



**JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, May 6, 2019

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin
Mayor

Miles C. Cary II
City Clerk

CALL TO ORDER

The Council met in the Chambers of the City Building at 7:00 P.M., for the first meeting in the month of May on the 6th day, in the year 2019, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember and the Pledge of Allegiance was led by Councilmember Campbell. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ADAMS**BURTON****COOK****HOOVER****KING****MCKINNEY****PERSINGER****ROBINSON****STEELE****BAILEY****CAMPBELL****FAEGRE****JENKINS****KNAUFF****MINARDI****PHARR****SHEETS****WESLEY-PLEAR****BAYS****CEPERLEY****HAAS****JONES****OVERSTREET****REISHMAN****MAYOR GOODWIN**

With twenty-five members being present, the Mayor declared a quorum present.

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

PUBLIC SPEAKERS

NONE

CLAIMS

NONE

PROCLAMATIONS

1.



Mayor Goodwin presented the Proclamation to Unit 431.

2.

EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION

WHEREAS: Public employees at the federal, state, county and city levels offer their time and talents to serve communities throughout our state and nation; and

WHEREAS: Through participation in civic, neighborhood, and faith-based groups, public employees further strengthen our communities through their contributions to the many organizations that are so vital to our economic and social well-being; and

WHEREAS: Many—including military personnel, police officers, firefighters, embassy employees, health care professionals and others—risk their lives each day in service to the people of our nation and around the world; and

WHEREAS: Every day teachers, doctors, scientists, train conductors, astronauts, nurses, safety inspectors, laborers, computer technicians, social workers and countless others provide diverse public services with efficiency and integrity; and

WHEREAS: Dedicated public servants help ensure continuity in government operations in a democracy that regularly changes its leaders and elected officials.

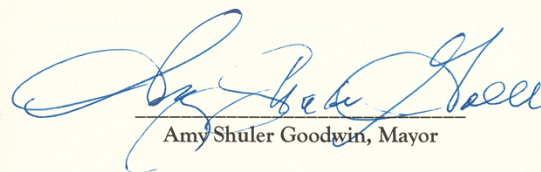
NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim May 5 - 11, as

PUBLIC SERVICE RECOGNITION WEEK

in Charleston, West Virginia and encourage all citizens to recognize the hard work and dedication of public employees at all levels—federal, state, county and city.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 6th day of May 2019.




Amy Shuler Goodwin, Mayor

COMMUNICATIONS

1. With no objection from Council, Mayor Goodwin invited Susan Stuart, President and CEO of the Center for Organ Recovery and Education of CORE to address Council and those present. Representing the organization, she encouraged the lifesaving choice to register as an organ donor.

2.



PLANNING, STREETS AND TRAFFIC COMMITTEE

Mary Beth Hoover, Chair

April 25, 2019

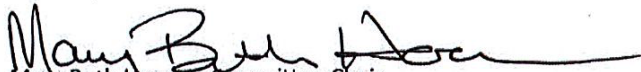
Honorable Amy Shuler Goodwin
and Members of City Council
Charleston, WV 25330

Dear Mayor Goodwin and Council members:

Please withdraw Bill No. 7806. After careful consideration, Keeley Steele, the sponsor of the bill, and the Planning, Streets and Traffic Committee determined the tow-away zone is unwarranted and Bill No. 7806 should be withdrawn.

Bill No. 7806 – A Bill to establish a No Parking Tow-Away zone on the east side of East Ave from a point 140 feet to a point 160 feet north from Kanawha Blvd.

Sincerely,



Mary Beth Hoover, Committee Chair

Councilmember Hoover added that after the Committee and the sponsor reviewed the bill, it was determined a tow away zone was not needed in this area.

Councilmember Hoover moved to withdraw Bill No. 7806. Councilmember Ceperley seconded the motion. With the ayes being the majority, Mayor Goodwin declared Bill No. 7806 officially withdrawn.

REPORTS OF COMMITTEES

COMMITTEE ON ORDINANCE AND RULES

Councilmember Faegre, Chair of the Council Committee on Ordinance and Rules, submitted the following reports:

1. Your committee on Ordinance and Rules has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7816 Committee Substitute do pass.

Bill No. 7816 Committee Substitute - A BILL to amend the Code of the City of Charleston, by adding thereto new sections within Chapter 102, Article V, designated Sections 102-200, 102-201, 102-202, 102-203, 102-204, 102-205, 102-206, 102-207, 102-208, 102-209, and 102-210; and to amend and reenact sections 102-212, 102-213, and 102-215 of said code, all relating to implementing the West Virginia Small Wireless Facilities Deployment Act; detailing the purpose, application requirements, associated fees, zoning applicability, design requirements, and application process; authorizing the Planning Director and Building Commissioner to implement certain guidelines and rules; providing processing deadlines and right-of-way requirements; and updating related sections of code to conform.

Now, therefore, be it ordained by the Council of the City of Charleston:

That the Code of the City of Charleston be amended by adding thereto new sections within Chapter 102, Article V, designated Sections 102-200, 102-201, 102-202, 102-203, 102-204, 102-205, 102-206, 102-207, 102-208, 102-209, and 102-210; and to amend and reenact sections 102-212, 102-213, and 102-215 of said code, all to read as follows:

CHAPTER 102. – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES.

ARTICLE V. – POLES, WIRES AND ANTENNAS.

Sec. 102-200. Purpose.

It is the purpose of this ordinance to implement the West Virginia Small Wireless Facilities Deployment Act, which is codified at W. Va. Code §31H-1-1, et seq. This Article establishes nondiscriminatory policies and procedures for use of the rights-of-way and more specifically the placement of small wireless facilities in rights-of-way within the City's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and reasonable aesthetic qualities of the City rights-of-way and the City as a whole. The City seeks to

establish uniform standards consistent with federal and state law to address the placement of small wireless facilities and associated poles in the rights-of-way, including without limitation, to: (1) prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places; (2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic; (3) prevent interference with the facilities and operations of facilities lawfully located in rights-of-way or public property; (4) protect against environmental damage, including damage to trees; (5) preserve the character of Historic Districts or areas with Decorative Poles, Decorative Sidewalks, Decorative Streetscapes, or brick streets; and (6) facilitate rapid deployment of small cell facilities to provide the benefits of wireless services to the City’s residents and visitors.

Sec. 102-201. Definitions.

(a) As used in this article, this section incorporates all of the definitions contained within W. Va. Code §31H-1-2.

(b) In addition, the following terms shall have the following definitions, as used in this article:

(1) “Day” means a calendar day, but when computing any period of time prescribed by any applicable provision of this article, the day of the act, event, default or omission from which the applicable period begins to run is not included. The last day of the period so computed is included, unless it is a Saturday, a Sunday, a legal holiday or a designated day off in which event the prescribed period of time runs until the end of the next day that is not a Saturday, Sunday, legal holiday or designated day off;

(2) “Excavation” means any work in the surface or subsurface of the public rights-of-way, including, but not limited to the following: opening the public rights-of-way; installing, servicing, repairing, or modifying any facility; and restoring the surface and subsurface of the public rights-of-way. Excavation shall not include activities in public rights-of-way wherein the surface and subsurface are not disturbed and wherein such activities take place through existing manholes, conduits, and other such facilities; and

(3) “Facility” or “Facilities”, for the purpose of the definition of “Excavation” only, shall include, but not be limited to, any and all lines, poles, cables, cabinets, ducts, conduits, converters, equipment, drains, handholds, manholes, pipes, pedestals, splice boxes, surface location markers, tracks, tunnels, utilities, vaults, and other appurtenances or tangible things owned, leased, operated, or licensed by a person or company that are located or are proposed to be located under, on, or above ground within the public rights-of-way.

Sec. 102-202. Application.

(a) A wireless provider seeking to conduct any excavation beyond the installation of a new pole within the public rights-of-way, shall follow the City of Charleston Public Rights-of-Way Excavation and Restoration Ordinance Manual, codified at Sec. 102-91 of this code with respect

to its excavation activities.

(b) A wireless provider's use of the public rights-of-way that does not require excavation shall follow the provisions of this article to file a permit with the City Engineer, including that the permit application shall include the following:

(1) The applicant's name, address, phone number, and email address, as well as all duly authorized representatives acting on behalf of the applicant

(2) A general description of the proposed small wireless facility and associated pole, if applicable.

(3) Construction and engineering drawings and information demonstrating compliance with state law and this article, including a structural analysis of the pole where the applicant proposes to install the small wireless facility;

(4) An attestation that the small wireless facilities will be operational for use by a wireless provider within one year after the permit issuance date, unless the City and the applicant agree to extend the period or delay is caused by lack of commercial power or communications transport facilities to the site;

(5) An attestation that the small wireless facility will comply with Federal Communications Commission regulations concerning (A) radiofrequency emissions from radio transmitters; and (B) unacceptable interference with the public safety spectrum and CII spectrum, including compliance with the abatement and resolution procedures for interference with the public safety spectrum and CII spectrum established by the Federal Communications Commission set forth in 47 C.F.R. 22.970 through 47 C.F.R. 22.973 and 47 C.F.R. 90.672 through 47 C.F.R. 90.675;

(6) Proof that the applicant maintains property insurance for its property's replacement cost against all risks, workers' compensation insurance as required by law, and commercial general liability insurance with respect to its activities on City improvements or rights-of-way of not less than \$1,000,000 of coverage for damages including bodily injury and property damage: *Provided*, That the commercial general liability policy shall include the City as an additional insured and the certification shall be filed with the application in order for it to be considered complete: *Provided, however*, That a self-insured applicant shall provide sufficient evidence to demonstrate its financial ability to self-insure the insurance coverage;

(7) An attestation that it will provide a bond, escrow deposit, letter of credit, or other financial surety required by the City to ensure removal of abandoned or unused wireless facilities or damage to the right-of-way or City property caused by the applicant or its agents, as set by the City, prior to beginning any installation; and

(8) An attestation that it will notify the City of Charleston and call the West Virginia 811 "call before you dig" hotline in order to locate all underground utilities at least 72 hours before making any excavation.

(c) A wireless provider that seeks to use a City utility pole shall provide the following additional information:

(1) The additional wind load that the wireless facility adds to the pole;

(2) A description of how the wireless provider will provide power to the wireless facility;

(3) A description of how the wireless facility would attach to the pole, including whether

it would involve drilling holes in the pole or attaching bands to the pole;

(4) Whether there will be additional wire in the pole;

(5) An attestation that the applicant is responsible for any damage ~~to the wireless facility if there is a collision that causes damage to the pole that is caused by the negligence of the wireless provider or any of its officers, agents, employees, directors, or representatives related to installing, repairing, or maintaining facilities in rights-of-way;~~

(6) An attestation that the wireless facility will meet all clearance requirements if it is over the roadway; and

(7) An attestation that the wireless facility will not interfere with any other equipment signals on the poles that are owned by the City.

Sec. 102-203. Fees.

(a) An application is incomplete unless it has the following fees submitted along with the application:

(1) \$200 for each small wireless facility on an existing utility pole for the first five poles in the same application, followed by \$100 for each small wireless facility thereafter in the same application;

(2) \$250 for the proposed installation, modification, or replacement of a utility pole and the collocation of an associated small wireless facility that is a permitted use, as detailed in Sec. 102-204 of this code;

(3) \$1,000 for the proposed installation, modification, or replacement of a utility pole and the collocation of an associated small wireless facility that is not a permitted use, as detailed in Sec. 102-204 of this code.

(b) The use of the public right-of-way for the collocation of small wireless facilities or the installation, maintenance, modification, operation, repair or replacement of a utility pole in the right-of-way or any stringing of additional wires, or changing the location of any pole or wire, requires a permit, as detailed in section 102-213 of this code. The fee for such permit is \$25 per pole, per year.

(c) An applicant shall pay an annual fee of \$65 per year for access to each City-owned utility pole and complete all the additional requirements stated in Sec. 102-202 of this code.

Sec. 102-204. Permitted Use; Zoning Applicability.

(a) A wireless provider that seeks to collocate small wireless facilities and associated efforts to install, maintain, modify, and replace the wireless provider's own utility poles or, with the permission of the owner, a third party's utility pole, in, along, across, upon, and under the right-of-way in any zone or outside of the right-of-way in property not zoned exclusively for single-family residential use is a permitted use, as long as the following conditions are met:

(1) The structures and facilities are installed and maintained so as not to obstruct or hinder the usual travel or public safety on the right-of-way or to obstruct the legal use of the

right-of-way by the City or other utilities;

(2) Any new or modified utility pole does not exceed the greater of (A) ten feet above the tallest existing utility pole in place on March 5, 2019, within 500 feet of the new pole or (B) fifty feet above ground level;:

(3) The small wireless facility complies with the reasonable, written design guidelines created by the Planning Director, as authorized by Sec. 102-205 of this code;:

(4) Any replacement of decorative poles necessary to collocate a small wireless facility shall reasonably conform to the design aesthetics of the decorative poles being replaced;:

(5) The area has not been designated solely for underground communications and electrical lines at least three months prior to submission of the permit application, **provided that (A) those utility poles which the City allows to remain shall be made available for the collocation of small wireless facilities and may be replaced by a wireless provider to accommodate the collocation of small wireless facilities, and (B) a wireless provider may install a new utility pole in the designated area when it is not able to provide wireless service by collocating on a remaining structure; and**

(6) Any other applicable restriction in state law.

(b) Any other application is not a permitted use and is subject to the Zoning Ordinance for the City of Charleston.

Sec. 102-205. Design Guidelines.

(a) The Planning Director is authorized to create reasonable, written design guidelines **with objective, technically feasible criteria** that reasonably match the aesthetics and character of an immediate area regarding the following:

(1) The location of any ground-mounted small wireless facilities;

(2) The location of a small wireless facility on a utility pole or wireless support structure;

(3) The appearance and concealment of small wireless facilities, including those relating to materials used for arranging, screening, or landscaping; and

(4) The design and appearance of a utility pole or wireless support structure.

(b) The guidelines shall be applied in a nondiscriminatory manner and shall be posted publicly on the City of Charleston's Planning Department web page. The Planning Director may change the guidelines in a prospective manner for all permit applications moving forward, but may not change requirements on any person who has already applied for a permit. Each new or modified small wireless facility or utility pole installed in the right-of-way shall comply with the Planning Director's current design guidelines as of the time of the permit application.

(c) The guidelines shall be **(1) reasonable, in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments; (2) no more burdensome than those applied to other types of infrastructure deployments; and (3) objective and published in advance.**

Sec. 102-206. Application Processing.

(a) All permit applications filed pursuant to this article shall be reviewed for completeness by the City and if the application is incomplete, the City shall notify the applicant within ten days of receiving the application. The City shall specify the missing information in writing and all processing deadlines required by this section are tolled.

(b) An application for collocation of a small wireless facility shall be processed within 60 days of the receipt of the application.

(c) An application for the installation, modification, or replacement of a utility pole in the right-of-way shall be processed within 90 days of the receipt of the application.

(d) Within 60 days of receiving a complete application for use of a City utility pole, the City shall provide a good faith description of any make-ready work necessary to enable the pole to support the requested collocation, including pole replacement, if necessary because the pole would otherwise be structurally unsound. If the applicant accepts the good faith description, the make-ready work shall be completed by the applicant within 60 days of acceptance.

