

## MORGANTOWN CITY CODE

### PART THIRTEEN - PLANNING AND ZONING CODE

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ARTICLE 1321  
Design Standards

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Street design and classification standards - see S.U. & P.S. Art. 909

1321.01 GENERAL PROVISIONS.

The arrangement, character, extent, width and location of major, secondary and minor streets and highways shall conform with the Major Thoroughfare Plan for the City which is on file in the office of the City Manager and with the provisions of these Subdivision Regulations. Streets not contained in the Major Thoroughfare Plan should conform to the recommendation of the Planning Commission based on existing and planned streets, topography, public safety and convenience and proposed uses of land.

Planned unit type development is encouraged by the Commission. Where large subdivisions designed on the basis of neighborhood units are being reviewed, consideration will be given to the placement of commercial areas and public areas, in relation both to the neighborhood unit being developed and to other units that might be developed. Where small subdivisions are being reviewed, the Commission shall coordinate such subdivisions, to the extent practicable, into units so that the same relationship with respect to commercial areas and public areas may be realized. These design standards shall be required in all areas except where special provisions are made for planned unit developments and for hillside area in excess of sixteen percent (16%) of slope. Exceptions to the provisions in this article which are made for hillside development are specified in Article 1325 and for planned unit developments in Article 1327.

(1967 Code Sec. 30-23.)

1321.02 STREETS.

(a) Design and Arrangement.

- (1) The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. Every subdivision shall have access to a public right of way.

- (2) The street and alley arrangement shall be such as not to cause hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Residential streets shall be so designed as to discourage through traffic, but offset streets with an offset of less than 150 feet should be avoided.
- (3) The angle of intersection between minor streets and major streets should not vary by more than ten degrees from a right angle. All other streets should intersect each other as near to a right angle as possible.
- (4) The minimum curb radius shall be twenty feet to face of curb. Without curb the minimum pavement radius shall be thirty feet to edge of pavements. Curb and gutter shall be required for all areas of fifteen percent (15%) or greater slope.
- (5) Residential streets shall be designed to discourage through traffic which may otherwise use secondary or major highways, and whose origin and destination are not within the subdivision. Residential streets extending for considerable distance, parallel to any secondary or major street, should be avoided.
- (6) Street jogs with center line offsets of less than 150 feet shall be avoided.

(b) Alignment.

- (1) Vertical. For main thoroughfares, profile grades shall be connected by vertical curves of a minimum length equivalent to twenty times the algebraic difference between the rates of grade, expressed in feet per 100; for secondary and minor streets and alleys, fifteen times.
- (2) Minimum horizontal. The radii of centerline curvature:

	<u>Degrees</u>	<u>Feet</u>
Primary thoroughfare	15	475
Secondary thoroughfare	19	300
Minor streets	20	200
Streets shorter than 500 feet	58	100

A minimum fifty foot tangent shall be introduced between reverse curves on secondary and minor streets and 100 feet on primary thoroughfares .

- (3) Visibility requirements.
  - A. Minimum vertical visibility (measured four and one-half feet eye level to tail light eighteen inches above ground level).
    - 500 feet on primary thoroughfares
    - 300 feet on secondary thoroughfares
    - 200 feet on minor streets
    - 100 feet on streets shorter than 500 feet.
  - B. Minimum horizontal visibility shall be:
    - 500 feet on main thoroughfares measured on centerline
    - 300 feet on secondary thoroughfare measured on centerline
    - 200 feet on all other streets measured on centerline.
  - C. A clear sight triangle shall be provided at all street intersections. Within such triangle no vision obstruction objects shall be permitted which exceed a height of thirty inches above the elevation of the abutting streets. Such sight triangles shall be established from a distance of:

1. 100 feet from point of intersection of the street center lines for major streets and
2. 75 feet from point of intersection of the street center lines for primary streets and
3. 50 feet from point of intersection of the street center lines for all other streets.

(c) Street Type and Width.

- (1) Width of major thoroughfares. The width of all major thoroughfares shall conform to the width designated on the Major Thoroughfare Plan of the City.
- (2) Minimum right of way. The minimum right-of-way widths of all collector streets shall be sixty feet.
- (3) Width of local streets. The minimum width of local streets serving single-family dwellings, townhouses and semi-detached houses shall be fifty feet and the pavement width shall be twenty-eight feet, except where there are unusual topographical or other physical conditions, the Planning Commission may permit a lesser width for a local street. The minimum width of local streets serving apartment dwellings shall be sixty feet and the pavement width shall be thirty-six feet.
- (4) Location. When a proposed subdivision is adjacent to or contains a State highway, the Commission will seek information from the Commissioner of Highways as to the status of the highway in reference to width and direction, and also to access of such highway.
- (5) Half streets. Dedication of new half streets shall not be permitted. Where a dedicated or platted half street or alley exists adjacent to the tract being subdivided, the other half shall be platted, if deemed necessary by the Planning Commission.
- (6) Cul-de-sacs. Each cul-de-sac shall be provided with a turnaround having a minimum right-of-way radius of fifty feet. The outside of the road surface within the turnaround right of way shall have a minimum radius of thirty-eight feet. The maximum length for a cul-de-sac shall be 600 feet except where topographical conditions require a longer length which shall be subject to the approval of the Commission.
- (7) Dead-end streets. Dead-end streets, designated to be so permanently, shall not be permitted. Any dead-end street of a temporary nature, if longer than 200 feet or fronted by existing lots, shall have a surfaced turning area equal in diameter to the right-of-way width of such street at its termination.
- (8) Marginal access streets.
  - A. Where a subdivision adjoins a major street, and the greater dimension of the block fronts along such major street or highway, a marginal access street shall be designed to provide access to subdivided parcels. Points of access to the major street or highway shall be kept to a minimum interval of 300 feet.
  - B. A planting strip of minimum width of twenty feet shall be provided between the pavement of the major street or highway and the pavement of the marginal access street.
  - C. The minimum width of the marginal access street shall be thirty feet.
- (9) Street grades. Street grade shall not exceed the following with due allowances for reasonable vertical curves:

	<u>Desirable (Percent)</u>	<u>Maximum (Percent)</u>
Primary thoroughfare	6	8
Secondary thoroughfare	8	10
Minor streets and alleys	10	13
Streets shorter than 500 feet and cul-de-sacs	12	15

- (10) Street and subdivision names. The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other subdivision or street in the area covered by these Subdivision Regulations. Proposed streets which are obviously in alignment with existing streets or are extensions of existing streets shall bear the name of the existing street. All street names shall be subject to approval by the Municipality or Commission.  
(1967 Code Sec. 30-24.)

#### 1321.03 ALLEYS.

Alleys should be avoided in single or two-family districts. They may, however, be required in multiple dwelling developments where they should have a minimum width of twenty feet. Alleys are required in the rear of all commercial and industrial lots, if no other provisions are made for adequate service access or for parking. The rights of way of such alleys shall not be less than forty-five feet and dead-end alleys shall not be permitted.  
(1967 Code Sec. 30-25.)

#### 1321.04 BUILDING LINES AND EASEMENTS.

(a) Building Lines. Building lines shall be established according to the provisions of the Zoning Ordinance of the City.

(b) Easements. Easements of at least five feet in width shall be provided on each side of all rear lot lines and along side lot lines, where necessary, for poles, wires, conduits and gas mains. Easements may also be required along or across lots where engineering design or special conditions may necessitate the installation of water and sewer lines outside public rights of way. A two-foot easement shall be required on one side of an alley to accommodate pole lines. (1967 Code Sec. 30-26.)

#### 1321.05 BLOCKS.

(a) No block shall be longer than 1,320 feet nor less than 500 feet, except in unusual circumstances. Where a subdivision adjoins a major highway, the greater dimension of the block shall front along such major highway to minimize the number of points of ingress or egress.

(b) Where blocks are over 750 feet in length a crosswalk easement not less than ten feet in width on or near the halfway point may be required, if necessary to provide proper access to schools, playgrounds, shopping centers and other facilities.  
(1967 Code Sec. 30-27.)

#### 1321.06 LOTS.

(a) The lot arrangement and design shall be such that all sublots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

(b) All side lines of lots shall be at right angles to street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout. Lots with double frontage except when paralleling major highways will be avoided.

(c) No lot shall have less area or width at the building line than is required by the zoning regulations applying to the area in which it is located.

(d) "Panhandle lots" or "flag lots" may be permitted where topographic conditions or property configurations indicate such lots to be necessary and desirable provided that the main portion of the lot conforms to the requirements of the Zoning Ordinance.

(e) In case of unusual soil conditions or other physical factors which may impair the health and safety of the neighborhood in which a subdivision may be located, upon recommendation of the County Health Officer or Engineer, the Planning Commission may require larger lot widths and lot areas as deemed necessary .

(f) No corner lot shall have a width at the building line of less than seventy-five feet. Either of the two sides of a corner lot fronting on a street may be designated the front of a lot, provided the rear yard shall always be opposite the frontage so designated. Dwellings may be placed diagonally on a corner lot in which case the frontage shall be on both streets.

(g) The corners of lots at street intersections, shall have a curve with a minimum radius of twenty feet joining the two sidelines of such rights of way.  
(1967 Code Sec. 30-28.)

#### 1321.07 PUBLIC LANDS.

(a) Consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds, school sites, parks and other outdoor recreational facilities as indicated on the Comprehensive Plan and to be made available by one of the following methods:

- (1) Dedication to public uses.
- (2) Reservation of land for the use of property owners by deeds or covenants.
- (3) Reservation for acquisition by a public agency within a period of three years. Such reservation shall be made in such a manner as to provide for a release of the land to the subdivider in the event no public agency proceeds with the purchase.

(b) Due regard shall be shown for preserving outstanding cultural, historic or natural features such as scenic spots, watercourses or exceptionally fine groves of trees. Dedication to and acceptance by a public agency is the preferred means of assuring their preservation.

(c) Whenever any stream or important surface drainage course is located within the area being subdivided the subdivider shall provide a permanent easement dedicated to the proper authority for the purpose of widening, deepening, relocating, improving or protecting the stream for drainage or public use.

(d) As a safety measure for the protection of the health and welfare of the people of this City, the Planning Commission shall reserve the right to disapprove any subdivision which is subject to flooding, during normal annual peak stream flows, contains extremely poor drainage facilities or has other physical impairment. However, if the subdivider agrees to make such improvements as will make the area completely safe for residential occupancy, provided that in lieu of the improvements the subdivider shall furnish a surety bond or a certified check covering the cost of the required improvements, the subdivision may be approved, subject, however, to the approval of the County Health Officer and the Engineer.  
(1967 Code Sec. 30-29.)

#### 1321.08 TREES.

Street trees when planted shall be located outside of the street right of way or any sewer or water easements that may be adjacent to the street right of way and planted in such manner as not to impair visibility at any corner or corners. All subdividers or developers should retain existing trees which are in satisfactory condition and plant trees in each lot. The Planning Commission will cooperate in giving advice on species of trees which are acceptable for planting (See Table 1367.11.01 "Approved Street Tree and Shrub List").  
(Ord. 09-27. Passed 7-7-09.)



ARTICLE 1323  
Improvements

- |                                 |  |
|---------------------------------|--|
| 1323.01 Requirements generally. | 1323.03 Utility and street improvements. |
| 1323.02 Monuments.              |  |

CROSS REFERENCES

- Street improvements - see S.U. & P.S. Art. 911  
 Conditional approval of subdivision - see W. Va. Code 8-24-34  
 Certificates, bonds required - see P. & Z. 1319.01

1323.01 REQUIREMENTS GENERALLY.

These minimum required improvements shall be required in all areas except where special provisions are made for hillside areas in excess of sixteen percent (16%) of slope. Any exceptions to the provisions in this section which are made for hillside development are specified in Article 1325.

