



Planning, Streets and Traffic Committee

Monday, February 28, 2022, at 5:00 p.m.

City Service Center – 915 Quarrier Street – Conference Room

AGENDA

- 1. Call to Order**
- 2. Unfinished Business**
- 3. New Business**

Text Amendment: Bill No. 7943 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by amending the Land Use Table in Section 3-050 and the Supplemental Regulations Pertaining to the Land Use Table in Section 3-060.

Text Amendment: Bill No. 7944 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by creating the definition of “Vape/Smoke Shop” and making it a conditional use permit in the C-8, CVD, and UCD zoning districts.

Text Amendment: Bill No. 7947 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by amending the Land Use Table in Section 3-050 and the Supplemental Regulations Pertaining to the Land Use Table in Section 3-060 relating to the operation of home-based businesses.

- 4. Discussion**
 - 5-Corners Traffic Design Study
 - Sidewalks
- 5. Approval of the Minutes of the January 24, 2022, meeting**
- 6. Adjournment**

Bill No. 7943

Introduced in Council:

Adopted by Council:

Introduced by:

Referred to:

Chad Robinson

Planning, Streets and Traffic

Bill No. 7943 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by amending the Land Use Table in Section 3-050 and the Supplemental Regulations Pertaining to the Land Use Table in Section 3-060.

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:

1) Sec. 3-050 Permitted Land Uses

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	CVD	PMC	I-2	I-4	PUD	SUPP.
<i>Kennel-Commercial</i>								<u>C</u>	<u>P</u>	<u>P</u>								8,29

2) Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table

8. ~~Outdoor kennel and storage areas~~ shall not be visible from streets and/or adjacent properties. Structures housing animals shall be located a minimum of 100 feet from any dwelling unit.

Kennels shall comply with the following:

- Outdoor kennels, dog runs, and storage areas shall be screened from view by an opaque fence, wall or dense landscaping.
- The use shall not constitute a nuisance due to noise, odor or other irritant detectable beyond the property lines.
- The City-County Health Department shall approve the plans for all kennels prior to the issuance of a Zoning Permit.

29. ~~Kennel.~~ The City-County Health Department shall approve the plans for all kennels prior to the issuance of a Zoning Permit.

Planning, Streets and Traffic Committee
Staff Analysis
February 28, 2022

REQUEST:

Bill No. 7943 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by amending the Land Use Table in Section 3-050 and the Supplemental Regulations Pertaining to the Land Use Table in Section 3-060.

APPLICABLE CODE:

City of Charleston Zoning Ordinance, Effective January 1, 2006, Section 3

STANDARD OF REVIEW:

The amendment is a change to the zoning ordinance, which requires a legislative decision. The Committee is charged reviewing the decision of the Planning Commission and forwarding a recommendation to City Council for final action. The Committee should determine if the text amendment is consistent with the goals and objectives of the Comprehensive Plan.

HISTORY:

ANALYSIS:

This text amendment seeks to add the land use category of "Kennel" as a conditional use in the C-8: Village Commercial District and revise the supplemental regulations pertaining to all kennels.

Staff received no opposition to the request and the Planning Commission unanimously voted to approve the bill.

RECOMMENDATION AND FINDINGS:

Staff recommends **approval** for the following reasons:

1. The Bill will provide a valuable service in close proximity to core neighborhoods; and,
2. The Bill will provide reasonable safeguards against nuisance and negative impacts through the conditional use process and supplementary regulations.

Bill No. 7944 Committee Substitute

Introduced in Council

Adopted by Council

January 18, 2022

Introduced by

Referred to

**Chad Robinson, Bruce
King and Bobby Brown**

**Municipal Planning
Commission and
Planning, Streets and
Traffic Committee**

Bill No. 7944 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by creating the definition of "Vape/Smoke Shop" and making it a conditional use permit in the C-8, CVD, and UCD zoning districts.