(e) Processing deadlines may also be tolled by agreement of the applicant and the City.

(f) The City may deny the application if the application:

(1) Materially interferes with the safe operation of traffic control equipment;

(2) Materially interferes with sight lines or clear zones for transportation or pedestrians;

(3) Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement;

~~(4) Fails to comply with the reasonable and nondiscriminatory spacing requirements of general application adopted by the Planning Director pursuant to rules authorized by Sec. 102-215 of this Code that concern the location of poles; in the same right-of-way as an existing small wireless facility, or an already permitted but unconstructed small wireless facility;~~

(5) Fails to comply with the reasonable and nondiscriminatory rules approved by the Building Commissioner, as authorized in Sec. 102-209 of this code;

(6) Fails to comply with the application design guidelines authorized in Sec. 102-205 of this code; or

(7) Fails to attest that a small wireless facility will comply with relevant Federal Communications Commission regulations, as required by Sec. 102-202.

(g) If the City denies the application, it shall document the basis for the denial, including the specific provision on which the denial was based, and send the documentation to the applicant on or before the day the City denies the application. The applicant then has 30 days to cure the deficiencies identified without paying an additional application fee. The City shall have 30 days to approve or deny the revised application.

(h) The installation or collocation shall be completed within one year after the permit issuance date unless the City and the applicant agree to extend the period or a delay is caused by the lack of commercial power or communications facilities at the site.

(i) Upon approval of the application and posting of the reasonable bond, escrow deposit, letter of credit, or other financial surety required by the City to ensure removal of abandoned or unused wireless facility or damage to the right-of-way or authority property, the applicant may

undertake the installation or collocation and operate and maintain the small wireless facilities and associated poles.

Sec. 102-207. Consolidated applications permitted.

An applicant may file a consolidated application and receive a single permit for the collocation of multiple small wireless facilities. The denial of one or more small wireless facilities in a consolidated application may not delay processing of any other small wireless facilities in the same batch.

Sec. 102-208. Work within and repairs to the Right-of-Way.

(a) The City may restrict the applicant from working within a right-of-way when a road is closed or its access is limited, but it may not require an additional application for routine maintenance within the right-of-way to permitted facilities;

(b) If the applicant needs to close a sidewalk or street in order to install or perform work on the wireless facility, the applicant shall contact the Office of the Director of Traffic and provided a detailed set of Maintenance of Traffic plans that shows any necessary signage, the method of controlling traffic, and any detour routes. The Maintenance of Traffic plans must be reviewed by the Director of Traffic and approved by the Chief of Police and the Collector's Office if any fees are due. The Director of Traffic will notify the applicant when all approvals have been received.

(c) If the City determines that it is necessary, appropriate, or useful in response to an imminent danger to public health, safety, or property, or for the construction, repair, maintenance, or installation of a City improvement, to move a small wireless facility located within the public rights-of-way, then the City shall provide written notice to the applicant and the applicant shall remove the small wireless facility within 90 days.

(d) Any damage to the public right-of-way directly caused by a wireless provider or other utility's activities in the right-of-way shall be repaired in accordance with the City of Charleston Public Rights-of-Way Excavation and Restoration Ordinance Manual, codified at Sec. 102-91 of this code, in order to return the right-of-way to its functional equivalence before the damage. After the wireless provider receives written notice, the city may assess a fine of \$100 per day until the repairs are completed. If the entity fails to make the repairs required by the City within a reasonable time after written notice, the City may complete the repairs and charge the entity for the reasonable, documented cost of the repairs in addition to the daily fine assessed.

Sec. 102-209. Building Commissioner Rules.

(a) The Building Commissioner is authorized to create reasonable rules for construction and public safety in the rights-of-way, including wiring and cabling requirements, grounding requirements, and abandonment and removal provisions, to the extent any additional rules are

necessary.

(b) The rules shall be applied in a nondiscriminatory manner and shall be posted publicly on the City of Charleston's Building Department web page. If the Building Commissioner determines that no additional rules are necessary, the web page must state that and point persons to the relevant general rules. The Building Commissioner may change the guidelines in a prospective manner for all permit applications moving forward, but may not change requirements on any person who has already applied for a permit. Each new or modified small wireless facility or utility pole installed in the right-of-way shall comply with the Building Commissioner's current rules for construction and public safety as of the time of the permit application.

Sec. 102-210. Revocation.

The City may revoke a permit at any time if the conditions of the permit are no longer being satisfied.

Sec. 102-212. - Franchise to set or place wires, poles, other paraphernalia, on streets; use of wires.

(a) No person shall set or place any poles, wires, cables, guy lines, stays or other paraphernalia for carrying or supporting wires or keeping them in place in any of the streets and public places in the city unless such person has first procured a franchise from the proper authorities of the city authorizing such occupation of the streets and public places. When duly authorized by franchise granted as required by law, such person may set and maintain poles, wires, cables, guy lines, stays and other like paraphernalia for carrying or supporting wires if the wires are used only for carrying of electricity for light or power; for telephone, telegraph or cable television service; for messenger and signal service; for fire alarm or police alarm purposes or any other public service, but subject to the provisions of this article, and such rules and regulations for the protection of life and property as may be lawfully adopted by the city council.

(b) Notwithstanding the provisions of subsection (a) of this section, a wireless provider seeking a permit for small wireless facilities is not required to have a franchise agreement with the City, pursuant to W. Va. Code §31H-2-4, but it may enter into such a non-exclusive agreement if it desires.

Sec. 102-213. - Permit for additions, replacements, relocations of wires.

No person shall string any additional telegraph, telephone, messenger, signal or electric lighting wires, or change the location of any pole or wire, or repair or replace any pole or wire without a permit from the ~~city council~~ City Engineer, specifying particularly the proposed location and change or repair. ~~No permit to string any additional wire or to change the location of or to repair or replace any pole or wire shall be issued to any telegraph, telephone, messenger,~~

~~television, signal or electric lighting company, or to any person or company owning, operating or maintaining overhead wires or poles in the city until such company or person shall have filed in the office of the city manager a complete list of his poles and overhead wires, giving their locations and designating such poles and overhead wires by numbers and letters identifying the company to which such poles belong.~~

Sec. 102-215. - Right of council to prescribe kind, size and location of poles.

Except as provided in this article more specifically with respect to small wireless facilities, the city council shall have the right The City Engineer, in consultation with the Director of Traffic, is hereby authorized to adopt nondiscriminatory rules to prescribe the kind and size of all poles to be placed upon the streets, and the location of such poles, or to forbid the location of any additional poles at points where traffic is likely to be impeded, where the sidewalks are narrow, where they would be in the way of the fire department, upon any street or part of a street from which poles have been ordered removed by competent authority, or on any street or side of street where there is already an excess of poles. Provided, That any restriction on the location of poles may not prevent a wireless provider seeking placement of a small wireless facility from serving any location.

Councilmember Faegre added that the bill implements and updates some current City Code sections to conform to the state law. This is necessary so that the City will be able to maintain consistent design requirements and collect authorized fees. The proposed committee substitute makes a few minor changes in order to confirm with state law.

Councilmember Faegre moved to approve the Bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Laird, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7816 Committee Substitute passed.

COMMITTEE ON PARKING FACILITIES

Councilmember Jenkins, Chair of the Council Committee on Parking Facilities, submitted the following reports:

1. Your committee on Parking Facilities has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7815 Committee Substitute do pass.

Bill No. 7815 Committee Substitute - A BILL to amend and reenact Chapter 114, Article VII, Sections 114-565, 114-575, 114-576, 114-578, 114-602, 114-622, and 114-628 of the Code of the City of Charleston, as amended, relating to providing a specific exemption for parking building no. 2; updating terminology and certain requirements regarding parking and traffic; and clarifying the authority of the director of parking and director of traffic.

Now, therefore, be it ordained by the Council of the City of Charleston:

That Chapter 114, Article VII, Sections 114-565, 114-575, 114-576, 114-578, 114-602, 114-622, and 114-628 of the Code of the City of Charleston, as amended, is hereby amended and reenacted to read as follows:

Chapter 114 – Traffic Ordinance

Article VII. STOPPING, STANDING AND PARKING

Sec. 114-565. - No parking at entrances to certain buildings.

The chief of police, with the approval of the city council planning/streets and traffic committee, may establish no parking areas appropriately marked at the principal street entrances to all schools, hospitals, post offices, churches, theaters, hotels, libraries, passenger transportation depots, government-owned and -occupied buildings, and eleemosynary charitable institutions, with such conditions as may be considered proper by the chief of police approved by the city council planning/streets and traffic committee.

Sec. 114-575. – Procedure for establishment of loading zones; conditions governing; loading zone record.

(a) The director of ~~the traffic, parking,~~ in consultation with the director of traffic, and ~~transportation department~~ shall have authority, in the manner provided in this section, to establish and lay off loading zones upon the streets of the city.

(b) Loading zones may be established by the director of ~~the traffic, parking and transportation department~~ upon approval by the city council planning/streets and traffic committee. Such zones shall be for the sole purpose of providing on-street facilities for the

loading and unloading of commodities and equipment in the conduct of business and where no adequate off-street loading facilities are available.

(c) The director of ~~the traffic, parking, and transportation department~~, with the approval of the city council planning/streets and traffic committee, may, with respect to the establishment of any such loading zone, prescribe limitations as to curb space and the time of day within which such loading zone may be used, which shall be designated by appropriate signs.

(d) Any citizen may apply for the establishment of a loading zone. Such application shall be submitted in writing to the director of ~~the traffic, parking, and transportation department~~ on a form to be prescribed by him or her and approved by the city council planning/streets and traffic committee.

(e) All loading zones established under this section may be abolished by the director of ~~the traffic, parking, and transportation department~~ by and with the approval of the city council planning/streets and traffic committee.

(f) Any applicant for the establishment of a loading zone whose application has been denied by the abolition of any such loading zone may appeal such action to the city council, whose action on such appeal shall be final.

(g) The ~~traffic, parking and transportation~~ department shall keep an accurate record of all loading zones established under this section, ~~showing the date when such loading zone was established~~, its location, and the special limitations, if any, attached to the zone.

Sec. 114-576. – Permitted uses of loading zones.

No person shall stop, stand or park any vehicle for any purpose or any length of time in any space designated as a loading zone by the Director of the ~~Traffic, Parking and Transportation Department~~ under and pursuant to the provisions of section 114-575, except while such vehicle is being used in the business of loading or unloading as provided in section 114-575 and has a loading zone permit. In no case shall a lawful stop within a loading zone exceed one-half hour, except where special permission from the Director of ~~the Traffic, Parking and Transportation Department~~ has been obtained for such extension. Any vehicle stopping, standing or parking in a loading zone established by the Director of ~~the Traffic, Parking and Transportation Department~~ pursuant to section 114-575, for any purpose other than loading or unloading as provided in section 114-575 of this Code may be impounded by the police department pursuant to the provisions of section 114-552.

Sec. 114-578. – Residential permit parking.

(a) *Residential permit parking area designation:* A residential permit parking area may only be established in areas of the city zoned R-O, R-2, R-4, R-6, and R-8. A residential permit parking area may be established by filing a petition with the city traffic engineering department upon a form to be prescribed by the traffic engineering department and approved by the city

council planning/streets and traffic committee. The cost of the permits must be stated on the form.

(1) The petition must contain the boundaries of the area sought for residential permit parking, the number of residential units in the area, the address of each residential unit in the area, the license numbers for all vehicles owned by the residents of each residential unit in the proposed area, and the reason that the residential permit parking area is requested. The petition must be signed by at least one resident of a minimum of 67 percent of the residential units in the proposed area. The petition must set forth the hours during which the applicant is seeking restricted residential permit parking.

(2) Residential permit parking may be sought for day time hours (8:00 a.m. to 6:00 p.m.), night time hours (6:00 p.m. to 8:00 a.m.), or on a 24-hour basis. A nonrefundable filing fee of \$100.00 must accompany the petition. Upon filing, a copy of the petition shall be promptly provided to the ward councilperson.

(3) Upon receipt of the petition and the filing fee, the City of Charleston Traffic ~~Engineering~~ Department shall verify the names, addresses, and vehicle information on the petition. The traffic ~~engineering~~ department shall then cause appropriate traffic surveys to be conducted in the area sought for residential permit parking. If the traffic engineering surveys find that on average 80 percent of the available on street parking spaces are occupied and more than 50 percent of the vehicles parked in the area belong to nonresidents, then the area is eligible for designation as a residential permit parking area, and the petition and the results of the survey shall be transmitted to the ward councilperson. The ward councilperson shall submit a bill to designate the area as a residential permit parking area to city council for consideration. The bill shall be referred to council's committee on planning/streets and traffic which will report to council its recommendation. City council shall make its decision on whether to designate area based upon the recommendation from its committee on planning/streets and traffic, the recommendation from the traffic engineering department, input from members of the public and any other material information.

(b) *Authorized permits:* If a residential permit parking area is established by city council, each residential unit in the residential permit parking area may obtain a maximum of two permits for specific vehicles owned by the residents. One visitor permit per residential unit may also be obtained. Owners of nonresidential buildings within the designated areas may purchase one visitor permit to be used by the owner or his or her designee. Exception: A resident experiencing a health condition or disability which substantially impairs the resident and results in a need for special in-home medical care and attention, including, but not limited to, assistance by family members or other caregivers, may request up to three additional visitor permits. The request shall be made by the resident to the ~~Traffic Commander of the Charleston Police Department~~ director of parking. Additional permits shall not be issued unless the resident is able to provide credible evidence satisfactory to the city of the qualifying health condition or disability and the necessity of special in-home medical care, attention and assistance; said evidence shall, at a minimum, consist of a signed statement from a physician verifying the health condition or disability and the necessity of the special in-home medical care, attention and assistance. The

issuance of additional permits shall be at the discretion of the ~~Traffic Commander of the Charleston Police Department~~ director of parking, in consultation with the director of traffic, based on the circumstances and evidence provided by the resident. Any additional permits issued pursuant to this exception shall be valid for the period of time approved by the ~~traffic commander~~ director of parking not to exceed a year. Additional permits shall cost \$25.00 per year. A resident may apply hereunder each year.

(1) Each permit will be valid for one year. The cost for each residential parking permit and visitor permit is \$25.00 per permit annually.

(2) The permits shall be issued and used in accordance with the residential permit parking policy established by council.

Notwithstanding the foregoing provisions, the ~~Traffic Commander of the Charleston Police Department~~ director of parking, in consultation with the director of traffic, shall have discretion to issue a temporary permit, at no cost and not to exceed one calendar year unless thereafter renewed, to a licensed health care provider, including, but not limited to, a hospital, Hospice, doctor, nurse, or physical therapist, upon request by the provider and upon sufficient proof satisfactory to the city that the certified health care provider is administering necessary in-home medical care, attention or assistance to a person who resides in a residential permit parking area.

