERLAY DISTRICT OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE.**

The City of Morgantown hereby ordains Section 1329.02 and Chapter 1331 of the Planning and Zoning Code are amended (deleted matter struck-through; new matter underlined) and Section 1358 is established (new matter underlined) in the Planning and Zoning Code as follows:

CHAPTER SEVEN - Land Use

- Art. 1331. Establishment of Zoning Districts and Zoning Map.
- Art. 1333. R-1, Single-Family Residential District.
- Art. 1335. R-1A, Single-Family Residential District.
- Art. 1337. R-2, Single- and Two-Family Residential District.
- Art. 1339. R-3, Multi-Family Residential District.
- Art. 1341. PRO, Professional, Residential and Office District.
- Art. 1343. OI, Office and Institutional District.
- Art. 1345. B-1, Neighborhood Business District.
- Art. 1347. B-2, Service Business District.
- Art. 1349. B-4, General Business District.
- Art. 1351. Performance Standards for Buildings in the General Business (B-4) District.
- Art. 1353. B-5, Shopping Center District.
- Art. 1355. I-1, Industrial District.
- Art. 1357. PUD, Planned Unit Development District.
- Art. 1358. Wiles Hill Gateway Overlay District.
- Art. 1359. ISOD, Interstate Sign Overlay District.
- Art. 1360. Airport Overlay District.
- Art. 1361. Sunnyside Overlay Districts.
- Art. 1362. B-4NPOD, B-4 Neighborhood Preservation Overlay District.

ARTICLE 1329  
Definitions

1329.02 DEFINITION OF TERMS.

For the purpose of this ordinance, the following words and phrases shall have the meaning respectively prescribed to them by this section. If not defined herein, or within other sections of

this ordinance, terms used in this ordinance shall have the meanings provided in any standard dictionary or American Planning Association publication as determined by the Planning Director.

BALCONY - A raised deck or porch extending from a building wall that is not directly accessible from an exterior access point.

DWELLING, ACCESSORY – A separate, complete housekeeping unit with separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure. Also referred to as “ADUs.”

FRONT GATHERING SPACE – A semi-private and accessible building feature that is at least twenty (20) square feet in area, located directly in front of the principal façade of a structure and includes balconies, canopies, decks, porches, porticos, and stairway ending in a stoop or landing abutting the building wall. A front gathering space is not a patio or plaza feature.

## CHAPTER SEVEN - Land Use

Art. 1331. Establishment of Zoning Districts and Zoning Map.

Art. 1333. R-1, Single Family Residential District.

Art. 1335. R-1A, Single Family Residential District.

Art. 1337. R-2, Single and Two-Family Residential District.

Art. 1339. R-3, Multi-Family Residential District.

Art. 1341. PRO, Professional, Residential and Office District.

Art. 1343. OI, Office and Institutional District.

Art. 1345. B-1, Neighborhood Business District.

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Art. 1349. B-4, General Business District.

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Art. 1353. B-5, Shopping Center District.

Art. 1355. I-1, Industrial District.

Art. 1357. PUD, Planned Unit Development District.

Art. 1358. Wiles Hill Gateway Overlay District.

Art. 1359. ISOD, Interstate Sign Overlay District.

Art. 1360. Airport Overlay District.

Art. 1361. Sunnyside Overlay Districts.

Art. 1362. B-4NPOD, B-4 Neighborhood Preservation Overlay District.

~~CHAPTER~~ ARTICLE 1331  
 Establishment of Zoning Districts and Zoning Map

(A) The City is hereby classified and divided into the following zoning zones (also referred to as districts):

<b>Abbreviation</b>	<b>Description</b>
R-1.....	Single-Family <del>Residence</del> <u>Residential</u>
R-1A .....	Single-Family <del>Residence</del> <u>Residential</u>
R-2.....	Single- and Two-Family <del>Residence</del> <u>Residential</u>
R-3.....	Multi-Family <del>Residence</del> <u>Residential</u>
PRO.....	Professional, Residential and Office
<u>OI.....</u>	<u>Office and Institutional</u>
B-1 .....	Neighborhood Business
B-2.....	Service Business
B-4.....	General Business
B-5.....	Shopping Center
<del>OI.....</del>	<del>Office and Institutional</del>
I-1 .....	Industrial
PUD.....	Planned Unit Development

(B) In addition to the zoning districts listed above, portions of the City may be classified according to the following overlay zoning districts:

<b>Abbreviation</b>	<b>Description</b>
<u>WHOD .....</u>	<u>Wiles Hill Gateway Overlay District</u>
ISOD .....	Interstate Sign Overlay District
Airport Overlay District	
SCOD .....	Sunnyside Central Overlay District
SSOD .....	Sunnyside South Overlay District
BCOD .....	Beechurst Corridor Overlay District
B-4NPOD .....	B-4 Neighborhood Preservation Overlay District

ARTICLE 1358  
WHOD, Wiles Hill Gateway Overlay District

1358.01 PURPOSE.

The Wiles Hill Gateway Overlay District, pursuant to recommendations in the Future Study Area No. 5 Plan dated October 8, 2019 shall be divided into three (3) blocks and serve as a set of demonstration land use, design, and performance standards to:

- (A) Advance desired infill development and redevelopment to modestly increase residential densities in a transitional pattern;
- (B) Advance infill and redevelopment through dwelling unit diversification; and,
- (C) Promote construction of affordable workforce housing opportunities that includes a balance of owner and renter households.

Standards provided in this Article shall supersede or supplement those provided in other parts of this Ordinance where conflicts exist.

1358.02 BLOCKS.

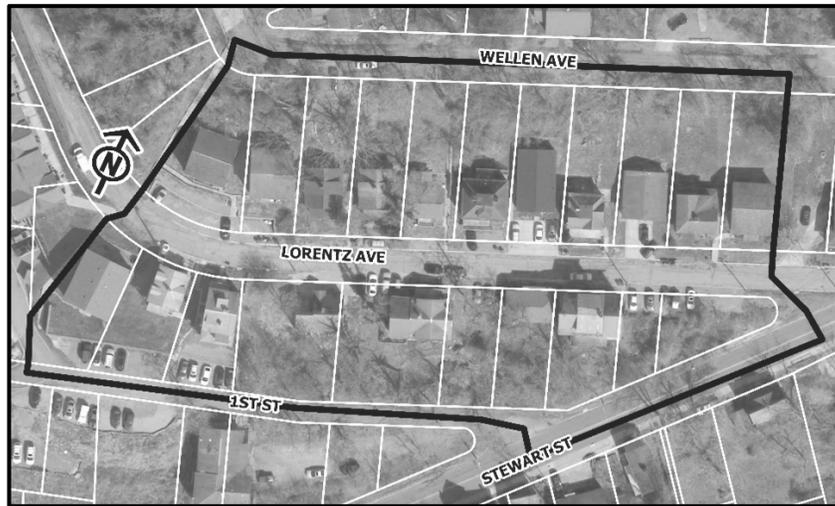
- (A) WHOD Block “A” Boundary. Beginning at the intersection of Stewart Street and Highland Avenue; then in a southerly direction along Stewart Street to the intersection of Lorentz Avenue; then west along Lorentz Avenue to the parcel boundary separating Parcels 330.1 and 331 of Monongalia County Tax Map 20 in Tax District 12; then north along said parcel boundary to Wellen Avenue; then west along Wellen Avenue to its intersection with Raymond Street; then in a northerly direction along Raymond Street to the intersection of Highland Avenue; then east along Highland Avenue to the point of beginning at the intersection of Stewart Street and Highland Avenue. The Block “A” boundary is shown in Graphic 1358.02.01.

Graphic 1358.02.01 – Block “A” Boundary



(B) WHOD Block “B” Boundary. Beginning at the intersection of Stewart Street and Lorentz Avenue; then in a southerly direction along Stewart Street to the intersection of First Street; then west along First Street to the intersection of Old Golden Blue Lane; then north along Old Golden Blue Lane to the parcel boundary separating Parcels 256 and 257.1 of Monongalia County Tax Map 20 in Tax District 12; then north along said parcel boundary to Wellen Avenue; then east along Wellen Avenue to the parcel boundary separating Parcels 330.1 and 331 of Monongalia County Tax Map 20 in Tax District 12; then south along said parcel boundary to Lorentz Avenue; then east along Lorentz Avenue to the point of beginning at the intersection of Stewart Street and Lorentz Avenue. The Block “B” boundary is shown in Graphic 1358.02.02.

Graphic 1358.02.02 – Block “B” Boundary



(C) WHOD Block “C” Boundary. Beginning at the intersection of Stewart Street and First Street; then southwest along Stewart Street to the intersection of Jones Avenue; then north along Jones Avenue to the intersection of Overhill Street; then northeast along Overhill Street to the intersection of Sharon Avenue; then southeast along Sharon Avenue to the intersection of Lorentz Avenue; then southwest to southeast along Lorentz Avenue to the parcel boundary separating Parcels 256 and 257.1 of Monongalia County Tax Map 20 in Tax District 12; then south along said parcel boundary to First Street; then northeast along First Street to the point of beginning at the intersection of Stewart Street and First Street. The Block “C” boundary is shown in Graphic 1358.02.03.

Graphic 1358.02.03 – Block “C” Boundary



1358.03 LAND USE REGULATIONS AND DESIGN AND PERFORMANCE STANDARDS COMMON TO ALL WILES HILL GATEWAY OVERLAY DISTRICT BLOCKS.

The following land use regulations and development design and performance standards are held in common to blocks that compose the Wiles Hill Gateway Overlay District.

(A) PERMITTED PRINCIPAL AND CONDITIONAL USES

The table and supplemental regulations of the Wiles Hill Gateway Overlay District Permitted Land Uses Table are incorporated in this section and are adopted as the basic land use regulations for the Wiles Hill Gateway Overlay District. The table and supplemental regulations identify the types of land uses that are permitted within each of the blocks composing the overlay district and any applicable conditions and limitations.

Determining the overlay district block in which a particular use is allowed shall be interpreted as provided in Section 1331.05. However, the Wiles Hill Gateway Overlay District Permitted Land Uses Table shall supersede Table 1331.05.01 Permitted Land Use.

A description of the supplemental regulations immediately follows the Wiles Hill Gateway Overlay District Permitted Land Use Table, which shall supersede Section 1331.06 unless noted otherwise.

Table 1358.03.01 – Wiles Hill Gateway Overlay District Permitted Land Uses

<u>Uses</u>	<u>Block A</u>	<u>Block B</u>	<u>Block C</u>	<u>Supplemental Regulations</u>
<u>Administrative Office</u>			<u>A</u>	<u>1</u>
<u>Bakery, Retail</u>			<u>C</u>	<u>1</u>
<u>Barber Shop / Beauty Salon</u>			<u>C</u>	<u>1</u>
<u>Communications Equipment Building</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Community Center</u>			<u>C</u>	
<u>Convenience Store, Neighborhood</u>			<u>C</u>	<u>1</u>
<u>Day Care Facility, Class 1</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Day Care Facility, Class 2</u>			<u>C</u>	<u>1, 2</u>
<u>Dwelling, Accessory</u>	<u>A</u>			<u>3</u>
<u>Dwelling, Mixed Use</u>			<u>P</u>	<u>4</u>
<u>Dwelling, Multi-family</u>			<u>P</u>	<u>5</u>
<u>Dwelling, Single-family</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Dwelling, Townhouse</u>		<u>P</u>	<u>P</u>	<u>6</u>
<u>Dwelling, Two-Family</u>		<u>P</u>	<u>P</u>	<u>7</u>
<u>Essential Services and Equipment</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Group Residential Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Group Residential Home</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Home Occupation, Class 1</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>8</u>
<u>Manufactured Homes</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Mixed Use Building</u>			<u>C</u>	<u>9</u>
<u>Personal Services Establishment</u>			<u>C</u>	<u>1</u>
<u>Restaurant</u>			<u>C</u>	<u>1</u>
<u>Snack Bar/Snack Shop</u>			<u>C</u>	<u>1</u>
<u>Telecommunications Class I</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>10</u>
<u>Wellness Center</u>			<u>C</u>	<u>1</u>

**(B) SUPPLEMENTAL REGULATIONS PERTAINING TO WILES HILL GATEWAY OVERLAY DISTRICT PERMITTED LAND USES TABLE.**

- (1) The maximum gross floor area for permitted nonresidential use space shall be 2,000 square feet and any permitted food service establishment shall not exceed 500 square feet of customer seating area.
- (2) DAY CARE FACILITIES, CLASS 2 shall observe Section 1331.06(19) supplemental regulations.