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

1. The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows:

Sec. 2-020 Definition of Terms

Vape/Smoke Shop. Vape/Smoke Shop means any Retail or Service Establishment that devotes 33% of its floor area to the sale and display of electronic cigarettes, tobacco products, and/or allows vaping on site. An electronic cigarette is any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term "electronic cigarette" includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

2. The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows:

Sec. 3-050 Permitted Land Uses

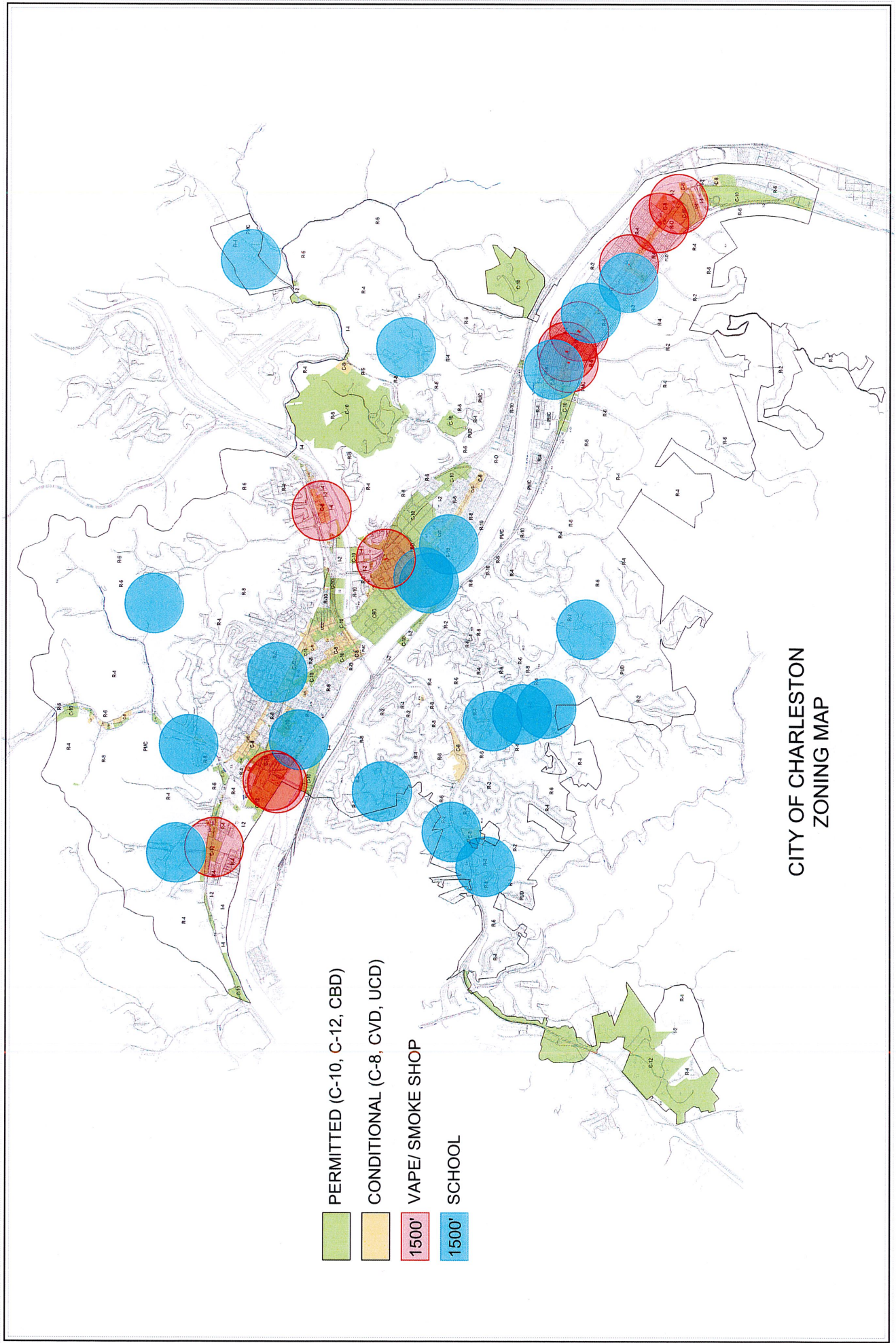
LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CV D	UC D	PM C	I-2	I-4	PU D	SU PP.
<u>Vape/Smoke Shop</u>								<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>					<u>56</u>