(c) *Violations:* Any vehicle parking in a residential permit parking area in violation of the terms of this ordinance shall be subject to a fine of \$75.00 and/or shall be impounded in accordance with the provisions of section 31-209 114-121 through 114-131 and any associated rules or regulations. Vehicles of persons making deliveries or providing service, including but not limited to, home maintenance or repair, utility installation or repair, medical treatment or care, yard maintenance, or other similar services, to residential units within the permit area may be parked without a permit for the duration of the delivery or the provision of service.

~~—(1) Any residential permit parking area in the City of Charleston established prior to the adoption of this ordinance shall be subject to the provisions of subparagraphs (b) and (c).~~

(d) *Decertification procedure:* A residential parking area may be decertified if at least one resident of a minimum of 67 percent of the residential units in the designated area sign and file a petition with the city traffic ~~engineering~~ department requesting elimination of the residential permit parking area designation. Such an application for decertification must be accompanied by a nonrefundable filing fee of \$100.00. Upon receipt of the petition and the filing fee, the city traffic ~~engineering~~ department shall verify the names and addresses on the petition. Once the names and addresses are verified as area residential unit owners, a copy of the petition shall be promptly provided to the ward councilperson. The ward councilperson shall submit a bill to decertify the area as a residential permit parking area to city council for consideration. The bill shall be referred to council's committee on planning/streets and traffic which will report to council its recommendation. City council shall make its decision on whether to decertify the area based upon the recommendation from its committee on planning/streets and traffic, the recommendation from the traffic engineering department, input from members of the public and any other material information.

Sec. 114-602. - Management of and regulations governing city-owned lots and buildings.

(a) Unless otherwise provided herein, all parking lots and parking buildings owned or operated by the city shall be operated under the control and management of the parking facilities committee, who are hereby authorized to promulgate rules and regulations governing such usage not inconsistent herewith. There shall be a Director of ~~Traffic, Parking, and Transportation~~, who shall ~~be the department head with the responsibility and authority to~~ carry out the efficient administration of the provisions of this section and the any associated rules and regulations, promulgated by the parking facilities committee, including but not limited to the authority and discretion to enter into and suspend agreements to lease parking spaces on a month to month basis, set days and hours of operation, collect and adjust parking fees and fines, and to make provisions for special events or open rent-free parking when deemed in the best interest of the city.

(b) Motor vehicles shall be parked, placed, handled and driven into, from, in and on such parking lots and such parking buildings in accordance with the applicable laws and ordinances of the city relative to traffic upon the streets in the city, and in accordance with the any rules and regulations respecting usage of such parking lots and parking buildings which are adopted and promulgated by the parking facilities committee and ~~in accordance with~~ the directions, instructions and order of the Director of ~~Traffic, Parking and Transportation~~ or official city attendants at any such lot or building.

(c) It shall be unlawful for any person or vehicle to block any driveway or passageway in or upon such parking lots or parking buildings, or for persons to leave or park cars therein contrary to the applicable ordinances, rules and regulations and instructions of attendants, as aforesaid, or without paying the required rental fees.

(d) No fees or charges shall be required for metered or unmetered spaces in such lots or buildings at times other than those expressly posted at the site, or when provisions have been made for event parking, or as expressly provided herein.

(1) Specific unmetered spaces may be reserved from 7:00 a.m. through 5:00 p.m., Monday through Friday, by paid-up lease on a month to month basis according to the rates identified in this section; provided, nothing herein shall preclude the Director for good cause from designating spaces as assigned or reserved at other times.

(2) All fees for monthly rentals shall be paid in advance prior to the first day of the month; provided, the rental fee for the initial month of any newly activated account may be prorated based upon the date of activation.

(3) An administration fee of \$15.00 per space shall be charged to any account that is delinquent past the tenth day of the month. The director of parking shall provide notice of the assessment of the administrative fee with the further statement that if the account is delinquent past the twentieth day of the month, then the account will be considered closed and the vehicle associated with the account will be treated as a typical vehicle without a monthly account.

(4) An administration fee of \$10.00 per space shall apply for the activation of any monthly rental agreement, or the replacement of an electronic entry key or any placard or decal provided to identify license or assignment of a reserved space. ~~or in addition to any accrued late charges to reactivate an account that has remained delinquent past the last day of the month.~~

(5) Nothing herein shall preclude the immediate revocation and/or reassignment of parking privileges in the event of nonpayment or a violation of the rules.

(6) Unless otherwise provided herein, Event Parking at any city-operated lot or building shall be at the minimum rate of \$3.00 per vehicle.

(e) *City Off-Street Lots.* The daily rental fee for each separate usage of any single parking space on any city owned or operated parking lot not specifically set forth below shall be at the rate of \$3.00 per day. The monthly rental fee for reserved usage of any unmetered space in a city owned or operated lot not otherwise expressly set forth below shall be \$50.00 per month. The rental fee for each separate usage of a single metered parking space in a city owned or operated off-street parking lot, not otherwise expressly set forth below, shall be at the rate of \$0.25 per hour.

(1) *Municipal Auditorium.* The rental fee for each separate usage of any single metered parking space in the city-owned lot behind the municipal auditorium shall be \$0.50 per hour and the rental fee for the reserved usage of any unmetered space shall be \$40.00 per month.

(2) *Summers Street Alley.* The rental fee for the reserved usage of any unmetered space in the Summers Street alley shall be \$80.00 per month.

(3) *West Side Lots.* The rental fee for each separate usage of any single metered parking space in city owned or operated lots on the West Side, Elk City district, shall be \$0.25 per hour and the rental fee for the reserved usage of any unmetered space shall be \$35.00 per month.

(4) *Morris Street Lot.* The rental for each separate usage of any space that is not otherwise made available for metered parking in the city-owned Morris Street lot shall be \$40.00 per month; provided, any such rented space which is unoccupied at the commencement of an event parking period shall be available for event parking on a first come first served basis and subject to the event parking rate.

(5) *Smith Street Lot.* The rental for each separate usage of any space that is not otherwise made available for metered parking in the city-owned Smith Street lot shall be \$30.00 per month; provided, any such rented space which is unoccupied at the commencement of an event parking period shall be available for event parking on a first come first served basis and subject to the event parking rate.

(6) *Union Building Parking Lot.* The monthly rental rate for each parking space at the city-owned Union Building Parking Lot located between Kanawha Boulevard and the Kanawha River just east of the Union Building shall be at a rate of \$70.00 per month; provided, any such rented space which is unoccupied at the commencement of an event parking period shall be available for event parking on a first come first served basis and subject to the event parking rate.

(f) *City Parking Buildings.* Unless otherwise provided herein, the following provisions of this section shall apply to city-owned parking buildings.

(1) *Parking Building No. 1—McFarland Street Garage.* The rental fee for the reserved usage of any unmetered space on Floor 6 or above in Building No. 1 shall be \$45.00 per month; on all other floors, the rental fee shall be \$65.00 per month.

(2) *Parking Building No. 2—Washington Street Garage.* The rental fee for the reserved usage of any unmetered space in Parking Building No. 2 shall be \$35.00 per month.

(3) *Parking Building No. 3—Convention Center North/Greyhound Garage.* Parking Building No. 3 shall be under the control and management of the Charleston Coliseum and Convention Center. Unless a Charleston Coliseum and Convention Center Rate Ordinance provides for other or additional fees for parking in Building No. 3, event or daily parking shall be the rate of \$3.00 per vehicle; monthly parking shall be at the rate of \$25.00 per vehicle.

(4) *Parking Building No. 4—Convention Center South/Quarrier Street Garage.* Parking Building No. 4 shall be under the control and management of the Charleston Coliseum and Convention Center. Unless the Charleston Coliseum and Convention Center Rate Ordinance provides for other or additional fees for parking in Building No. 4, event or daily parking shall be the rate of \$3.00 per vehicle; monthly parking shall be at the rate of \$25.00 per vehicle.

(5) *Parking Building No. 5—Shanklin/City Hall Garage.* The rental fee for the reserved usage of any unmetered space on Floor 4 and above in Parking Building No. 5 shall be \$45.00 per month; on all other floors, the rental fee shall be \$65.00 per month.

(6) *Parking Building No. 6—Summers Street Garage.* The rental fee for the reserved usage of any unmetered space in Parking Building No. 6 shall be \$80.00 per month.

(7) The Director shall designate no fewer than 20 spaces at the lowest or most convenient level practical within each city-owned parking building and equip the same with SMART meters for the use of daily or itinerate parkers, and shall designate as many spaces as practical on the unsheltered rooftop of each building and equip the same with mechanical meters for the use of daily or itinerate parkers; provided, this provision shall not apply to Buildings No. 3 or No. 4 which shall be controlled and operated by the Charleston Coliseum and Convention Center; provided further, that this provision shall not apply to Building No. 2, which shall be controlled and operated by the director of parking consistent with the provisions of subdivision (10) of this subsection.

(8) The rental fee for each separate usage of a SMART metered parking space in a city-owned parking building shall be \$1.00 per hour between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday.

(9) The rental fee for each separate usage of a single metered parking space on the rooftop of a city-owned parking building shall be at the rate of \$0.25 per hour, from 7:00 a.m. through 5:00 p.m., Monday through Friday.

(10) Parking Building No. 2 will continue to be operated with an electronic entry key and ticketed system at the direction of the director of parking. Parking in Parking Building No. 2 shall be free on Saturdays, Sundays, and holidays. The director of parking has the authority to set parking rates for the building and to set hours during which parking rates are charged and collected on Monday through Friday, excluding holidays, provided that the hours during which parking rates are charged shall begin no later than 9:00 a.m. and end no earlier than 5:00 p.m.

The hours during which the parking booth may be attended and actively collecting parking fees may be set at the discretion of the director of parking. The discretion given to the director of parking in this subdivision is subject to active lease agreements maintained by the City with tenants of Parking Building No. 2.

Sec. 114-622. - Per-hour parking fees established.

In the areas bounded by Leon Sullivan Way on the east, Kanawha Boulevard on the south, Elk River on the west, and Piedmont Road on the north, the rental fee for use of any single on-street metered parking meters at the rate of \$0.50 per hour as required by the instructions printed upon each meter. Beginning on February 5, 2018, and continuing thereafter, the rental fee for use of single on-street metered parking in the following areas will be according to the following schedule with no maximum parking time, as required by the instructions printed upon each meter:

Rate of \$1.00 per hour:

400 block of Laidley Street
500 and 600 block of Donnally Street

Rate of \$.25 per hour:

500 block of Summers Street
700 and 800 block of Donnally Street
500 and 600 block of Capitol Street
600 block of Eagan Street
700 and 800 block of Christopher Street
300, 400 and 500 block of Dickenson St.
300, 400 and 500 block of Leon Sullivan Way
300, 400, 500, 600 block of Morris Street
1200 block of Lewis Street
1000, 1100, and 1200 block of Washington Street
1100 and 1200 block of Virginia Street East

Beginning on May 21, 2018, or upon installation of web-based parking meters, whichever occurs later, and continuing thereafter, the rental fee for use of single on-street metered parking, and maximum parking times in the following areas will be according to the following schedule, as required by the instructions printed upon each meter:

Rate of \$1.00 for first hour, \$1.50 for second hour, and an additional \$1.50 for the third hour with a 3-hour maximum time:

100 and 200 block of Hale Street
Unit block of Dunbar Street

200 block of Leon Sullivan Way
Unit block to 400 block of Capital Street
Unit block to 300 block of Summers Street
Unit block to 300 block of Laidley
800 block of Kanawha Blvd.
1000 block of Virginia Street East
500 to 1000 block of Quarrier Street

Provided, where it is determined by the planning/streets and traffic committee that there is a need for further regulation and control of vehicles parking within this area, the city may designate individual on-street metered parking spaces within this area to allow for less than the maximum of three hours at a rate of not more than \$0.50 per 15-minute increments. Any such parking space shall have the time restrictions and rates printed upon each meter.

If the city consents to temporarily bagging or removing a meter to accommodate construction or other activity, the rental fee shall be \$15.00 per day or any portion of a day for each such meter.

Sec. 114-628. - Parking spaces; erecting and relocating meters.

The director of traffic, in consultation with the director of parking, ~~engineer~~ shall have authority, upon the approval of the planning/streets and traffic committee of the city council, to designate all the streets where parking meters shall be permitted; and on all such streets or parts so designated or as shall be made available and designated for parking, the director of traffic, ~~engineer~~, with the approval of the committee, may:

(1) Cause parking spaces approximately 20 feet in length to be marked by lines on the curb or pavement or by other appropriate markings;

(2) On the sidewalks adjacent to each such parking space, cause to be erected parking meters upon which the deposit of a coin will indicate the duration of the legal parking period and the time when such period has elapsed; and

(3) Change the location of the parking space and meters on such streets where they are erected and located and cause such parking meters as located to be moved, transferred and erected on the sidewalks opposite from where such parking spaces are located.

Councilmember Jenkins added that the copy of the Committee Substitute currently on Councilmembers' desks was further changed by the Parking Committee to include:
Page 1 Line 28, "The director of the traffic, parking, in consultation with the director of traffic,"
Page 8 Line 354, "The director of traffic, in consultation with the director of parking,"
These changes were in conjunction with the previous changes to conform current practice to the City Code. The other major part of the bill was the lease update for Building 2.

Councilmember Jenkins moved to approve the Bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Laird, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7815 Committee Substitute passed.

COMMITTEE ON PLANNING, STREETS AND TRAFFIC

Councilmember Hoover, Chair of the Council Committee on Planning, Streets and Traffic, submitted the following reports:

1. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7802 do pass.

Bill No. 7802 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by adding the definition of Retail Sales Establishment, amending the Land Use Table, and creating the Corridor Village District zoning classification; and adding the Corridor Village District to the sign regulations.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA

The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows: by adding the definition of Retail Sales Establishment, amending the Land Use Table, and creating the Corridor Village District zoning classification; and adding the Corridor Village District to the sign regulations

- 1) In ARTICLE 2: DEFINITIONS
Section 2-020 Definitions of Terms

Add:

Retail Sales Establishment. A business having as its primary function the supply of merchandise or wares to the end consumer. Such sales constitute the “primary function” of the business when such sales equal at least eighty (80) percent of the gross sales of the business.