(3) ACCESSORY DWELLING shall comply with the following provisions:

- (a) An accessory dwelling shall not have more bedrooms or be permitted to have occupancy greater than the principal single-family dwelling.
- (b) The gross floor area of a detached accessory dwelling shall be no more than fifty percent (50%) of the single-family dwelling's first floor gross floor area.
- (c) A detached accessory dwelling shall not be located in front of the single-family dwelling's principal façade. On corner lots, a detached accessory dwelling shall not be located between any portion of the principal structure and either street.
- (d) A detached accessory dwelling shall not be located closer than five feet to the side or rear property line.
- (e) Parcels that include a detached accessory dwelling shall not have any additional accessory structures.
- (f) An attached accessory dwelling shall only be permitted above a single-family dwelling's attached garage.

(4) MIXED USE DWELLING shall observe Section 1331.06(20) and (26) supplemental regulations.

(5) MULTI-FAMILY DWELLING shall observe Section 1331.06(35)(b) supplemental regulations.

(6) For TOWNHOUSE development, the minimum lot size shall be 1,800 square feet and the minimum lot frontage (lot width) shall be twenty (20) feet. Townhouse dwellings shall be situated on individual lots separate from other townhouse dwelling unit lots within the same townhouse building.

(7) TWO-FAMILY DWELLINGS in Block B may only be side-by-side (sharing the same side vertical common or party wall) and may not be over-under (one dwelling unit above another dwelling unit).

(8) HOME OCCUPATIONS shall observe Section 1331.06(2) supplemental regulations.

(9) MIXED USE BUILDINGS shall observe Section 1331.06(20) supplemental regulations.

(10) TELECOMMUNICATIONS FACILITIES shall observe Section 1331.06(30).

(C) SETBACK AND ENCROACHMENTS INTO SETBACKS.

(1) To promote affordable homeownership opportunities, no side building setbacks are required for interior lot lines for side-by-side two-family

dwellings. Exterior building setbacks for side-by-side and for over-under two-family dwellings shall observe side setback standards provided in the applicable WHOD Block.

- (2) To promote affordable homeownership opportunities, townhouse dwellings shall have zero setbacks for interior lot lines. Exterior building setbacks shall observe side setback standards provided in the applicable WHOD Block.
- (3) On a corner lot, the required side yard setback on the side facing a street shall be one and one-half (1.5) times the normal side setback requirement.
- (4) Architectural features may project into a required setback as provided below:
  - (a) Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters or other similar features may extend into a setback a distance not exceeding three (3) feet, except that such features shall not extend closer than three (3) feet from the property line.
  - (b) Uncovered stairs, landings and porches shall not extend closer than three (3) feet from the property line.
  - (c) Open and covered, but un-enclosed front porches attached to single-family dwellings may extend into the required front setback a distance equal to fifty (50) percent of the setback depth. Such porches may not subsequently be enclosed unless the normal setback requirements within the respective WHOD Block are met.
- (5) No permitted encroachment noted above shall extend to within three (3) feet of an accessory structure.
- (6) Fences, walls, terraces, steps or other similar features may encroach into a requires setback, except as provided in Section 1363.03, Safety and Vision. Such appurtenances shall not be located within access, drainage, or utility easements.
- (7) HVAC mechanical units may be located no closer than two (2) feet to a side lot line and may not be placed in the front yard.

(D) CALCULATED BUILDING HEIGHT.

- (1) Unless otherwise specified in a Wiles Hill Gateway Overlay District Block, principal building height measured in feet shall be the vertical distance measured from the centerline grade of the roadway from which the lot frontage and building envelope orientation is established to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges of gable, hip, and gambrel roofs. Building height calculation shall not include chimneys, spires, elevator and

mechanical penthouses, water tanks, radio antennas, and similar projections or other exceptions provided in Section 1363.02(A), Height Exceptions.

- (2) Accessory structure height measured in feet shall be the average vertical distance measured from the adjoining grade to the halfway point between the highest and lowest elevations of the roof type as described in Section 1358.03 (D)(1) above. The maximum height of an accessory structure shall not exceed eighteen (18) feet, except for detached accessory dwelling units, where permitted, which shall not exceed twenty (20) feet.

(E) PARKING AND LOADING STANDARDS.

Unless otherwise provided, all uses within the Wiles Hill Gateway Overlay District shall conform to the off-street parking and loading requirements in Article 1365, Parking, Loading and Internal Roadways.

- (1) The minimum number of off-street parking spaces for residential uses shall be 0.75 spaces per occupant as determined by the West Virginia State Building Code as adopted and implemented by the City. The minimum number of off-street parking spaces for mixed-use dwellings shall be 0.75 spaces per occupant as determined by the West Virginia State Building Code plus required spaces for nonresidential use(s).
  - (2) The maximum number of parking spaces for an accessory dwelling unit is one (1) space.
  - (3) All three (3) types of site plan reviews for new development and redevelopment provided in Section 1385.04 et seq. shall provide bicycle storage facilities set forth in Section 1365.06(Q) as well as the following provisions.
    - (a) With the exception of single-family dwellings, all residential units shall provide not less than one (1) long-term bicycle storage space.
    - (b) All townhouse principal buildings shall provide not less than one (1) short-term bicycle storage space located not more than fifty (5) feet from the principal building.
    - (c) One (1) long-term bicycle storage space and one (1) short-term bicycle storage space shall be provided for each residential unit in a multi-family building and/or in a mixed-use building.
- (F) Retaining Walls. As a part of any new development or redevelopment, existing retaining walls generally running parallel with and visible from the public right-of-way shall be replaced according to the following design standards. New retaining walls generally running parallel with and visible from the public right-of-way shall be constructed according to the following design standards.

- (1) New retaining wall construction shall be terraced from Stewart Street vertically to its highest point. Each terraced section of retaining wall shall not exceed a height of five (5) feet measured from visible base to cap stone.
- (2) Permitted retaining wall materials include concrete masonry units (CMU) and masonry units; provided, materials shall have a consistent natural-stone appearance, preferably in the style of limestone, cobblestone, kingstone, or ledgestone. The use of flat forms shall be limited to not more than fifty percent (50%) of a retaining wall's face. Retaining walls shall be earth toned colors.
- (3) Areas between terraced walls shall be appropriately landscaped to soften the visual impact of larger retaining walls systems from adjoining properties and public rights-of-way. Landscaping should incorporate appropriate small trees, shrubs, ornamental grasses, perennials, etc. that compliments and is in continuity with the Stewart Street and University Avenue public green space.

(G) LANDSCAPING REQUIREMENTS FOR PROPERTIES ADJOINING STEWART STREET PUBLIC RIGHT OF WAY

- (1) All new development and redevelopment involving lots that have rear yards adjoining Stewart Street public right-of-way shall provide a landscape buffer abutting the Stewart Street public right-of-way and is ten (10) feet wide planted with one (1) two inch (2") caliper small deciduous tree for every (20) feet and at least three (3) shrubs of at least three (3) gallons in size clustered between each two (2) trees.
- (2) maintenance of the landscaped buffer shall be completed in accordance with Sections 1367.10(C) and 1367.10(D).

(H) FRONT GATHERING SPACES. All residential construction shall include a front gathering space except for accessory dwelling units which may include a front gather space. Front gathering spaces should be covered and may not be enclosed.

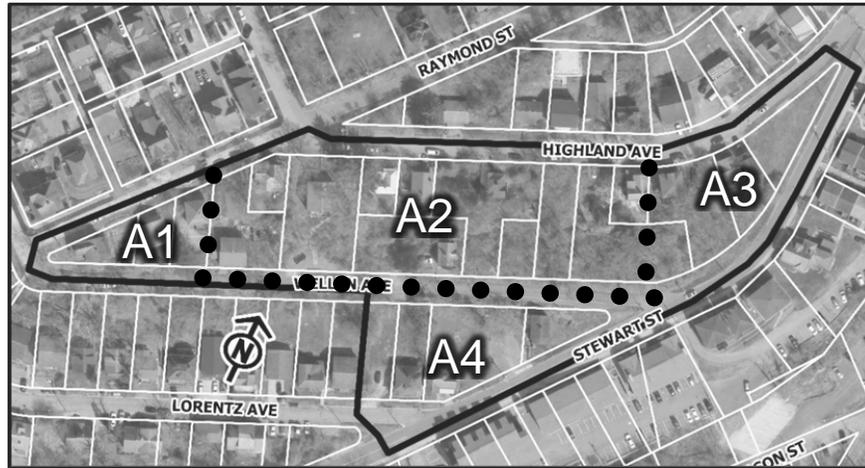
1358.04 BLOCK "A" DEVELOPMENT STANDARDS.

(A) PURPOSE. The purpose of Block "A" is to serve as a transition into the adjoining R-1A District while enabling creative building forms and moderately higher detached single-family densities that incentivize infill and redevelopment of underutilized, functionally obsolete, and/or nonconforming properties.

(B) LOT PROVISIONS.

- (1) Block "A" shall include four (4) subgroups "A1", "A2", "A3", and "A4" as illustrated in Graphic 1358.04.01 for the purpose of establishing varying lot provisions.

Graphic 1358.04.01 – Block “A” Subgroups



(2) The following shall be the minimum lot size standard for each of the Block “A” Subgroups:

- (a) Subgroup “A1” ..... 4,200 square feet
- (b) Subgroup “A2” ..... 3,000 square feet
- (c) Subgroup “A3” ..... 4,500 square feet
- (d) Subgroup “A4” ..... 4,500 square feet

(3) The following shall be the minimum lot frontage standard for each of the Block “A” Subgroups:

- (a) Subgroup “A1” ..... 50 feet
- (b) Subgroup “A2” ..... 44 feet
- (c) Subgroup “A3” ..... 40 feet
- (d) Subgroup “A4” ..... 40 feet

(4) The following shall be the lot coverage standard for each of the Block “A” Subgroups:

- (a) Subgroup “A1” ..... 28%
- (b) Subgroup “A2” ..... 45%
- (c) Subgroup “A3” ..... 55%
- (d) Subgroup “A4” ..... 55%

(5) New development and/or redevelopment shall have the following frontage and building envelope orientation for each of the Block "A" Subgroups:

(a) Subgroup "A1"..... Raymond Street or Wellen Avenue, as determined by the Planning Director.

(b) Subgroup "A2"..... Highland Avenue or Wellen Avenue, as determined by the Planning Director.

(c) Subgroup "A3"..... Highland Avenue

(d) Subgroup "A4"..... Wellen Avenue

(C) SETBACKS.

(1) Principal Buildings.

(a) Minimum Front setback..... 5 feet

(b) Maximum Front setback..... 12 feet

(c) Minimum Side setback ..... 5 feet

(d) Minimum Rear setback ..... 5 feet

(2) Accessory Structures. Except for detached accessory dwellings provided in this overlay district, see Section 1331.08 for accessory structures in residential districts.

(D) BUILDING HEIGHT

(1) The maximum height of a principal building for lots with frontage on Highland Avenue or Raymond Street shall be thirty (30) feet above the fronting roadway centerline.

(2) The maximum height of a principal building for lots with frontage on the north side Wellen Avenue shall be forty (40) feet above the fronting roadway centerline.

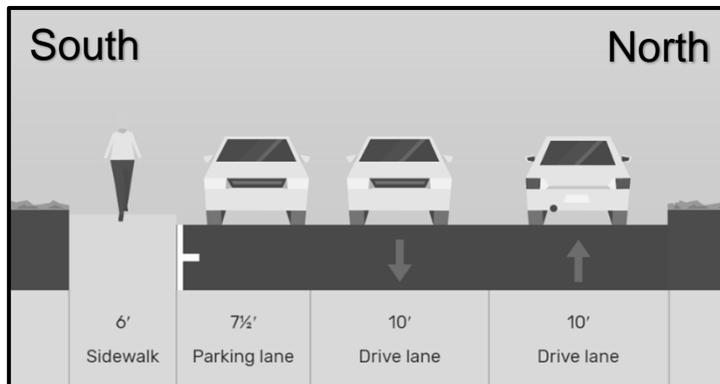
(3) The maximum height of a principal building for lots with frontage on the south side of Wellen Avenue shall be thirty (30) feet above the fronting roadway centerline.

(E) PERFORMANCE STANDARDS

(1) New development and/or redevelopment approvals and permits for parcels fronting Highland Avenue may not be issued until the Highland Avenue public right-of-way is improved or performance guarantee secured to the satisfaction of the City Engineer between its intersection with Stewart Street and its intersection with Raymond Street. Improvements should

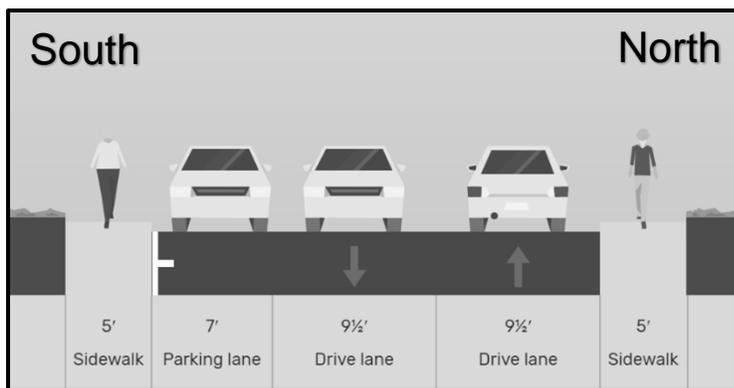
accommodate two lanes of traffic, a parking lane, and sidewalk as generally illustrated in Graphic 1358.04.01.