30 **Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table**

31 **56. Vape/Smoke Shops** operating under a Conditional Use authorization
32 shall comply with the following:

- 33 a. Shall not be located within 1500 feet of another vape/Smoke shop.
34 b. Shall not be located within ~~1000~~1500 feet of an Elementary School,
35 Middle School or High School Educational Facility as defined in
36 Section 2-020 of the Zoning Ordinance for the City of Charleston,
37 West Virginia, effective January 1, 2006.
38 c. Shall conform with all Federal, State, and Local laws related to the
39 sale of electronic cigarettes, tobacco products, and other vape
40 products.

- 41
42 3. All prior ordinances or parts of ordinances, inconsistent with this ordinance
43 are hereby repealed to the extent of such inconsistency.



Planning, Streets and Traffic Committee
Staff Analysis
February 28, 2022

REQUEST:

Bill No. 7944 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by creating the definition of “Vape/Smoke Shop” and making it a conditional use permit in the C-8, CVD, and UCD zoning districts.

APPLICABLE CODE:

City of Charleston Zoning Ordinance, Effective January 1, 2006, Section 3

STANDARD OF REVIEW:

The amendment is a change to the zoning ordinance, which requires a legislative decision. The Committee is charged reviewing the decision of the Planning Commission and forwarding a recommendation to City Council for final action. The Committee should determine if the text amendment is consistent with the goals and objectives of the Comprehensive Plan.

HISTORY: This amendment has been raised by Dr. Bill Carter in response to his concerns regarding the rise in youth vaping and the visibility and availability of vaping products to young people.

ANALYSIS:

This text amendment seeks to define “Vape/Smoke Shop”. The amendment further makes this land use category a conditional use in the C-8: Village Commercial District and UCD: Urban Corridor District and a permitted principal use in the C-10: General Commercial District and C-12: Shopping Center District. Further, the bill adds supplementary regulations for spacing requirements between vape/smoke shops and buffering requirements from schools.

The Planning Commission amended the bill to increase the spacing requirements from schools from 1000 feet to 1500 feet.

Staff has received no opposition to the request and the Planning Commission unanimously voted to approve the bill.

RECOMMENDATION AND FINDINGS:

Staff recommends **approval of the committee substitute** for the following reasons:

1. The Bill will create clarity and definition for a relatively new land use type; and,
2. The Bill will provide buffering and spacing requirements that will help to limit exposure of young people to vaping products.

Bill No. 7947

Introduced in Council:

Adopted by Council:

Introduced by:

Referred to:

Mary Beth Hoover

Planning, Streets and Traffic

Bill No. 7947 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by amending the Land Use Table in Section 3-050 and the Supplemental Regulations Pertaining to the Land Use Table in Section 3-060 relating to the operation of home-based businesses.

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:

1) **Sec. 3-050 Permitted Land Uses**

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	CVD	PM C	I-2	I-4	PUD	SUPP .
<i>Home Based Business-Level I</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>			<i>P</i>	<i>4</i>
<i>Home Based Business-Level II</i>	<i>C</i>	<i>C</i>	<i>C</i>	<i>C</i>	<i>C</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>C</i>	<i>C</i>	<i>P</i>				<i>C</i>	<i>4</i>

2) **Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table**

4. ~~Home-Based Businesses~~ shall be regulated as follows:

a. ~~Permitting and Enforcement~~

~~(1) All Level I and II proposed home-based businesses shall apply to the City Collector for a Municipal License and to the City Planning Department for zoning review. The Planning Director shall determine whether the proposed home-based business meets the level 1 permitted accessory or level 2 conditional use permit home-based business definition and requirements.~~

~~(a) Level 1 permitted accessory home-based businesses that meet the requirements set forth shall be approved by the Planning Director. The Planning Director shall endorse the Municipal License Application upon approval.~~

