

**AGENDA FOR A PUBLIC WORKS COMMITTEE
MEETING FOR TUESDAY, MARCH 12, 2019
5:30 PM, EXECUTIVE CONFERENCE ROOM
SECOND FLOOR, MUNICIPAL BUILDING**

(Councilmen Fox, Carpenter, Reed, and Mercer)

- I. CALL TO ORDER – Councilman Dave McCrady, Chairman
- II. ROLL CALL
- III. MINUTES – meeting held February 20, 2019
- IV. NEW BUSINESS
 1. Proposed pool rates for both pool facilities, the Splash Pad at City Park, and the Slide at Southwood Park (Mayor Joyce);
 2. Property owner incentives for people who improve their properties as discussed in URA February 26, 2019;
 3. Discussion and/or action on Tiny Homes. Mr. Mark Dodrill invited as guest speaker on this topic. His suggested guidelines and ordinances attached from January 22, 2019.
- V. ADJOURNMENT

The Public Works Committee of City Council met Wednesday, February 20, 2019 at 5:30 PM in the executive conference room on the second floor of the Municipal Building at One Government Square, Parkersburg, WV 26101.

Members attending included Councilmen Jeff Fox, JR Carpenter, John Reed, Bob Mercer, and Dave McCrady, Chairman.

Others attending included Mayor Tom Joyce, Joe Santer, Everett Shears, Chief Martin, Rickie Yeager, Bobby McClung, and Sharon Kuhl.

MINUTES – Mr. Reed moved, seconded by Mr. Mercer, to approve the minutes from the meeting held November 27, 2018, and the motion was adopted by unanimous vote.

PROPOSED AMENDMENTS TO HOME RULE PLAN – City Attorney, Joe Santer, explained in detail two different ordinance that the City would like to take to the Home Rule Committee for approval.

The first one is concerning motorized bicycles and asking to permit impounding, with exceptions. Currently there is no state law regulating motorized bicycles in State Code section 17C, Traffic laws of the road. The City has a problem trying to make people follow common sense practices because there is no state law, and therefore no City law. We feel there could be dangerous situations and no way to enforce it, he said.

Mr. Reed stated that a year ago we listened to several people in our community who ride bikes regularly that are motorized. They said they wanted to ride these bikes and for the most part they had no problem if we had a law, and this is an opportunity to do what they asked. There is no requirement for the police officer to impound the bike, but it gives the authority if necessary.

This is not an issue unless riders violate rights of the road, Mayor Joyce stated, and he does not think the request is extreme. He said he gets complaints from motor vehicle drivers that they cannot see the bikes, or the bikes are on the sidewalks, etc. We are offering proper definitions.

Police Chief, Joe Martin, said that complaints went down after we talked about it during that Council meeting several months ago. The riders took notice, he said, but some take advantage of not having an ordinance.

Mr. Fox stated that if they break the law, they deserve a fine, but if we take their means of transportation away, that is a problem. If they lose their job because they don't have their bike, that is a problem for him.

If they are a habitual offender, they won't pay the tickets, Chief Martin stated.

To operate a vehicle is a privilege, mayor Joyce stated. This ordinance is not to punish, but for anyone who violates the rules, there are consequences. We write code

violations, and people don't have to pay. Rarely do we have the opportunity to hold people accountable for their actions.

Mr. Carpenter asked if we had any statistics about people abusing bikes, and Chief Martin said we have no ordinance now. He also asked about storage of the bikes or if we would have to use a tow truck, and Mr. Santer said we did not consider tow trucks.

MOTION – Mr. Mercer moved, seconded by Mr. Reed, to refer the ordinance to City Council, and the motion was adopted with Mr. Reed, Mr. Mercer and Mr. McCrady voting “yes”; and Mr. Fox and Mr. Carpenter voting “no”.

The second ordinance we are asking to take to the Home Rule Committee concerns regulations of open collection and storage of materials, merchandise, and other items upon residential properties within the City.

There were several pictures provided by video for the committee.

Mr. Santer told the committee that we are including porches and carports, and unenclosed garages that are potentially a health risk, and an eyesore. We want to expand the definition of “open” and items to control this problem. When we go to Wood County Circuit Court, they are not comfortable with our ordinances.