Graphic 1358.04.01 – Preferred Highland Avenue Roadway Cross-Section



- (2) New development and/or redevelopment approvals and permits for parcels fronting Wellen Avenue may not be issued until the Wellen Avenue public right-of-way is improved or performance guarantee secured to the satisfaction of the City Engineer between its intersection with Stewart Street and its intersection with Raymond Street. Improvements should accommodate two lanes of traffic, a parking lane, and sidewalks as generally illustrated in Graphic 1358.04.02.

Graphic 1358.04.02 – Preferred Wellen Avenue Roadway Cross-Section



- (3) Unless otherwise provided in Block “A”, see Section 1335.07 for building design standards for permitted residential development.
- (4) Single-family dwelling units shall comply with supplemental regulations provided in Section 1331.06(16); except, no housing unit shall be less than 20 feet in width.
- (5) Attached front loaded garages for southern facing structures may take up the complete width of the ground-level front façade.

- (6) At least one (1) of the minimum required off-street parking spaces for each dwelling unit shall be located within an enclosed garage.
- (7) Off-street parking spaces shall not be located completely between the front façade and the public right-of-way; provided, off-street parking spaces may extend past the building line.
- (8) All open driveways and off-street parking spaces shall be surfaced with an all-weather, dust-free concrete or asphalt prior to the issuance of a Certificate of Occupancy. Driveways and off-street parking spaces shall be maintained in good condition. Other surface materials and designs may be utilized when specifically approved by the City Engineer, for purposes of reducing storm water runoff or other environmental and aesthetic considerations, with the exception of loose gravel which shall not be permitted.
- (9) Curb cuts and driveway entrances shall be prohibited from Stewart Street.
- (10) Principal Buildings shall be no less than twelve (12) feet wide.
- (11) Residential construction may deviate from street orientation of adjacent interior lot residential structures, except for structures on parcels that abut Stewart Street which shall be oriented towards either Wellen Avenue or Highland Avenue public roadways, whichever is closer.

1358.05      BLOCK “B” DEVELOPMENT STANDARDS.

(A) PURPOSE. The purpose of Block “B” is to serve as a transition between Blocks “A” and “C” while enabling creative building forms and moderately higher densities than Block “A” to incentivize redevelopment of existing nonconforming rental properties. Two-Family and Townhouse designs are preferred for this block.

(B) LOT PROVISIONS.

- (1) The minimum lot size shall be 4,700 square feet. See Section 1358.03(B)(6) for minimum lot size standard for townhouse development.
- (2) The minimum lot frontage shall be 40 feet. See Section 1358.03(B)(6) for minimum lot frontage standard for townhouse development.
- (3) New development shall have frontage and building envelope orientation toward the Lorentz Avenue public right-of-way.
- (4) For development north of Lorentz Avenue – Maximum lot coverage shall be 35 percent.
- (5) For development south of Lorentz Avenue – Maximum lot coverage shall be 38 percent.

(C) SETBACKS.

- (1) For development of principal buildings north of Lorentz Avenue, except as provided in Section 1358.03(C)(1) and (2):
  - (a) Minimum Front setback .....20 feet
  - (b) Maximum Front setback .....25 feet
  - (c) Minimum Side setback.....5 feet
  - (d) Minimum Rear setback.....45 feet
- (2) For development of principal buildings south of Lorentz Avenue, except as provided in Section 1358.03(C)(1) and (2):
  - (a) Minimum Front setback .....5 feet
  - (b) Maximum Front setback .....10 feet
  - (c) Minimum Side setback.....5 feet
  - (d) Minimum Rear setback.....40 feet
- (3) See Section 1331.08 for accessory structures in residential districts.

(D) BUILDING HEIGHT.

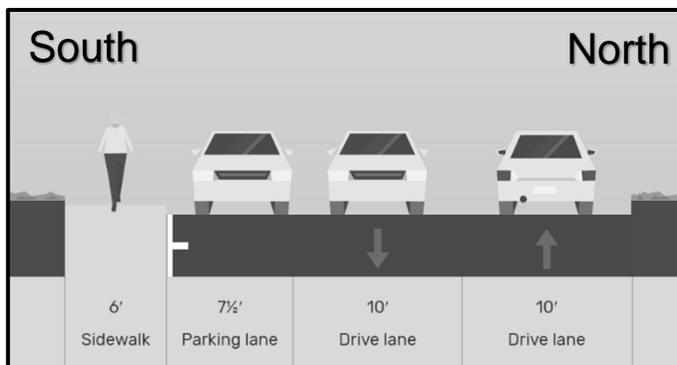
- (1) The maximum height of a principal building for lots on the north side of Lorentz Avenue shall be forty (40) feet above the fronting roadway centerline.
- (2) The maximum height of a principal building for lots on the south side of Lorentz Avenue shall be thirty (30) feet above the fronting roadway centerline.

(E) PERFORMANCE STANDARDS.

- (1) Unless otherwise provided in Block "B", see Section 1337.07 for building design standards for permitted residential development.
- (2) Single-family dwelling units shall comply with supplemental regulations provided in Section 1331.06(16); except, no single-family housing unit shall be less than 20 feet in width.
- (3) New development and/or redevelopment approvals and permits may not be issued until the Lorentz Avenue public right-of-way is improved or performance guarantee secured to the satisfaction of the City Engineer between its intersection with Stewart Street and the pedestrian way connecting Wellen Avenue to Lorentz Avenue to Old Golden Blue Way.

Improvements should accommodate two lanes of traffic, a parking lane, and sidewalk as generally illustrated in Graphic 1358.05.01

Graphic 1358.05.01 – Preferred Lorentz Avenue Roadway Cross-Section



- (4) Residential dwelling unit occupancy will be determined by the West Virginia State Building Code as adopted and implemented by the City.
- (5) Sidewalks shall be constructed along the frontage of a lot upon which a use is to be constructed. Sidewalks shall be at least six (6) feet wide. Sidewalk construction may only be waived by the City Engineer if the planned and accepted public right-of-way cross-section places the sidewalk facility on the opposite side of the right-of-way from the lot upon which a use is to be constructed; provided, a waiver must be accompanied by the sidewalk development in lieu of fee enacted by City Council.
- (6) Curb cuts and driveway entrances shall be prohibited from Wellen Avenue and Stewart Street.
- (7) Off-street parking spaces shall not be located between the front façade and the public right-of-way for development on the south side of Lorentz Avenue.
- (8) At least one (1) of the minimum required off-street parking spaces for each dwelling unit shall be located within an enclosed garage.
- (9) All open driveways and off-street parking spaces shall be surfaced with an all-weather, dust-free concrete or asphalt prior to the issuance of a Certificate of Occupancy. Driveways and off-street parking spaces shall be maintained in good condition. Other surface materials and designs may be utilized when specifically approved by the City Engineer, for purposes of reducing storm water runoff or other environmental and aesthetic considerations, with the exception of loose gravel which shall not be permitted.
- (10) Principal Buildings shall be no less than 20 feet wide and no more than one-hundred twenty (120) feet wide.

1358.06      BLOCK "C" DEVELOPMENT STANDARDS.

(A) PURPOSE. The purpose of Block "C" is to foster development, built into the hillside, of moderately higher densities than Block B that provides an attractive gateway into the Wiles Hill neighborhood. The Jones Avenue and Stewart Street intersection should be designed with significant terraced retaining walls and landscaping features allowing development to be accessible from First Street or Jones Avenue.

(B) LOT PROVISIONS.

- (1) The minimum lot size shall be 4,000 square feet. See Section 1358.03(B)(6) for minimum lot size standard for townhouse development.
- (2) The minimum lot frontage shall be 35 feet. See Section 1358.03(B)(6) for minimum lot frontage standard for townhouse development.
- (3) Maximum lot coverage shall be 60 percent.
- (4) New development shall have frontage and building envelope orientation toward First Street, Jones Avenue, or Lorentz Avenue as determined by the Planning Director.

(C) SETBACKS.

- (1) For development of principal buildings in Block "C", except as provided in Section 1358.03(C)(1) and (2):
  - (a) Minimum Front setback ..... 5 feet
  - (b) Maximum Front setback ..... 15 feet
  - (c) Minimum Side setback ..... 5 feet
  - (d) Minimum Rear setback ..... 20 feet
- (2) See Section 1331.08 for accessory structures in residential districts.

(D) BUILDING HEIGHT.

- (1) The maximum height of a principal building shall not exceed the 1,090-foot topographic elevation coordinate; provided,
  - (a) Principal buildings for which the frontage and building envelope orientation has been determined by the Planning Director to be First Street or its former linear path, the maximum principal building height shall be the lesser of 1,100 feet above mean sea level or forty (40) feet above the centerline grade of:
    - (i) The First Street roadway; or,

(ii) The annulled portion of First Street through which a public access and pedestrian path easement has been established.

(b) Principal buildings for which the frontage and building envelope orientation has been determined by the Planning Director to be Jones Avenue and located between Stewart Street and the annulled portion of First Street through which a public access and pedestrian path easement has been established, the maximum principal building height shall be forty (40) feet above the adjoining grade at any point of the front façade.

(c) Principal buildings for which the frontage and building envelope orientation has been determined by the Planning Director to be Lorentz Avenue, Old Golden Blue Lane, Pride Lane, or a new public or private roadway, the maximum principal building height shall be thirty-five (35) feet above the fronting roadway centerline.

(2) For the purpose of this section, the North American Datum 1983 State Plane West Virginia North FIPS 4701 Feet coordinate system shall be used in determining topographic elevation coordinates.

(E) PERFORMANCE STANDARDS.

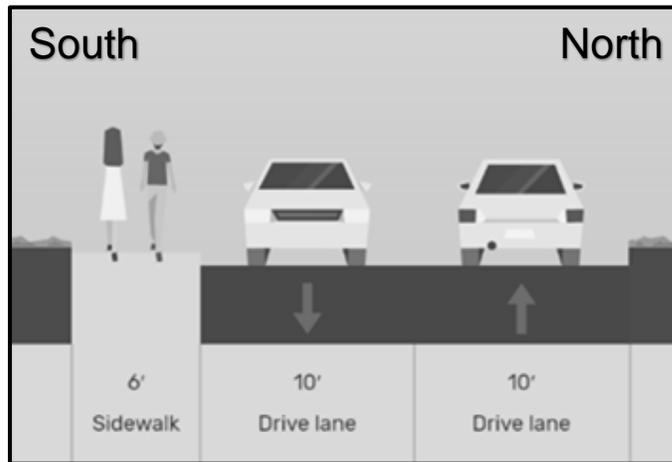
(1) Unless otherwise provided in Block "C", see Section 1337.07 for building design standards for permitted residential development.

(2) Single-family dwelling units shall comply with supplemental regulations provided in Section 1331.06(16); except, no single-family housing unit shall be less than 20 feet in width.

(3) New development and/or redevelopment approvals and permits for First Street and/or Jones Avenue frontage may not be issued until:

(a) The First Street public right-of-way is improved or performance guarantee secured to the satisfaction of the City Engineer between its intersection with Stewart Street and the annulled portion of First Street. Improvements should accommodate two lanes of traffic and sidewalk as generally illustrated in Graphic 1358.05.01.

Graphic 1358.06.01 – Preferred First Street Roadway Cross-Section



(b) The pedestrian path between Old Golden Blue Lane and Jones Avenue is improved or performance guarantee secured to the satisfaction of the City Engineer.

(4) Building Form. Multi-family development should complement and incorporate hillside slopes through terraced stacking of dwelling units as generally illustrated in Graphic 1358.06.01.

Graphic 1358.02.03 – Block “C” Boundary



(5) Minimum Open Space. Permanent open space shall be required as an integral part of townhouse and/or multi-family development. In townhouse or multi-family development within “Block C,” at least ten percent (10%) of the total area (measured in square feet) of “Block C”, not including the required yard setbacks, shall be dedicated as open space as a part of a townhouse and/or multi-family development and shall be maintained by the developer/owner/homeowners association and shall be accessible to all residents of the development. Open space shall not include any impervious surfaces designed, developed, and used for parking spaces. At least thirty percent (30%) of the total permanent open shall be of “improved open space”

type. "Improved Open Space" is defined, for the purposes of this section, as parks, playgrounds, plazas, landscaped green spaces, and other areas that are created or modified by man.

(6) Vehicle Access and Parking.

(a) Curb cuts and driveway entrances shall be prohibited from Stewart Street.

(b) Driveway entrances from First Street should be limited in number and designed to provide common access to on-site parking spaces located in the rear yard.

(c) At least one (1) of the minimum required off-street parking spaces for each dwelling unit shall be located within an enclosed garage and/or under a permanent accessory canopy structure.