- 2) In ARTICLE 3: ESTABLISHMENT OF ZONING DISTRICTS AND MAP
Section 3-010 Establishment of Zoning Districts

Amend:

- A. The City of Charleston is hereby divided into the following zoning districts:

<u>Abbreviation</u>	<u>District Name</u>
R-2	Single Family Residential District
R-4	Single Family Residential District
R-6	Medium Density Residential District
R-8	High Density Residential District
R-10	Mixed Use Neighborhood District

R-O	Residential-Office District
C-4	Neighborhood Commercial District
C-8	Village Commercial District
C-10	General Commercial District
C-12	Shopping Center District
CBD	Central Business District
UCD	Urban Corridor District
<u>CVD</u>	<u>Corridor Village District</u>
PMC	Professional and Medical Campus
I-2	Light Industrial District
I-4	Heavy Industrial District
PUD	Planned Unit Development

3) In ARTICLE 3: ESTABLISHMENT OF ZONING DISTRICTS AND MAP
Section 3-050 Permitted Land Uses

Amend:

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	<u>CVD</u>	PMC	I-2	I-4	PUD	SUPP.
Accessory Structure	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A	A	A	A	1
Accessory Use	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A	A	A	A	2
Adaptive Reuse of a Nonresidential Structure	C	C	C	C														50
Airport															C	C		
Alcoholic Beverage Sales for Off-premise Consumption							P	P	P	P	C	P	<u>P</u>					52, 53
Alcohol Beverage Sales, Bar Nightclub, or Private Club							C	C	P	P	C	C	<u>C</u>					52, 53
Alcohol Beverage Sales, Liquor Store							C	C	C	C	C	C	<u>C</u>					52, 53
Alcohol Beverage Sales, Restaurant							C	P	P	P	P	P	<u>C</u>					52
Amphitheater									C		C	C			C			
Amusement Park										P								
Animal Grooming Service (Small Animals)								P	P	P		<u>P</u>	<u>P</u>		P	P		
Animal Grooming Service (Unlimited)										P					P	P		
Animal Hospital/Clinic								P	P	P	P	<u>P</u>	<u>P</u>	C	P	P		8
Animal Shelter															C	P		8
Art Gallery					C	C	P	P	P	P	P	P	<u>P</u>		P	P	P	
Assisted Living Facility			C	C	C	C	P	P	P	P	P	P	<u>P</u>	P			P	45
Association (Charitable/Fraternal/Social)								P	P	P	P	P	<u>P</u>	P				
Auction								C	P	P	C	C			P			19
Automobile Rental or Leasing Establishment								P	P	P	P	<u>P</u>	<u>C</u>					14
Automobile Retail Sales Establishment								P	P	P								14

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	<u>CVD</u>	PMC	I-2	I-4	PUD	SUPP.
Automobile Washing or Polishing Establishment								P	P	P	P	P	<u>C</u>		P			14
Automotive Body and Paint Shop									P	P					P	P		14
Automotive Parts, Supplies, or Accessories								P	P	P	P	P	<u>P</u>	P				14
Automotive Repair Establishment								P	P	P	P	<u>PC</u>	<u>C</u>		P			14
Automotive Wrecker Service									C	C					C	P		34
Bakery (retail)							P	P	P	P	P	P	<u>P</u>					
Bakery (wholesale)									P	P		P	<u>P</u>		P			
Beauty Salon/Barber Shop					C	C	P	P	P	P	P	P	<u>P</u>					49
Bed and Breakfast Inn			C	C	C	C	C	C	P	P	P	P	<u>P</u>					20
Boarding House (Limited by Intensity of Use)					C	C			C									20
Books or Stationary Establishment							P	P	P	P	P	P		A				12,13
Bowling Alley								P	P	P								
Broadcasting Station									P		P	<u>P</u>						
Building Materials Sales Establishment-Retail									P	P					P	P		
Building Materials Sales Establishment-Whlse									P	P					P	P		
Bus Garage									P						P	P		
Bus Terminal									P	P	P				P	P		
Campground	C	C																
Carnival, Circus, Fairground, Amusement - Permanent									P	P								
Carnival, Circus, Fairground, Amusement - Transient									P		P				P			
Catering Service Establishment							P	P	P	P	P	P	<u>P</u>	A				
Cemetery		C	C															21
Chemicals - Storage (Tank Farm)															C	C		
Christmas Trees Sales Establishment (Retail)							P	P	P	P	P	P	<u>P</u>	A	P	P		14
Clinic - Medical or Dental					P	P	P	P	P	P	P	P	<u>P</u>	P				
Coin Operated Laundry							P	P	P	P	P	P	<u>P</u>	A	P			
Columbarium - (acc. To Religious Inst.)	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A			A	2
Community Center	C	C	C	C	C	C	P	P	P	P	P	P	<u>P</u>	A			A	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	50
Composting Operation																P		7
Conference Center											P	P	<u>P</u>	P				45
Contractor's Establishment							P	P	P	P	P	P	<u>P</u>		P	P		
Convenience Store, Neighborhood							P	P	P	P	P	P	<u>P</u>					
Correctional Institution															C			
Country Club	C	C															C	
Crematorium (Not part of Funeral Home)								P	P	P	P				P	P		
Dance or Social Club								P	P	P	P	P	<u>P</u>					
Dancing Instruction or Studio							P	P	P	P	P	P	<u>P</u>		P			
Department Store								P	P	P	P	P	<u>P</u>					
Dock, Commercial								C	C	C	C	C	<u>C</u>		C	C		33
Dock, Private	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	33

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	<u>CVD</u>	PMC	I-2	I-4	PUD	SUPP.
Dormitory, Fraternity or Sorority House				C	C	C					P	P	<u>P</u>	P				
Distribution Center															P	P		
Drive-Thru Facility							P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	P		
Drugstore							P	P	P	P	P	P	<u>P</u>	A				
Dry Cleaning and Laundry Services								P	P	P	P	P	<u>P</u>	A	P			
Dwelling, Accessory	P	P	P	P	P	P												
Dwelling, Single Family	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P				
Dwelling, Duplex			P	P	P	P	P	P	P	P	P	P	<u>P</u>	P			P	10
Dwelling, Live-Work Quarters								P	P	P	P	P	<u>P</u>	P	P		P	
Dwelling, Manufactured Home	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P			P	
Dwelling, Mixed Use								P	P	P	P	P	<u>P</u>	P			P	
Dwelling, Modular Home	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P			P	
Dwelling, Multi-family Limited			P				P						<u>P</u>	P			P	
Dwelling, Multi-family - Unlimited except by intensity of use				P	P	P		P	P	P	P	P	<u>P</u>	P			P	
Dwelling - Over store							P	P	P	P	P	P	<u>P</u>	P			P	16
Dwelling - Townhouse			P	P	P	P	P	P	P	P	P	P	<u>P</u>	P			P	
Dwelling - Triplex			P	P	P	P	P	P	P	P	P	P	<u>P</u>	P			P	
Educational Institution-College/Univ./Technical					C	C	P	P	P	P	P	P	<u>P</u>	P				45
Educational Institution - Elementary School	C	C	C	C	C	C	P	P	P	P	P	P	<u>P</u>	P				45
Educational Institution - High School	C	C	C	C	C	C	P	P	P	P	P	P	<u>P</u>	P				45
Educational Institution - Middle School	C	C	C	C	C	C	P	P	P	P	P	P	<u>P</u>	P				45
Educational Institution - Nursery or Preschool	C	C	C	C	C	C	P	P	P	P	P	P	<u>P</u>	P				45
Employment Agency								P	P	P	P	P	<u>P</u>					
Exterminating or Fumigating Service Establishment									P	P					P	P		
Factory Built Housing, Sales/Storage Establishment															P			
Family Day Care Facility	A	A	A	A	A	P	P	P	P	P	P	P	<u>P</u>	P			C	22
Family Day Care Adult Facility	A	A	A	A	A	P	P	P	P	P	P	P	<u>P</u>	P			C	22
Family Day Care Home	C	C	C	C	C	C											C	22
Family Day Care Adult Home	C	C	C	C	C	C											C	22
Farm Equipment or Supplies Sales Establishment									P	P					P			14
Farm Products – Raw Materials Sales															P	P		
Financial Service Institutions					P	P	P	P	P	P	P	P	<u>P</u>	A				
Firearms Sales Establishments									P	P	P							
Florist							P	P	P	P	P	P	<u>P</u>	A				
Funeral Establishment with /wo Crematorium								P	P	P	P	P	<u>P</u>		P			
Furniture, Fixtures or Equipment Sales Establishments								P	P	P	P	P	<u>P</u>		P			
Furniture Sales Establishments-Retail							P	P	P	P	P	P	<u>P</u>		P			

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	<u>CVD</u>	PMC	I-2	I-4	PUD	SUPP.
Furniture Upholstering, Repairing or Refinishing								P	P	P	P	P	<u>P</u>		P			
Gambling establishment								C	C	P	P	C	<u>C</u>					24
Garage or Carport (Detached)	A	A	A	A	A	A	A	A	A	A			<u>A</u>					1
Garage Sale	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A	A	A	A	47
Garden Center Establishment							P	P	P	P	P	<u>P</u>	<u>P</u>		P			14
Gasoline Service Station							C	P	P	P			<u>C</u>		P	P		
Gasoline Station and Mini-Mart								P	P	P			<u>C</u>		P	P		
Glass - Cutting, Coating or Tinting Establishment									P	P		<u>P</u>	<u>P</u>		P			
Go-cart Track Facility									C	C					C			44
Golf Course	C	C															C	
Golf Driving Range	A	A							C	C							A	
Government Facility					P	P	P	P	P	P	P	P	<u>P</u>	P	P			45
Greenhouse or Nursery						C			P	P		<u>P</u>	<u>P</u>		P			14, 23
Grocery Store							P	P	P	P	P	P	<u>P</u>					
Group Home			P	P	P	P	P	P	P	P	P	P	<u>P</u>				P	11
Group Home, Developmentally Disabled	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P			P	11
Group Housing Development				C	C	C												25
Gymnasium or Athletic Club								P	P	P	P	P	<u>P</u>	A				
Halfway House					C	C					P							6,10
Hardware Sales Establishment							P	P	P	P	P	P	<u>P</u>		P			
Health Spa/Club							P	P	P	P	P	P	<u>P</u>	A				
Helistop/Heliport -									C	C	C			C	C	C		26
Historic or Monument Site	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Home Based Business-Level I	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P			P	4
Home Based Business-Level II	C	C	C	C	C	P	P	P	P	P	C	C	<u>P</u>				C	4
Home Parties or Showings	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A	A	A	A	47
Hospital or Sanitarium			C	C	P	P	P	P	P	P	P	P	<u>P</u>	P			C	45
Hotel								P	P	P	P	P	<u>P</u>					
Hypermarket										P								14
Indoor Self-Storage Facility								C	C	C					C	C		27
Industrial Equipment Repair Establishment															P	P		
Industrial Park										P					P			
Industrial Service Establishments										P				P	P			
Industrial Supplies Sales Establishment									P	P					P	P		
Instructional Studios							P	P	P	P	P	P	<u>P</u>	P	P			
Interior Decorating Service Establishment							P	P	P	P	P	P	<u>P</u>					
Janitorial Service Establishment									P	P					P	P		
Junkyard																C		28
Kennel-Commercial									P	P								8,29
Laboratories					P	P			P	P	P	P	<u>P</u>	P	P			15
Landfill-Earth	C	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C		30
Landfill - Sanitary		C													C	C		30,48
Library							P	P	P	P	P	P	<u>P</u>	A				
Limousine Service Establishment									P	P	P	<u>P</u>			P			
Livestock or Poultry, Keeping of (Non-Commercial)	C	C	C															31

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	<u>CVD</u>	PMC	I-2	I-4	PUD	SUPP.
Locksmith							P		P	P	P	P	<u>P</u>					
Machinery - Repair (small business office /lawn /garden)								P	P	P		P	<u>P</u>		P			
Machinery - Heavy Equipment Sales, Storage, Repair, Rental															P	P		
Machinery - Shop															P	P		
Manufacturing, Heavy																P		
Manufacturing, Light															P	P		
Marina									C	C	C	C	<u>C</u>	C	C			33
Marine Craft Sales/Repair Establishment								P	P	P					P	P		
Mini-Storage Facility															C	C		32
Miniature Golf								P	P	P								
Motel								P	P	P	P	P	<u>P</u>					
Motorcycle - Retail Sales Establishment								P	P	P					P			
Movie Theater -Drive-in (Exc. Adult)									C	P								35
Movie Theater - Indoor (Exc. Adult)								P	P	P	P	P	<u>P</u>					
Museum			C	C	C	C	C	P	P	P	P	P	<u>P</u>					
Music - Instruction or Studio							P	P	P	P	P	P	<u>P</u>					
Nursing Home			C	C	P	P		P	P	P	P	P	<u>P</u>	A				36
Office - Apartment Rental Office (20 +units)				A	A	A	A	A	A	A	A	A	<u>A</u>	A			A	
Office - Associated with permitted Ind. use															A	A		
Office - Professional (No display or sale of goods)					P	P	P	P	P	P	P	P	<u>P</u>	P			P	
Office - Business or Professional (Unlimited)					P	P	P	P	P	P	P	P	<u>P</u>	P	P			
Office Park									P	P	P	P		P	P			45
Oil or Gas Well Operation	C	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	37
Park	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	9
Parsonage (Accessory to Religious Inst.)	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A				
Parking - Restricted Accessory	C	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	9;38
Parking - Commercial								C	P	P	P	P	<u>P</u>	P				9
Parking - Public Lot							P	P	P	P	P	P	<u>P</u>	P				9
Parking - Structure								P	P	P	P	P	<u>P</u>	P				
Pawn Shop									P	P	P							
Performing Arts Complex									P	P	P	P	<u>P</u>					
Personal Services Establishment							P	P	P	P	P	P	<u>P</u>					
Pet Shop								P	P	P	P	P	<u>P</u>					
Petroleum - Manufacturing (Refining or related industries)																C		
Petroleum - Storage (Tank farm)															C	C		
Petroleum - Wholesale (Bulk)															P	P		
Photo Finishing Establishment - With on-premise processing								P	P	P	P	P	<u>P</u>		P			
Photography Studio – Commercial or Portrait								P	P	P	P	P	<u>P</u>					
Printing or Publishing								P	P	P	P	P	<u>P</u>		P	P		

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	<u>CVD</u>	PMC	I-2	I-4	PUD	SUPP.
Establishment																		
Professional Services Establishment					P	P	P	P	P	P	P	P	<u>P</u>	P			P	
Public Services (Police/Fire)	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Quarry															C	C		
Rail Terminal									P						P	P		
Recreational/Sports Facility (Group)								C	P	P	P	P	<u>P</u>	P	P	P		39
Recycling Collection Center															P	P		7
Refuse Incineration											A			A		C		7
Religious Institution (Acc.Day Care Facility)	C	C	C	C	C	C	P	P	P	P	P	P	<u>P</u>	P			P	46
Religious Institution (under 80,000 SF)	C	C	C	C	C	C	P	P	P	P	P	P	<u>P</u>	P			P	45,46
Religious Institution (over 80,000 SF)										P								46
Rental Services - Exc.Heavy Machinery Est.								P	P	P	P	P	<u>P</u>	A				
Research and Development Center								P	P	P	P	P	<u>P</u>	P	P			45
Residential - See Dwellings																		
Restaurant - Without Drive-Thru							P	P	P	P	P	P	<u>P</u>	A				
Restaurant - Fast Food with Drive-Thru								P	P	P	P	<u>P</u>	<u>P</u>					
Restaurant - Serving Alcoholic Beverages							C	P	P	P	P	P	<u>C</u>					52
<u>Retail Sales Establishment</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
Reuse of Structure	C	C	C	C														40
Satellite Dish /Antenna (Under 30" dia.-private)	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A	A	A	A	
Sewage or Solid Waste Disposal																C		41
Sewage Treatment Plant																C		41
Sexually Oriented Business																C		18
Shopping Center								C	P	P	P	<u>P</u>						
Shooting Range (Indoor - Outdoor)									C	C								44
Sign Fabricating or Painting Establishment								P	P	P					P	P		
Sign Fabrication/Painting (2,500 SF-no op.stor.)									P	P								
Signs (Off-Premise)									C							C		
Skating Rink - Indoor/Outdoor									P	P	P	P	<u>P</u>					
Slaughtering																C		8,32
Sports Club										P		P						
Storage Building (Detached)	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A				
Storage Facility - Indoor Self-Storage								C	C	C					C	C		27
Storage Facility - Mini-Storage															C	C		32
Swimming Pool - Community	C	C	C	C	C	C												42
Swimming Pool - Private	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A			A	
Taxi Service									P	C					P			
Tattoo Studio/ Body-Piercing								C	P		C		<u>C</u>					5
Telecommunications Facility, Class I	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	17,23