Prior to the granting of final approval the subdivider shall have installed or shall have furnished a performance bond for the amount of the estimated construction cost of the ultimate installation of improvements listed and described herein. The performance bond or cash deposit submitted to the office of the City Manager will assure the City that the subdivider, his heirs, successors and assigns, their agent or servants will comply with all applicable terms, conditions, provisions and requirements of these Subdivision Regulations; and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations. Before such bond is accepted it shall be approved by the proper administrative officials.

The subdivider or developer shall submit a set of construction plans for the improvement of the road, street or alley, prepared by a registered professional engineer. The construction plans shall include title of plan, typical sections, plan and profile view, miscellaneous engineering details and estimate of quantities. Cross sections will be submitted upon request by the Engineer. All typical sections and major engineering details to be used on any particular road, street or alley shall be approved in advance by the Engineer or his representative before completion of the plans. When the subdivider or developer submits for approval a construction plan for street improvements for a part of a proposed subdivision area, preliminary street grades and proposed drainage facilities for the entire subdivision area shall also be presented.

When deemed desirable the Engineer or his representative may require the construction or vacation of part or all of any intersecting roads, streets or alleys in order to assure that no hardship or added expense be endured by abutting property owners or the County at some future date.

All of the required improvements shall be made in full compliance with the specifications for each of the various units of work as required by the Engineer or the County Health Officer, according to the nature of the improvements. Upon final approval of the construction plans, two sets of the prints will be required for the use of the Engineer. (1967 Code Sec. 30-31.)

### 1323.02 MONUMENTS.

Permanent markers shall be placed at all corners where permanent corners do not exist, if practical, otherwise as directed by the Engineer. These shall be permanent markers made of concrete at least two feet long and six inches square or six inches in diameter, with appropriate markings on top. The location and description of each of these markers shall be shown on the subdivision plat.

(1967 Code Sec. 30-32.)

### 1323.03 UTILITY AND STREET IMPROVEMENTS.

(a) Water Supply.

(1) Public water supply. The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to a municipal or community water supply approved by the City Water Commission, except that when such municipal or community water supply is not available, the subdivider shall provide an individual water supply on each lot in the subdivision in accordance with minimum requirements of the County Health Department.

(2) Plans for water supply systems. The plans for the installation of a water main supply system shall be provided by the subdivider and approved by the City Water Commission and the County Health Department. The water main supply system shall not be installed until the plans for the system have been approved, in writing, by the City Water Commission. Upon the completion of the water supply installation, the plans for such system as built shall be filed with the Planning Commission.

(3) Private water supply.

A. Test wells. Where public water supply is not available at least one test well shall be made in the area being platted for each 100 lots or each twenty-five acres of area, whichever is the smaller. In cases where copies of the logs of existing wells located within the area being platted are available, this may be submitted in lieu of making test wells. Test wells shall be at least twenty-five feet in depth and shall produce safe potable drinking water at a rate of not less than five gallons per minute per family.

A copy of the well log, which shall include the name and address of the well driller, shall be submitted with the plat to the Commission.

B. Location and construction of individual private wells. Individual private wells shall be located at least twenty-five feet from property lines; seventy-five feet from all septic tanks; approximately 100 feet from all tile disposal fields and other sewage disposal facilities; ten feet from all cast iron sewer lines; thirty feet from any vitrified sewer tile lines; and shall not be located within any flood plain.

As a precaution against seepage, a water-tight seal shall be provided around the pump mounting. All abandoned wells shall be sealed in a manner that will render them water-tight.

In all cases where it has been determined that individual water supplies from private wells are not feasible, a public water distribution system will be required.

(b) Sanitary Sewage Disposal.

- (1) Types of installation. The subdivider shall provide the highest type of sanitary sewage disposal facility consistent with the existing soil, physical and other geological conditions. The following types of sanitary sewage disposal facilities are listed in order of desirability:
- A. Public sanitary sewer and treatment plant system;
  - B. Community sanitary sewer system with a temporary sewage treatment plant;
  - C. Capped sewers with temporary, approved on-site facilities; and
  - D. Septic tank with tile field.
- (2) Sanitary sewers. If a subdivision can be reasonably served by the extension of an existing public sanitary sewer, as determined by the Commission, the subdivider or developer shall provide a system of sanitary sewer mains and shall provide lateral connections for each lot. Whenever main lines are installed, sewer and water shall be extended to property lines. Connections to public sanitary sewer lines shall be subject to the approval of and according to the specifications of the Engineer.
- (3) On-site sewage disposal facilities. All lots which cannot be connected with a public or community sanitary sewage disposal system at the time of construction of a principal building shall be provided with an on-site sanitary sewage disposal system consisting of septic tanks connected with a tile disposal field, and which shall, as a minimum requirement, meet the design standards of the State Department of Health. If on-site sanitary sewage disposal facilities are to be utilized, the Commission may require that the subdivider submit a report relative to economic feasibility of off-site sewage disposal if the Commission considers that the proposed on-site facilities are not the highest type consistent with existing soil, physical and geological conditions. Such report shall compare the cost of providing such facilities and the cost of providing such higher type of facility as the Commission shall specify. Where on-site sanitary sewage disposal facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary length of tile field at a safe distance from, and at a lower elevation than, the proposed buildings.

Whenever a subdivider proposes that individual on-site sanitary sewage disposal systems shall be utilized within the subdivisions, the subdivider shall either install such facilities or shall require (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision that such facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed, and in accordance with these Subdivision Regulations.

Where studies by the Commission or the County indicates construction or extension of sanitary trunk sewers to serve property being subdivided appears probable within a reasonably short time (up to five years), the Commission may require the installation and capping of sanitary sewer mains and house connections, in addition to the installation of temporary, individual, on-site sanitary sewage disposal systems. Capped sewers however, will not be required if completed

plans and profile of trunk sewers are not available. It shall be the responsibility of the County or other such appropriate agency to supervise design and installation of such capped sewers, and the acceptance of such responsibility shall be prerequisite to the Commission's requirement of such installation.

The Health Officer shall certify the adequacy of the community or on-site sanitary sewage disposal system proposed. Such certification shall accompany all final plat applications.

- (4) Soil percolation test requirements. Soil percolation tests shall be performed for all subdivisions wherein buildings at the site of construction will not be connected to a public or community sanitary sewage disposal system.

Soil percolation tests shall be made, in accordance with the procedure requirement by the State Department of Health by a registered professional engineer, at the rate of one test site for each acre of the property being subdivided.

If the analysis of the soil percolation test results reveals the soil is unsuitable for the intended use at the first site proposed, the Commission may require that the lot sizes be increased in accordance with the test results or that additional tests be made on each proposed lot at the location of the contemplated disposal facilities, and the data submitted for approval.

(c) Drainage. All necessary facilities, including underground pipe lets, catch basins or open drainage ditches shall be installed to provide for the adequate disposal of subsurface and surface water maintenance of natural drainage courses. All storm drainage facilities within the subdivision shall connect to an adequate drainage outlet. A drainage plan shall be submitted simultaneously with the plat of any subdivision, showing the proposed scheme of surface drainage.

- (1) Standards and specifications for drainage facilities. The construction of storm water drainage improvements shall be subject to the approval of the engineer.
- (2) Storm sewers and storm water. A drainage system adequate to serve the needs of the proposed new streets and the entire subdivision will be required in the new subdivisions. Where an adequate public storm sewer main is available at the plat boundary, the subdivider shall construct a storm sewer system and connect with such storm sewer main. If such storm sewer systems are not accessible, adequate storm water drainage shall be provided by natural drainage channels with easements of adequate width as approved by the engineer.
- (3) Culverts and bridges. When natural drainage channels intersect any street right of way it shall be the responsibility of the subdivider to have satisfactory bridges and culverts designed and constructed. Culverts shall be constructed in accordance with the standards established by the engineer.
- (4) Protection of cuts and fills. Wherever cuts and fills are to be made in a subdivision, the subdivider shall provide for the interception and diversion of surface waters away from the tops of the cuts and fills and into approved drainage ways.

- (5) Terraces. Terraces shall not be permitted in subdivisions when geological evidence shows the possibility of pressure heads developing in shale layers beneath the terrace surfaces; provided that the Commission may approve, or require as a condition of approval, the construction of retaining walls where necessary to retain cut or fill slopes within rights of way or easements.

(d) Street Improvements. All streets and thoroughfares shall be graded to their full width, including side slopes, and improved in accordance with the standards outlined in the following table:

Construction Standards and Requirements for Streets

<u>Type of Street</u>	<u>Width (in feet)</u>	
	<u>Right-of-way*</u>	<u>Pavement*</u>
Major	80	48
Secondary street or highway	70	38
Collector	60	36
Residential	50	28
Cul-de-sac	40	20
Rural residential	20	20

\* For right-of-way and pavement widths for areas where the average topographic slope is fifteen percent (15%) or greater refer to hillside regulations in Article 1325.

All construction and installations shall be in accordance with applicable City standards.

The subdivider or developer shall present a plan and profile showing proposed street and road grades and drainage structures.

(e) Utilities and Other Improvements. Electrical service, gas mains and other utilities should be provided within each subdivision. Whenever such facilities are reasonably accessible and available they may be required to be installed within the area prior to the approval of the final plat.

(f) Street Name Signs. Street name signs, conforming to the standard in use throughout the City, shall be erected at all intersections.

(g) Provisions for Maintenance and Operation. Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and which are of such character that the City or other public agency does not desire to maintain them, provisions shall be made by trust agreements, which are a part of the deed restrictions and which are acceptable to the Commission for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivisions. (1967 Code Sec. 30-33.)

## CHAPTER SEVEN - Land Use

- Art. 1331. Establishment of Zoning Districts and Zoning Map.  
 Art. 1333. R-1, Single Family Residential District.  
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 Art. 1337. R-2, Single and Two-Family Residential District.  
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 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 1331

## Establishment of Zoning Districts and Zoning Map

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## CROSS REFERENCES

Amendments to text and map - see P. & Z. Art. 1377

## 1331.01 ESTABLISHMENT OF ZONING DISTRICTS.

(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 Residence
R-1A .....	Single Family Residence
R-2.....	Single and Two Family Residences
R-3.....	Multi-Family Residences
PRO.....	Professional, Residential and Office
B-1.....	Neighborhood Business
B-2.....	Service Business
B-4.....	General Business
B-5.....	Shopping Center
OI.....	Office and Institutional
I-1 .....	Industrial
PUD.....	Planned Unit Development

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

<b>Abbreviation</b>	<b>Description</b>
ISOD.....	Interstate Sign 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

(C) The zone and overlay zone boundaries are shown on the Official Zoning Map. (Ord. 07-18. Passed 6-5-07.)

#### 1331.02 ESTABLISHMENT OF ZONING MAP.

The Official Zoning Map adopted with this ordinance is hereby established as the Official Zoning Map and Zoning Districts (hereinafter “Official Zoning Map”) of Morgantown, West Virginia. The Official Zoning Map designates the respective zoning districts in accordance with this ordinance.

#### 1331.03 DETERMINATION AND INTERPRETATION OF ZONING DISTRICT BOUNDARIES.

(A) In determining the boundaries of districts, and establishing the provisions applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the City.

(B) Where uncertainty exists as to the exact boundaries of any district as shown on the Official Zoning Map, the following rules shall apply:

- (1) Unless otherwise indicated, the zone boundary lines are the center lines of streets or such lines extended; and
- (2) In the case of further uncertainty, the Board of Zoning Appeals shall interpret the intent of the Zone Map as to the location of the boundary in question.

## 1331.04 ANNEXATION.

(A) Zoning annexed areas. Prior to the filing of a petition for annexation, the petitioner should petition the Planning Commission for a recommendation as to said parcel's zoning designation. If no such petition is presented to the Planning Commission, the Commission may:

- (1) Direct planning staff to study the area proposed for annexation and prepare a report and recommendation for zoning, or
- (2) Initiate the establishment of the R-1, Single Family Residential District designation for the area proposed for annexation, which shall remain in place until such time as a formal rezoning petition can be submitted and acted upon.