This ordinance shall be effective upon date of adoption.

FIRST READING:

\_\_\_\_\_  
Mayor

ADOPTED:

FILED:

RECORDED:

\_\_\_\_\_  
City Clerk

**AN ORDINANCE AMENDING ARTICLE 919 OF THE CITY CODE  
GOVERNING THE ADDRESSING AND MAPPING PROGRAM**

The City of Morgantown hereby ordains that Article 919 of the City Code, entitled “Addressing and Mapping,” is amended as follows:

**919.01. APPLICABILITY.**

(a) The provisions of this ~~article~~ Article 919 apply to all areas of the City of Morgantown, except as may be expressly set forth below.

(b) In accordance with the provisions of Title 169, Series 2 of the West Virginia Code of State Rules, the City of Morgantown is a participating public agency in the Statewide Addressing and Mapping System. Pursuant to the Emergency Rules of the West Virginia Statewide Addressing and Mapping Board on file with the office of the Secretary of State, Title 169, Series 2 of the Code of State Rules, the City of Morgantown hereby elects to participate in the West Virginia Statewide Addressing \_\_\_\_\_ and \_\_\_\_\_ Mapping \_\_\_\_\_ Project.

**919.02 COORDINATION WITH COUNTY ADDRESSING PROGRAM; ADOPTION OF ADDRESSING PROGRAM; PENALTIES FOR NON-COMPLIANCE.**

(a) All provisions of the 9-1-1 Addressing and Mapping Ordinance of the Monongalia County Commission, dated April, 2004, including penalties for non-compliance, hereby apply within the City of Morgantown of Monongalia County, as if fully set forth herein, except as set forth in subsection (b) hereof. The provisions of the “9-1-1 Addressing and Mapping Ordinance,” adopted by the County Commission of Monongalia County as of March 9, 2011, as it may be amended or superseded, (the “County Ordinance”) are adopted by this reference and apply within the City of Morgantown, except where the terms of this Article 919 conflict with the County Ordinance or expressly provide that the County Ordinance does not apply, in which case the terms of this Article 919 shall apply.

(b) Nothing in this article affects existing city-type addresses, which are satisfactory for 9-1-1 and emergency services purposes, provided that those addresses are consistent with the Statewide Addressing and Mapping Project and otherwise comply with the provisions of Title 169, Series 2 of the West Virginia Code of State Rules, as they may be amended or superseded, and the provisions of West Virginia Code Chapter 24E. Rules and Regulations of the West Virginia Statewide \_\_\_\_\_ Addressing \_\_\_\_\_ and \_\_\_\_\_ Mapping \_\_\_\_\_ Board.

### 919.03 APPOINTMENT AND DUTIES OF ADDRESSING AND MAPPING COORDINATORS.

(a) ~~The City Engineer or his/her appointed representative is~~ The City Geographic Information Systems Analyst shall be hereby appointed the Addressing Coordinator for the City of Morgantown. If the Geographic Information Systems Analyst position becomes vacant, or the Geographic Information Systems Analyst is unable to fulfill the duties of the Addressing Coordinator in the determination of the City Manager, the City Manager shall appoint an Addressing Coordinator. The Addressing Coordinator for the City of Morgantown shall cooperate with the Monongalia County Addressing Coordinator, West Virginia Statewide Mapping and Addressing Board, the Board's Project Manager, the Monongalia County 9-1-1 Director, the West Virginia Enhanced 9-1-1 Council, the Monongalia County's Assessor's office, municipal corporations within Monongalia County, the United States Postal Service, the Monongalia County Planning Commission, the Morgantown-Monongalia Metropolitan Planning Organization, and other interested agencies and persons in order to accomplish, with the City of Morgantown, city-type addressing and other systems essential to the prompt and accurate dispatch of emergency service providers or other emergency services or 9-1-1 purposes, and for such other goals of the West Virginia Statewide Addressing and Mapping Project; provided, however, that the Addressing Coordinator for the City of Morgantown shall coordinate with other agencies and persons principally through the Monongalia County Addressing Coordinator for purposes of implementation of the West Virginia Statewide Addressing and Mapping Project within the City of Morgantown. ~~The Addressing Coordinator of the City of Morgantown may not take any official action not expressly authorized in this article or in the 9-1-1 Addressing and Mapping Ordinance of Monongalia County, dated April, 2004, without the approval of the Council of the City of Morgantown.~~

(b) ~~The City Engineer or his/her appointed representative is hereby appointed~~ The City Geographic Information Systems Analyst shall be the Mapping Coordinator for the City of Morgantown. If the Geographic Information Systems Analyst position becomes vacant, or the Geographic Information Systems Analyst is unable to fulfill the duties of the Mapping Coordinator in the determination of the City Manager, the City Manager shall appoint a Mapping Coordinator. The Mapping Coordinator for the City of Morgantown shall cooperate with the Monongalia County Mapping Coordinator, West Virginia Statewide Mapping and Addressing Board, the Board's Project Manager, the Monongalia County 9-1-1 Director, the West Virginia Enhanced 9-1-1 Council, the Monongalia County's Assessor's office, the Monongalia County Planning Commission, the Morgantown-Monongalia Metropolitan Planning Organization, municipal corporations within Monongalia County, the United States Postal Service and other interested agencies and persons in order to accomplish, with the City of Morgantown, city-type addressing and other systems essential to the prompt and accurate dispatch of emergency service providers or other emergency services or 9-1-1 purposes, and for such other goals of the West Virginia Statewide Addressing and Mapping Project; provided, however, that the Mapping Coordinator for the City of Morgantown shall coordinate with other agencies and persons principally through the Monongalia County Mapping Coordinator for purposes of implementation of the West Virginia Statewide Addressing and Mapping Project within the City of Morgantown. ~~The Mapping Coordinator of the City of Morgantown may not take any official action not expressly authorized in this article or in the 9-1-1 Addressing and Mapping Ordinance of Monongalia County, dated~~

April, 2004, without the approval of the Council of the City of Morgantown.

**919.04 INTERPRETATION AND APPLICATION.**

~~This article is to be interpreted and applied consistent with the West Virginia Statewide Addressing and Mapping System. The Addressing Coordinator and the Mapping Coordinator of the City of Morgantown shall make any necessary application to the Statewide Addressing and Mapping Board for a waiver, or for local modifications of the Statewide Addressing and Mapping System in order to tailor it to this article. This Article 919 shall be read in conjunction with the provisions of West Virginia Code Chapter 24E; Title 169, Series 2 of the West Virginia Code of State Rules; and the County Ordinance; and shall be interpreted and applied in such a way as to be consistent with these referenced laws (the "Addressing and Mapping Laws"). The Addressing Coordinator and Mapping Coordinator shall have all powers and duties authorized for the positions of Addressing Coordinator and Mapping Coordinator by the Addressing and Mapping Laws.~~

This Ordinance shall be effective upon adoption.

FIRST READING: \_\_\_\_\_

\_\_\_\_\_  
Mayor

SECOND READING: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
City Clerk

FILED: \_\_\_\_\_

MONONGALIA COUNTY  
COMMISSION

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MONONGALIA  
COUNTY  
WEST VIRGINIA

9-1-1 ADDRESSING  
AND MAPPING  
ORDINANCE

**AN ORDINANCE TO PROVIDE ASSIGNMENT OF NAMES TO STREETS  
AND ROADWAYS AND IMPLEMENTATION AND MAINTENANCE OF  
THE MAPPING AND POSTING OF STREET SIGNS AND BUILDING  
NUMBERS IN MONONGALIA COUNTY, WEST VIRGINIA**

In order to uniformly assign and maintain street addresses and provide for easy identification of those numbers for various purposes and to promote the health, safety and welfare of the citizens of the County of Monongalia, Monongalia County enacts its 9-1-1 Addressing and Mapping Ordinance as follows:

WHEREAS, pursuant to W. Va. Code Articles 7-1-3 and 7-1-3cc, and consistent with W. Va. Code Article 24E-1-1 et seq., the Monongalia County Commission has the authority to provide for the elimination of hazards to public health and safety; to establish and regulate the naming or renaming of roads, ways, streets, avenues, drives and the like, in cooperation with local postal authorities, the division of highways and the directors of Monongalia County emergency communications centers; and to assure uniform, non-duplicative conversion of all rural routes to city-type addressing on a permanent basis; may cooperate with other governmental units, shall maintain and update the addressing and mapping framework within their jurisdictions, and,

WHEREAS, the establishment of an Enhanced 9-1-1 Emergency Telephone System in Monongalia County has been approved and implemented by the Monongalia County Commission; and,

WHEREAS, the establishment of such system requires the assignment of names to all streets and roads in Monongalia County, the assignment of building numbers to all buildings having telephones and/or occupancies, the erection of appropriate street signs at intersections; and the maintenance of a statewide mapping system, and,

WHEREAS, the Monongalia County Commission has the authority to delegate, contract or cooperate with other governmental units to complete all necessary components of this Ordinance, for final approval by the Monongalia County Commission,

WHEREAS, the Monongalia County Commission intends to elect to participate in the Statewide Addressing and Mapping Project, pursuant to Title 169, Series 2 of the Code of State Rules, thus promoting the goal of prompt and accurate dispatch of emergency services or 9-1-1 personnel in Monongalia County, and thereby enhancing the safety of the lives and property of the citizens and residents of Monongalia County.

NOW, THEREFORE, BE IT ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_  
by the County Commission of Monongalia County, West Virginia,  
Ordinance  
Number \_\_\_\_\_.

## **Section 1: APPLICABILITY**

- Section 1.1 The provisions of this Ordinance apply to all unincorporated areas of Monongalia County. The municipal corporations in Monongalia County have the option to adopt cooperative addressing ordinances or to adopt their own stand-alone addressing ordinances.
- Section 1.2 Pursuant to the Emergency Rules of the West Virginia Statewide Addressing and Mapping Board on file with the office of the Secretary of State, Title 169, Series 2 of the Code of State Rules, Monongalia County Commission hereby elects to participate in the West Virginia Statewide Addressing and Mapping Project. (Optional addition: The President of the Monongalia County Commission shall, pursuant to those Emergency Rules, serve notice of this election on the Board within five (5) days of the enactment of this Ordinance, together with a true copy of this Ordinance.)

## **Section 2: DEFINITIONS AS USED IN THIS ORDINANCE**

- Section 2.1 For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning that is provided in the National Emergency Number Association (NENA) Standard Guidelines as referenced by the United States Postal Service, unless the context clearly indicates otherwise.
- Section 2.2 “Address number” means the number assigned to consecutive intervals along a street or road pursuant to the Number Assignment Formula contained herein.
- Section 2.3 “Road” or “Street” means any public or private thoroughfare, used for vehicular traffic and/or any easement or right-of-way that provides sole access to more than two parcels or lots. This term shall be defined as the “Street Suffix” and shall include, but is not limited to; avenue (ave), drive (dr), way (way), boulevard (blvd), highway (hwy), lane (ln), pike (pke) or similar street types.

- Section 2.4 “Number Assignment Formula” means as follows: Beginning from the point of origin a house number shall be assigned for each interval, with each interval on the right side of the roadway as one leaves the point of origin being assigned an even number, and each interval on the left side as one leaves the point of origin being assigned an odd number. Left and right shall be determined from the perspective of a traveler moving away from the road point of origin in a forward motion.
- Section 2.5 “Interval” means the distance along a roadway of 25.00 feet.
- Section 2.6 “Point of origin” means the end point of a road, which is the starting point for a numbering sequence. The point of origin for Monongalia County shall be the best location for the designated neighborhood. The point of origin for an individual road may be adjusted, upon the counties Addressing Coordinators approval, to avoid numbering conflicts.
- Section 2.7 “Primary structure” means, but is not be limited to, residential building, mobile home parks, commercial building, industrial building, office building, public building, utility, communications tower.
- Section 2.8 “Display” means the manner the numbers are affixed to a structure or otherwise displayed when affixing to a structure.
- Section 2.9 “Non-compliance” means any failure to comply with the provisions of this Ordinance including, but not limited to, by way of example: a number out of sequence, odd or even number on wrong side of street, rural box numbers in a 9-1-1 address area, numbers improperly affixed, numbers illegible, numbers unclear, numbers obstructed, numbers not visible, numbers not present, numbers of improper size, numbers not in contrast with immediate background, weatherworn numbers, wrong numbers, and non-approved numbers.
- Section 2.10 “Occupant” is any person, firm, entity, partnership, trust, corporation, association or other organization that is occupying or leasing a building or other property for a period exceeding thirty (30) days.