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	<u>CVD</u>	PMC	I-2	I-4	PUD	SUPP.
Telecommunication Facility, Class II	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	17,23
Telecommunications Facility, Class III	C	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	17,23
Television or Radio Studio									P	P	P	P	<u>P</u>	<u>P</u>	P			
Travel Agency or Bureau							P	P	P	P	P	P	<u>P</u>					
Travel Trailer Park									C									45
Utilities and Equipment, Essential	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Urban Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	50
Urban Farm							C	C	P	P	C		<u>P</u>		P	P	C	50
Utility - Essential Public	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Warehousing or Storage Yard (Exc. Junkyard)									P	P					P	P		
Waste Disposal-Industrial																C		
Wildlife Preserve	C	C	C															9
Yard Sale	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A	A	A	A	47
Zoo									C									

4) Add ARTICLE 16: CORRIDOR VILLAGE DISTRICT

ARTICLE 16
CORRIDOR VILLAGE DISTRICT
Contents

Sec. 16-010 PurposeSec. 16-020 Lot ProvisionsSec. 16-030 SetbacksSec. 16-040 Building Height and WidthSec. 16-050 Design Criteria and Performance StandardsSec. 16-060 ReferencesSec. 16-061 Development StandardsSec. 16-062 ParkingSec. 16-063 SignageSec. 16-064 LandscapingSec. 16-010 Purpose

The Corridor Village District (CVD) is established to provide a flexible zoning district that works to preserve historic development patterns while still allowing for modern redevelopment to serve adjacent residential neighborhoods with convenient access to goods, services, and employment. This zoning district was originally developed under Urban Renewal efforts aimed at revitalization through reutilization and redevelopment of pedestrian-oriented, long-established, “Main Street” corridors that have experienced disinvestment or dilapidation. The standards of this district are established to provide

for additional incentives to encourage the reuse of existing structures thereby preserving their distinctive character, landscape, and historic nature and design within the Corridor Village District (CVD) in accordance with the goals set forth by the Charleston Historic Landmarks Commission and with the City of Charleston Comprehensive Plan while still allowing for redevelopment of vacant parcels in a manner that is more typical of current development patterns. Corridor Village District strives to provide flexibility while maintaining high quality.

Sec. 16-020 Lot Provisions

A. Single Family Dwelling

1. The minimum lot size shall be 4,000 square feet for detached single-family structures.
2. The minimum lot frontage shall be 40 feet for detached single-family structures. The minimum lot frontage for attached rowhouse/townhouse unit when subdivided shall be 20 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
3. Maximum lot coverage shall be 60 percent.

B. Multi-family residential uses

1. The minimum lot size shall be 4,000 square feet.
2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
3. Maximum lot coverage shall be 100 percent.

C. Non-residential uses

1. No minimum lot size shall be required.
2. No minimum lot frontage shall be required.
3. Maximum lot coverage shall be 100 percent.

Sec. 15-030 Setbacks

A. Single-Family Residential:

1. The alignment provisions of Sec. 21-020 (C) apply.
2. Side setback: 5 feet; 0 feet for interior walls of a rowhouse/townhouse unit when subdivided.
3. Rear setback: 20 feet
4. Accessory structures shall be located no closer than 3 feet to any rear or side property line.

B. Non-residential and Multi-Family Residential uses:

1. Where the Planning Director finds a clearly prevailing development pattern, the alignment provisions of Sec. 21-020 (C) apply. Where the Planning Director does not find a clearly prevailing development pattern the front setback shall be: Maximum of 15' in order to maintain a clearly defined street edge and allow slight variations

- in design such as substantial landscaping and street furniture.
 - 2. Side setback: 0 feet
 - 3. Rear setback: 0 feet
- 4. Accessory structures shall be located no closer than 3 feet to any rear or side property line.

Sec. 16-040 Height and Width

- A. The maximum building height in the CVD district shall not exceed (4) stories or forty-eight (48) feet.

Sec. 15-050 Design Criteria and Performance Standards

- A. All construction shall substantially conform in street orientation and massing to the character of neighborhood.
- B. Single family, duplex, and triplex homes shall have substantial front porches oriented toward primary street frontage.
- C. All conversions of residential structures to non-single-family-residential uses shall maintain those architectural features which distinguish the structure as residential for the purpose of preserving the stability and value of the surrounding residential structures and uses that remain including but not limited to front porches, primary façade window and door fenestration/transparency, and existing front yard landscaped areas.
- D. New or substantial modification projects shall demonstrate the following:
 - 1. Primary building entrances shall face and open directly to the primary street frontage or onto the public sidewalk adjacent to the primary street, or onto an outdoor dining area or plaza adjacent to the public sidewalk. Primary building entrances shall be recessed.
 - 2. Mechanical equipment, satellite dishes, and other utility hardware, whether located on the roof or exterior of the building or on the ground adjacent to it and dumpster areas shall be screened from the public view and with materials identical to or strongly similar to building materials or by heavy landscaping that will be effective in winter or they shall be located so as not to be visible from any public way. In no case shall wooden fencing be used as a rooftop equipment screen. Sliding security gates across the front entrances of structures are prohibited.

Sec. 16-060 Permitted, Accessory and Conditional Uses

See Permitted Land Use Table.

Sec. 16-061 Development Standards

See Development Standards Table.

Sec. 16-062 Parking

See Article 22.

Special Provision in the CVD:

A. Reduction or elimination of the parking requirements may be allowed if one or more of the following conditions is present:

1. Off-street public parking areas, public parking buildings, or approved accessory parking lots are located within 300 feet of the use.
2. Shared and accessory parking is provided consistent with the criteria in Section 22-060-04 of the Ordinance.

B. In the case of adaptive reuse of an existing building that has no or limited parking provided the parking requirements shall be waived in order to encourage compatible reuse and mixed use development.

Sec. 16-063 Signage

See Article 23.

Sec. 16-064 Landscaping

See Article 24.

5) ARTICLE 23 SIGNS

Amend section 23-080:

Sec. 23-080 On-Premise Signs Permitted in Commercial and Industrial Districts (C-4, C-8, C-10, C-12, CBD, CVD, UCD, PMC, I-2, I-4)

Amend section 23-080-02:

Sec. 23-080-02 Supplemental Regulations for Blade Signs in the CBD, CVD and UCD Districts

Blade signs are permitted in the CBD, CVD and UCD zoning districts provided the following conditions are met:

- A. Such signs may project over a public right-of-way but never into the vehicular travel lane or parking area of a public street.
- B. Shall be at least nine (9) feet above ground level and no more than twelve (12) feet above ground level.
- C. Shall not exceed thirty (36) inches in width and twenty four (24) inches in height, excluding the structural bracket.
- D. Shall not project more than forty-eight (48) inches from the façade of the structure or beyond the curb of any sidewalk, whichever is less.
- E. Shall not be internally illuminated.

Amend Table 23-080.01

Table 23-080.01 On-Premise Signs Permitted in Commercial and Industrial Districts

On-Premise Signs Permitted in Commercial and Industrial Districts (C-4, C-8, C-10, C-12, CBD, <u>CVD</u> , <u>UCD</u> , PMC, I-2 and I-4)				
Type	Maximum Number	Maximum Area	Max. Height	Minimum Setback
Signs Permitted in the C-4 District				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Shingle Signs	1 per public entrance	4 sq ft	NA	NA
Wall, Awning, Canopy or Marquee Signs	No maximum	24 sq ft + .5 sq ft per linear ft of building frontage over 50 ft	NA	NA
Temporary Signs	1 per business	32 sq ft	4 ft	5 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 22-080-04.			
Signs Permitted in the C-8, C-10, I-2, I-4 and PMC Districts				
Single Parcel Commercial Establishments				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Shingle Signs	1 per public entrance	4 sq ft	NA	NA
Wall, Awning Canopy or Marquee Signs	No maximum	1.5 sq ft per linear ft of building frontage	NA	NA
Freestanding Signs	1	50 sq ft	15 ft	5 ft from property line
Temporary Signs	2 per building	32 sq ft	4 ft	5 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 22-080-04.			
Multi-tenant Commercial Establishments				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Shingle Signs	1 per public entrance	4 sq ft	NA	NA
Wall, Awning, Canopy or Marquee Signs	1 per building frontage	1.5 sq ft per linear ft of building frontage	NA	NA
Freestanding Signs	1 per lot	50 sq ft + .25 sq ft per linear ft of building frontage	20 ft. 15 ft	5 ft from property line
Temporary Signs	1 per business	32 sq ft	4 ft	5 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 22-080-04.			
Signs Permitted in the C-12 District				
Single Parcel Commercial Establishments				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Shingle Signs	1 per public entrance	4 sq ft	NA	NA
Wall, Awning, Canopy or Marquee Signs	No maximum	1.5 sq ft per linear ft of building frontage	NA	NA
Freestanding Signs	1	80 sq ft	35 ft	5 ft from property line
Temporary Signs	2 per building	32 sq ft	4 ft	5 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 22-080-04.			
Multi-tenant Commercial Establishments				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Shingle Signs	1 per public entrance	4 sq ft	NA	NA
Wall, Awning, Canopy or Marquee Signs	1 per building frontage	1.5 sq ft per linear ft of building frontage	NA	NA
Freestanding Signs	1 per lot	80 sq ft + .25 sq ft per linear ft of building frontage	40 ft	5 ft from property line
Temporary Signs	1 per business	32 sq ft	4 ft	5 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 22-080-04.			
Signs Permitted in the CBD, <u>CVD</u> and <u>UCD</u>				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Blade Signs	1 per public street front entrance	6 sq ft	NA	NA
Wall, Awning, Canopy or Marquee Signs	1 per business per building frontage	1.5 sq ft per linear ft of building frontage*	NA	NA
Monument Signs	1 per building	24 <u>32</u> sq ft	10 ft	3 ft from property line
Electronic Message Board (when in compliance with section 22-080-05)	1 per building	100 sq ft	18 ft	NA
Temporary Signs	2 per building	32 sq ft	4 ft	Flush against building

Instructional Signs	Exempt from regulations when in compliance with Sec. 22-080-04.
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- 6) Renumber articles and sections accordingly
- 7) All prior ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilmember Hoover added the amendment will move zoning regulations out of the West Side Community Renewal Plan and into the Zoning Ordinance, therefore all zoning regulations are codified in one document. The Corridor Village District, designated along the Washington Streets East and West corridor, is an essential zoning classification that will allow for redevelopment of pedestrian-scale mixed uses corridors, such as retail space and apartments.

Councilmember Hoover moved to approve the Bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Laird, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7802 passed.

2. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7804 do pass.

Bill No. 7804 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from an R-6 district to an R-10 district, those certain six lots land situate at 1420 Lewis Street, 1426 Lewis Street, 601 Ruffner Avenue, 603 Ruffner Avenue and 605 Ruffner Avenue, Charleston, West Virginia.

Be it Ordained by the City Council of the City of Charleston, West Virginia:

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from an R-6 district to an R-10 district the whole of the following described parcels of land:

Parcels Nos. 293, 294, 295, 296, 297 and 298 as shown on Charleston East Tax Map No. 21. Said tax map is of record in the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 27 of this ordinance.
3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilmember Hoover added that it would be consistent that the vacant lot described be rezoned from an R-6 to R-10 allows for continued beneficial use in pursuit of the “Core Neighborhood” goal by allowing for higher density multifamily residential housing in a historic core neighborhood.

Councilmember Hoover moved to approve the Bill. Councilmember Ceperley seconded the motion. A roll call was taken:

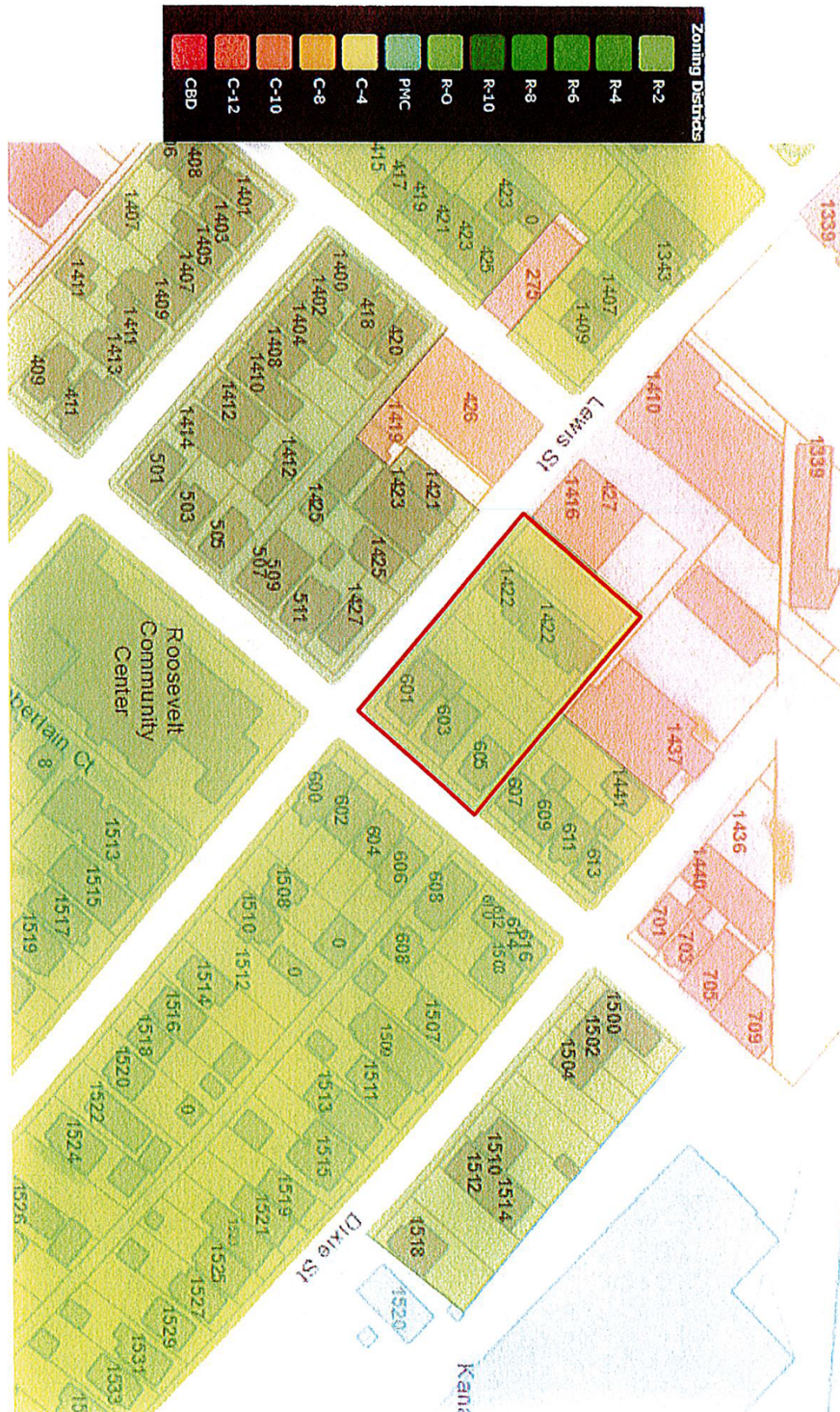
YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Laird, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7804 passed.