(B) Comprehensive Plan as zoning guide. On future annexation, the Planning Commission shall give careful consideration to the principles and directives of the Comprehensive Plan of the City, as amended, in making zone district classification recommendations to the Council. If the area under consideration is not addressed in the Comprehensive Plan, the Commission should give careful consideration to the character of existing land uses, and the capacity of existing and future infrastructure serving the area.

## 1331.05 PERMITTED LAND USES.

The table and supplemental regulations of the Permitted Land Use Table are incorporated in this section and are adopted as the basic land use regulations for the City. The table and supplemental regulations identify the types of land uses that are permitted within the City and any applicable conditions and limitations.

To determine the zoning district in which a particular use is allowed, find the use in the list of uses along the left-hand side of the Permitted Land Use Table and read across the use row to find the zoning district column designations.

## Legend:

P..... Use is permitted by right in a particular zoning district.

A..... Use is permitted as an accessory use in a particular zoning district.

C..... Use is allowed only as a conditional use in a particular zoning district subject to the limitations and conditions specified; a conditional use permit is required.

Empty..... Use is not permitted in a particular zoning district.

The uses listed in the Permitted Land Use Table are defined in the Definitions section (Article 1329).

A description of the supplemental regulations immediately follows the Permitted Land Use Table.



Table 1331.05.01 Permitted Land Uses

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Administrative Office				C	P	C	P	P	P	P	P	29
Agricultural Activity	P										P	
Airport											C	
Amphitheater							P	P				
Animal Grooming Service		C	C	C	C	P	P	P		P		28, 29
Animal Shelter							C			C	P	
Apparel Shop						P	P	P		P	P	28
Appliance Repair Establishment		C	C	C		P	P	P		P	P	4, 28, 29
Appliance Sales Establishment							P	P		P		
Art Gallery		C	C	C		P	P	P	P	P		28, 29
Artist Studio		C	C	C	P	P	C	P	P	C		28, 29
Assembly Hall						P	P	P		P		28
Assisted Living Facility				C		C	C					
Athletic Field	C	C	C	C		C	P	P		P		
Automotive Paint Shop							P				P	4, 9, 10
Automotive Rentals							C			C		
Automotive Sales							C			C		
Automotive Supply							C			P	P	
Automotive Tire Repair/Sales							P			P	P	4, 9, 10
Automotive/Boat Repair Shop							P				P	4, 9, 10
Automobile Repair Shop, Incidental							C	C		C	P	4, 9, 10
Bakery, Retail		C	C	C		P	P	P		P		28, 29
Bakery, Wholesale							P			P	P	
Barber Shop / Beauty Salon		C	C	C	P	P	P	P		P		28, 29
Bed and Breakfast Inn			C	C		P	P	P				5, 28
Brew Pub						C	P	P		P		18
Building Materials Supplier							P			P	P	9, 10
Car Wash/Detailing							P			P	P	
Caretaker's Residence	C	C	C	C			C		C	C	P	
Cemetery	P	P	P	P			P	P				
Charitable, Fraternal or Social Organization						P	P	P	P	P		28

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Churches, Places of Worship	C	C	C	C	C	C	P	P	C	P	C	12
Clinic, Medical				C		P	P	P	P	P	P	28, 29
Club or Lodge						P	P	P				28, 29
Coin-operated Cleaning/Laundry Service			A	C		P	P	P		P		28, 29
Communications Equipment Building	C	C	C	C		P	P	C	P	P	P	28
Community Center	C	C	P	P	P	P	P	P	C			28
Community Gardens	P	P	P	P		P						28
Composting Operation										P	P	3
Conference Center							P	P		P		
Consumer Fireworks Retail Sales							C			P	P	33
Consumer Fireworks Retail Sales Establishment							C			P	P	33
Consumer Fireworks Wholesale Establishment											P	34
Convenience Store, Neighborhood		C	C	C		P	P	P				28, 29
Dance or Social Club, Youth						C	P			P		
Day Care Facility, Class 1	P	P	P	P	P	P	P	P	P	P		
Day Care Facility, Class 2	C	C	C	P	P	P	P	P	P	P		19
Day Care Facility, Class 3				C	P	P	P	P	P	P		19
Department Store							P	P		P		
Distribution Center											P	
Dog Run							C			C	C	24
Dormitory				P			P	P				
Drive-in Theatre/Outdoor							P				P	
Drive-through Facility						A	A	A	A	A		25
Driving Range, Golf							C				C	
Drug Store		C	C	C		P	P	P		P		28
Dry Cleaning and Laundry Pick-up				P		P	P	P		P		28, 29
Dry Cleaning and Laundry Service						C	P	P		P		
Dwelling, Mixed Use			C	P		P	P	P	P	P		20, 26, 28
Dwelling, Multi-family			C	P			P	C	C			35
Dwelling, Single family	P	P	P	P	P							16

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Dwelling, Townhouse			P	P	P		P	P				
Dwelling, Two-family			P	P	P			C				
Electrical Repair Shop						P	P	P		P		4, 28
Emergency Shelter				C		C	C	P				
Equipment or Furniture Rental Establishment							P	P		P	P	9, 10
Essential Services and Equipment	P	P	P	P	P	P	P	P	P	P	P	28
Extractive Industry											P	31
Fairgrounds											P	
Farmer's Market						C	C	P				
Financial Services Establishment					P	P	P	P	P	P		28
Florist Shop		C	C	C		P	P	P		P		28, 29
Fraternity or Sorority House			C	P			P	C				
Funeral Home				P		P	P	P				28
Furniture Sales Establishment (Antique, New or Used)							P	P		P		4
Garden Center							P			P		
Gas Station Mini-Mart							P	P		P	P	8
Gasoline Service Station							P	P		P	P	8
Golf Course	C	C	C	P		P	P	P		P	P	28
Government Facility	P	P	P	P		P	P	P	P	P	P	28
Greenhouse, Non-Commercial	A	A	A	A							P	
Greenhouse, Commercial							P				P	
Grocery Store							P	P		P	P	
Group Residential Facility	P	P	P	P		P	P	P				28
Group Residential Home	P	P	P	P		P	P	P				28
Guest House			C	C								
Half-way House			C	C		C	C					
Hardware Store						C	P	P		P	P	
Health/Sports Club			C	C		P	P	P	P	P	P	28, 29
Heavy Machinery Sales										P	P	4, 9, 10
Heliport or Helipad								C		C	C	
Home Improvement Center							P	C		P		
Home Occupation, Class 1	A	A	A	A	A	A	A	A	A	A	A	2
Home Occupation, Class 2	C	C	C	C	C	C	C	C	C	C	C	2

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Hospital	C	C	C	C		C	P	C		P	C	
Hotel							P	P	P	P		
Hotel, Full-service							P	P	P	P		1
Hypermarket							P			P		
Industrial Equipment Repair Establishment											P	
Industrial Park											P	
Industrial Supplies Establishment											P	
Industry, Heavy											C	32
Industry, Light							C			C	P	9, 10
Instructional Studio		C	C	C		P	P	P		P		28, 29
Junkyard											C	17
Kennel, Commercial						C	P					7
Laboratories									P	P	P	9, 10
Laundromat			C	C		P	P	P		P		28, 29
Liquor Store							P	P		P		
Lodging or Rooming House			C	P			P					
Manufactured Homes	P	P	P	P	P							16
Manufactured Housing Sales											P	
Manufacturing, Heavy											P	32
Marina, Commercial							C	C		C	C	14
Marina, Private							C	C		C	C	14
Medical Cannabis Dispensary							P			P		
Medical Cannabis Growing Facility											P	
Medical Cannabis Processing Facility										P	P	
Marine Supplies Establishment							P			P	P	9, 10
Mixed Use Building			C	P		P	P	P	P	P		20, 26, 28
Motel							P	P		P		
Motorcycle Sales Establishment							P			P		
Movie Theater, Large							P	C		P		
Movie Theater, Small						P	P	P		P		28
Multi-Use Nonresidential Building					C	C		C	P		P	29

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Newsstand		C	C	C		P	P	P	P	P		29
Nursery, Plant							P	C		C		
Nursing Home				P			P		P			
Office Building					P	C	P	P	P	P	P	
Office Equipment Repair Establishment							P	P		P	P	4, 9, 10
Office, Medical					P		P	P	P	P		
Office Park									C	P	P	
Office Supplies Establishment						P	P	P	P	P		28
Oil Change Facility							P	P		P	P	
Outdoor Flea Market						C	C	C		C		
Outdoor Storage							C			C	P	
Outdoor Storage, Seasonal							P			P	P	
Park and Recreational Services	C	C	C	P		P	P	P	P			11, 28
Parking Lot, Principal Use				C		P	P	C		P	P	
Parking Structure, Principal Use				C		P	P	C		P	P	28
Passenger Station, Motor Bus, Railroad						C	P	P		P	P	
Pawnshop						P	P	P		P		28
Penal/Correctional Institution											C	
Personal Services Establishment				C	P	P	P	P	C	P		28, 29
Personal Storage Facility							C			C	C	15
Private Club							C			P	P	18
Professional Services Establishment			C	C	P	P	P	P		P		28, 29
Recreation Facility, Commercial, Outdoor						C	P			P		11
Recreational Facility, Commercial, Indoor						C	P			P		11
Recyclable Collection Center/ Solid Waste Transfer Station											P	6
Recycling Center										P	P	
Repair, Small Engine and Motor Shop							P	P		P	P	4, 9, 10

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Research and Development Center									C	P	P	
Restaurant				P		P	P	P	P	P		27, 28, 29
Restaurant with Drive-in							P	P	P	P		
Restaurant, Family			C	P		C	P	P	P	P		28, 29
Restaurant, Fast Food						C	P	P	P	P		22, 25, 27
Restaurant, Private Club						C	P	C		P	P	18, 27
Restaurant, Private Wine						P	P	P		P	P	
Retail Sales Establishment						P	P	P		P		28
Re-use of Closed/Vacant School or Church	C	C	C	C		C	C	C				
Salvage Yard											C	
School (K-12), Private	C	C	C	C		C	P	P		P		
Sexually Oriented Business											C	
Shooting Range, Indoor							C			C	P	
Shopping Center, Large Scale							P			P		
Shopping Center, Medium Scale							P			P		
Shopping Center, Small Scale							P			P		
Snack Bar/Snack Shop				C		P	P	P	A	P		28, 29
Sporting Goods Establishment						C	P	P		P		
Tavern						P	P	P		P	P	21, 28
Taxicab Service							P			P	P	23
Telecommunications Class I	P	P	P	P	P	P	P	P	P	P	P	30

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Telecommunications Class II			P	P		P	P	P	P	P	P	30
Telecommunications Class III						C	C	C		C	C	30
Transient Amusement Enterprise							P			P	P	
Terminal, Truck or Motor Freight											P	
University or College, Private							C	P		P		
Upholstery / Interior Decorating Service							P	P		P		4
Video Gaming / Lottery Establishment											P	13
Veterinary Clinic					C	P	P	P		P		7, 28
Warehousing / Distribution									P		P	21
Wellness Center			C	C	P	C	P	P	P	P		29
Wholesale Establishment									P	P	P	
Wrecker Service							C				P	

(Ord. 06-37. Passed 11-8-06; Ord. 06-48. Passed 12-5-06; Ord. 07-17. Passed 6-5-07; Ord. 07-19. Passed 6-5-07; Ord. 07-20. Passed 6-5-07; Ord. 07-53. Passed 11-6-07; Ord. 09-08. Passed 3-3-09; Ord. 09-16. Passed 5-5-09; Ord. 09-29. Passed 7-7-09; Ord. 11-44. Passed 11-1-11; Ord. 12-27. Passed 7-3-12; Ord. 13-32. Passed 7-2-13; Ord. 16-38. Passed 8-2-16; Ord. 16-43. Passed 9-6-16; Ord. 16-48. Passed 10-4-16; Ord. 17-27. Passed 7-5-17; Ord. 18-14. Passed 4-3-18; Ord. 18-23. Passed 7-10-18; Ord. 18-24. Passed 6-5-18; Ord. 18-29. Passed 10-16-18.)