Mr. McCrady asked about one area that looks like a scrap yard. Code Enforcement Director, Bobby McClung, said that sometimes they take their items to the crusher, but at some point it is an eyesore. We give them a few days to get the objects out of their yard, and some don't comply. We give citations, but that is as far as we can go, he said.

When Mr. Carpenter asked about our existing ordinances, Mr. Santer stated that sometimes they abide, but our option is to go the Circuit Court, and we have had some limited success there. Our ordinances are vaguely and narrowly defined.

You are either in compliance with the codes, or you are not, Mr. Reed stated. He encourages the committee to move quickly on this request, as it will give the Code Department what they need. There are two instances where there are refrigerators in the carport full of food. Mr. Reed asked if the ordinance should say “inoperable”. Mr. Santer said it should not, but it will have to be screened in.

Mr. Fox asked if we could add heavy equipment to the ordinance, but Mr. Santer said that vehicles are under state code now in another section. It should not apply in this ordinance if it is operable.

Mr. Fox mentioned a resident that has mental health issues, and asked what we would do. Mr. Santer said this person thinks she is doing a healthy thing. Right now we can't do anything with what is on the porch. We would go to Circuit Court and get them to impose more sanctions, and they could go to jail, but we would never ask the Court to do that. Our new ordinance will cover open porches.

These problems are always individuals, Mr. Santer said. You have to work your way through, and this will help us with some people. We are not saying you cannot collect items – just put them in the backyard.

Mr. Carpenter asked how we handle problems with businesses, and Mr. Santer said the zoning ordinance will address those.

MOTION – Mr. Reed moved, seconded by Mr. Mercer, to refer the ordinance to City Council for approval, and the motion was adopted by unanimous vote.

BOATS – Mr. McCrady stated that he took nine pictures in his neighborhood where there are boats parked on the streets, and Mr. Carpenter said he sees an occasional camper, too. Code Director, Bobby McClung, stated that boats or campers are to go to the rear of the properties. Chief Martin said they cannot exceed being parked on streets more than 72 hours, but that is difficult to enforce if they move slightly. He also stated that we do not have definitions for items like stump grinders or tractors on private property.

When Mr. Carpenter asked if we could take this to Home Rule, Mr. Santer said he did not think we could. He said it would be difficult to define what is reasonable and be restricted and reasonable and allow someone to have those items because you can move all day just a few feet, unless we say they cannot park in a residential area. There are ramifications, he said.

Mayor Joyce said that people get a good deal and buy a boat, then have no place to park them. Some have no license, or flat tires, Mr. McCrady added, but Mr. Santer asked what the difference was on one that is operable and one that is not.

Mr. Reed asked about the cause and effect, and what was the problem with a boat. Mr. Santer said that they take up 3 parking spaces and not one. Mr. Reed said that we have a width and height ordinance now.

They are not just taking parking spaces, Mr. Fox stated, there is the problem with safety view also. Chief Martin stated that if there is a safety problem, the police department can take care of that now. If there has been an incident, or if there are no lights and someone hits them, he can address that.

There was no action taken.

The meeting adjourned at 6:20 PM.

Respectfully submitted,

Connie Shaffer
Connie Shaffer, City Clerk

**City of Parkersburg
Proposed Pool Rates
Effective 2019 Pool Season**

POOLS:

Admission prices are valid at both pool facilities and include the Splash Pad at City Park and the Slide at Southwood; daily passes are valid for one facility per day

	Daily	Season	Season Discount
Individual (2 & under)	\$ -	\$ -	
Individual (3-17)	\$ 5.00	\$ 90.00	10%
Individual (18+)	\$ 7.00	\$ 112.00	20%
Individual (55+)	\$ 5.00	\$ 90.00	10%
Individual (veteran discount)	\$ 5.00	\$ 90.00	10%
Individual (active military)	\$ -	\$ -	
Individual (City employee benefit)	\$ -	\$ -	
Family (up to 4 members)		\$ 225.00	44%
Family (additional members)		\$ 50.00	44%
Family (active military credit per adult)		\$ (63.00)	
Family (City employee benefit)		\$ -	