Exhibit 1: Zoning Map Excerpt



3. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7807 do pass.

Bill No. 7807 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by clarifying notification requirements for petitions related to land use in the City of Charleston and eliminating a development standard related to parking in the C-8 Village Commercial District.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA

The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows: by clarifying written notification requirements for petitions related to land use and eliminating a development standard requiring 80% of all required parking spaces to be behind the front building line in the C-8 Village Commercial District.

1) In Article 28 Amendments to the Text and Zoning Map

Sec. 28-030 Application Procedures

A. Amendment to the Zoning Map Initiated by Petitioner

1. A request for rezoning of property shall be filed in a format prescribed by the Planning Department. ~~The request shall include a list of the property owners' names and addresses located within 250 feet of the affected area, including the subject property, as of record in the Office of the Kanawha County Assessor. The applicant must also submit the tax map and parcel numbers for the list of properties.~~ In order to defray, in part, the expenses connected with the application, a filing fee in the amount of \$125.00 shall be submitted with the application.
2. The Planning Department will conduct a formal review of the completed application.
3. The Planning Department will publish a legal advertisement describing the request for rezoning in a local newspaper of general circulation at least fifteen (15) days prior to the scheduled public hearing before the Planning Commission. ~~Notification to the property owners located within 250 feet of the affected property shall be mailed no later than ten (10) days prior to the public hearing. The Planning Director shall notify the owners of record most recently provided by the Kanawha County Tax Assessor of properties located within 250 feet of the affected property no later than ten (10) days prior to the public hearing.~~
4. The Planning Director shall cause official zoning notification signs to be placed in a prominent location on the property notifying that an application for rezoning has been made.

B. Amendments Initiated by the Governing Body

When an amendment to the Zoning Ordinance involves a change in the zoning classification or dwelling unit density of any parcel of land, the governing body shall, no later than 30 days before the public hearing:

1. Give written notice by certified mail to the landowner(s) whose property is directly involved in the proposed amendment; and
2. Publish notice of the proposed amendment in a local newspaper of general circulation as a Class II-0 legal advertisement.

2) In Article 29 Conditional Uses

Sec. 29-020 Application for Conditional Use Approval

A. The applicant shall file a formal and complete application for a conditional use permit with the Planning Department. The application shall include:

1. A preliminary site plan which demonstrates the overall site layout and building locations, parking areas and circulation, access and egress locations, setbacks and buffer areas, lighting, landscaping, signage and the location and extent of existing development on adjacent parcels.

~~2. A list of the property owners' names and addresses located within 250 feet of the affected area, as of record in the office of the Kanawha County Tax Assessor. The subject property also shall be included in the affected area.~~

~~3.2.~~ Any other information deemed helpful by the applicant or necessary by the Planning Director to explain the nature of the proposed use and its consistency with the standards established by this article for conditional use permits.

~~4.3.~~ A filing fee in the amount of \$125.00. The purpose of the fee shall be to defray, in part, the expenses connected with the application.

B. The Planning Director will conduct a formal review of the complete application. As part of the formal review process, the Planning Director will notify appropriate agencies and request summaries of agency reviews.

C. The Planning Director shall publish a legal advertisement describing the request for a conditional use permit in a local newspaper of general circulation at least fifteen (15) days prior to the scheduled public hearing before the Board.

D. The Planning Director shall notify the owners of record most recently provided by the Kanawha County Tax Assessor of properties located within 250 feet of the affected property no later than ten (10) days prior to the public hearing. The Planning Director shall also cause a sign to be posted and maintained on the subject property notifying area property owners and residents that a request for a conditional use permit for the property has been made.

~~D. E.~~ The Board shall hold a duly scheduled public hearing to review the complete site plan and application for the conditional use permit request.

~~E. F.~~ If the conditional use permit is granted by the Board, the applicant receives approval and is formally notified in writing by the Planning Department.

~~F. G.~~ If the conditional use is denied by the Board, the applicant is formally notified in writing of the denial and the right to appeal the decision to the Circuit Court of Kanawha County within thirty (30) days.

3) In Article 30 Zoning Variances

Sec. 30-020 Application for Variance

A person desiring a variance from the terms of the Zoning Ordinance shall submit a written application for a variance request with the Planning Director. An application for a variance request shall be made on forms available at the Planning Department and shall describe the specific ~~use or~~ standard from which the variance is sought. In addition, the application request shall include a copy of a site plan, drawn to an appropriate scale, which shows:

- A. The subject property
- B. The location of all existing and proposed buildings, structures and improvements to be made to the subject property
- C. Accurate dimensions of the parcel, buildings, parking areas and ingress/egress driveways
- D. Location, right-of-way and pavement width of all streets adjacent to the subject property
- E. Any other relevant information required by the Planning Director.

The application shall also be accompanied by:

~~A. Names and addressed of all property owners within 100 feet of the subject property; and,~~

~~B. A.~~ The appropriate filing fee. In order to defray, in part, the expenses connected with the application a filing fee in the amount of \$125.00 shall be submitted with the application.

~~C. B.~~ Any other relevant information required by the Planning Director.

Sec. 30-030 Procedures for Variance Approval

D. Notice of the Board hearing on the application for variance approval shall be published in a local newspaper of general circulation at least thirty (30) days prior to the

hearing. ~~Notification of the property owners located within 100 feet of the affected property shall be performed no later than 10 days prior to the hearing. The Planning Director shall notify the owners of record most recently provided by the Kanawha County Tax Assessor of properties located within 100 feet of the affected property no later than ten (10) days prior to the public hearing. Concurrently, the~~ The Planning Director shall also cause a sign to be posted and maintained on the subject property notifying area property owners and residents that a request for a variance for the property has been made.

4) In Article 11 C-8 Village Commercial District

Sec. 11-050 Performance Standards

A. All construction shall substantially conform in street orientation and massing to adjacent structures, except where this shall cause conflict with other provisions.

B. Duplex and triplex homes are encouraged to have substantial front porches oriented toward primary street frontage. Covered front porches shall not count toward the permitted maximum lot coverage.

~~C. Eighty percent of all required parking spaces shall be located behind the front building line.~~

~~D.C.~~ Open storage is restricted to automobile sales establishments and garden centers.

~~E.D.~~ Maximum gross square footage of commercial structures is limited to 30,000.

5) All prior ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilmember Hoover added the bill will streamline the public notification process, save mail costs, and reduce inconvenience of real property owners receiving notice while maintaining best practices for notification.

Councilmember Hoover moved to approve the Bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Laird, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor

declared Bill No. 7807 passed.

- 4 Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7808 do pass.

Bill No. 7808 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from an R-6 & R-8 district to an I-2 district, Part-of-Parcels Nos. 2, 3, and 4, South Annex Tax Map No. 71 and Parcel 1 on South Annex Tax Map No. 72, more specifically shown on the attached plat dated March 25, 2019 by Richard E. Kinder Jr., P.S, Chesterfield Avenue, Charleston, West Virginia.

Be it Ordained by the City Council of the City of Charleston, West Virginia:

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from an R-6 & R-8 district to an I-2 district the whole of the following described parcels of land:

Part-of-Parcels Nos. 2, 3, and 4, South Annex Tax Map No. 71 and Parcel 1 on South Annex Tax Map No. 72, more specifically shown on the attached plat dated March 25, 2019 by Richard E. Kinder Jr., P.S. Said tax maps are of record in the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 27 of this ordinance.

3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilmember Hoover added that the property is largely isolated from the rural neighborhood $\frac{3}{4}$ of a mile away on Chesterfield Avenue in Kanawha City. The property shares characteristics with the adjacent “regional Commercial” land use are along MacCorkle Avenue so a rezoning to I-2 Industrial district is appropriate.

Councilmember Hoover moved to approve the Bill. Councilmember Ceperley seconded the motion. A roll call was taken:

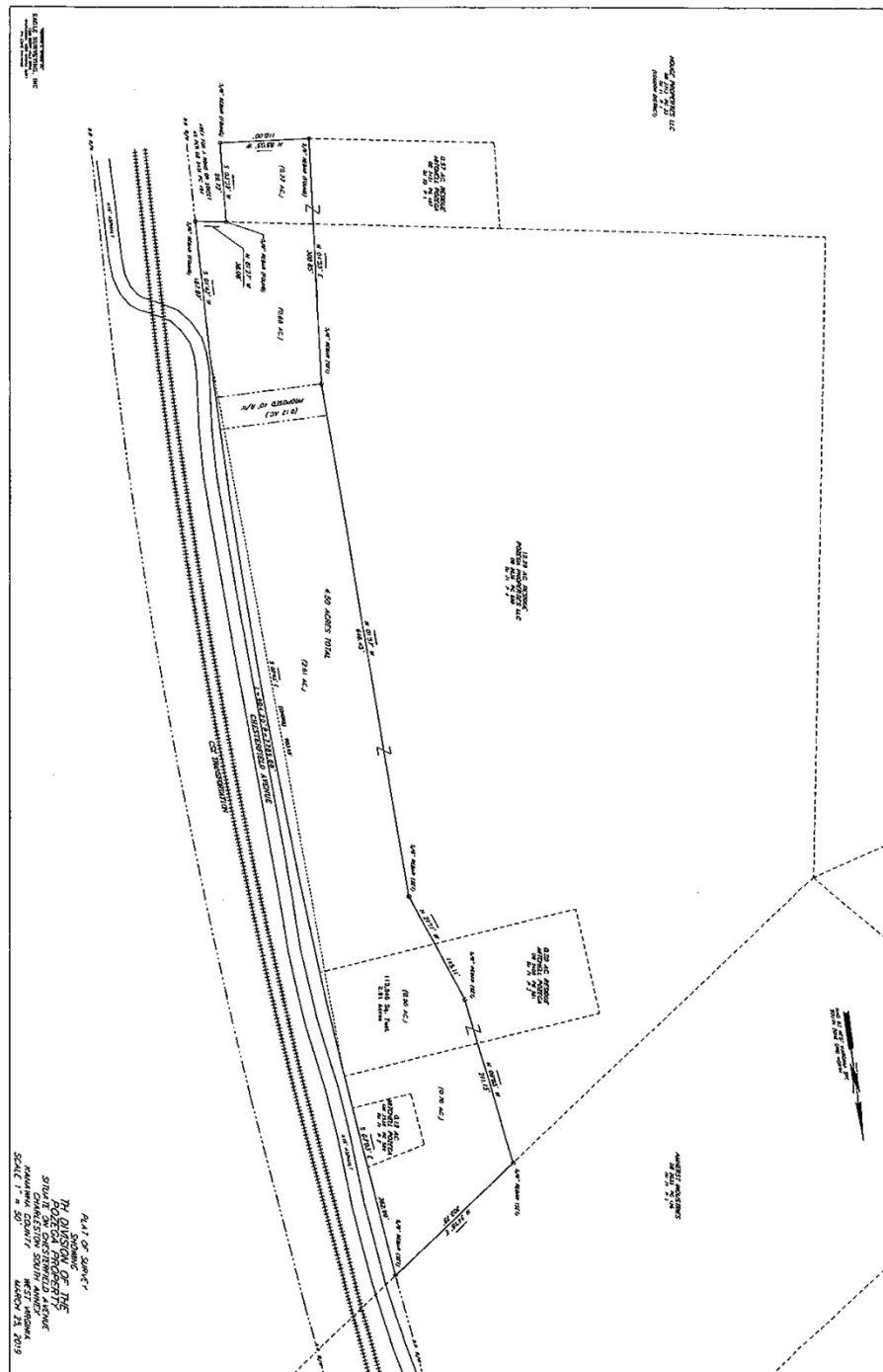
YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Steele, Wesley-Plear, Mayor Goodwin

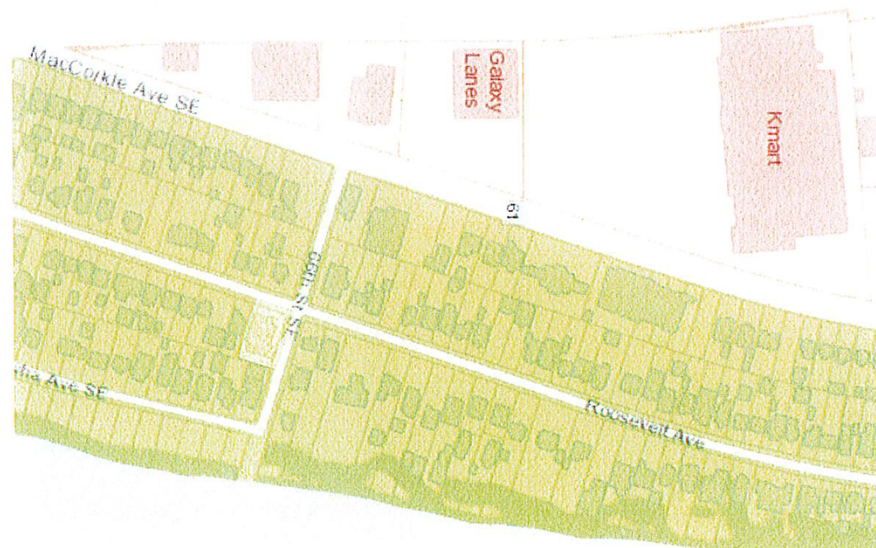
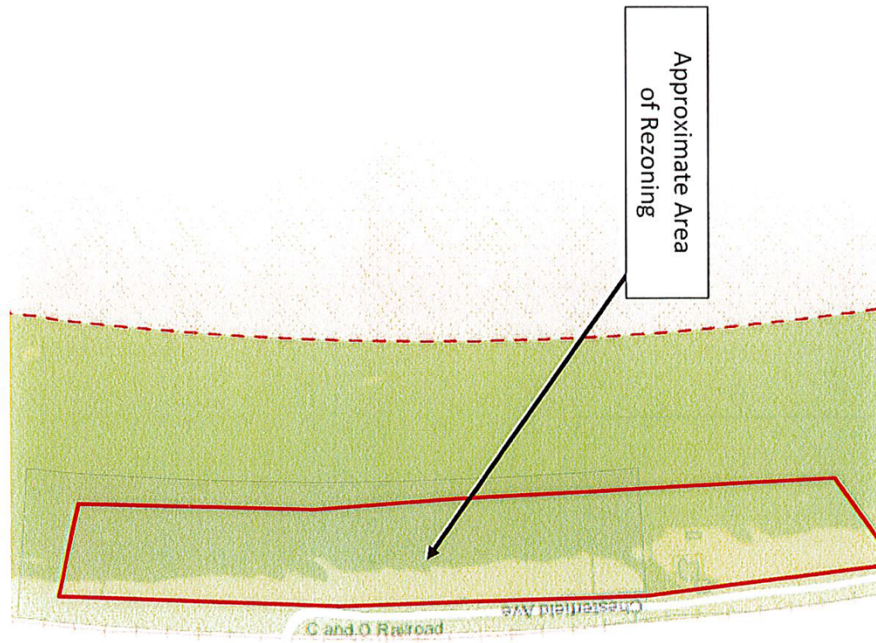
NAYS: NONE

ABSENT: Laird, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor

declared Bill No. 7808 passed.





5. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7809 do pass.

Bill No. 7809 - A Bill to establish a Stop intersection on Grove Avenue at Costello Street by placing a stop sign on the corner of Grove Avenue and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Be it Ordained by the Council of the City of Charleston, West Virginia:

Section 1. Stop intersection on Grove Avenue at Costello Street by placing a stop sign on the corner of Grove Avenue

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Councilmember Hoover added that the T-Intersection on West Side Hill needed a stop sign.

Councilmember Hoover moved to approve the Bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Laird, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7809 passed.

6. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7810 do pass.

Bill No. 7810 - A Bill to establish an All-Way Stop intersection at the intersection of Maefair Drive and Wilkie Drive and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Be it Ordained by the Council of the City of Charleston, West Virginia:

Section 1. All-Way Stop intersection at the intersection of Maefair Drive and Wilkie Drive

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Councilmember Hoover added that this bill will install a stop sign in the Fort Hill area where there is a blind stop traveling up the hill. She noted that there had recently been an accident in this area.

Councilmember Jenkins expressed his approval of the bill to prevent further accidents.

Councilmember Hoover moved to approve the Bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Laird, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7810 passed.

7. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7814 do pass.

Bill No. 7814 - A Bill closing, abandoning and discontinuing as a public street a portion of the Jefferson Street located at the end of Jefferson Street at the State Capitol Complex, and transferring ownership to the State of West Virginia Department of Administration.

Now, therefore, be it ordained by the Council of the City of Charleston:

1. BEING a portion of Jefferson Street, a 60-foot (+-) wide public right of way, as shown on a map entitled "Higginbotham Hill Addition to the City of Charleston" of record in the office of the Clerk of the County Commission of Kanawha County, West Virginia in Map Book 2 at Page 180 in the City of Charleston and as shown on Tax Map 28 in Tax District 11, Kanawha County, West Virginia and more particularly described as follows:

BEGINNING (P.O.B.) at a ¾-inch metal pipe found marking a southeasterly corner of The West Virginia Department of Administration (Deed Book 2654 at Page 291, Tax Parcel 97 of Tax Map 28 in Tax District 11) at the intersection of the northerly line of Washington Street East and the westerly line of Jefferson Street and from which a ¾-inch metal pipe found in said northerly line of Washington Street East bears N 69° 22' 05" W a distance of 143.96 feet; Thence leaving said line of Washington Street East and with the westerly line of said Jefferson street,

N 20° 48' 16" E passing a 5/8-inch rebar found at 165.30 feet, from which a ¾-inch metal pipe found bears N 69° 15' 11" W a distance of 144.09 feet, a 5/8 –inch rebar found at 280.10 feet, a ¾-inch metal rod found at 320.15 feet, a 5/8-inch (diameter) x 30-inch (long) rebar with a yellow cap stamped "Chapman Tech Group" found at 360.15 feet and continuing 26.60 feet, in all a distance of 386.70 feet to a 5/8-inch (diameter) x 30-inch (long) rebar with a yellow cap stamped "Chapman Tech Group" found in the southerly right of way line of a rail road (a 66' right of way) at its intersection with the westerly line of Jefferson Street and marking a northeasterly corner of The State Building Commission of West Virginia (Deed Book 2305 at Page 24, Tax Parcel 85 of Tax Map 28 in Tax District 11) ; Thence with said rail road along a curve to the left having a radius of 5,673.80 feet and an arc length of 61.53 feet and a chord bearing and distance of,

S 55° 44' 27" E a distance of 61.52 feet to a 5/8-inch (diameter) x 30-inch (long) rebar with a yellow cap stamped "Chapman Tech Group" found in said line of railroad at its intersection with the easterly right of way line of said Jefferson Street and marking a northwesterly corner of The State Building Commission of West Virginia (Deed Book 2252 at Page 211, Tax Parcel 102 of Tax Map 28 in Tax District 11); Thence leaving said railroad and with said line of Jefferson Street,

S 20° 48' 16" W passing a 5/8-inch (diameter) x 30-inch (long) rebar with a yellow cap stamped

“Chapman Tech Group” found at 82.83 feet, a 5/8-inch (diameter) x 30-inch (long) rebar with a yellow cap stamped “Chapman Tech Group” found at 122.83 feet, a rebar found at 196.83, from which a ¾-inch metal pipe found bears S 68° 57’ 59” E a distance of 161.52 feet, and continuing 175.38 feet, in all a distance of 372.21 feet to a 5/8-inch (diameter) x 30-inch (long) rebar with a yellow cap stamped “Chapman Tech Group” set in the aforesaid northerly line of Washington Street East at its intersection with aforesaid easterly line of Jefferson Street and marking the southwesterly corner of The State Building Commission of West Virginia (Deed Book 1894 at Page 274, Tax Parcel 98 of Tax Map 28 in Tax District 11); Thence with said northerly line of Washington Street East,

N 69° 22’ 05” W a distance of 59.83 feet to the POINT OF BEGINNING (P.O.B.) containing 0.521 acres or 22,701.6 square feet.

Reference is made to a plat entitled “PLAT OF SURVEY SHOWING A PORTION OF JEFFERSON STREET PROPOSED FOR CLOSURE AT THE STATE CAPITOL COMPLEX, CITY OF CHARLESTON, KANAWHA COUNTY, WEST VIRGINIA.” by Chapman Technical Group dated April 2, 2019, as surveyed by Jason E. Brown, WV Professional Surveyor No. 2188, attached hereto and made a part hereof as Attachment A.

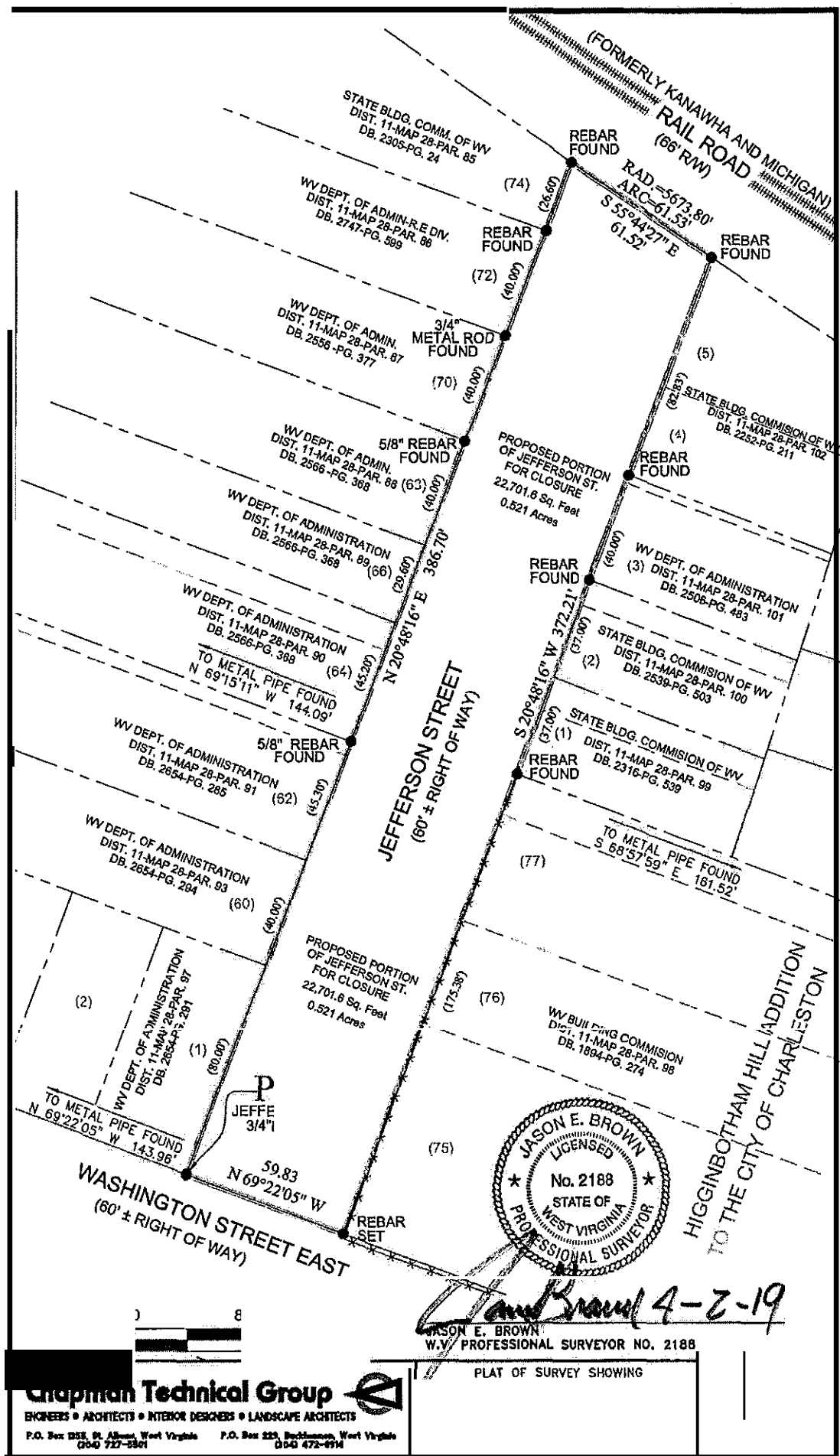
2. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying to the State Of West Virginia, Department Of Administration, and its successors and assigns, all rights, title and interest in and to said real property as described in Section 1 above, for mutual consideration, as authorized by West Virginia Code § 1-5-3.

3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilmember Hoover added that the right of way is a dead-end street on both sides and that the City will no longer have to maintain the road.

Councilmember Hoover moved to approve the Bill. Councilmember Ceperley seconded the motion. A roll call was taken:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7814 passed.



COMMITTEE ON FINANCE

Councilmember Jenkins, Chair of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 186-19 do pass.

Resolution No. 186-19 - Authorizing the Mayor or City Manager to sign an Amendment of Lease Agreement with Cinema VII, Inc. and Greater Huntington Theatre Corporation (collectively, “the cinema”) to clarify the relationship between the City and the cinema with respect to parking rates and access.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is hereby authorized and directed to sign the Amendment of Lease Agreement, which is attached hereto as Exhibit 1, in order to clarify the relationship between the City and the cinema with respect to parking rates and access.

Councilmember Jenkins added the resolution is a following up to Bill No. 7815 in regard to parking for the theatre’s use within the garage, leased to them by the City.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 186-19 adopted.

AMENDMENT OF LEASE AGREEMENT

THIS AMENDMENT OF LEASE AGREEMENT is made and entered into as of the ____ day of ____, 2019, by and between the CITY OF CHARLESTON, a West Virginia municipal corporation, party of the first part, hereinafter called “Lessor”, CINEMA VII, INC., a West Virginia corporation, (a wholly owned subsidiary of Greater Huntington Theatre Corporation), party of the second part, hereinafter called “Lessee”, and GREATER HUNTINGTON THEATRE CORPORATION, a West Virginia corporation, party of the third part, hereinafter called “Guarantor”.

W I T N E S S E T H:

WHEREAS, by an agreement of lease, dated the 19th day of October, 1988 (the “Lease”), Lessor leased to Lessee for a term of thirty (30) years certain premises specifically described in the Lease; and

WHEREAS, Lessor and Lessee have, from time to time and for mutual consideration, amended said Lease to, among other things, supplement and add to the demised areas, extend the term of the Lease, provide other specific rights for the Lessee, and change the parking rate applicable to Lessee's theatre patrons; and

WHEREAS, the parties now desire to further amend said Lease as herein provided;

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual covenants and agreements herein contained, the parties hereto do agree that said Lease, be, and the same hereby is further amended and supplemented as hereinafter set forth, to-wit: Article I of said Lease of October 19, 1988 is hereby amended so that the same shall now state as follows:

“I. GRANT

Lessor hereby grants and leases to Lessee, and Lessee does hereby rent from Lessor, primarily, ground floor commercial space, of twenty-eight thousand six hundred sixty-five and two-thirds square feet within Lessor's Parking Building #2, located at Washington and Summers Streets in the City of Charleston, Kanawha County, West Virginia, which leased space is hereby delineated upon drawings or plats which are signed or initialed on behalf of each party hereto, and attached hereto and made a part hereof, as "Exhibit A-1" and Exhibit A-2", and being the same property immediately heretofore occupied by Lessee.

Lessee agrees that it will attempt to maintain its heating, ventilating and air conditioning equipment within the demised premises, but the Lessor agrees that in the event it is not possible or practical for Lessee to do so, then Lessee may locate all or part of such equipment either at the rear (north side) of the ground floor of the building of which the demised premises are a part, or on top of the access ramps roof, or upon the second floor of said building, or on two (2) parking spaces in the parking area over the demised premises (including full access thereto), which space in such event shall be deemed to be a part of the demised premises hereunder, with full access thereto, but with no additional rent therefor.

In addition to the primary grant hereinabove provided and described, Lessee shall have the unqualified and exclusive use of that portion of Pemberton Alley which abuts the demised premises, plus that property which has been or will be conveyed to Lessor by or on behalf of the Lessee; provided, only, that such use by Lessee of such additional demised premises, for theater expansion or otherwise, shall provide for access to the Lessor's storage room which abuts said Pemberton Alley.

Lessor further grants to Lessee, as a part of the demise hereunder, sufficient space for Lessee to maintain its electric signs to identify its theaters, and space for a marquee for product identification, such signs and marquee to be located on, near or adjacent to the Washington Street facade, and/or on or near the corner of the building at Washington and Summers Streets, but on Lessor's property in any case. Another electric sign "CINEMA" may be maintained on the west side of north face of the top floor of Lessor's Parking Building #2. It is understood that all signs shall conform to such limitations set forth in the zoning ordinance of

the code of the City of Charleston and/or any such variances that may have been previously granted.

Lessee shall have the right to alter, extend or relocate the electrical service for the demised premises, in order to implement any expansion of Lessee's improvements into the additional demised premises hereinabove described, which alteration, extension or relocation will be accomplished with the least practically possible interruption of electrical service to the building of which the demised premises are a part. Lessee may also, at its own expense, move or relocate the present entrance to the Lessor's storage room which abuts Pemberton Alley.

Lessor agrees that the parking facilities in its said building of which the demised premises are a part will be available to Lessee's theater patrons between the hours of 11:00 a.m. and 1:00 a.m., seven (7) days a week; that a special rate will apply to such parking of Seventy-Five Cents (\$.75) during the hours when the parking booth is attended. Lessor agrees that during all hours when the parking booth is not attended, including nights, weekends, and holidays, parking will be free for all patrons.