ARTICLE 1347  
B-2, Service Business District

1347.01	Purpose.	1347.05	Building height, use and size.
1347.02	Permitted and conditional uses.	1347.06	Parking and loading standards.
1347.03	Lot provisions.	1347.07	Performance standards.
1347.04	Setbacks and encroachments.	1347.08	Landscaping.

CROSS REFERENCES

Group residential facility - see W. Va. Code 8A-11-2  
 Outdoor kennels - see P. & Z. 1331.06(7), (24)  
 Daycare facility - see P. & Z. 1331.06(19)

1347.01 PURPOSE.

The purpose of the Service Business (B-2) District is to provide areas that are appropriate for most kinds of businesses and services, particularly large space users such as department stores. Typically B-2 districts are located along major thoroughfares.

1347.02 PERMITTED AND CONDITIONAL USES.

See the Permitted Land Use Table 1331.05.01.

1347.03 LOT PROVISIONS.

- (A) The minimum lot size shall be 6,000 feet.
- (B) The minimum lot frontage shall be 60 feet.
- (C) The minimum lot depth shall be 100 feet.
- (D) Maximum lot coverage shall be 60 percent.

1347.04 SETBACKS AND ENCROACHMENTS.

(A) The following setbacks shall be required for all principal structures, except as otherwise provided in Section 1363.02(B) Yard, Building Setbacks and Open Space

Exceptions:

- (1) Minimum Front setback:..... 15 feet
- (2) Maximum Front setback:..... 30 feet
- (3) Minimum Side setback:..... 5 feet on one side and 20 feet on the side where any access drives are located.
- (4) Minimum Rear setback: ..... 40 feet.

(B) The minimum setback for accessory structures on a lot shall be ten (10) feet from the rear property line and ten (10) feet from each side property line. No accessory structures are permitted within the front setback.

(C) On a corner lot, the front lot line is the one having the shortest dimension along the street right-of-way line. The required side yard setback on the side facing a street shall be one and one-half (1.5) times the normal side yard setback requirements.

#### 1347.05 BUILDING HEIGHT, USE AND SIZE.

(A) The maximum height of a principal structure shall not exceed seventy-two (72) feet, except as provided in Section 1363.02(A), Height Exceptions.

(B) The maximum height of an accessory structure shall not exceed twenty (20) feet. (Ord. 06-40. Passed 11-21-06.)

#### 1347.06 PARKING AND LOADING STANDARDS.

(A) All uses within this district shall conform to the off-street parking and loading requirements in Article 1365, Parking, Loading and Internal Roadways.

(B) No parking spaces shall be permitted between the front façade of a building and any street right-of-way.

#### 1347.07 PERFORMANCE STANDARDS.

(A) Important structures should be built so that they terminate street vistas whenever possible, and should be of sufficient design to create visual anchors for the community. All principal structures within a development should maintain a consistent architectural style.

(B) Metal paneling may be used for wall surfaces but the area of the metal paneling should not exceed twenty (20) percent of any one wall face.

(C) Materials:

- (1) Walls should be clad in stone, brick, marble, stucco, approved metal paneling, and/or cast concrete.
- (2) Roofs should be clad in slate, sheet metal, corrugated metal, and/or diamond tab asphalt shingles.
- (3) The orders, if provided, should be made of wood or cast concrete.

(D) Techniques:

- (1) Windows should be set to the inside of the building face wall.
- (2) All primary entrance exterior doors should have rectangular recessed panels or glass.
- (3) All rooftop equipment that is enclosed should be enclosed in building material that matches the structure or is visually compatible with the structure.

(E) Playground equipment, if provided, shall be located entirely behind the principal structure and shall meet required setbacks.

(F) Sidewalks shall be constructed along the frontage of a lot upon which a use is to be constructed. New sidewalks shall be at least six (6) feet wide, or the same width as an existing but incomplete sidewalk along the same side of the street.

1347.08 LANDSCAPING.

Landscaping and screening as required in Article 1367, Landscaping and Screening, shall be provided for all uses, unless otherwise noted.

ARTICLE 1365  
Parking, Loading and Internal Roadways

1365.01	Purpose.	1365.07	Off-site parking facilities.
1365.02	Scope.	1365.08	Parking and storage of certain vehicles.
1365.03	General parking regulations.	1365.09	Parking development standards.
1365.04	Determining the number of spaces required.	1365.10	Loading requirements.
1365.05	Drive-through stacking.		
1365.06	Parking spaces accessible to the disabled.		

CROSS REFERENCES  
Traffic Code provisions - see TRAF. Chap. Seven

1365.01 PURPOSE.

The regulations of this section are designed to alleviate or prevent congestion of the public streets by establishing minimum requirements for on-site storage of motor vehicles, in accordance with the use for which the property is occupied.

1365.02 SCOPE.

(A) Off-street parking and loading facilities shall be provided and maintained in accordance with the provisions of this section for all buildings, structures or premises used in whole or in part for purposes permitted by this Code.

(B) When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

(C) For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, off-street parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation; provided, however, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Code for equivalent new uses.

(D) No building permit shall be issued, no use shall be established or changed, and no structure shall be erected, enlarged or reconstructed unless the applicant has presented satisfactory evidence via parking lot design, that the off-street parking and loading spaces herein are provided in the minimum amounts and maintained in the manner specified; provided, however:

- (1) For the enlargement of a structure or for the expansion of a use of structure or land there shall be required only the number of additional off-street parking and loading spaces as would be required if such enlargement or expansion were a separate new structure or use; and
- (2) For a change in the class or use of a structure or land, the number of additional off-street parking and loading spaces required shall be equal to the number required for the new use, less the number of spaces which would have been required for the previous use if it had been established in conformance with this section; but in no case shall the total number of spaces furnished be required to exceed the minimum required for the new use.

(E) Off-street parking or loading facilities in existence at the time of the effective date of this article shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new use under the provisions of this Code.

(F) Nothing in this Code shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

(G) Off-street parking and loading facilities provided to comply with the provisions of this Code shall not subsequently be reduced below the requirements of this Code.

#### 1365.03 GENERAL PARKING REGULATIONS.

(A) Off-street parking and loading spaces shall be provided on the same lot as the use served, except as otherwise provided in this Code, and may be situated as one or more individual areas.

(B) Off-street parking facilities required herein shall be utilized solely for the parking of passenger automobiles or light trucks with not more than two axles, belonging to patrons, occupants or employees of specified uses. Said parking facilities shall not be used for the storage, display, sale, repair, dismantling or wrecking of any vehicle, equipment or material, unless such facilities are enclosed in a building and otherwise permitted in the district, and unless such display is conducted upon stalls that are otherwise considered surplus to the requirements herein.

## 1365.04 DETERMINING THE NUMBER OF SPACES REQUIRED.

(A) In determining the minimum required number of off-street parking or loading spaces, the following instructions shall be applicable in such computations:

- (1) If the unit of measurement is any fraction of the unit specified in relation to the number of spaces to be provided, said fraction, if less than one half or less than 0.5, the fraction shall be disregarded, however if the fraction is more than one-half or more than 0.5, then the fraction shall be considered as being the next unit and shall be counted as requiring one space.
- (2) In sports arenas, churches and other places of assembly in which patrons occupy benches, pews or other similar seating facilities, each twenty-two (22) inches of such seating shall be counted as one (1) seat for the purpose of determining requirements hereunder. In the special case of mosques or other facilities where religious services are offered without seating, the parking requirement shall be one (1) stall for each sixty (60) square feet of the main prayer hall or room, exclusive of stages or raised daises. (Ord. 06-01. Passed 1-3-06.)

(B) Shared Parking Facilities.

- (1) Shared parking facilities for two or more separate but adjacent buildings or mixed uses may be permitted as a conditional use provided that:
  - (a) The total number of spaces used is not less than the sum required for various buildings or uses if computed separately.
  - (b) That the lot is in the same zoning district as the principal use, or in a district that permits principal use parking lots or principal use parking structures as a principal or conditional use.
  - (c) Each use of the shared spaces shall function as if having been provided separately. (Ord. 16-44. Passed 9-6-16.)
- (2) The Board of Zoning Appeals, upon recommendation from the Planning Commission may allow a reduction of total parking requirement up to 25 percent if the applicant can satisfactorily demonstrate the parking spaces will be shared with another adjacent land use and the lack of overlap between the peak parking needs of the land uses justifies such a reduction.

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

- (1) For purposes of this section, the following definitions shall apply:
  - (a) Daytime Use – A land use whose primary customer and employee traffic occurs during the morning and afternoon hours (before 6:00 p.m.), Monday through Friday. Such uses include, but are not limited to: conference facilities, professional offices, restaurants serving primarily lunch, retail uses that customarily close at or before 6:00 p.m., manufacturing uses, schools, and the like.
  - (b) Nighttime Use – A land use whose primary customer and employee traffic occurs during the evening (after 5:00 p.m.) and weekend hours. Such uses include, but are not limited to: hotels, restaurants whose majority of customers are served during dinner hours and on weekends, retail uses that are consistently open past 6:00 p.m., residential uses, entertainment uses (theaters, bowling alleys, private clubs and the like), dance schools, martial arts studios, arts and crafts instruction, auditoriums that are accessory to a school, and churches.

- (c) Substantial Overlap – Where the hours of operation and/or peak traffic generation times of two different land uses overlap by six (6) or more hours in a given 24 hour period.
    - (2) Shared parking facilities for two or more uses, whose main traffic generation peak times do not substantially overlap, may be approved as a conditional use provided that:
      - (a) Shared parking may be off-site or on-site.
      - (b) Uses may share parking without providing the minimum number of required spaces for each use based on the following calculation:
        - (i) Compute the total number of stalls that would normally be required for all daytime uses, as defined herein.
        - (ii) Compute the total number of stalls that would normally be required for all nighttime uses, as defined herein.
        - (ii) The larger of the two numbers shall be considered to be the baseline parking requirement.
        - (iv) Add 25 percent of the required parking of the lesser number to the baseline number to achieve the total parking requirement for the shared uses.  
(Ord. 06-01. Passed 1-3-06.)
      - (c) This reduction may, with the approval of the Board of Zoning Appeals, be in addition to the reductions allowed for proximity to public transit and/or motorcycle parking.  
(Ord. 16-42. Passed 9-6-16.)
      - (d) No other reductions shall be permitted.
    - (3) Shared parking facilities for two or more uses, whose main traffic generation peak times substantially overlap, may be approved as a conditional use provided that:
      - (a) Shared parking may be off-site or on-site.
      - (b) A reduction not to exceed 15 percent of the combined minimum parking requirement for all uses. (Ord. 06-01. Passed 1-3-06.)
      - (c) This reduction may, with the approval of the Board of Zoning Appeals, be in addition to the reductions allowed for proximity to public transit and/or motorcycle parking.  
(Ord. 16-42. Passed 9-6-16.)
      - (d) No other reductions shall be permitted.
- (D) Shared Parking Facilities – Performance.
- (1) An approved shared parking facility must be owned by the owner of one or more of the uses. A legal agreement detailing the shared parking arrangement (if approved) shall be executed and filed with the City Planning Department and recorded in the County Clerk’s office. In lieu of ownership, the parking lot may be leased by the owner of one of the uses, provided that the duration of any such lease and sublease subsequent be not less than 20 years.
  - (2) No changes shall be made to the approved shared parking facility which would reduce the parking provided for the uses, unless the owner of one or more of the uses makes other arrangements to provide parking in conformance with minimum parking requirements. No such changes shall be made without prior approval from the Board of Zoning Appeals.
  - (3) Any proposed change in the use of a structure or land utilizing an approved shared parking facility shall provide evidence satisfactory to the Board of Zoning Appeals that adequate parking is available to accommodate any such use change.