After-hours private pool rentals are available from 6PM to 9PM; rates are valid at both pool facilities and include the Splash Pad at City Park and the Slide at Southwood

	2 hours With Concessions	2 hours Without Concessions	3 hours With Concessions	3 hours Without Concessions
Up to 25 individuals; 2 hour minimum	\$ 300.00	\$ 280.00	\$ 450.00	\$ 420.00
Up to 50 individuals; 2 hour minimum*	\$ 400.00	\$ 380.00	\$ 600.00	\$ 570.00

* Private rentals with an estimated attendance in excess of 50 individuals require special arrangements. Prices will be quoted based on the estimated personnel needs to safely accommodate the estimated party size.

Proposed pool, etc, rates
By Mayor Joyce
March 12, 2019 to Public Works
Committee

SUGGESTED GUIDELINES FOR TINY HOUSE ON WHEELS (THOW's)

These are only suggestions. It is your responsibility to follow all applicable state and federal laws for building and transporting your THOW.

A. A tiny house shall be defined as a principal residential dwelling that has a square footage of between 170 and 1,200.

1. Each dwelling unit shall have a minimum gross floor area of not less than 170 square feet for the first occupant and not less than 100 square feet for each additional occupant.

2. Required space in sleeping rooms. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

3. Minimum ceiling height. Every habitable room, foyer, bathroom, hall or corridor shall have a ceiling height of at least seven feet. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof, but the floor area of that part of any room where the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

4. Structure width. The minimum width of a tiny house must be at least 8.5 feet.

B. A tiny house on wheels (THOW), for the purposes of these Guidelines, is a structure which is intended as a full time residence or year-round rental property and meets these conditions:

1. Built on a trailer that is registered with the builder's local DMV.

2. Towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection, cannot move (and was not designed to be moved) under its own power.

3. Is no larger than allowed by applicable state law. (The typical THOW is no more than 8'6" wide, 30' long, and 13'6" high. Larger tiny houses may require a special commercial driver license and/or special permits when being towed.)

a. Verify with the DMV that the THOW is within limits of the law.

b. Roof height is from bottom of tires to the top of the highest exterior point on the house, including any protrusions. The roof height may be taller when stationary, as long as it is collapsible for towing of the THOW. Chimney piping may need to be removed for travel and then reinstalled to meet clearance requirements for use.

ORDINANCE NO. #### - ####

AN ORDINANCE OF THE CITY OF PARKERSBURG, WOOD COUNTY, WEST VIRGINIA, AMENDING CHAPTER # OF THE PARKERSBURG LAND DEVELOPMENT REGULATIONS TO ADD A SECTION ##.## DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES.

WHEREAS, the PARKERSBURG Planning Commission has reviewed the necessity for an ordinance creating a Land Development Regulation allowing and controlling Tiny House construction and uses within the City of PARKERSBURG; and

WHEREAS, the PARKERSBURG Planning Commission has recommended that a 'Tiny House Neighborhoods' category be added to the City's Land Development Regulations; and

WHEREAS, the PARKERSBURG City Council has determined that an addition to the PARKERSBURG Land Development Regulations be created to provide a category allowing and regulating Tiny House uses in Neighborhoods within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKERSBURG, WEST VIRGINIA, AS FOLLOWS:

SECTION 1. The PARKERSBURG Land Development Regulations are amended by adding a new Section ##.## as contained in Exhibit "A" attached hereto.

SECTION 2. The provisions of this Ordinance are severable, and if any section, sentence, clause, or phrase hereof is for any reason held to be unconstitutional, invalid, or ineffective, such holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without the inclusion therein of any invalid portion or portions.

SECTION 3. This Ordinance shall become effective ten (10) days following its adoption and signed by the Chairman of the City Council.

ADOPTED at a regular meeting of the City Council of the City of PARKERSBURG, WEST VIRGINIA, this #rd day of Month year.