~~(b) Level 2 conditional use permit Home-based businesses may be approved after a public hearing for a conditional use permit if the Board of Zoning Appeals determines that the proposed home-based business will not constitute a nuisance or otherwise be detrimental to the neighborhood. The Planning Director shall endorse the Municipal License Application upon approval by the BZA.~~

~~(2) Home-based businesses may have their permits revoked for the following reasons:~~

~~(a) Any change in use or any modification to the granted home-based business that is not first approved by the Planning Director or the BZA.~~

~~(b) Any nuisance, including noise, vibration, smoke, electrical interference, dust, heat, glare, or obnoxious odor, detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily structure.~~

~~(c) Failure to pay any annual municipal license fee within thirty days after the due date or to renew the municipal license.~~

~~b. Level 1 home-based business uses shall be a permitted accessory use in all residential districts where business activities include, but are not limited to, receiving or initiating correspondence, such as~~

phone calls, mail, faxes, or e-mail; preparing or maintaining business records; word and data processing; and telephone, mail order, and off-premise sales.

- (1) Level I permitted accessory home-based businesses shall be distinguished from Level II home-based businesses requiring a conditional use permit in that they shall not be permitted to:
 - (i) Sell articles or products on the premises.
 - (ii) Generate any additional pedestrian or vehicular traffic not normally associated with the residential use of the dwelling.
 - (iii) Receive deliveries to or from the dwelling, except by the occupant, U.S. Mail or by courier, and by no customers or clients.
 - (iv) Display signs for the business use.
 - (v) Have employees who are not members of the resident dwelling unit.
- c. Level II home-based businesses shall be conditional uses and regulated and monitored to assure that the use does not create any adverse impact on the surrounding area. Applicants must present the following information to the BZA:
 - (1) The type of business and business activities.
 - (2) The total number of resident employees.
 - (3) The location and floor area of the home-based business.
 - (4) The vehicles used in the home-based business.
 - (5) The number of expected customer visits per day and at any one time.
- d. Level II home-based businesses shall meet the following performance standards:
 - (1) Hours of operation shall be limited to hours between 8:00 a.m. and 7 p.m.
 - (2) Employees working at the subject property must be permanent residents of that dwelling.
 - (3) Delivery vehicles used to deliver goods to the home-based business are limited to passenger vehicles, mail carriers, and express carriers. Deliveries shall be permitted between 8:00 a.m. and 6:00 p.m.
 - (4) The home-based business shall be limited to the parking/storage of one commercial vehicle on the premises, not exceeding a one-ton capacity.
 - (5) The home-based business shall not generate traffic in greater volume than would normally be expected in a residential neighborhood.
 - (6) The home-based business must provide one off-street parking space in addition to the parking requirement for the dwelling.
 - (7) The home-based business may not create a nuisance due to noise, vibration, smoke, electrical interference, dust, heat, glare, or obnoxious odor. Any noise, vibration, smoke, electrical interference, dust, heat, glare, or obnoxious odor detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily structure, shall constitute a violation of the terms of this provision.
 - (8) The home-based business shall not increase demand on water, sewer, or garbage collection services to the extent that the combined demand for the dwelling and the home-based business is significantly more than is normal to the use of the property for residential purposes.
 - (9) The BZA may establish a limit on the number of clients permitted per day or at any one time.
 - (10) Structural alterations that are not customarily found in a residential structure are prohibited.
 - (11) Equipment and materials related to the home-based business must be stored in a manner that is out of view to the public.
 - (12) Signs advertising the home-based business are not permitted.
- e. Level II home-based businesses shall include, but not be limited to:
 - (1) Professional offices such as architects, brokers, counselors, clergy, engineers, insurance agents, real estate agents, lawyers, accountants, editors, publishers, journalists, cleaning services, salespersons, travel agents, and psychologists where some clientele may be required.
 - (2) Personal services, such as barbershops, beauty parlors, manicure and pedicure shops, catering, chauffeuring services, and physical therapists (no more than 2 people being tended to at any one time).
 - (3) Instructional services such as music, dance, art and craft classes, and tutoring (no more than 2 people being instructed at any one time).