- (4) The City of Morgantown reserves the right to deny or revoke a certificate of occupancy to any land use, in the following situations:
  - (a) If a land use utilizing a shared parking facility changes from a daytime use to a nighttime use (or vice-versa); or changes to a use that requires more parking than the previous use, and the resulting change in parking requirements cannot be satisfied in the shared parking facility.
  - (b) If a land use utilizing a shared parking facility loses the legal right, whether through voluntary or involuntary actions and circumstances, to continue using the shared parking facility; and such use cannot make arrangements to provide required parking elsewhere in conformance with minimum parking requirements. The exception to this shall be in the event of a public construction project that temporarily (one year or less) makes use of the shared facility impossible, or reduces effective use of the facility.
- (5) Shared parking facilities shall provide signs on the premises indicating the availability of the facility for the patrons of the participating uses.
- (6) Parking spaces to be shared must not be reserved for a specific person, or use, on a twenty-four hour basis. This shall not be construed so as to limit the development of parking for persons with disabilities.

(E) Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces.

(F) No part of any alley or street or other public right-of-way shall be used to meet the minimum parking requirements of this code, unless otherwise provided for herein.

(G) For purposes of determining off-street parking requirements under this section, gross floor area shall mean the total horizontal areas of the one or several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods or to offices; provided, however, gross floor area shall not include that area devoted entirely and permanently to storage purposes, parking and loading facilities, or space used for restrooms, utilities, stairwells or elevator shafts.

(H) Number of employees indicates the number of employees on the largest shift, unless otherwise indicated. (Ord. 08-06. Passed 3-4-08.)

(I) In all non-residential districts the maximum number of parking lot spaces provided shall not exceed 115 percent of the minimum parking requirement, except for research and development centers and parking structures, where there shall be no maximum. (Ord. 06-01. Passed 1-3-06.)

(J) Off-street parking shall be provided in accordance with Table 1365.04.01, Minimum Off-Street Parking Requirements.

(K) Every company car, truck, tractor or trailer normally stored at a business site shall be provided with an off-street parking space. Such space shall be in addition to the parking requirements listed in Table 1365.04.01.



(L) For uses not specified in this section, or in such instance when the requirement for an adequate number of spaces is unclear or not specified in another part of this section for Conditional Uses, Shopping Center Plan, etc., the number of parking spaces shall be determined by the Planning Director on the basis of similar requirements, the number of persons served or employed, and the capability of adequately serving the visiting public. Such determination may be appealed to the Board of Zoning Appeals.

(M) In case of conflict between the provisions of this section, the higher requirement shall govern.

(N) Any land use which requires a minimum of 50 parking spaces shall be required to provide a pedestrian circulation plan for the proposed site.

(O) In the B-1 districts, uses may provide less than the required number of off-street parking spaces, but in no case shall a use provide less than 75 percent of the minimum number of off-street parking spaces in accordance with Table 1365.04.01.

(P) In the B-4 district, minimum parking requirements may be reduced as a conditional use under one or more of the following provisions:

- (1) By a factor of ten (10) percent if the land use is located within 500 feet, measured from the closest edge of the building, of a parcel containing a fixed public transit stop, whether a bus, trolley, or Personal Rapid Transit (PRT) station.
- (2) By a factor of ten (10) percent if the land use is located within 500 feet, measured from the closest edge of the building, of a parcel containing 25-50 publicly owned and controlled parking spaces. If within 500 feet of a parcel containing more than 50 public parking stalls, the reduction may be a factor of fifteen (15) percent.
- (3) By a factor of one (1) automobile parking space for each dedicated motorcycle parking space, up to a maximum reduction of three (3) automobile parking spaces. This reduction shall not be permitted for uses that are required to provide six (6) or fewer parking stalls. Nor shall this reduction be permitted for uses that primarily sell large, bulky merchandise not typically transported via motorcycle.  
(Ord. 08-06. Passed 3-4-08.)

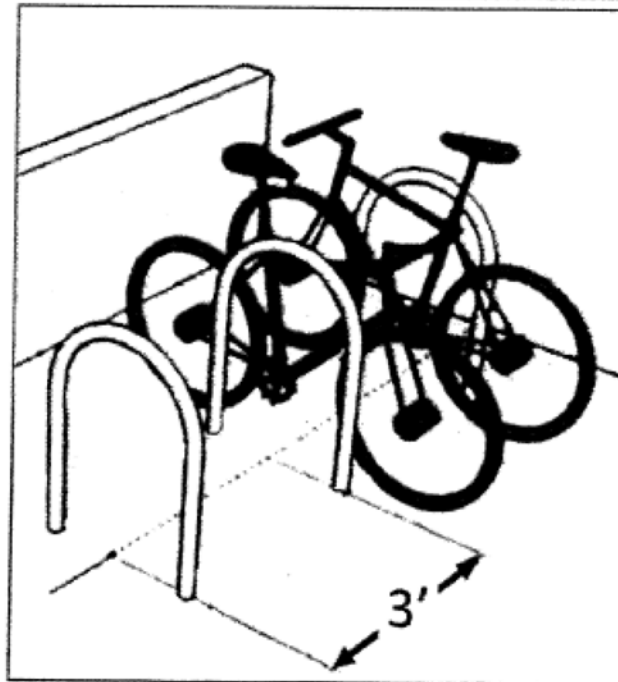
(Q) Bicycle Storage - Long-term bicycle storage and short-term bicycle storage shall be provided in all Developments of Significant Impact.

- (1) For all Developments of Significant Impact, the minimum Long-term bicycle storage amenities described in this Subsection must be provided. The minimum Long-term bicycle storage amenities are as follows:
  - (a) For residential uses and for residential use components of mixed-used development, one (1) long-term bicycle storage space per dwelling unit.
  - (b) For non-residential uses and for non-residential use components of mixed-used development, one (1) Long-term bicycle storage space increasing by one (1) additional space for every twenty (20) automobile parking spaces as required in accordance with Table 1365.04.01: Minimum Off-Street Parking Requirements.
  - (c) Long-term bicycle storage is required to be covered and shall include use of one of the following:
    - (i) A locked room;
    - (ii) An area enclosed by a fence with a locked gate;

- (iii) An area within view of an attendant or security guard or monitored by a security camera; or.
- (iv) An area visible from employee work areas.
- (d) The long-term bicycle storage area should be located within fifty (50) feet of the primary entrance of the building it serves and shall be in a location that can be reached by an accessible route. Long-term bicycle storage must be located either:
  - (i) On the same site as the use it serves; or.
  - (ii) Off-site within 300 feet of the use it serves; provided, conditional use approval is granted by the Board of Zoning Appeals. Conditional use approval shall include a condition that the off-site long-term bicycle storage amenity is encumbered by an easement or similar agreement duly executed and acknowledged, which specifies that the land upon which the off-site long-term bicycle storage amenity is located is encumbered by the bicycle storage use. Said instrument shall specify and bind the time period to the anticipated life of the building or use to which the long-term bicycle storage amenity are accessory. Said instrument shall be filed with the applicable Building Permit files of the Department of Planning, and placed on public record in the Office of the Clerk of the County Commission of Monongalia County, WV.  
Further, if the pedestrian access between the off-site long-term bicycle storage amenity and the use(s) it serves is to cross an arterial street, appropriate safety measures, as determined by the Planning Director and City Engineer, must be in place to ensure pedestrian safety.
- (e) If the long-term bicycle storage is provided in an auto storage garage, the bicycle storage spaces shall be clearly marked as such and shall be separated from automobile parking.
- (f) Long-term bicycle storage designs must adhere to the design standards in Section 1363.04(Q)(3), Bicycle Rack Requirements.
- (2) For all Developments of Significant Impact, the minimum short-term bicycle storage amenities described in this Subsection must be provided. The minimum short-term bicycle storage amenities are as follows:
  - (a) One (1) short-term bicycle storage space increasing by one (1) additional space for every twenty (20) automobile parking spaces as required in accordance with Table 1365.04.01 : Minimum Off-Street Parking Requirements.
  - (b) Each short-term bicycle storage space shall be located:
    - (i) Outside a building , but not within the public right-of-way, or within an automobile garage; provided, that in the B-4 District where the public right-of-way may also be used with the approval of the City Engineer.

- (ii) Within fifty (50) feet of a main building entrance; and
  - (iii) At the same grade as the sidewalk or at a location that can be reached by an accessible route.
- (c) Short-term bicycle storage space designs must adhere to the design standards in 1365.04(0)(3): Bicycle Rack Requirements.
  - (d) Short-term bicycle storage spaces should be placed under roof to encourage cycling and bicycle rack use.
  - (e) Short-term bicycle storage shall consist of a physical improvement that is installed on a permanent foundation (e.g. , concrete pad) to ensure stability; is securely anchored into or on the foundation with tamper-proof nuts if surface mounted; provides support for an upright bicycle by its frame horizontally in two (2) or more places; keeps both bike wheels on the ground; is designed to prevent the bicycle from tipping over; is able to support a variety of bicycle sizes and frame shapes; provides space to secure the frame and one or both wheels to the rack with a cable, chain, or u-lock; and has a locking pole with a diameter of no more than 1.5 inches.
- (3) Bicycle Rack Requirements. Long-term and short-term bicycle storage spaces using bicycle rack facilities shall observe the following design standards:
- (a) Each bicycle storage space shall a minimum dimension of three (3) feet in width by six (6) feet in length by four (4) feet in height. Two (2) bicycle storage spaces may occupy the same area provided, each individual bicycle occupying the same area is attached to a separate rack (see Graphic 1365.04.02).

Graphic 1365.04.01 – Bicycle Storage Space Layout



(Ord. 17-12. Passed 5-2-17.)

- (b) Bicycle storage areas shall include a minimum of three (3) feet of clearance around racks or lockers to give cyclists room to maneuver and to prevent conflicts with pedestrians or parked automobiles.
- (c) Adequate lighting (no less than 2.0 footcandles) must be provided for a bicycle storage area and the route from the storage area to the nearest building entrance intended for the cyclist.
- (d) Racks shall conform to Americans with Disabilities Act (ADA) standards for protrusions in the right-of-way including the ability to detect the rack with a white cane. To be detected by a white cane the protruding or leading edge of the rack shall be 27" or less above the sidewalk surface. Between 27" and 80" above the sidewalk surface, protruding or leading edges may overhang a maximum of 12".
- (e) The top of the bicycle rack design shall be a minimum of 36 inches tall. Except for the bicycle rack supporting brackets, the shortest section of the bicycle rack must be a minimum of 27 inches tall to be perceived by pedestrians and avoid tripping hazards.
- (f) The space between rack features shall be larger than 9" and smaller than 3.5" to avoid children trapping their heads.
- (g) The design shall not include sharp edges.
- (h) Areas having more than one row of racks shall be separated by aisles. An aisle is measured from tip to tip of the bicycle storage spaces between racks. The minimum separation between aisles shall be a minimum of four (4) feet.

- (i) Racks near walls should be placed so the rack's two (2) bicycle connection points are perpendicular to such wall. Racks placed near walls shall maintain a four (4) foot minimum separation between the edge of the bicycle storage space and the wall.
- (j) Racks placed near curbs should maintain a minimum separation between the edge of the bicycle storage space of four (4) feet.
- (k) Racks should have protective coatings designed to protect bicycle frames from scratching and damage.
- (l) Racks should be able to resist being cut or detached using common hand tools, such as bolt cutters, pipe cutters, wrenches, and pry bars. (Ord. 16-42. Passed 9-6-16.)