- Section 2.11 “Owner” is any and all persons, firms, entities, partnerships, trusts, corporation, associations, or other organizations that own the fee title to, or have an undivided interest in, any building or property, which is subject to the provisions of this Ordinance.
- Section 2.12 “City-type address” means a unique address for a structure using a building number and street name. “City-type addresses” are based on an address system, which means that they usually appear in a consistent numeric sequence along a street and reflect parity conventions (that is, odd numbers all appear on one side of the street and even numbers on the other). If number assignment is based on a standard numbering interval, then the “city-type address” will also logically provide a distance location from the beginning point of the road.
- Section 2.13 “Emergency services purposes” means use for 9-1-1 or enhanced 9-1-1 dispatch and response.
- Section 2.14 “West Virginia Statewide Addressing and Mapping Project” means the project for the creation of a statewide addressing and mapping system for emergency services purposes, but usable as a base for other purposes, in accordance with and consistent with Chapter 24E, Article 1 of the West Virginia Code.
- Section 2.15 “West Virginia Statewide Addressing and Mapping System” or “the System” means the system to be created as a result of the Project, in which Monongalia County Commission is participating, including, without limitation, the establishment of city-type addressing and mapping systems essential to the prompt and accurate dispatch of emergency service providers. The terms “Statewide Addressing and Mapping System” and “the System” also include any local modifications that may be made to the System in order to tailor it to meet specialized local concerns.

### **Section 3: APPOINTMENT AND DUTIES OF ADDRESSING AND MAPPING COORDINATOR**

- Section 3.1 The Monongalia County Office of Emergency Management will appoint the Monongalia County Addressing

Coordinator. In addition to the duties set forth elsewhere in this Ordinance, the Monongalia County Addressing Coordinator has the following duties:

Section 3.1.1 The Monongalia County Addressing Coordinator shall recommend names, for any public or private road or street in Monongalia County, which provides access to two or more occupied buildings.

Section 3.1.2 The Monongalia County Addressing Coordinator shall negotiate with residents along streets or roads bearing duplicate or confusingly similar names in the Monongalia County and to recommend name changes of such roads or streets to eliminate such duplication or confusing similarity. The Monongalia County Addressing Coordinator shall direct the placement of street signs at intersections within the Monongalia County. The initial costs of such signs and installation will be funded by the Monongalia County Commission for all unincorporated areas of Monongalia County.

Section 3.1.3 The Monongalia County Addressing Coordinator shall maintain a “Monongalia County Road Name Index”. This Index will be housed at the Monongalia County Office of Emergency Management. This database will be shared among all participating government entities and all public utilities as we convert from route and box addresses to city style addressing. This Index is to be the official listing of names for streets and roads in Monongalia County and such streets and roads are hereby assigned the names listed therein. As used in the Ordinance, the terms “street” and “road” shall have the same meaning and shall also include but not limited to avenue (ave), drive (dr), way (way), boulevard (blvd), highway (hwy), lane (ln), pike (pke) or similar street types.

Section 3.1.4 The Monongalia County Addressing Coordinator shall cooperate with the West Virginia Statewide Mapping and Addressing Board, the Board’s Project Manager, the Monongalia County 9-1-1 Director, the West Virginia Enhanced 9-1-1 Council, the Monongalia County’s Assessor’s office, municipal corporations within Monongalia County, the United States Postal Service, Monongalia County Planning Commission, Morgantown-

Monongalia County Transportation Planning Organization and other interested agencies and persons in order to accomplish, within Monongalia County, city-type addressing and other systems essential to the prompt and accurate dispatch of emergency service providers or other emergency services or 9-1-1 purposes, and for such other goals of the West Virginia Statewide Addressing and Mapping Project. The Monongalia County Addressing Coordinator may not, however, take any official action not expressly authorized in this Ordinance or otherwise by the Monongalia County Commission.

Section 3.1.5 In applying this Ordinance and the guidelines in the West Virginia 9-1-1 Addressing Handbook, the Monongalia County Addressing Coordinator shall have the authority, in cooperation with the above agencies, to interpret this Ordinance to ensure a logical and efficient numbering and street addressing system.

Section 3.2 The Monongalia County Mapping Coordinator shall cooperate with the West Virginia Statewide Mapping and Addressing Board, the Board's Project Manager, the County 9-1-1 Director, the West Virginia Enhanced 9-1-1 Council, the Monongalia County's Assessor's office, municipal corporations within Monongalia County, Monongalia County Planning Commission, Morgantown-Monongalia County Transportation Planning Organization and other interested agencies and persons in order to accomplish, within Monongalia County, digital mapping and other systems essential to the prompt and accurate dispatch of emergency service providers or other emergency services or 9-1-1 purposes, and for such other goals of the West Virginia Statewide Addressing and Mapping Project. The Monongalia County Mapping Coordinator may not, however, take any official action not expressly authorized in this Ordinance or otherwise by the Monongalia County Commission.

#### **Section 4: INTERPRETATIONS AND APPLICATION**

This Ordinance is to be interpreted and applied consistent with the West Virginia Statewide Addressing and Mapping System. The Monongalia County Addressing Coordinator and the Monongalia County Mapping Coordinator shall

make any necessary application to the Board for a waiver, or for local modifications of the System in order to tailor it to this Ordinance.

## **Section 5: STRUCTURE AND LOCATION NUMBERING AND DISPLAY**

Section 5.1 Whenever any house, building, or structure is erected or located after the initial establishment of the uniform numbering system as provided herein, it shall be the duty of the property owners to procure the correct number or numbers for the property and to affix these numbers to the building in accordance to this Ordinance. The owner shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform number system within thirty (30) days of notification of the assigned address. The cost of posting the address shall be the responsibility of the property owner.

Section 5.2 The owner shall file an application for an address assignment with the Monongalia County Addressing Coordinator or Monongalia County Office of Emergency Management. No address may be assigned until the footer is in place and properly inspected. The address must be issued not later than sixty (60) days following identification of address and installed on the structure prior to final inspection.

Section 5.3 Display of Number – Residential Structure – Each primary structure must display the number of the address assigned to that address. The street number for residences shall be in accordance with the International Property Maintenance Code, Section 303.3, Exterior Structure, Premise Identification. Any future updated versions of the ICC Property Maintenance Code will be included. The numbers shall be in Arabic numerals at least four (4) inches in height, and of a durable and clearly visible material. The numbers shall be placed on, above, or at the side of the main entrance so the number is clearly visible from the public right-of-way. Whenever a residence entrance is greater than fifty (50) feet from a public right of way, or not clearly visible from the public right-of-way, a number shall also be placed end the end of a driveway, or property entrance. Address numbers

are to be a contrasting color to the background on which they are mounted.

- Section 5.5 The owner or person in charge of any house, building, mobile home, or other structure to which a number has been assigned shall affix the number as outlined in this Ordinance within thirty (30) days after the receipt or notification of such number.
- Section 5.6 Display of Number – Commercial and Industrial Structure – Address numbers for commercial and industrial structures must follow BOCA PM 303.3 code regulations of at least six (6) inches in height. The number must be placed above or on the main entrance to the structure when possible. If such number is not clearly visible from the public right-of-way, the number must be placed along a driveway or on a sign visible from the same. Address numbers are to be a contrasting color to the background on which they are mounted.
- Section 5.7 Display of Number – Apartments and Similar – The address number assigned to a single building number shall be displayed on each assigned structure following the BOCA PM 303.3 Code. Numbers and/or letters for individual apartments or units within these complexes must be displayed on, above, or to the side of the main doorway of each apartment or unit. It shall be the responsibility of the property owner to affix apartment or unit numbers.
- Section 5.7.1 Display of Number – Trailer Park and Similar – The address number assigned to a trailer within an organized trailer park must be one address number for the trailer park with each trailer assigned a lot or space number. The lot or space number must be posted and permanently affixed to the lot identifying the lot or space number. The main address to the trailer park must be posted at the entrance of the park. Address numbers are to be a contrasting color to the background on which they are mounted.
- Section 5.8 The combination of such an address number and the road or street name must be the official address of such primary structure.

Section 5.9 All costs to individuals or households in complying with this section of the Ordinance must be borne by that individual or household.

## **Section 6: ROAD NAMING**

Section 6.1 The “Monongalia County Road Name Index” is to be the official listing of names for streets and roads in Monongalia County. This listing will be published once a year and made available on the Monongalia County and Morgantown Planning Organization web sites.

Section 6.2 No street within the Monongalia County may be assigned a name on a subdivision plat or otherwise until such name is registered with the Monongalia County Addressing Coordinator, approved, and added to the Monongalia County Road Name Index. The Monongalia County Address Coordinator is the duly authorized agent of the Monongalia County Commission and shall have the authority to refuse registration of any name already in use, confusingly similar to a name already registered, deemed confusing for purposes of emergency response, or deemed inappropriate by the Monongalia County Addressing Coordinator, or Monongalia County Office of Emergency Management.

Section 6.3 No Street name currently shown on a subdivision plat filed with the Monongalia County Addressing Coordinator shall be implemented by a subdivision owner until such name has been registered, approved and added to the Monongalia County Road Name Index. The Monongalia County Addressing Coordinator shall have the authority to refuse registration of any name already in use, confusingly similar to a name already registered, deemed confusing for purposes of emergency response, or deemed inappropriate by the Monongalia County Address Coordinator or the Monongalia County Office of Emergency Management.

Section 6.4 Road names may not duplicate road names already assigned, irrespective of road name prefixes or suffixes except for roads located within different corporations.

- Section 6.5 A street name may not be differentiated using the same name by changing the street suffix such as a street or avenue.
- Section 6.6 A Street may have only one name throughout its entire length unless approved as an exception by the Monongalia County Address Coordinator.
- Section 6.7 Following the completion of the address conversion portion of the Statewide Addressing and Mapping Project within Monongalia County, there shall be a moratorium on changes in road and street names in the unincorporated parts of the Monongalia County for a period of two (2) years.

Thereafter, a petition requesting a change in name, signed by owners of eighty percent (80%) of the parcels on the street whose name is proposed to be changed, shall be filed with the Monongalia County Office of Emergency Management. Such petition should not be filed until the Monongalia County Addressing Coordinator, or duly authorized agent, confirms the availability of the proposed name, but, not later than ninety (90) days following such confirmation.

Documentation such as a tax bill or deed, showing the ownership of each signatory to the petition must accompany the petition at the time of filing.

A non-refundable deposit of \$50.00 shall accompany the petition. Upon approval of the name change, the petitioner shall be obligated to pay to the Monongalia County Commission for the actual costs incurred by the name change for new street signage.

Residents along the affected road or street shall be responsible for advising the United States Postal Service of such road or street name change. The Monongalia County Addressing Coordinator may also provide notice of such change to the United States Postal Service.

## **Section 7: STREET SIGNS**

- Section 7.1 All new street signs erected within Monongalia County must be in conformance with the specifications of this section, unless the West Virginia Department of Transportation, Division of Highways or the Monongalia County Commission grants a variance.
- Section 7.2 The owner of any subdivision or other development shall erect or cause to be erected street signs in conformance with this Ordinance at any and all intersections within such subdivision or development upon construction of any street on or after the effective date of this Ordinance, unless, by vote of the Monongalia County Commission, such responsibility is assumed by the Monongalia County Commission or its duly authorized agent. Where any subdivision owner is currently required to erect street signs but has failed to do so, the future erection of street signs shall be in conformance with this Ordinance.
- Section 7.3 Sign Specifications – All signs erected shall be in conformance, at minimum, to West Virginia Department of Transportation, Division of Highways specifications as defined in the “Standards for the Design and Installation of Road Name Signing” published March 1999.
- Section 7.4 Signage which is damaged or destroyed shall be the responsibility of the individual(s) causing such damage or destruction, whether by negligence or otherwise. The agency or individual(s) responsible for maintenance of the damaged sign shall have the authority to recover the costs of replacing the sign from the individual(s) causing such damage or destruction.
- Section 7.5 Any such person found to be responsible for damage or destruction of any road or street sign shall pay to the Monongalia County Commission all of the costs for such damage or destruction, including but not limited to, costs for sign removal and replacement. Failure to pay for damage or destruction may result in legal action against the responsible party for all costs, such as court costs and reasonable attorney fees.

## **Section 8: MAPPING**

- Section 8.1 Monongalia County Commission hereby adopts the Statewide Addressing and Mapping System as the base map for Monongalia County, until such data becomes available that improves the ability of Monongalia County to provide emergency services, at which point the improved data will be incorporated into the base map.
- Section 8.2 Emergency services or 9-1-1 dispatch within Monongalia County must utilize the Statewide Addressing and Mapping System, when completed.
- Section 8.3 The core layers of maps for Monongalia County shall include, but need not necessarily be limited to, CADASTRAL, ELEVATION, GEODETIC CONTROL, GOVERNMENTAL UNITS, HYDROGRAPHY, ORTHOIMAGERY, TOPOGRAPHIC MAPS and TRANSPORTATION.
- Section 8.4 The application layers of maps for Monongalia County may include, but need not be limited to, GEOLOGY, LAND COVER and SOILS.
- Section 8.5 The Monongalia County Mapping Coordinator shall propose a plan for the future maintenance of the maps for Monongalia County that are to be delivered by the West Virginia Statewide Addressing and Mapping Board to Monongalia County Commission pursuant to W. Va. Code Article 24E-1-1, et seq. The Monongalia County Mapping Coordinator shall seek the advice of West Virginia Statewide Addressing and Mapping Board, the Monongalia County 9-1-1 Director, the West Virginia Enhanced 9-1-1 Council, the Monongalia County's Assessor's office, Monongalia County Planning Commission, Morgantown-Monongalia County Transportation Planning Organization and other interested agencies and persons prior to proposing such a plan. The Monongalia County Mapping Coordinator shall propose such plan no later than the date that the maps are ready for delivery.
- Section 8.8 Monongalia County Mapping Coordinator, as from time to time authorized by the Monongalia County Commission, may delegate, contract or cooperate with individuals, companies, corporations, governmental organizations or

sub-divisions to coordinate, update and maintain the Monongalia County base map.