- (4) ~~Repair services for small appliances, computers, watches and clocks, electronic devices.~~
- (5) ~~Workrooms for tailors, dressmakers, milliners, and craft persons, including jewelry making, cabinetry and woodworking.~~
- (6) ~~The BZA shall make the determination whether an unlisted business is similar to a listed permitted use and issue or deny the Level II home-based business conditional use permit.~~
- f. ~~Home-based businesses shall not include dance studios, commercial repair or storage of automobiles, medical or dental clinics or offices where patients are treated, restaurants, bars/nightclubs, mortuary or funeral establishments, boarding/rooming/tourist homes, kennels, stables, veterinarian clinics/hospitals, nor adult uses. Uses not specifically mentioned shall not be permitted when the Planning Director determines that such use is of the same general character as at least one of those stated above.~~

4. Home-Based Businesses shall be regulated as follows:

All proposed home-based businesses shall apply to the City Collector for a Municipal Business License and to the City Planning Department for zoning review. The Planning Director shall determine whether the proposed home-based business meets the following 'no impact' criteria:

1. The business must be secondary to the residential use of the property.
2. The business must be compatible with the residential nature of the area.
3. No activity, equipment, or material associated with the business is visible from the street.
4. Operation of the business will not result in an increase in traffic in the neighborhood beyond that customary to a residence.
5. The business employs no one living outside the home who reports to work at the residential property.
6. Adequate on-site parking is provided.
7. The business must not result in an increase in demand on water, sewer, or garbage collection beyond that customary to a residence.
8. Delivery of goods to the business must be limited to passenger vehicles, mail carriers, and express carriers.

If the proposed home-based business satisfies these criteria, the use shall be treated as a permitted use and the Planning Director shall endorse the Municipal Business License Application.

If the proposed home-based business fails to satisfy any of these criteria, a request for a conditional use permit may be filed. Applicants must provide the following information to the Board of Zoning Appeals for consideration:

1. The type of business and business activities.
2. The total number of employees.
3. The location and floor area of the home-based business.
4. The number of expected customer visits per day and at any one time.
5. The vehicles, equipment, and materials used in the home-based business.
6. The availability of on-site parking.

If the BZA determines at a public hearing that the proposed home-based business will not constitute a nuisance or otherwise be detrimental to the neighborhood, the Planning Director shall endorse the Municipal License Application.

Signage for home-based businesses is prohibited, and the address of the home-based business should not be advertised in such a way that customers or salespersons may be encouraged to visit the property without an appointment.

Retail sales are prohibited, with the exception of products complementary to services provided.

Home-based businesses shall not include commercial repair or storage of automobiles, dance studios, medical or dental clinics, restaurants, bars/nightclubs, mortuary or funeral establishments, kennels, stables, veterinarian clinics/hospitals, nor adult uses. Uses not specifically mentioned here shall not be permitted when the Planning Director determines that such use is of the same general character as any stated above.

A license for any home-based business may be revoked if 1) the business becomes a nuisance resulting from but not limited to noise, vibration, smoke, electrical interference, dust, heat, glare, odor, detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily structure; or 2) any change in use or modification to the home-based business not first approved by the Planning Director or Board of Zoning Appeals occurs.

**Planning, Streets and Traffic Committee
Staff Analysis
February 28, 2022**

REQUEST:

Bill No. 7947 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by amending the Land Use Table in Section 3-050 and the Supplemental Regulations Pertaining to the Land Use Table in Section 3-060 relating to the operation of home-based businesses.

APPLICABLE CODE:

City of Charleston Zoning Ordinance, Effective January 1, 2006, Section 3

STANDARD OF REVIEW:

The amendment is a change to the zoning ordinance, which requires a legislative decision. The Committee is charged reviewing the decision of the Planning Commission and forwarding a recommendation to City Council for final action. The Committee should determine if the text amendment is consistent with the goals and objectives of the Comprehensive Plan.

HISTORY: The current homebased business rules were adopted on August 5, 2002, by bill no. 6869 and have largely remained unchanged since that time.