Chairman,

City Council of the City of PARKERSBURG, WEST VIRGINIA

ATTEST:

City Clerk

1st Reading: _____

2nd Reading: _____

SECTION ###.###. TINY HOUSE NEIGHBORHOODS

A. A tiny house shall be defined as a principal residential dwelling that has a square footage of between 170 and 1,200.

- 1.** Each dwelling unit shall have a minimum gross floor area of not less than 170 square feet for the first occupant and not less than 100 square feet for each additional occupant.
- 2.** Required space in sleeping rooms: In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.
- 3.** Minimum ceiling height. Every habitable room, foyer, bathroom, hall or corridor shall have a ceiling height of at least seven feet. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof, but the floor area of that part of any room where the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- 4.** Structure width. The minimum width of a tiny house must be at least 8.5 feet.
- 5.** Includes basic functional areas that support normal daily routines (such as cooking, sleeping, and toiletry).
- 6.** The following documentation will be required to be submitted for building permit for a Tiny House in an existing neighborhood:
 - a.** Detailed structural plans illustrating the location of studs, joists, rafters, and engineered connectors (hurricane clips, tension ties, etc.). Plans should clearly address how the structure is secured to the trailer, and how the floors, walls, and roof are framed and sheathed. Plans should also include an illustration of a floor, wall and roof section, showing the building members, insulation, vapor barrier, moisture barrier, sheathing, siding and roofing.
 - b.** Detailed diagram of the electrical plan.

*Tiny house
3 NEIGHBORHOODS*

c. Photographs of the framing, roof, insulation, rough plumbing, and rough electrical.

d. A statement describing your construction methods along with the names and addresses of any subcontractors you may have hired.

B. A tiny house will be permitted within a planned neighborhood. A neighborhood is defined as meeting the following requirements:

1. A minimum of 1 tiny house and maximum of 12 tiny houses per neighborhood. Twenty-five percent (25%) of these house sites may be for THOWs.

2. Centralized common area. The common open space area shall include usable public spaces such as lawn, gardens, patios, plazas or scenic viewing area. Common tables, chairs and benches are encouraged, with all houses having access to it.

a. Four hundred square feet of common open space is required per unit.

b. Fifty percent of units must have their main entry on the common open space.

c. All units must be within five feet of each common open space(s). Setbacks cannot be counted towards the common open space calculation.

d. The principal common open space must be located centrally to the project. Additional common open space can only account for twenty-five percent of the total requirement with trails and pathways connecting the total development. Passive trails are allowed and may count towards the common open space requirement.

e. Community buildings or clubhouses can be counted towards the common open space calculation.

f. Tiny Houses must surround the common open space on a minimum of two sides of the green.

g. Common open space shall be located outside of storm water/detention ponds, wetlands, streams, lakes, and critical area buffers, and cannot be located on slopes greater than ten percent.

3. All houses must have at least one porch.

a. Porches shall be oriented towards common open space or street and designed to provide a sense of privacy between units.

4. Maintenance of open space and utilities: Before approval is granted, the applicant shall submit covenants, deeds and homeowner's association bylaws and other documents guaranteeing maintenance and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed and accompanied by a certificate from an attorney that they comply with the requirements of this chapter prior to approval. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the county auditor as a condition precedent to the filing of any final plat of the property or division thereof, except that the conveyance of land to a homeowners association may be recorded simultaneously with the filing of the final plat.

C. Lot Requirements:

1. Area: The minimum lot area per dwelling unit shall be of (1,000) One Thousand square feet.

2. Width: Minimum width per lot shall be 18 feet.

3. Depth: Minimum length per lot 50 feet

D. Setbacks:

1. Front setback: shall be minimum 10 feet from street, common space or sidewalk, if applicable.

2. Rear setback shall be minimum 10 feet.

3. Side Setbacks: The sum of side setbacks shall be not less than 10 feet.

4. A modified setback shall be endorsed upon the approved site plan. No portion of a building or appurtenance shall be constructed as to project into any commonly owned open space. No structure or portion thereof shall be closer than 10 feet to any structure on an adjacent lot.

E. Tiny houses on wheels (THOW) in must comply with the following:

1. THOWs must comply with all state and federal regulations regarding towing and hauling to permanent location. Including but not limited to regulations regarding height, width, lighting, and licensing.