**Section 9: APPEALS, AMENDMENT, CONFLICT WITH OTHER LAWS, VALIDITY**

Section 9.1 During the initial project stage and prior to the completion of the Statewide Addressing and Mapping Project within Monongalia County, any requests concerning road name changes and/or addressing complaints will first be directed to the Monongalia County Addressing Coordinator within thirty (30) days from the time of road name or address assignment. If the initial contact does not satisfy the individual's concern, he or she may appeal the decision to the Monongalia County Office of Emergency Management for final disposition provided, however, that all such appeals must be filed no later than 10 days after the decision. The Office of Emergency Management may, at its discretion, hear such appeals as oral argument or may rule based upon the written appeal. All such appeals shall be decided on or before 30 days after the appeal is heard.

Section 9.2 After implementation of the Statewide Addressing and Mapping System within Monongalia County, any concerns, problems, or complaints regarding the naming and numbering system are to be handled on a case-by-case basis by the Monongalia County Addressing or Mapping Coordinator, as the case may be, and if necessary, by the Monongalia County Office of Emergency Management.

Section 9.3 Amendment - By lawful procedure, the Monongalia County Commission may, from time to time, amend, supplement or change the provisions of this Ordinance.

Section 9.4 Conflict with Other Laws - Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provision of this Ordinance shall be controlling. Where the provision of any statute, other ordinance or regulation imposes greater restrictions than this Ordinance, the provisions of such statute, ordinance or regulations shall be controlling.

Section 9.5      Validity – If any article, section, subsection, paragraph, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of this Ordinance as a whole or any other part thereof.

**Section 10: PENALTIES AND ENFORCEMENT**

Section 10.1    It is unlawful for any person to violate this Ordinance. When it appears that a violation of this Ordinance has occurred, the responsible party shall be notified by means of a written Violation Notice. The Violation Notice shall specify the nature of the violation and shall request that the violation be terminated within 30 days from the date appearing on the notice. After thirty (30) days of non-compliance from the time of written notification, the violation of any section of this Ordinance shall be deemed a misdemeanor punishable by a fine of not to exceed five hundred dollars (\$500.00). Each day a violation continues shall constitute a separate offense.

Section 10.2    Whenever the Monongalia County Commission’s duly authorized agent has reason to believe there has been or there exists a violation of this Ordinance, the Commission shall give written notice of such violation to the person failing to comply, and order the person to take corrective measures within thirty (30) days from date of notification. If such person(s) fail to comply with the duly issued order, the Monongalia County Commission shall initiate necessary actions to terminate the violation through the Court system.

**Section 11: ADOPTION AND SIGNATURES**

Section 11.1 This Ordinance is effective

Adopted April 2005 \_\_\_\_\_, \_\_\_\_\_ .

MONONGALIA COUNTY COMMISSION

Robert Bell

\_\_\_\_\_  
President of the Commission

John Pyles

\_\_\_\_\_  
Commissioner

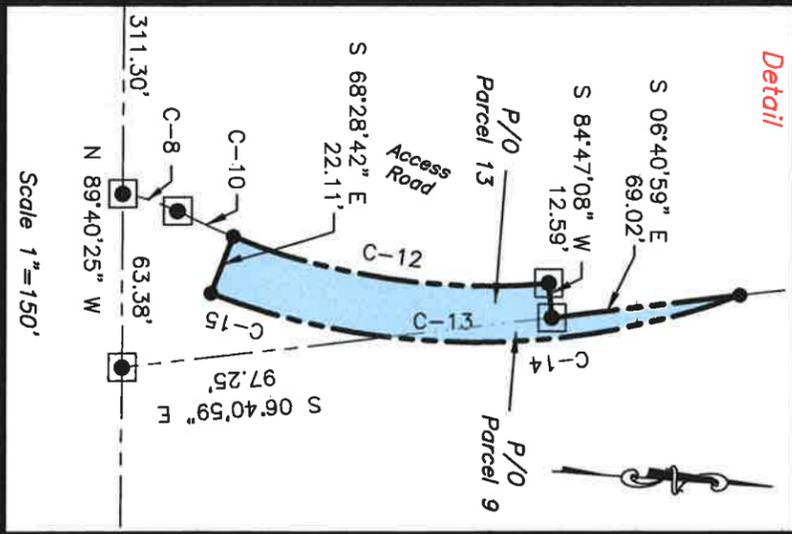
Asel Kennedy

\_\_\_\_\_  
Commissioner

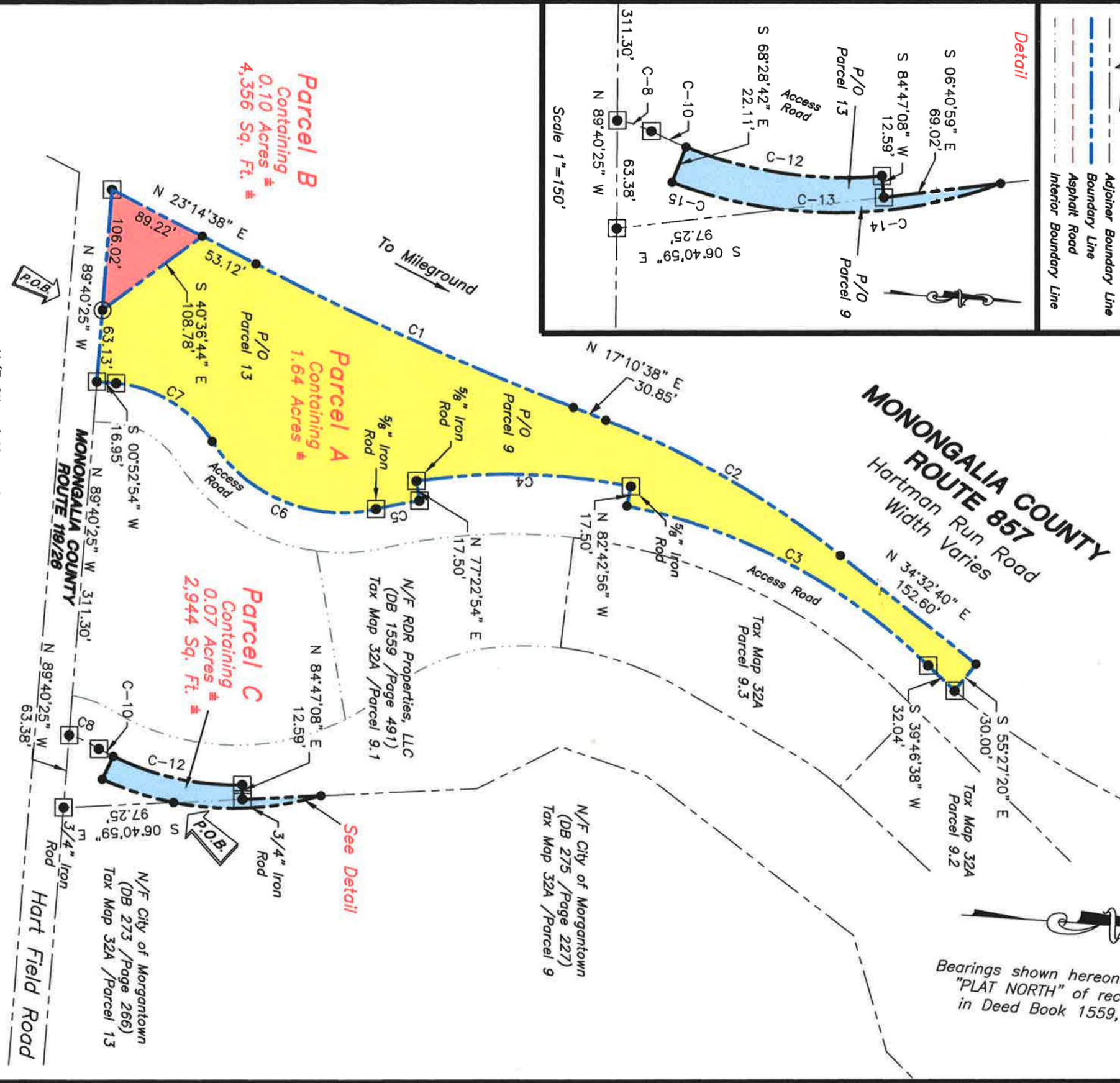
**LEGEND**

- PK Nail Found (Unless Noted)
- 5/8" X 30" Capped Iron Rod Set
- Point
- Point of Beginning
- Adjoiner Boundary Line
- Boundary Line
- Asphalt Road
- Interior Boundary Line

Parcels A, B and C shown hereon as being a part of the same tract or parcel of real estate conveyed unto The City of Morgantown by deed dated the 11th day of October, 1935, of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book 273, at Page 266 (Parcel 13), and Parcels A & C also being a part of the same tract or parcel of real estate conveyed unto The City of Morgantown by deed dated the 3rd day of January, 1936, of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book 275, at Page 227 (Parcel 9).



Bearings shown hereon are based on "PLAT NORTH" of record as shown in Deed Book 1559, Page 496.



N/F City of Morgantown  
(DB 273 /Page 266)  
Tax Map 32A /Parcel 13

N/F RDR Properties, LLC  
(DB 1559 /Page 491)  
Tax Map 32A /Parcel 9.1

N/F City of Morgantown  
(DB 275 /Page 227)  
Tax Map 32A /Parcel 9

N/F City of Morgantown  
(DB 273 /Page 266)  
Tax Map 32A /Parcel 13

**Plat of Parcels A, B & C**  
Surveyed For  
**RDR Properties, LLC**  
Morgantown Corporation District  
Tax Map 32A, P/O Parcels 9 & 13  
Monongalia County, West Virginia  
Surveyed: May, 2020  
Scale 1" = 100'

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD DISTANCE
C1	306.51'	2894.79'	N 20°12'38" E	306.37'
C2	239.01'	788.51'	N 25°51'39" E	238.10'
C3	303.95'	527.50'	S 23°47'29" W	299.76'
C4	189.32'	545.00'	S 02°40'01" E	188.37'
C5	39.13'	527.50'	S 14°44'36" E	39.12'
C6	166.14'	135.50'	S 18°15'24" W	155.92'
C7	102.17'	111.50'	S 27°07'54" W	98.63'
C8	20.93'	64.50'	N 17°47'35" E	20.84'
C10	22.26'	247.47'	N 24°31'09" E	22.25'
C12	117.16'	247.47'	S 08°22'48" W	116.07'
C13	196.85'	274.09'	N 00°15'08" E	192.64'
C14	130.49'	274.09'	N 06°40'59" W	129.26'
C15	66.35'	274.09'	N 13°53'28" E	66.19'



**Consolidated Survey, PLLC**

Worthington, West Virginia  
(304) 694-3696  
Job No. 20-047

This survey is not valid without original blue signature and seal. Declarations made hereon on the date indicated are to the owner(s) or buyer(s) listed hereon and are not transferable to additional institutions or subsequent interested parties. This survey was conducted without the benefit of an attorney's title report and may not reflect all exceptions, rights of way, easements or restrictions.



This instrument was jointly prepared by:

Ryan P. Simonton  
Kay Casto & Chaney PLLC  
Suite 100  
1085 Van Voorhis Road  
Morgantown, West Virginia 26505

Robert Louis Shuman  
Reeder & Shuman  
256 High Street  
Post Office Box 842  
Morgantown, West Virginia 26507-0842

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Quitclaim Deed

This Quitclaim Deed ("**Deed**") is made and entered into this the    day of   , 2020, by and between The City of Morgantown, West Virginia, a municipal corporation, party of the first part, as grantor ("**Grantor**"), and RDR Properties LLC, a West Virginia limited liability company, party of the second part, as grantee ("**Grantee**").