Lessor currently leases approximately forty (40) "reserved" parking spaces. Lessor acknowledges that unreserved parking is critical to Lessee's operations. Therefore, Lessor agrees that it will not create any additional "reserved spaces" and that once a current lessee who has been assigned a reserved space terminates its lease, Lessor will remove any "Reserved Parking" signage and the parking space will be available to all parking customers including Lessor's patrons on a "first come" "first parking" basis: *Provided*, That if a parking customer with a handicapped parking designation seeks a specific reserved parking space near an elevator, Lessor may designate a handicapped reserved parking space for the customer.

In consideration of the leasing of the demised premises and the parking rights described herein. Lessee agrees to pay Lessor the additional sum of Fifteen Thousand Dollars (\$15,000.00) per year, payable in equal monthly installments of One Thousand Two Hundred Fifty Dollars (\$1,250.00) each, commencing January 2, 1990, to be added to and paid with the monthly rental installments as hereafter provided and a second annual sum of Five Thousand and Four (\$5,004.00), to be paid by Lessee to Lessor with the yearly percentage rent at the end of December.

If Lessee needs access to the building lobby and Lessor's Parking Building #2 outside these normal hours, Lessee shall notify Lessor of this need at least 24 hours in advance.

Lessee shall have and is hereby given the right and option of adding additional exit doors for its patrons, from the existing hallway across from the theatre lobby to the sidewalk in front of the theaters. Lessee agrees to provide restrictions in leases to other tenants of said Building, prohibiting noise and/or odors which might possibly pervade the demised premises. Further adjustments may be made at any time by a recordable Addendum signed on behalf of Lessee and Guarantor, and signed by Lessor's Mayor, which Addendum shall be treated as a part hereof."

All of the other terms, provisions and conditions of said Lease of October 19, 1988, as previously amended, shall continue to remain in full force and effect, except as specifically amended herein.

IN WITNESS WHEREOF, the parties hereto have caused their respective corporate names to be signed hereto by their respective proper officers, thereunto duly authorized, this Lease being thus executed in duplicate originals.

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 187-19 do pass.

Resolution No. 187-19 - Authorizing the Mayor or City Manager to enter into an agreement with McClanahan Construction Co., in the amount of \$453,106.00, for the Concrete Sidewalk and Accessible Ramp Project.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is hereby authorized and directed to enter into an agreement with McClanahan Construction Co., in the amount of \$453,106.00, for the Concrete Sidewalk and Accessible Ramp Project.

Councilmember Jenkins added that the lowest bid of five (5) was accepted for the Ramp Project. This is where the corners of intersections throughout the City will be made ADA compliant, often in conjunction with paving projects.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative (Councilmember Cook was out of Council Chambers for the vote) the Mayor declared Resolution 187-19 adopted.

Spring 2019 - Concrete Sidewalk and Accessible Ramp Project - Engineering
 Bid Opening: April 22, 2019 @ 10:00 a.m.

			Garcie R. Marker & Sons, Inc. 1119 Jefferson Road South Charleston, WV 25309 P: (304) 744-0590 gmarkersons@aol.com		McClanahan Construction Co. 744 N. Pocahontas Road Pocahontas, WV 25159 P: (304) 776-3355 bruce@mcclanahanconstruction.com		Wolf Creek Contracting Co. 403 Watertown Road Watertown, OH 45786 P: (740) 749-3459 hoffenberger@wolfcreekcontractors.com		Oval Construction Management LLC P.O. Box 401 Charleston, WV 25322 P: (304) 347-8820 JCARNIE@ovalconstruction.com		Jim Construction Inc. P.O. Box 3926 Charleston, WV 25339 P: (304) 343-7448 russkirkjes@suddenlinkmail.com	
Item	Unit	Estimated Quantity	Price per Unit	Total Cost	Price per Unit	Total Cost	Price per Unit	Total Cost	Price per Unit	Total Cost	Price per Unit	Total Cost
Item No. 3.01 Concrete Ramp and Sidewalk	SF	22,000	\$21.00	\$462,000.00	\$18.50	\$407,000.00	\$30.00	\$660,000.00	\$19.50	\$429,000.00	\$23.50	\$517,000.00
Item No. 3.02 Curb and Gutter	LF	200	\$50.00	\$10,000.00	\$14.00	\$2,800.00	\$80.00	\$16,000.00	\$95.00	\$19,000.00	\$111.00	\$22,200.00
Item No. 3.03 Integral Curb	LF	1,800	\$21.00	\$37,800.00	\$8.00	\$14,400.00	\$11.00	\$19,800.00	\$45.00	\$81,000.00	\$40.00	\$72,000.00
Item No. 3.04 Plain Curb	LF	750	\$25.00	\$18,750.00	\$7.50	\$5,625.00	\$80.00	\$60,000.00	\$30.00	\$22,500.00	\$42.00	\$31,500.00
Item No. 3.05 Detectable Warning Surfaces	EA	113	\$250.00	\$28,250.00	\$200.00	\$22,600.00	\$400.00	\$45,200.00	\$250.00	\$28,250.00	\$2,860.00	\$323,180.00
Item No. 3.06 Curb Inlet Adjustment	EA	6	\$250.00	\$1,500.00	\$1.00	\$6.00	\$400.00	\$2,400.00	\$350.00	\$2,100.00	\$1,900.00	\$11,400.00
Item No. 3.07 Asphalt Replacement	SY	45	\$150.00	\$6,750.00	\$15.00	\$675.00	\$600.00	\$27,000.00	\$350.00	\$15,750.00	\$250.00	\$11,250.00
TOTAL PROJECT COST				\$565,050.00		\$453,106.00		\$830,400.00		\$597,600.00		\$988,530.00

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 188-19 do pass.

Resolution No. 188-19 - Authorizing the Mayor or City Manager to enter into an Agreement with WesBanco, Inc. to extend the maturity date of Standby Letter of Credit, in the amount of \$500,000, approved by City Council on April 2, 2018. The current terms, May 1, 2018 through May 1, 2019 are extended through May 1, 2020 at a cost of \$2,500. This letter of credit provides security in lieu of a surety bond for liability of potential workers' compensation claims as a self-insured employer. The letter of credit is subject to review and final approval by legal counsel for the City.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is hereby authorized and to enter into an Agreement with WesBanco, Inc. to extend the maturity date of Standby Letter of Credit, in the amount of \$500,000, approved by City Council on April 2, 2018. The current terms, May 1, 2018 through May 1, 2019 are extended through May 1, 2020 at a cost of \$2,500. This letter of credit provides security in lieu of a surety bond for liability of potential workers' compensation claims as a self-insured employer. The letter of credit is subject to review and final approval by legal counsel for the City.

Councilmember Minardi asked for clarification of the amounts.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 188-19 adopted.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 189-19 do pass.

Resolution No. 189-19 - Authorizing the Mayor or City Manager to enter into an Agreement with West Virginia Paving, Inc., in the amount of \$2,613,100.00, for the City's Street Paving Project – 2019.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is hereby authorized and directed to enter into an Agreement with West Virginia Paving, Inc., in the amount of \$2,613,100.00, for the City's Street Paving Project – 2019.

Councilmember Jenkins added that this would be for the 2019 calendar year's paving projects. During the meeting of the Finance Committee a list (a copy of which was placed on Councilmembers' desks) that indicated the anticipated roads to be paved; the list can changed based on issues that may arise. At least one (1) road is expected to be paved in each Ward.

Councilmember King asked how the roads on the list were chosen. Councilmember Jenkins and May Goodwin answered that the information at least in part comes from City workers notifying the City Engineer (who also assesses which roads are in the worst condition) and a desire to spread the work across all the Wards. Jonathan Storage also added that the information had been collected for a period of about four (4) years. Standard engineering tests are also conducted on the roads; traffic counts are also taken into consideration.

Councilmember Sheets asked if the Boulevard is a state road, and why would the City be doing that work. Jonathan Storage answered that a portion of the road is City owned, which is the section that appears on the list.

Councilmember Faegre mentioned her concern over utility companies not being held accountable for damaging streets while doing their work. She also expressed concern over the condition of Garrison Avenue. Councilmember Minardi stated he believed it was required of utility companies to fix these damages. Jonathan Storage confirmed this.

Councilmember Wesley-Plear asked if there would be a discussion if a street in a Ward is on the list, but a Councilmember feels it needs more attention. Mayor Goodwin said that all concerns would be addressed. Additionally, the list before them was a draft.

Councilmember Jones requested that the list be organized by Wards.

Councilmember Kennedy Bailey asked if what they were voting on is an already determined contract with a set dollar amount, or if there was flexibility in changing the roads. The Mayor answered that the vote would be for the dollar figure. Jonathan Storage also added this list is only for asphalt paving; there will be an additional contract put to Council for concrete paving.

Councilmember Sheets expressed concern over the fact that manhole covers do not match the street level after paving.

Councilmember King asked if the vote could be postponed until everyone has time to look through the list. Jonathan Storage advised that Council take action at the current meeting, because the price of the asphalt is likely to change. He also reminded Council that the resolution is only for approving the price of the asphalt, not for which roads are to be paved.

Councilmember Jenkins stated that the list was first made available to Council during the Finance Committee meeting earlier that evening. To Councilmember Faegre's comment, he noted that there are specific rules regarding the cooperation of utilities, such as having the companies do their work before the roads are to be paved. He encouraged Council to speak to the City Engineer if they have questions about a specific road with regards to utility work. He then referred Council to reference the information contained in their packet that shows prices per asphalt, how many tons and also removal. He encouraged Councilmembers to proceed with resolution, and the list of roads can be further discussed.

Mayor Goodwin promised that every dollar would be spent effectively and encouraged Councilmembers to contact the City Engineer with their concerns for specific roads.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 189-19 adopted.

Street Paving Contract 2019 - Engineering

Bid Opening: April 26, 2019 @ 10:00 a.m.

			West Virginia Paving, Inc. 2950 Charles Avenue Dunbar, WV 25064 P: (304) 720-6419 gwinfree@wvpaving.com	
Item	Unit	Estimated Quantity	Price per Unit	Total Cost
Item No. 3.01 HLBC Base Course	Ton	300	\$99.00	\$29,700.00
Item No. 3.02 HLBC Wearing Course, 1 1/2"	Ton	15,100	\$106.00	\$1,600,600.00
Item No. 3.02a HLBC Wearing Course - 1-1/2" Kanawha Boulevard	Ton	3,500	\$103.00	\$360,500.00
Item No. 3.03 Removing Bituminous Concrete (1-1/2")	SY	132,500	\$3.62	\$479,650.00
Item No. 3.03a Removing Bituminous Concrete - Kanawha Blvd. (1-1/2")	SY	43,000	\$2.95	\$126,850.00
Item No. 3.03b Removing Bituminous Concrete (2")	SY	4,000	\$3.95	\$15,800.00
TOTAL PROJECT COST				\$2,613,100.00

5. Your committee on Finance has had under consideration the following committee report, and reports the same to Council with the recommendation that committee report do pass.

Proposal submitted by Emsco dba OP Aquatics for purchase of Pool Chemicals by the Parks and Recreation Department. The pool chemicals will be purchased on an as needed basis and the prices shall remain in effect for a six-month period from date of council approval.

To be charged to Account No. 001-900-00-000-3-341, P&R Materials and Supplies

Councilmember Jenkins added only one (1) response to the bid was received. The prices will be locked in for six (6) months, and Parks and Recreation would purchase what was needed throughout the season with the listed prices.

Councilmember Jenkins moved to approve the Committee Report. Councilmember Ceperley seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

Pool Chemicals - Parks and Recreation

Bid Opening: April 22, 2019 @ 2:00 p.m.

	Emsco dba OP Aquatics 148 Trade St. Lexington, KY 40511 P: (859) 225-3817 dsiria@opaquatics.com
Chlorine Tablets 50 lb. Containers	\$110.00
Stablizer 50 lb. Containers	\$68.00*
Muriatic Acid 1 Gal. Containers	\$3.80**
Calcium Chloride 50 lb. bags	\$15.00
Granular Chlorine 50 lb. containers	\$80.00
Liquid Chlorine 1 Gal. Containers	\$3.50**
Liquid Chlorine 5 Gal. Containers	No Bid
Liquid Chlorine 10 Gal. Containers	No Bid
Sodium Carbonate 50 lb. Bags	\$18.25
Sodium Bicarbonate 50 lb. bags	\$18.00
*45 lb. Container **Sold 4 x 1 Gal. Case	
Delivery:	1 day

6. Your committee on Finance has had under consideration the following committee report, and reports the same to Council with the recommendation that committee report do pass.

Proposal submitted by Metal Craft Inc., in the amount of \$264,180.00 for purchase of one (1) Brunswick Challenger Boat to be used by the Charleston Police Department.

To be charged to Account No. 045-976-19-000-4-459, Port Security Equipment

Councilmember Jenkins added that this will be replacing an older boat, with most of the funds will be coming from a Homeland Security grant. The bid was put out nationally with only one (1) response.

Councilmember Jenkins moved to approve the Committee Report. Councilmember Ceperley seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

City of Charleston, WV Brunswick Challenger Boat- Charleston Police Department Bid Opening: April 24, 2019 @ 2:00p.m.	
	Metal Craft Marine Inc Attn: Dana White 583 E. Broadway Street Cape Vincent, New York 13618 P: (800)410-8464 dana.w@metalcraftmarine.com
Brunswick Challenger Boat Model: MetalCraft Marine 9H Hardside	\$264,180.00
Total Bid	\$264,180.00
Delivery (days from date of firm order)	180 days

REPORTS OF OFFICERS

1. City of Charleston, WV – Financial Statements, for the nine-month period ending March 31, 2019.
Received and Filed.
2. Report of the City of Charleston Payroll Variance Analysis; April 2019.
Received and Filed.

NEW BILLS

Introduced by Councilmember Brady Campbell on May 6, 2019:

Bill No. 7817 - A Bill to establish a 15 minute parking zone on Hunters Ridge Road from a point 120 feet north of Saddlehorn Road to a point 220 feet north of Saddlehorn Road and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmember Mary Beth Hoover on May 6, 2019:

Bill No. 7813 - Amending the Zoning Ordinance of the City of Charleston, West Virginia by permitting beekeeping as an accessory use in all zoning districts and providing supplemental regulations to ensure public safety and compatibility with neighboring properties.

Refer to Municipal Planning Commission and Planning, Streets and Traffic Committee

MISCELLANEOUS/UNFINISHED BUSINESS

1. Councilmember Kennedy Bailey announced that the Environment and Recycling Committee will meet immediately following Council.
2. Councilmember King reminded those present that it is currently National Teacher Appreciation Week.
3. Councilmember Steele announced that the Public Safety Committee has set up a narcan training session for Council and anyone else wanting to join for May 13, 2019. May 11, 2019 will be the East End Yard Sale.
4. Mayor Goodwin praised the Public Works Department for getting Haddad Riverfront Park ready for the season.

ADJOURNMENT

The Clerk, Miles C. Cary II, called the closing roll call:

At 8:03 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, May 20, 2019, at 7:00 p.m., in the Council Chamber in City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary, City Clerk