2. THOWs must be placed in a designated area in the approved site plan of the lot.

3. Tiny houses built on trailers, where the suspension/axle components have been removed and the chassis permanently attached on an approved foundation shall be permitted in zones allowing detached single family dwellings; must meet Community Development regulations for Tiny Houses.

F. Zoning

1. For zoning, a tiny house is considered a dwelling unit. The R-1, R-2 and R-3 residential zones only allow a single family home (dwelling unit).

2. Site built tiny houses built on an approved foundation system shall be permitted in zones allowing detached single family dwellings; must meet Community Development regulations for Tiny Houses.

End Exhibit "A"

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ADOPTED at a regular meeting of the City Council of the City of PARKERSBURG, WEST VIRGINIA, this #rd day of Month year.

Chairman,
City Council of the City of PARKERSBURG, WEST VIRGINIA

ATTEST:

City Clerk

1st Reading: _____
2nd Reading: _____

Exhibit "A" to Ordinance No. ##### - #####

SECTION ###.###. TINY HOUSES IN EXISTING NEIGHBORHOODS

A. A tiny house shall be defined as a principal residential dwelling that has a square footage of between 170 and 1,200.

- 1.** Tiny Houses in existing residential neighborhoods must be a fixed foundation dwelling. While structures may be constructed on a towable frame, the wheels must be removed after towing to the permanent lot. It is the intention that these houses become permanent structures in the neighborhood.
- 2.** Each dwelling unit shall have a minimum gross floor area of not less than 170 square feet for the first occupant and not less than 100 square feet for each additional occupant.
- 3.** Required space in sleeping rooms: In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.
- 4.** Minimum ceiling height: Every habitable room, foyer, bathroom, hall or corridor shall have a ceiling height of at least seven feet. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof, but the floor area of that part of any room where the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- 5.** Structure width: The minimum width of a tiny house must be at least 8.5 feet.
- 6.** Includes basic functional areas that support normal daily routines (such as cooking, sleeping, and toiletry).
- 7.** The following documentation will be required to be submitted for building permit for a Tiny House in an existing neighborhood:
 - a.** Detailed structural plans illustrating the location of studs, joists, rafters, and engineered connectors (hurricane clips, tension ties, etc.). Plans should clearly address how the structure is secured to the trailer, and how the floors, walls, and roof are framed and sheathed. Plans should also include an illustration of a floor, wall and roof section, showing the building members, insulation, vapor barrier, moisture barrier, sheathing, siding and roofing.
 - b.** Detailed diagram of the electrical plan.

c. Photographs of the framing, roof, insulation, rough plumbing, and rough electrical.

d. A statement describing your construction methods along with the names and addresses of any subcontractors you may have hired.

8. All houses must have at least one porch.

9. Lot Requirements:

a. Area: The minimum lot area per dwelling unit shall be of (1,000) One Thousand square feet.

b. Width: Minimum width per lot shall be 18 feet.

c. Depth: Minimum length per lot 50 feet

10. Setbacks.

a. Front setback: shall be minimum 10 feet from street or sidewalk, if applicable.

b. Rear setback shall be minimum 10 feet.

c. Side Setbacks: The sum of side setbacks shall be not less than 10 feet.

d. A modified setback shall be endorsed upon the approved site plan. No portion of a building or appurtenance shall be constructed as to project into any commonly owned open space. No structure or portion thereof shall be closer than 10 feet to any structure on an adjacent lot.

B. Tiny houses on wheels (THOW) in existing neighborhoods must comply with the following:

1. THOWs must comply with all state and federal regulations regarding towing and hauling to permanent location. Including but not limited to regulations regarding height, width, lighting, and licensing.

2. THOWs must be placed in a designated area in the approved site plan of the lot.

3. Tiny houses built on trailers, where the suspension/axle components have been removed and the chassis permanently attached on an approved foundation shall be permitted in zones allowing detached single family dwellings; must meet Community Development regulations for Tiny Houses.

C. Zoning

- 1.** For zoning, a tiny house is considered a dwelling unit. The R-1, R-2 and R-3 residential zones only allow a single family home (dwelling unit).

- 2.** Site built tiny houses built on an approved foundation system shall be permitted in zones allowing detached single family dwellings; must meet Community Development regulations for Tiny Houses.

End Exhibit "A"