For and in consideration of the amount of Ten Dollars (\$10.00), and other good and valuable consideration, the adequacy, payment, receipt, and sufficiency of all of which are acknowledged, without assurance, covenant, or warranty of title, Grantor confirms, conveys, grants, quitclaims, releases, and transfers to Grantee the lot, parcel, or tract located and situate in the Sixth Ward of The City of Morgantown, Morgan District, Monongalia County, West Virginia, described as follows:

Parcel A: Beginning at a 5/8 inch by 30 inch capped iron rod (set) standing on the north side of Monongalia County Route 119/26, known as Hart Field Road, as a corner to Parcel B depicted on the Plat (as subsequently defined); thence leaving Hart Field Road with a line of Parcel B, N 40° 36' 44" W 108.78 feet to a point standing on the east side of Monongalia County Route 857, known as Hartman Run Road, as a corner to Parcel B; thence leaving Parcel B with a line along the east side of Monongalia County Route 857, N 23° 14' 38" E 53.12 feet to a point standing on the east side of Monongalia County Route 857; thence with a curve turning to the left along the east side of Monongalia County Route 857, having a radius of 2894.79 feet, a chord bearing of N 20° 12' 38" E, and a chord length of 306.37 feet northeast along such curve for 306.51 feet to a point; thence N 17° 10' 38" E 30.85 feet to a point; thence with a curve turning to the right, having a radius of 788.51 feet, a chord bearing of N 25° 51' 39" E, and a chord length of 238.10 feet northeast along such curve for 239.01 feet to a point; thence N 34° 32' 40" E 152.60 feet to a point; thence S 55° 27' 20" E 30.00 feet to a pk nail (found) standing on the east side of Hartman Run Road as a corner to land now or formerly of RDR Properties LLC (Deed Book 1559 Page 491); thence with RDR Properties LLC, S 39° 46' 38" W 32.04 feet to a pk nail (found); thence with a curve turning to the left, having a radius of 527.50 feet, a chord bearing of S 23° 47' 29" W, and a chord length of 299.76 feet southwest along such curve for

303.95 feet to a point; thence N 82° 42' 56" W 17.50 feet to a 5/8-inch capped iron rod (found); thence with a curve turning to the left, having a radius of 545.00 feet, a chord bearing of S 02° 40' 01" E, and a chord length of 188.37 feet southeast along such curve for 189.32 feet to a 5/8 inch capped iron rod (found); thence N 77° 22' 54" E 17.50 feet to a point pk nail (found); thence with a curve turning to the left, having a radius of 527.50 feet, a chord bearing of S 14° 44' 36" E, and a chord length of 39.12 feet southeast along such curve for 39.13 feet to a 5/8 inch capped iron rod (found); thence with a reverse curve turning to the right, having a radius of 135.50 feet, a chord bearing of S 18° 15' 24" W, and a chord length of 155.92 feet southwest along such curve for 166.14 feet to a point; thence with a reverse curve turning to the left, having a radius of 111.50 feet, a chord bearing of S 27° 07' 54" W, and a chord length of 98.63 feet southwest along such curve for 102.17 feet to a pk nail (found); thence S 00° 52' 54" W 16.95 feet to a pk nail (found), standing on the north side of Hart Field Road as a corner to RDR Properties LLC; thence leaving RDR Properties LLC with a line of Hart Field Road, N 89° 40' 25" W 63.13 feet to the place of beginning, containing 1.64 acres, more or less ("**Parcel**"), and depicted and identified as "Parcel A" on the plat of survey prepared by Chad Enoch Freels, PS 2177, of Consolidated Survey, PLLC, dated May 13, 2020, appended to this Deed as an exhibit and incorporated and integrated into this Deed by this reference ("**Plat**").

The Parcel is a part of the property that was granted and conveyed to Grantor (1) as Parcel 9 in the deed dated January 3, 1936, of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia ("**Clerk's Office**") in Deed Book 275 at Page 227 and (2) as Parcel 13 in the deed dated October 11, 1935, of record in the Clerk's Office in Deed Book 273 at Page 266.

The Parcel is identified as part of Parcels 0009 and 0013 on Tax Map 32A of Sixth Ward of The City of Morgantown, Morgan District, Monongalia County, West Virginia.

The Parcel is conveyed, granted, and transferred to Grantee and accepted by Grantee encumbered by and subject to the following conditions, covenants, exceptions, limitations, reservations, or restrictions which shall bind and run with the Parcel:

- (1) Grantor, sponsor for the Morgantown Municipal Airport, reserves unto itself and its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the Parcel, together with the right to cause in such airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used, for navigation of or flight in such airspace, and for use of such airspace for landing on, taking off from, or operating on the Morgantown Municipal Airport.
- (2) Grantor and Grantee expressly agree for themselves and their successors and assigns to restrict the height of structures, objects of natural growth, and other obstructions on the Parcel to heights that

would not constitute an obstruction to air navigation as determined by the Federal Aviation Administration.

- (3) Grantor and Grantee expressly agree for themselves and their successors and assigns to prevent any use of the Parcel which would interfere with the landing or taking off of aircraft at the Morgantown Municipal Airport or interfere with air navigation and communications serving the airport or that would otherwise constitute an airport hazard.

#### Grading Easement

Grantor further confirms, conveys, grants, quitclaims, releases, and transfers to Grantee, as an appurtenance to (1) the Parcel, (2) Parcel Two described in the confirmatory deed dated December 16, 2002, of record in the Clerk's Office in Deed Book 1243 at Page 524, (3) Parcel Three described in the confirmatory deed dated December 16, 2002, of record in the Clerk's Office in Deed Book 1243 at Page 524, and (4) the three (3) parcels described in the deed dated August 19, 2016, of record in the Clerk's Office in Deed Book 1559 at Page 491 ("**Benefitted Parcels**"), a perpetual easement and right of way ("**Grading Easement**") across, on, over, and upon the lot, parcel, or tract described as follows:

Parcel B: Beginning at a 5/8 inch by 30 inch capped iron rod (set) standing on the north side of Monongalia County Route 119/26, known as Hart Field Road, as a corner to Parcel A; thence leaving Parcel A with a line of Hart Field Road, N 89° 40' 25" W 106.02 feet to a pk nail (found) standing at the intersection of Monongalia County Route 857, known as Hartman Run Road, and Hart Field Road; thence leaving Hartman Run Road with a line along the east side of Monongalia County Route 857, N 23° 14' 38" E 89.22 feet to a point standing as a corner to Parcel A on the east side of Monongalia County Route 857; thence leaving Monongalia County Route 857 with a line of Parcel A, S 40° 36' 44" E 108.78 feet to the place of beginning, containing 0.10 acre, or 4,356 square feet, more or less, and depicted and identified as "Parcel B" on the Plat.

The Grading Easement shall be for the purposes of (a) clearing, controlling, cutting, trimming, and removing brush, bushes, shrubbery, stumps, trees, and other flora or vegetation located on the property burdened by the Grading Easement, (b) compacting, cutting, excavating, grading, and sloping earth, rock, soil, and similar materials or substances, removing earth, rock, soil, and similar materials or substances, and otherwise altering the contour, drainage, elevation, grade, slope, and topography of the property burdened by the Grading Easement, (c) building, constructing, creating, erecting, or establishing grades, slopes, toes, and other soil formations or engineering designs to create, give, or provide lateral support, and (d) traveling and traversing the property burdened by the Grading Easement with persons, equipment, materials, and supplies for the purpose of performing the foregoing objectives. The performance of the grading, sloping, and other activities contemplated by this Deed ("**Grading Activities**") shall be performed at the exclusive and sole cost, expense, and risk of Grantee. In addition, prior to commencing any Grading Activities, Grantee shall deliver to Grantor photocopies of all authorizations, consents, or permits required to

be obtained by Grantee in connection therewith, if any. As of the completion of the performance of the Grading Activities, Grantee shall seed or otherwise stabilize the graded portions and any other parts or portions of property incidentally disturbed in the course of the performance of such activities to prevent erosion from storm runoff. The completion of the performance of the Grading Activities shall leave the property encumbered by the Grading Easement in a condition suitable for placement of signage by Grantor. Upon the erection of signage by Grantor, any additional Grading Activities shall not disturb or impair the use of such signage erected by Grantor without the prior written consent of an authorized representative of Grantor.

#### Parking Easement

Grantor further confirms, conveys, grants, quitclaims, releases, and transfers to Grantee, as an appurtenance to the Benefitted Parcels, a perpetual easement and right of way ("**Parking Easement**") across, on, over, and upon the lot, parcel, or tract described as follows:

Parcel C: Beginning at a point located N 06° 40' 59" W 97.25 feet from a ¾ inch iron rod (found) standing on the north side of Monongalia County Route 119/26, known as Hart Field Road as a corner to land now or formerly of The City of Morgantown (Deed Book 273 Page 266) (Tax Map 32A Parcel 13) and as a corner to other land of The City of Morgantown (Deed Book 275 Page 227) (Tax Map 32A Parcel 9); thence leaving Tax Parcel 9 with a curve turning to the right through Tax Parcel 13, having a radius of 274.09 feet, a chord bearing of S 13° 53' 28" W, and a chord length of 66.19 feet southwest along such curve for 66.35 feet to a point; thence with a new line, S 68° 28' 42" E 22.11 feet to a point standing in a line of land now or formerly of RDR Properties LLC (Deed Book 1559 Page 491); thence with a curve turning to the left, having a radius of 247.47 feet, a chord bearing of N 08° 22' 48" E, and a chord length of 116.07 feet northeast along such curve for 117.16 feet to a pk nail (found); thence N 84° 47' 08" E 12.59 feet to a 3/4-inch iron rod (found) standing as a corner to RDR Properties LLC and as a corner to The City of Morgantown (Tax Map 32A Parcel 13) in a line of The City of Morgantown (Tax Map 32A Parcel 9); thence with a partial line of The City of Morgantown (Tax Map 32A Parcel 9), N 06° 40' 59" W 69.02 feet to a point; thence leaving RDR Properties LLC (Deed Book 1559 Page 491) with a curve turning to the right through Tax Parcel 9, having a radius of 274.09 feet, a chord bearing of S 06° 40' 59" E, and a chord length of 129.26 feet southeast along such curve for 130.49 feet to the place of beginning, containing 0.07 acre, or 2,944 square feet, more or less, and depicted and identified as "Parcel C" on the Plat.

The Parking Easement shall be for the purposes of (1) parking automobiles, bicycles, motorcycles, and motor vehicles by Grantee and the agents, contractors, customers, employees, guests, invitees, lessees, licensees, representatives, subcontractors, tenants, and vendors of Grantee, (2) clearing, controlling, cutting, trimming, and removing brush, bushes, shrubbery, stumps, trees, and other flora or vegetation located on the property burdened by the Parking Easement to build, construct, create, or maintain parking facilities, (3) compacting, cutting, excavating, grading, and sloping earth, rock, soil, and similar materials or substances, removing earth, rock, soil, and similar materials or

substances, and otherwise altering the contour, drainage, elevation, grade, slope, and topography of the property burdened by the Parking Easement to build, construct, create, or maintain parking facilities, and (4) maintaining, repairing, replacing, upgrading, and upkeeping parking facilities on the property burdened by the Parking Easement.

The Parcel, the Grading Easement, and the Parking Easement are conveyed and granted to Grantee and accepted by Grantee encumbered by and subject to all agreements, assessments, conditions, covenants, easements, exceptions, limitations, mineral severances, reservations, restrictions, rights of way, servitudes, and other encumbrances as have been imposed upon the same of record in the Clerk's Office by Grantor and Grantor's predecessors in title which are effective and enforceable as of the delivery of this Deed.

#### Signage Easement

Grantor further confirms, conveys, grants, quitclaims, releases, and transfers to Grantee, as an appurtenance to the Benefitted Parcels, a perpetual easement and right of way to display, install, or place, in the second (2<sup>nd</sup>) to the top position, (1) a sign panel on each face or side of the marquee, monument, or pylon sign of the Morgantown Municipal Airport located on Grantor's property adjacent to U.S. Route 119 (Mileground Road), as such marquee, monument, or pylon sign shall be altered, built, constructed, modified, rebuilt, reconstructed, repaired, replaced, or substituted, and (2) a sign panel on each face or side of the marquee, monument, or pylon sign of the Morgantown Municipal Airport to subsequently be located on the property burdened by the Grading Easement at the intersection of Monongalia County Route 857 (Hartman Run Road) and Monongalia County Route 119/26 (Hart Field Road), as such marquee, monument, or pylon sign shall be altered, built, constructed, modified, rebuilt, reconstructed, repaired, replaced, or substituted. Each sign panel shall be in the second (2<sup>nd</sup>) to the top position and measure approximately four and one-half (4.5) feet in length and one and three-fourths (1.75) feet in height. Initially, each sign panel shall be fabricated and provided by and installed or placed at the cost and expense of Grantor or the Morgantown Municipal Airport. In the event that Grantee shall desire or intend to display, install, or place any sign panels other than those initially installed or placed by Grantor or the Morgantown Municipal Airport or initially proposed to be installed or placed by Grantor or the Morgantown Municipal Airport, the cost and expense of fabricating, providing, installing, and placing such sign panels desired or intended by Grantee shall be borne by Grantee and subject to the approval of the director of the Morgantown Municipal Airport, which approval shall not be unreasonably conditioned, delayed, denied, or withheld.