ANALYSIS:

The proposed amendment simplifies the process to gain approval for the operation of a home-based business by allowing for administrative approval where the following “no impact” criteria are satisfied:

- Secondary to and compatible with residential use
- No increase in traffic, use of infrastructure, or delivery of goods beyond that customarily associated with a residence
- Adequate on-site parking
- No signage or outdoor storage

Any proposed home-based business that fails to meet these criteria would be required to petition the Board of Zoning Appeals for approval at a public hearing, though higher impact businesses like auto repair, medical care, and animal boarding are prohibited entirely.

This text amendment is consistent with the language and intent of legislation proposed in WV and adopted in other states.

Staff has received no opposition to the request and the Planning Commission voted 12-2 to approve the bill.

RECOMMENDATION AND FINDINGS:

Staff recommends **approval** for the following reasons:

1. The rise of the COVID-19 pandemic has starkly demonstrated the necessity, usefulness, and convenience of home-based business and work; and,
2. The Bill will allow more flexible business startup, work-from-home, and entrepreneurship opportunities in the City of Charleston; and,

3. The Bill will provide clear criteria for permitting businesses that pose “no impact” to neighboring properties; and,
4. The Bill provides clear review criteria for the Board of Zoning Appeals to implement via the conditional use process.



Municipal Planning Commission
City Service Center – 915 Quarrier Street – Suite 6
Wednesday, February 9, 2022
3:00 P.M.

Members Present

Aric Margolis, Chairman
Margo Teeter
Quintie Smith
Shawn Taylor
Cory Stout
Lisa-Fischer-Casto
Deanna McKinney
Mary Beth Hoover
Terry Pickett
JoEllen Zacks
Alice Hypes
Shannon Ferrari
Justin Marlow
Terri Allen, Mayor's Designee
J.D. Stricklen, Kanawha Co. Representative

Members Absent

Adam Krason

Staff Present

Dan Vriendt
Chad Webb
Lori Brannon

Public Attendees

Steve Hastings- spoke in support of
Bill No. 7943.
Chad Robinson – Ward 20 Councilman,
Spoke in support of Bill No. 7943.
Billy Joe Peyton – Ruffner Park

1. Call to Order – Aric Margolis, Chairman

2. Unfinished Business

3. New Business

Text Amendment: Bill No. 7943 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by amending the Land Use Table in Section 3-050 and the Supplemental Regulations Pertaining to the Land Use Table in Section 3-060.

Dan presented the staff analysis and recommendation to the Commission:

STANDARD OF REVIEW:

The amendment is a change to the zoning ordinance, which requires a legislative decision. The Commission is charged with conducting a public hearing and making a recommendation to Planning Committee with final action being at City Council. The Commission should determine if the text amendment is consistent with the goals and objectives of the Comprehensive Plan.

ANALYSIS:

This text amendment seeks to add the land use category of “Kennel” as a conditional use in the C-8: Village Commercial District and revise the supplemental regulations pertaining to all kennels.

RECOMMENDATION AND FINDINGS:

Staff recommends **approval** for the following reasons:

1. The Bill will provide a valuable service in close proximity to core neighborhoods; and,
2. The Bill will provide reasonable safeguards against nuisance and negative impacts through the conditional use process and supplementary regulations.

Steve Hastings of 839 Lower Donnally Road addressed the Commission’s question concerning the location of the proposed kennel as being 5315 MacCorkle Avenue. The former Kanawha Players’ theatre. This building and the lot next to is the proposed location. It is currently zoned C-8.

Chad Robinson, Ward 20 Councilman, spoke in favor of the kennel.

No one spoke in opposition to Bill No. 7943.

On the motion of Shawn Taylor, seconded by Quintie Smith , the Commission voted unanimously, 14-0, to approve Bill No. 7943.

Text Amendment: Bill No. 7944 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by creating the definition of “Vape/Smoke Shop” and making it a conditional use permit in the C-8, CVD, and UCD zoning districts.