Table 1365.04.01: Minimum Off-Street Parking Requirements

Use	Minimum Off-Street Parking Requirement
Administrative Office	3 spaces per 1,000 sq. ft. of net floor area up to 20,000 sq. ft. plus 2 spaces per 1,000 sq. ft. of net floor area greater than 20,000 sq. ft.
Agricultural Activity	1 space per employee on the largest shift
Airport	1 space per employee on the largest shift plus 1 space per 3 seats for waiting passengers
Amphitheater	1 space per 4 persons at maximum capacity
Animal Grooming Service	1 space per 250 sq. ft. of GFA
Animal Shelter	1 space per employee plus 1 space per 7 animals
Apparel Shop	3 spaces per 1,000 sq. ft. of GFA
Appliance Repair Establishment	2 spaces per 1,000 ground floor area and 1 space per employee
Appliance Sales Establishment	2 spaces per 1,000 sq. ft. of GFA
Art Gallery	2 spaces per 1,000 sq. ft. of GFA
Artist Studio	1 space per studio
Assembly Hall	1 space per 4 persons at maximum capacity
Assisted Living Facility	1 space per employee plus 1 space for every 3 residents for visitor use.
Athletic Field	4 spaces per 1,000 sq. ft. of GFA
Automobile Repair Shop, Incidental	1 space per service bay and 1 space per employee
Automotive Paint Shop	1 space per service bay and 1 space per employee
Automotive Rentals	2 spaces per 1,000 sq. ft. of GFA
Automotive Sales	2 spaces per 1,000 sq. ft. of GFA of enclosed sales area plus 1 space per 2,500 sq. ft. of GFA of open sales area plus 2 spaces per service bay plus 1 space per employee (minimum 5 spaces required)

Use	Minimum Off-Street Parking Requirement
Automotive Supply	2.5 spaces per 1,000 sq. ft. of GFA and 1 space per employee
Automotive Tire Repair/Sales	2 spaces per 1,000 sq. ft. of GFA
Automotive/Boat Repair Shop	1 space per 200 sq. ft. of GFA and 1 space per employee
Bakery, Retail	3 spaces per 1,000 sq. ft. of GFA and 1 space per employee
Bakery, Wholesale	5 spaces per 1,000 sq. ft. of GFA of sales area and 1 space per employee
Barber Shop/Beauty Salon	1 space per 2 client chairs and 1 space per employee
Bed and Breakfast Inn	1 space per guest room plus 2 for the resident owner
Brew Pub	1 space per 4 persons at maximum occupancy
Building Materials Supplier	5 spaces per 1,000 sq. ft. of GFA of sales area and 1 space per employee
Bus Terminal	10 spaces per 1,000 sq. ft. of GFA of waiting area
Car Wash/Detailing	1 space per employee plus 1 drying and 2 stacking spaces per washing space (washing spaces shall not be counted toward the requirements)
Caretaker's Residence	1 space per residence
Cemetery	1 space per employee plus provision of space for parking along internal drives
Charitable, Fraternal or Social Organization	1 space for each 4 persons at maximum capacity
Churches, Places of Worship	1 space per 4 fixed seats plus 1 space per 60 square feet of the main assembly where no fixed seats are used.

Use	Minimum Off-Street Parking Requirement
Clinic, Medical	1 space per exam room and 1 space per employee (including doctors)
Club or Lodge	1 space per 4 persons at maximum capacity
Coin-operated Cleaning/Laundry Service	5 spaces per 1,000 sq. ft. of GFA
Community Center	3 spaces per 1,000 sq. ft. of GFA and 1 space per employee
Community Gardens	1 space per 0.25 acres of garden area
Composting Operation	1 space per employee plus 1 space per 1,000 sq. ft. of GFA
Conference Center	1 space per 3 employees plus 1 space per 3 persons to the maximum capacity of each banquet or meeting room
Convenience Store, Neighborhood	3 spaces per 1,000 sq. ft. of GFA of sales area and 1 space per employee
Dance or Social Club, Youth	1 space per 100 sq. ft. of GFA plus 1 spacer per employee
Day Care Facility, All Classes	1 space per 4 clients and 1 space per employee
Department Store <25,000 sq. ft. GLA  25,001-400,000 sq. ft. GLA 400,001-600,000 sq. ft. GLA >600,001 sq. ft. GLA	3.28 spaces per 1,000 sq. ft. of GFA, plus 1 per employee 3.3 spaces per 1,000 sq. ft. of GFA 3.63 spaces per 1,000 sq. ft. of GFA 4 spaces per 1,000 sq. ft. of GFA
Distribution Center	1 space per employee plus one space per vehicle used in the operation of the distribution center
Dog Run	2 spaces per 0.25 acre
Dormitory	1 space per 2 beds
Drive-In Theatre/Outdoor	1 space per employee plus 1 space per audio station
Driving Range, Golf	1 space per 2 employees, plus 1 space for every 1.5 tees
Drug Store	2.5 spaces per 1,000 sq. ft. of GFA
Dry Cleaning and Laundry Pick-up	1 space per employee plus 1 space per 200 sq. ft. of GFA



Use	Minimum Off-Street Parking Requirement
Dry Cleaning and Laundry Service	3 spaces and 1 space per employee
Dwelling, Accessory	1 space per unit
Dwelling, Mixed Use	1 space per dwelling unit or 0.75 spaces per occupant as determined by the West Virginia State Building Code and adopted and implemented by the City, whichever is greater, plus required spaces for the commercial use(s)
Dwelling, Multi-family	1 bedroom dwelling unit - 1 space per unit 2 or more bedroom dwelling unit - 0.75 spaces per occupant as determined by the West Virginia State Building Code and adopted and implemented by the City.
Dwelling, Single family	2 spaces per dwelling unit
Dwelling, Townhouse	1 bedroom dwelling unit - 1.5 spaces per unit; 2 or more bedroom dwelling unit - 0.75 spaces per occupant as determined by the West Virginia Building Code and adopted and implemented by the City.
Dwelling, Two-family	1.5 spaces per unit
Electrical Repair Shop	2 spaces per 1,000 sq. ft. of GFA and 1 space per employee
Emergency Shelter	1 space per employee on the largest shift plus 1 space per 2 bedrooms
Equipment or Furniture Rental Establishment	3 spaces per 1,000 sq. ft. of GFA
Essential Services and Equipment	1 space per 4 employees
Extractive Industry	1 space per employee plus 1 space per vehicle used in the operation of the facility plus 5 customer/visitor spaces
Fairgrounds	2 spaces per 100 sq. ft. of total area
Farmer's Market	1 space per vendor plus 1 space per 200 sq. ft. of GFA
Financial Services Establishment	4 spaces per 1,000 sq. ft. of GFA plus 4 stacking spaces per drive-in lane, plus 1 per employee
Florist Shop	1 space per 400 sq. ft. of GFA plus 1 space per employee

Use	Minimum Off-Street Parking Requirement
Fraternity or Sorority House	1 spaces for each three (3) persons based upon the approved maximum building occupancy
Funeral Home	1 space per 25 sq. ft. of GFA
Furniture Sales (Antique, New or Used)	1.5 spaces per 1,000 sq. ft. of GFA
Garden Center	2.5 spaces per 1,000 sq. ft. of GFA
Gasoline Service Station (without convenience store)	3 spaces per 1,000 sq. ft. of enclosed floor area plus 1 space per 2 service bays
Gasoline Service Station with convenience store (Mini-mart)	1.5 spaces per fuel nozzle plus 3 spaces per 1,000 sq. ft. of enclosed floor area plus 1 space per 2 service bays plus, if applicable, 1 space per 100 sq. ft. of eating area.
Golf course	1 space per 2 employees plus 2 spaces per hole
Government Facility	3 spaces per 1,000 sq. ft. of net floor area up to 20,000 sq. ft. plus 2 spaces per 1,000 sq. ft. of net floor area greater than 20,000 sq. ft.
Greenhouse, Non-Commercial	1 per employee
Greenhouse, Commercial	1 per 3 employees plus 1 per 125 sq. ft. of enclosed sales area
Grocery Store	4.5 spaces per 1,000 sq. ft. of GFA
Group Residential Facility	1 space per employee plus 1 space per 5 residents (or if residents are unable to drive; 1 space per 1,000 sq. ft. of gross living area)
Group Residential Home	1 space per employee plus 1 space per 5 residents (or if residents are unable to drive; 1 space per 1,000 sq. ft. of gross living area)
Guest House	1 space per guest house
Half-way House	1 space per 4 beds and 1 space per employee
Hardware Store	2 spaces per 1,000 sq. ft. of GFA
Health/Sport Club	5 spaces per 1,000 sq. ft. of GFA
Heavy Machinery Sales	2 spaces per 1,000 sq. ft. of GFA of enclosed sales area plus 1 space per 2,500 sq. ft. of GFA of open sales area plus 1 space per employee

Use	Minimum Off-Street Parking Requirement
Heliport or Helipad	1 space per employee plus 1 space per vehicle used in the operation plus sufficient space to accommodate the number of vehicles at the peak hour
Home Improvement Center	3 spaces per 1,000 sq. ft. of GFA
Home Occupation	Dwelling unit requirements
Hospital	1 space per 4 patients at design capacity plus 1 space per employee
Hotel/Hotel, Full-service	One space per room or suite plus 1 space per 3 employees plus 1 space per 3 persons to the maximum capacity of the largest banquet or meeting room
Hypermarket	3.3 spaces per 1,000 sq. ft. of GFA
Industrial Equipment Repair Establishment	1 space per 2 employees plus 2 spaces per 1,000 sq. ft. of floor area open to the public
Industrial Supplies Establishment	2 spaces per 1,000 sq. ft. of GFA and 1 space per employee
Industry, Heavy	1 space per employee plus 1 space per vehicle used in the operation of the industry plus 5 customer/visitor spaces
Industry, Light	1 space per employee plus 1 space per vehicle used in the operation of the industry plus 5 customer/visitor spaces
Instructional Studio	3 spaces per 1,000 sq. ft.
Junkyard	1 space per employee plus 1 space per vehicle used in the operation of the junkyard plus 3 customer/visitor spaces
Kennel, Commercial	3 spaces per 1,000 sq. ft. of GFA
Laboratories	3 spaces per 1,000 sq. ft. of floor area up to 20,000 sq. ft. plus 2 spaces per 1,000 sq. ft. of floor area greater than 20,000 sq. ft.
Laundromat	5 spaces per 1,000 sq. ft. of GFA
Liquor Store	3 spaces per 1,000 sq. ft. of GFA
Lodging or Rooming House	0.5 spaces per bed but not less than two spaces
Manufactured Housing Sales	1 space per 2,000 sq. ft. of GFA of sales area office
Manufacturing, Heavy	1 space per employee plus 1 space per vehicle used in the operation of the industry plus 5 customer/visitor spaces

Use	Minimum Off-Street Parking Requirement
Manufacturing, Light	1 space per employee plus 1 space per vehicle used in the operation of the industry plus 5 customer/visitor spaces
Marina, Commercial	1 space for each boat slip plus 8 boat-trailer spaces per boat launching ramp.
Marina, Private	1 space per boat slip plus 8 boat-trailer spaces per boat launching ramp
Marine Supplies Establishment	1 space per 2,000 sq. ft. of GFA of sales area
Medical Cannabis Dispensary	2.5 spaces per 1,000 sq. ft. of GFA plus 1 space employee
Medical Cannabis Growing Facility	1 space per employee plus 1 space per vehicle used in the operation of the Medical Cannabis Growing Facility plus 5 customer/visitor spaces.
Medical Cannabis Processing Facility	1 space per employee plus 1 space per vehicle used in the operation of the Medical Cannabis Processing Facility plus 5 customer/visitor spaces.
Multi-Use Nonresidential Building	Unless otherwise provided (e.g., shared parking facilities, off-site parking facilities, etc.) the sum of the minimum number of parking spaces for the nonresidential component uses as required in the zoning district.
Mixed Use Building	Unless otherwise provided (e.g., shared parking facilities, off-site parking facilities, etc.) the sum of the minimum number of parking spaces for the residential and the nonresidential component uses as required in the zoning district.
Motel	Same as Hotel
Motorcycle Sales Establishment	1.5 spaces per 1,000 sq. ft. of GFA of display area
Movie Theater, Large	1 space per 4 seats
Movie Theater, Small	1 space per 4 seats
Nursery, Plant	1 space per employee plus 1 space per 150 sq. ft. of GFA of the primary building
Nursing Home	1 space per 4 beds and 1 space per employee
Office Building	3 spaces per 1,000 sq. ft. of net floor area up to 20,000 sq. ft. plus 2 spaces per 1,000 sq. ft. of net floor area greater than 20,000 sq. ft.
Office Equipment Repair Establishment	1 space per 2 employees plus 2 spaces per 1,000 sq. ft. of floor area open to the public