#### Release of Option

Effective as of the delivery of this Deed, Grantee cancels, extinguishes, and releases the option contained in the license agreement dated September 13, 2018, of record in the Clerk's Office in Deed Book 1640 at Page 752 to the extent that such option burdens, concerns, or pertains to any lots or parcels other than the Parcel, with the express intent that such option shall no longer be of force or effect as of the delivery of this Deed.

Declaration of Consideration or Value: Under and pursuant to the provisions of Article 22 of Chapter 11 of the West Virginia Code, Grantor declares that the transfer of property effected and made by this Deed is exempt from the applicable excise taxes on the basis that it is a transfer from a political subdivision of the State of West Virginia.

Signature Pages Follow

Witness the following signature.

The City of Morgantown, West Virginia,  
a municipal corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

State of West Virginia,  
County of Monongalia, to-wit:

The foregoing instrument was acknowledged and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_, in his capacity as \_\_\_\_\_ of The City of Morgantown, West Virginia, a municipal corporation, for and on behalf of such corporation, as the act and deed of such corporation.

{SEAL}

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

RDR Properties LLC, a West Virginia limited liability company  
By: Biafora's Incorporated, a West Virginia corporation  
Title: Manager

By: \_\_\_\_\_  
Name: Richard A. Biafora  
Title: President

State of West Virginia,  
County of Monongalia, to-wit:

The foregoing instrument was acknowledged and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Richard A. Biafora, in his capacity as the president of Biafora's Incorporated, a West Virginia corporation, in its capacity as the manager of RDR Properties LLC, a West Virginia limited liability company, for and on behalf of such limited liability company, as the act and deed of such limited liability company.

{SEAL}

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

THIS INSTRUMENT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION, TITLE REPORT, TITLE CERTIFICATE, OR TITLE INSURANCE COMMITMENT AND NEITHER THE PREPARER NOR REEDER & SHUMAN BY THE PREPARATION OF THIS INSTRUMENT MAKE ANY EXPRESS OR IMPLIED WARRANTIES, REPRESENTATIONS, OR AFFIRMATIONS OF ANY KIND, NATURE, MANNER, OR CHARACTER, INCLUDING, WITHOUT LIMITATION, WARRANTIES, REPRESENTATIONS, OR AFFIRMATIONS RELATING TO THE QUALITY OF TITLE, THE NATURE OF TITLE, POSSESSION, QUIET ENJOYMENT, MERCHANTABILITY, FITNESS FOR A PARTICULAR USE OR PURPOSE, THE CONDITION OF THE PROPERTY, ACCESS TO THE PROPERTY, OR THE CAPACITY OF GRANTOR(S) TO GRANT OR CONVEY TITLE.

Exhibit to Quitclaim Deed

**AN ORDINANCE AUTHORIZING A DEED TO RDR PROPERTIES  
TRANSFERRING PROPERTY AT THE MORGANTOWN MUNICIPAL AIRPORT**

The City of Morgantown hereby ordains that the City Manager is authorized to execute the attached deed, together with any ancillary or related documents necessary to effect the transaction described therein, transferring property at the Morgantown Municipal Airport to RDR Properties, LLC, in consideration of the payment of \$33,686.49 and the mutual performance of the conditions and obligations in the attached deed.

FIRST READING: \_\_\_\_\_

\_\_\_\_\_  
Mayor

SECOND READING: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
City Clerk

FILED: \_\_\_\_\_

**Options for City Council Terms and Elections**  
**May 27, 2020**

Morgantown City Council is considering whether to hold a referendum on changing the terms of office for council members. Currently, the entire City Council is elected every two years. Other West Virginia cities similar to Morgantown have four-year terms for Council Members. Executives in public administration have suggested that longer terms promote stable policy and efficient management of public staff and resources, better handling long-term and complex problems. Alternately, two-year terms provide voters more regular opportunities to directly vote on representatives. City Council would like public input on the following options being considered for the ballot:

Council Term Options

1. **Entire Council Elected Every Two Years (No Change)**
  - 2-year terms with elections every 2 years
  - Elections select all 7 members of Council every two years (no change)
  
2. **Three or Four Members of Council Elected Every Two Years**
  - 4-year terms with elections every 2 years
  - Elections will alternate between selecting 4 members and 3 members of the 7-member Council
  
3. **A Minority of Council Elected Every Year (Annual Elections)**
  - 3-year terms with elections every year
  - Elections will successively select 3 members, 2 members, and 2 members
  
4. **Entire Council Elected Every Four Years**
  - 4-year terms with elections every 4 years
  - Elections will select all 7 members every 4 years

Election Date Options

1. **City Election in April of Odd-Numbered Years (no change)**
  - Option for current system (Option 1 above) and 4/3 staggered terms (Option 2 above)
  - No change in election date required

## 2. City Election in April of Each Year

- Only option for 3-year terms with a minority of Council Members selected at each election (Option 3 above)

## 3. City Election every Four Years

- Option for concurrent 4-year terms
- Change of election date to 4-year cycle, with or without change in date of election

## 4. City Election in November of Even-Numbered Years

- Requires County authorization to place City election on ballot
- Requires change in initial Council member terms to coincide with November election and taking office in January

### Process to Change Council Terms

Council terms are set by the City Charter. City Council may adopt an ordinance stating the proposed change in terms (and election date, if preferred) and hold a vote on the proposal at the next City Council election in April of 2021.

The City Council could alternately hold a special election on the proposed change if two-thirds of Council members vote to hold a special election and set a date for the election 30 to 60 days after adoption of the ordinance. The vote could only be held as part of the November general election administered by the County if the County agrees ahead of time to include it on the ballot. Otherwise, a special election would require the City to provide polling places and election workers.

### Summary of Council Member terms – West Virginia Cities<sup>1</sup>

1. Beckley	4-year terms; concurrent.	Elected 2 <sup>nd</sup> Tuesday in May
2. Bluefield	4-year terms; staggered 3/2	Elected 1 <sup>st</sup> Tuesday in June
3. Bridgeport	4-year terms; staggered 3/2	Elected 2 <sup>nd</sup> Tuesday in June
4. Charleston	4-year terms; concurrent (20 wards)	Elected 1 <sup>st</sup> Tuesday in November <sup>*†</sup>
5. Clarksburg	4-year terms; staggered 4/3	Elected 1 <sup>st</sup> Tuesday in June
6. Fairmont	4-year terms; staggered 5/4	Elected 1 <sup>st</sup> Tuesday in November <sup>*</sup>
7. Huntington	4-year terms; concurrent	Elected 1 <sup>st</sup> Tuesday in November <sup>*†</sup>
8. Martinsburg	4-year terms; concurrent	Elected 2 <sup>nd</sup> Tuesday in June
9. Parkersburg	4-year terms; concurrent	Elected 2 <sup>nd</sup> Tuesday in November <sup>*†</sup>
10. Wheeling	4-year terms; concurrent	Elected 2 <sup>nd</sup> Tuesday in May

\*Election date is the first Tuesday after the first Monday in November.

†Partisan elections with preceding Primary elections and/or nominations by political parties

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<sup>1</sup> Current through 2018



**City of Morgantown  
General Fund Schedule of Revenues and Expenditures  
For the Month Ended May 31, 2020**

	Fiscal Calendar 2020				Fiscal Calendar 2019			
	Current Budget	YTD Total	MTD Total	% of Budget	Current Budget	YTD Total	MTD Total	% of Budget
<b>REVENUES</b>								
Business & Occupational Tax	15,600,000.00	16,498,123.57	1,547,713.65	106%	14,300,000.00	15,115,525.70	1,710,896.38	106%
Property Tax	4,625,398.00	4,349,352.84	118,712.27	94%	4,025,568.00	4,243,229.60	276,273.88	105%
Fire Protection Fees	3,371,100.00	3,345,273.47	-	99%	3,326,000.00	3,310,665.39	(437.42)	100%
Municipal Service Fees	4,500,000.00	4,333,184.34	247,458.53	96%	4,500,000.00	4,284,063.04	652,646.06	95%
Other Taxes	3,373,982.00	3,188,207.28	(207,790.00)	94%	3,539,248.00	3,566,387.25	253,095.67	101%
Fines and Forfeitures	500,000.00	343,404.72	19,174.00	69%	650,000.00	439,729.49	45,877.50	68%
License and Permits	397,000.00	308,761.42	23,328.59	78%	442,095.00	303,792.58	27,123.50	69%
Intergovernmental & Grants	1,023,386.00	668,115.55	137,390.84	65%	2,192,833.00	1,217,291.67	53,096.98	56%
Interfund Charges	66,800.00	-	-	0%	30,000.00	30,000.00	-	100%
Refuse Collection	1,300,000.00	1,430,936.72	149,565.60	110%	1,300,000.00	958,504.41	157,656.63	74%
Miscellaneous	470,340.00	470,949.33	175,852.88	100%	493,340.00	397,878.65	74,024.02	81%
Other Charges For Services	107,000.00	104,279.00	7,948.00	97%	99,025.00	122,754.60	18,877.00	124%
Prior Year Balance	3,400,000.00	-	-	0%	3,121,500.00	-	-	0%
<b>Grand Total</b>	<b>38,735,006.00</b>	<b>35,040,588.24</b>	<b>2,219,354.36</b>	<b>90%</b>	<b>38,019,609.00</b>	<b>33,989,822.38</b>	<b>3,269,130.20</b>	<b>89%</b>
<b>EXPENSES</b>								
409 Mayor	11,488.00	8,991.23	1.04	78%	10,778.00	9,266.50	379.16	86%
410 Council	68,518.00	49,352.67	3,180.15	72%	60,180.00	43,037.14	1,783.51	72%
412 City Manager	942,928.00	813,818.58	87,899.57	86%	811,455.00	666,010.83	71,785.75	82%
414 Finance	1,092,586.00	1,025,262.40	77,292.04	94%	1,009,184.00	805,923.60	70,277.84	80%
415 City Clerk	185,999.00	162,096.32	19,070.05	87%	209,531.00	171,143.49	2,329.82	82%
416 Municipal Court	310,613.00	255,356.06	18,053.80	82%	304,321.00	232,491.79	20,028.44	76%
417 City Attorney	1,155,000.00	1,085,777.52	35,239.10	94%	912,678.00	327,665.48	24,611.95	36%
420 Engineering	548,204.00	366,186.15	24,844.57	67%	711,679.00	384,089.69	36,646.97	54%
422 Personnel	446,710.00	307,528.94	19,077.21	69%	244,911.00	168,163.98	22,272.03	69%
436 Building Inspection	1,226,609.00	1,132,685.44	92,820.72	92%	1,255,354.00	984,915.08	80,448.62	78%
437 Planning & Zoning	417,800.00	276,844.73	22,985.62	66%	374,560.00	280,839.27	25,338.96	75%
438 Elections	-	-	-	0%	31,500.00	27,794.05	24,942.47	88%
439 Information Technology	365,010.00	269,778.07	17,423.07	74%	343,443.00	236,249.72	16,143.55	69%
440 City Hall	698,285.00	573,309.60	42,032.77	82%	678,044.00	576,935.02	51,754.75	85%
700 Police Department	9,190,187.00	8,340,590.81	510,272.11	91%	9,453,206.00	8,242,630.65	590,738.24	87%
706 Fire Department	6,562,007.00	6,027,174.85	385,328.86	92%	6,595,347.00	5,667,809.39	440,153.15	86%
750 Street Department	2,857,090.00	2,587,315.15	178,519.15	91%	2,649,807.00	2,352,763.48	196,095.55	89%
752 Signs & Signals	812,284.00	615,164.89	52,586.69	76%	774,993.00	618,520.71	55,302.01	80%
754 Equipment Maintenance	632,722.00	552,385.83	40,726.53	87%	754,265.00	557,886.86	32,806.59	74%
950 Urban Landscape	252,077.00	204,535.74	16,060.03	81%	245,400.00	208,965.17	18,780.60	85%
707 Animal Control	30,172.00	27,657.41	2,514.31	92%	39,060.00	26,852.43	2,441.13	69%
424 Contributions	444,279.00	401,444.13	16,111.52	90%	499,279.00	449,511.56	37,043.60	90%
444 Transfers	8,885,268.00	5,906,180.08	(25,940.87)	66%	8,618,004.00	7,122,561.07	210,914.39	83%
699 Contingencies	272,884.00	-	-	0%	145,630.00	-	-	0%
800 Refuse Department	1,287,000.00	1,271,013.12	123,769.65	99%	1,275,000.00	1,074,107.52	119,735.76	84%
802 Recycling	36,886.00	495.00	495.00	1%	-	-	-	0%
<b>Grand Total</b>	<b>38,732,606.00</b>	<b>32,260,944.72</b>	<b>1,760,362.69</b>	<b>83%</b>	<b>38,007,609.00</b>	<b>31,236,134.48</b>	<b>2,152,754.84</b>	<b>82%</b>