Dan presented the staff analysis and recommendation to the Commission:

STANDARD OF REVIEW:

The amendment is a change to the zoning ordinance, which requires a legislative decision. The Commission is charged with conducting a public hearing and making a recommendation to Planning Committee with final action being at City Council. The Commission should determine if the text amendment is consistent with the goals and objectives of the Comprehensive Plan.

HISTORY: This amendment has been raised by Dr. Bill Carter in response to his concerns regarding the rise in youth vaping and the visibility and availability of vaping products to young people.

ANALYSIS:

This text amendment seeks to define “Vape/Smoke Shop”. The amendment further makes this land use category a conditional use in the C-8: Village Commercial District and UCD: Urban Corridor District and a permitted principal use in the C-10: General Commercial District and C-12: Shopping Center District. Further, the bill adds supplementary regulations for spacing requirements between vape/smoke shops and buffering requirements from schools.

RECOMMENDATION AND FINDINGS:

Staff recommends **approval** for the following reasons:

1. The Bill will create clarity and definition for a relatively new land use type; and,
2. The Bill will provide buffering and spacing requirements that will help to limit exposure of young people to vaping products.

Aric Margolis expressed concerned because “cigarettes” was not included in the definition of “Vape/Smoke Shop”.

Deanna McKinney suggested that “all tobacco products” be included in the “vape/smoke shop” definition.

Existing vape shops in this area will be grandfathered and not affected by the proposed text amendment.

On the motion of Shawn Taylor and seconded by Quintie Cmth, the Commission voted unanimously, 14-0, to approve changes to the text amendment Bill No. 7944 so that the definition of “Vape/Smoke Shops” includes electronic cigaretttes and/or all other tobacco products and 1,000’ to 1,500’.

On the motion of Deanna McKinney, seconded by Lisa Fisher Casto, the Commission voted unanimously, 14-0, to approve Bill No. 7944

Text Amendment: Bill No. 7947 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by amending the Land Use Table in Section 3-050 and the Supplemental Regulations Pertaining to the Land Use Table in Section 3-060 relating to the operation of home-based businesses.

Dan presented the staff analysis and recommendations to the Commission:

STANDARD OF REVIEW:

The amendment is a change to the zoning ordinance, which requires a legislative decision. The Commission is charged with conducting a public hearing and making a recommendation to Planning Committee with final action being at City Council. The Commission should determine if the text amendment is consistent with the goals and objectives of the Comprehensive Plan.

ANALYSIS:

The proposed amendment simplifies the process to gain approval for the operation of a home-based business by allowing for administrative approval where the following “no impact” criteria are satisfied:

- Secondary to and compatible with residential use
- No increase in traffic, use of infrastructure, or delivery of goods beyond that customarily associated with a residence
- Adequate on-site parking
- No signage or outdoor storage

Any proposed home-based business that fails to meet these criteria would be required to petition the Board of Zoning Appeals for approval at a public hearing, though higher impact businesses like auto repair, medical care, and animal boarding are prohibited entirely.

This text amendment is consistent with the language and intent of legislation proposed in WV and adopted in other states.

RECOMMENDATION AND FINDINGS:

Staff recommends **approval** for the following reasons:

1. The rise of the COVID-19 pandemic has starkly demonstrated the necessity, usefulness, and convenience of home-based business and work; and,
2. The Bill will allow more flexible business startup, work-from-home, and entrepreneurship opportunities in the City of Charleston; and,
3. The Bill will provide clear criteria for permitting businesses that pose “no impact” to neighboring properties; and,

4. The Bill provides clear review criteria for the Board of Zoning Appeals to implement via the conditional use process.

On the motion of Deanna McKinney, seconded by Quintie Smith, the Commission voted 12-2, to approve Bill No. 7947.

4. Minutes of the January 5, 2022 MPC meeting

On the motion of Lisa Fisher Casto, seconded by Margo Teeter, the Commission voted unanimously, 14-0, to approve Bill No. 7947.

5. Announcements

Ruffner Park discussion from CHLC Chairman, Billy Joe Peyton.

6. Adjournment