Use	Minimum Off-Street Parking Requirement
Office, Medical	4 spaces per 1,000 sq. ft. of net floor area up to 20,000 sq. ft. plus 2 spaces per 1,000 sq. ft. of net floor area greater than 20,000 sq. ft.
Office Supplies Establishment	2.5 spaces per 1,000 sq. ft. of GFA
Oil Change Facility	3 spaces per 1,000 sq. ft. of enclosed floor area plus one space per service bay
Outdoor Flea Market	1 space per vendor plus 10 spaces per acre
Outdoor Storage	1 space per 2,000 sq. ft. of gross storage area
Park and Recreational Services	1 space per 1,000 sq. ft. of indoor area, or 5 spaces per acre of outdoor area
Passenger Station, Motor Bus, Railroad	1 space per 4 seats for waiting passengers
Pawnshop	1 space per employee plus 1 space per 300 sq. ft. of GFA
Penal/Correction Institution	1 space per employee plus 1 space per 20 inmates
Personal Services Establishment	1 space per 250 sq. ft. of GFA
Personal Storage Facility/Self-Storage Facility	3 spaces plus 1 space per 100 units, plus sufficient aisle widths to allow parking in front of storage unit without unduly impeding traffic circulation.
Professional Services Establishment	3 spaces per 1,000 sq. ft. of GFA plus 1 per employee
Recreation Facility, Commercial, Indoor	1 space per employee plus 1 space per 200 sq. ft. of GFA
Recreation Facility, Commercial, Outdoor	1 space per employee plus 4 spaces per acre
Recyclable Collection Center/Solid Waste Transfer Station	1 space per employee plus 5 spaces for drop-off customers
Recycling Center	1 space per employee plus 5 spaces for drop-off customers
Repair Shop, Small Engine and Motor	2 spaces per 1,000 sq. ft. of GFA
Research and Development Center *no maximum limit	3 spaces per 1,000 sq. ft. of net floor area up to 20,000 sq. ft. plus 2 spaces per 1,000 sq. ft. of net floor area greater than 20,000 sq. ft.
Restaurant	1 space per 100 sq. ft. of eating area plus 1 space per employee

Use	Minimum Off-Street Parking Requirement
Restaurant with Drive-In With Drive-Through If no indoor seating	1 space per 3 seats and 1 space per 2 employees plus 7-8 stacking spaces per window minimum 10 spaces
Restaurant, Private Club/Private Wine	1 space per 100 sq. ft. of eating area plus 1 space per employee
Restaurant, Carry-Out/Take-Out	1 space per 4 seats and 1 space per 2 employees
Restaurant, Drive-Through	1 space per 2 employees plus 7 stacking spaces per window
Restaurant, Family	1 space per 100 sq. ft. of eating area plus 1 space per employee
Restaurant, Fast-Food	1 space per 2.5 seats plus 1 space per 2 employees plus 7-8 stacking spaces per window
Retail Sales Establishment, not otherwise specified	3 spaces per 1,000 sq. ft. of GFA
Salvage Yard	1 space per employee plus 1 space per vehicle used in the operation plus 3 customer/visitor spaces
School (K-12), Private	(K-8) 1 space per classroom plus one space per employee (9-12) 1 space per 4 students plus one space per employee
Sexually Oriented Business	5 spaces per 1,000 sq. ft. of GFA
Shooting Range, Indoor	1 space per 2 employees plus 1 space per range
Shopping Center Less than 10,000 sq. ft. GLA 10,000-400,000 sq. ft. GLA 400,001-600,000 sq. ft. GLA more than 600,001 sq. ft. GLA	2.5 spaces per 1000 sq. ft. of GFA 3.5 spaces per 1000 sq. ft. of GFA 4.5 spaces per 1000 sq. ft. of GFA 5.5 spaces per 1000 sq. ft. of GFA
Snack Bar/Snack Shop	1 space per 3 seats and 1 space per 2 employees
Sporting Goods Establishment	3 spaces per 1,000 sq. ft. of GFA
Tavern	1 space per 100 sq. ft. of GFA plus 1 space per employee
Taxicab Service Establishment	1 space per dispatcher and 1.5 spaces for each taxicab

Use	Minimum Off-Street Parking Requirement
Telecommunications Tower, All Classes	1 space for maintenance
Transient Amusement Enterprise	5 spaces per sq. ft. of GFA plus 1 space per 3 persons that outdoor facilities are designed for at maximum capacity
Terminal, Truck or Motor Freight	1 space per employee and 1 space per vehicle used in operation
University or College, Private	1 space per 5 students plus 1 space per employee
Upholstery/Interior Decorating Service	3 spaces per 1,000 sq. ft. of GFA
Video Gaming/Lottery Establishment	1 space per 100 sq. ft. of GFA
Warehousing and Distribution	1 space per employee plus one space per vehicle used in the operation of the warehouse
Wellness Center	1 space per 400 sq. ft. of GFA
Wholesale Establishment	1 space per employee plus 3 spaces per 1000 sq. ft. of sales floor open to the public
Wrecker Service	1 space per employee and 1 space per vehicle used in operation

GLA: Gross Leasable Floor Area    GFA: Gross Floor Area    Sq. ft.: Square feet

(Amended by Ord. 06-24, Passed 07-18-2006; Ord. 07-19. Passed 6-5-07; Ord. 10-26. Passed 7-6-10; Ord. 11-04. Passed 3-1-11; Ord. 12-30. Passed 7-3-12; Ord. 15-30. Passed 6-2-15; Ord. 17-10. Passed 4-4-17; Ord. 18-24. Passed 7-10-18; Ord. 18-29. Passed 10-16-18.)

#### 1365.05 DRIVE-THROUGH STACKING.

Drive-through establishments shall provide stacking space for queuing of vehicles awaiting use of drive-through windows. Each stacking space must be eighteen (18) feet long and each lane of stacking spaces must be at least nine (9) feet wide. Lane widths should be delineated with pavement markings. However, individual spaces within the lane need not be marked. The Schedule of Parking Standards table denotes the number of stacking spaces required for common drive-through uses. Any drive through use not listed shall be required to provide at least four (4) stacking spaces per drive-through window. Stacking spaces must be in addition to the required parking spaces and must not be located within a required driveway, internal circulation system, or parking aisle.

Table 1365.05.01: Stacking Space Requirements

Use	Minimum Number of Stacking Spaces Required			
	Before	At	After	Total
Bank or ATM (bay)	6	1	0	7
Restaurant	6	1	1	8
Car wash (self serve) (per bay)	3	1	2	6
Car wash (semi or automatic)	6	0	2	8
Other Uses*	3	1	1	5

\*Planning Director may determine the specific number depending on lot size, use, site plan, etc.

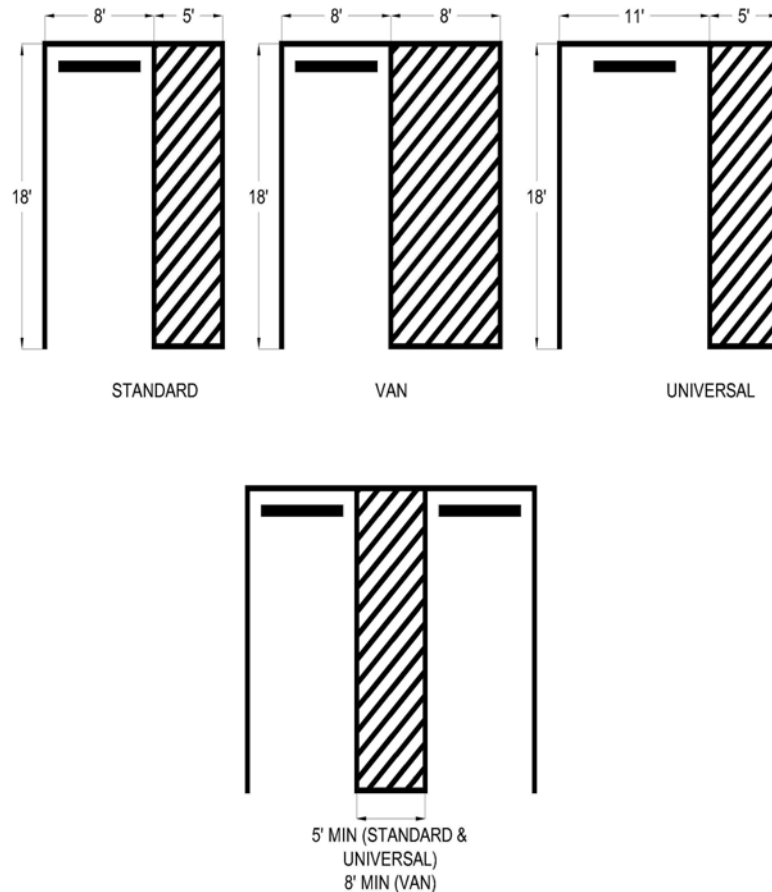
#### 1365.06 PARKING SPACES ACCESSIBLE TO THE DISABLED.

The City of Morgantown encourages all development within the City which serves the public to comply with the accessibility standards of the Americans with Disabilities Act of 1990. The City requires conformance with the accessibility standards contained within the West Virginia State Building Code and the Morgantown City Code.

Table 1365.06.01: Required Parking Spaces Accessible to the Disabled per the West Virginia State Building Code

TOTAL NUMBER OF PARKING SPACES IN LOT	MINIMUM NUMBER OF ACCESSIBLE SPACES REQUIRED
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus 1 for each 100 over 1,000
For every six or fraction of six accessible parking spaces, at least one shall be designed as a van-accessible or universal-accessible parking space. (See Graphic 1365.06.01: Accessible Parking Design).	



Graphic 1365.06.01 - Accessible Parking Design

(Ord. 09-26. Passed 7-7-09.)

**1365.07 OFF-SITE PARKING FACILITIES.**

(A) In Business, Industrial and Multi-Family Districts, the Board of Zoning Appeals may grant Conditional Use Approval to provide required spaces on a site that is:

- (1) Within 300 feet of the principal use, and
- (2) Within a district that permits principal use parking lots or principal use parking structures as a principal or conditional use.
- (3) B-4 District - within 500 feet of the principal use, but not within a residential district or within the B-4 Neighborhood Preservation Overlay District (B-4NPOD). (Ord. 16-44. Passed 9-6-16.)

(B) A site plan for such off-site parking facility shall be filed with the Board of Zoning Appeals as a required exhibit accompanying the Conditional Use application, and shall be made part of the conditions of any approval therefor. Said site plan shall demonstrate compliance with Parking requirements and Standards of this ordinance, shall be amended and re-approved to indicate any change or other modification of uses served, or number of parking spaces provided therefor, and shall indicate:

- (1) Adjacent streets, alleys and lots.
- (2) All individual primary uses to be served, including the location of the use and number of parking spaces for each such use.
- (3) A layout drawn to scale of 1" = 50' or larger of aisles and driveways, entrances, exits and turn-off lanes, parking spaces, setbacks, drainage facilities, and landscaping and buffer screening.
- (4) Type of lighting and pavement proposed, and identification signs, including location, size and design thereof.

(C) Offsite parking facilities shall be encumbered by an easement or similar agreement duly executed and acknowledged, which specifies that the land upon which the off-site parking facility is located is encumbered by the parking use. Said instrument shall specify and bind the time period to the anticipated life of the building or use to which the parking facilities are accessory. Said instrument shall be filed in the applicable Building Permit files of the Department of Planning, and placed on public record in the Office of the Clerk of the County Commission of Monongalia County, WV.  
(Ord. 06-01. Passed 1-3-06.)

(D) It is the responsibility of the business owner to maintain current and valid parking as required by this Ordinance. Evidence of such parking is required prior to approval and proof of current leases shall be made available at the request of the Planning Director. Each leased space shall have a sign noting the business for which the space is reserved. Signs shall be 12 inches wide by 18 inches tall and shall be mounted between three feet and five feet above the finished surface of the parking stall. The text on the sign shall state "This space is reserved for patrons of [name of the business] only, per City Code 1365.07(D)." All leased stalls shall be improved, paved and striped. Leasing of stalls shall not reduce the available parking below the minimum requirement for uses sharing the lot, except in conditions of shared parking as described in Section 1365.04(B) of the City Code.  
(Ord. 16-44. Passed 9-6-16.)

(E) Offsite parking facilities shall be developed in accordance with the provisions of the Parking Development Standards section. Further, said facilities shall be developed under such conditions imposed by the Board of Zoning Appeals as to protect residential districts and maintain at a minimum the disturbance to nearby residential uses.

(F) If the pedestrian access between the off-site parking facility and the use(s) is to cross an arterial street, appropriate safety measures, as determined by the Planning Director and City Engineer, must be in place to ensure pedestrian and vehicular safety.  
(Ord. 08-06. Passed 3-4-08.)

#### 1365.08 PARKING AND STORAGE OF CERTAIN VEHICLES.

(A) Automotive Vehicles. Automotive vehicles or trailers of any type without current license plates and inspection sticker or in an inoperable condition so as to be deemed dead storage shall be prohibited in residential districts other than within completely enclosed buildings, and shall not be parked or stored in any zone district unless specifically authorized under the terms of this Ordinance.

(B) Commercial Vehicles on Private Property. The parking of a commercial vehicle in residential zone districts shall be prohibited, except that one commercial vehicle of not more than three (3) tons capacity may be parked on any lot on which there is located a principal building, provided, however, that such vehicle is parked in an enclosed garage, accessory building or rear yard and is used by an occupant of the premises. This requirement shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in any residential district.

#### 1365.09 PARKING DEVELOPMENT STANDARDS.

All off-street parking areas for four or more automobiles shall be developed in accordance with the standards of this section, except in the case of one and two-family dwellings, agricultural and rural uses, and storage of vehicular merchandise not counting toward the minimum requirements as set forth in this Code.

##### (A) Dimensions.

- (1) Each required off-street standard parking space shall be at least eight and one half (8.5) feet in width and at least eighteen (18) feet in depth, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance.
- (2) Up to ten (10) percent of the total number of required parking spaces may be designed for compact cars; provided, compact spaces are limited to employees or residents only and the property owner/manager assigns and enforces such spaces accordingly. Compact spaces shall be grouped together and identified as "compact cars only" with pavement stenciling and/or signage. Compact spaces should be located furthest from building entrances to discourage use by noncompact vehicles. Each compact space shall be at least eight (8) feet in width and at least fifteen (15) feet in depth, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance.
- (3) Except on lots occupied by one and two-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least twelve (12) feet wide or such additional width and design in accordance with Table 1365.09.01, so as to provide safe and efficient means of vehicular access to such parking space. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times. This requirement may be waived by the Planning Director where such waiver will not cause a hazard.
- (4) All required parking spaces and aisles shall be provided wholly within the property lines and shall not extend into any public right-of-way.

Table 1365.09.01: Dimensions

Parking Angle	Stall Type	Width of Stall (feet)	Depth of Stall Perpendicular to Aisle (feet)	One-Way Aisle Width (feet)	Two-Way Aisle Width (feet)
45°	Standard	8.5	17.5	12.0	20.0
	Compact	8	16.0	12.0	20.0
60°	Standard	8.5	19.0	16.0	20.0
	Compact	8	17.0	15.0	20.0
90°	Standard	8.5	18.0	20.0	20.0
	Compact	8	15.0	20.0	20.0
Parallel	Standard	22.0	7.5	12.0	20.0
	Compact	19.0	7.5	10.0	20.0

## (B) Layout and Design.

- (1) All off-street parking or loading facilities shall be designed with appropriate means of vehicular access to a street or an alley in a manner which will least interfere with traffic movement.
- (2) Driveway entrances or exits shall be no closer than 15 feet to an adjoining residential property line or 5 feet to an adjoining non-residential property line or designed in such a manner as to least interfere with traffic movement. No driveway across public property at the right-of-way line of the street shall exceed a width of 22 feet, unless a greater width is specifically approved by the City Engineer. No driveway shall be located closer than 30 feet of the nearest point of the intersection of two streets.
- (3) Connections between parking lots or reservations of land for future such connections may be required at the discretion of the Planning Director.
- (4) Required off-street parking spaces shall be so designed, arranged and regulated so that:
  - (a) Such parking areas are lined or designated to insure the most efficient use of the parking spaces.

- (b) Individual spaces on lots with 5 percent average slope or greater are provided with anchored bumper guards or wheel guards. Under no circumstances shall parking spaces be provided on lots in excess of 10 percent slope.
  - (c) Parking spaces are unobstructed and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway, unless otherwise permitted at the direction of the Planning Director.
  - (d) With the exception of drive-through windows and related stacking lanes, all parking spaces and maneuvering aisles shall be physically separated from any wall of a building by a vertical curb, maintained planting strip, and/or other suitable barrier.
- (5) Off-street parking spaces may be open to the sky or enclosed in a building. In any instance when a building is constructed or used for parking facilities on the lot, said building shall be treated as any major structure and subject to all requirements thereof.
- (6) All parking lots abutting residential uses or districts, and all parking lots in any district containing more than four (4) spaces shall be subject to the landscaping and screening requirements for such parking lots as set forth in Article 1367, Landscaping and Screening.
- (7) Any lighting facilities used to illuminate off-street parking areas shall be so located, shielded and directed upon the parking area in such a manner that they do not reflect or cause glare onto adjacent properties or interfere with street traffic. In no instance shall bare, unshaded bulbs be used for such illumination. (Ord. 06-01. Passed 1-3-06.)
- (C) Surfacing and Drainage.
- (1) All open off-street parking areas shall be surfaced with an all-weather, dust-free concrete or asphalt material, and shall be maintained in good condition and free of weeds, dirt, trash and debris; except that, a gravel surface may be used for a period not exceeding six months after the date of granting the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified above.
  - (2) A gravel surface in the area of storage or handling may be used permanently in association with industries that handle liquids or chemicals which create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate such hazard.
  - (3) Such parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto either adjacent property or public sidewalks. Further, any run-off generated by such improved areas shall be disposed of in accordance with the stormwater management ordinance and other City regulations.
  - (4) 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. (Ord. 13-33. Passed 7-2-13.)

**1365.10 LOADING REQUIREMENTS.**

Uses and buildings with a gross floor area of 5,000 square feet or more shall provide off-street loading spaces in accordance with Table 1365.10.01 provided that loading spaces shall not be required for uses which do not receive or transmit goods or wares by truck delivery.

- (A) **Location.** All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted or required loading berth shall be located within thirty (30) feet of the nearest point of intersection of any two streets, nor shall it be located in a required front yard or side yard adjoining a residential use or district.
- (B) Each required off-street loading space shall be of a size not less than that required for an off-street parking space but scaled larger to delivery vehicles expected to be used, logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled, provided that the off-street area required for the receipt or distribution by vehicles of materials or merchandise is held to be as follows:
- (1) For local pick-up and delivery trucks: twelve (12) feet in width by thirty (30) feet in length with a forty-five (45) foot maneuvering apron, and a twelve (12) foot height clearance.
  - (2) For over-the-road tractor-trailers: fourteen (14) feet in width by sixty (60) feet in length with a sixty (60) foot maneuvering apron, and a fourteen (14) foot height clearance.
- (C) Paving regulations for loading areas shall be in accordance with the paving regulations for parking areas as set forth in the development standards section. Drainage regulations shall be in accordance with the City's stormwater management ordinance and other City ordinances.
- (D) Loading berths shall be screened by either building walls, a solid fence, densely planted shrubbery, or any combination thereof, none of which may be less than 6 feet in height at maturity, unless located at the rear of the building.

Table 1365.10.01: Required Loading Spaces

<b>Use Description</b>	<b>Floor Area in Square Feet</b>	<b>Number of Loading Spaces Required</b>
<b>Type I:</b> Manufacturing, distribution, wholesaling, storage, and similar uses	5,000 - 25,000	1
	25,001 - 60,000	2
	60,001 - 100,000	3
	Each 50,000 above 100,000	1
<b>Type II:</b> Office Buildings, hotels and motels, retail sales, hospitals, institutions and similar uses	5,000 - 60,000	1
	60,001 - 100,000	2
	Each 20,000 above 100,000	1

(Ord. 07-57. Passed 11-6-07.)

## Appendix A - Development Standards for Zoning Districts

This Appendix is intended to serve as a resource to illustrate certain standards across all zoning districts set forth in preceding Articles. There may be additional provisions that control standards illustrated below: i.e., overlay districts, specific use types, etc. Standards enumerated in the Articles above shall control in the event there is any conflict or inconsistency in the information illustrated below.

Zoning District	Min. Lot Area	Min. Lot Frontage	Min. Lot Depth	Height of Principal Building			Setbacks				Density	
				Max.	Min.	Max. Lot Coverage	Min. Front	Max. Front	Min. Side	Min. Rear	Floor Area Ratio	Lot Area Per Unit
R-1	7,200 sf	70 ft.	--	2.5 stories/35 ft. (whichever is greater)	-	40%	25 ft.	30 ft.	10 ft.	25 ft.	-	-
R-1A	3,500 sf	30 ft.	-	2.5 stories/35 ft. (whichever is greater)	-	50%	8 ft.	20 ft.	5 ft.	20 ft.	-	-
R-2	5,000 sf	40 ft.	-	2.5 stories/35 ft. (whichever is greater)	-	50%	10 ft.	20 ft.	5 ft.	20 ft.	-	-
R-3	4,000 sf	40 ft.	-	4 stories/55 ft. (whichever is greater) 55 ft. - 80 ft. by conditional use	-	60%	10 ft.	20 ft.	5 ft.	20 ft.	-	-
PRO	7,000 sf	60 ft.	-	2.5 stories/35 ft. (whichever is greater)	-	40%	10 ft.	15 ft.	15 ft.	40 ft.	See Article 1341.05	
C-1	6,000 sf	60 ft.	100 ft.	72 ft.	-	60%	15 ft.	25 ft.	30 ft.	40 ft.	-	-
B-1	3,000 sf	30 ft.	100 ft.	40 ft. 35 ft. for small-scale shopping centers	2 stories	70%	5 ft.	12 ft.	3 ft.	20 ft.	See Article 1345.05	
B-2	6,000 sf	60 ft.	100 ft.	72 ft.	-	60%	15 ft.	30 ft.	5 ft.	40 ft.	-	-
B-4	1,500 sf	30 ft.	50 ft.	120 ft.	2 stories	90%	See Article 1349.04				7.0	300 sf
B-5	0.5 acres	60 ft.	100 ft.	75 ft.	25 ft.	60%	20 ft.	-	30 ft.	30 ft.	-	-
I-1	2 acres	60 ft.	100 ft.	65 ft.	-	40%	50 ft.	-	30 ft.	30 ft.	-	-

(Ord. 08-07. Passed 3-4-08.)