



**Agenda**  
Huntington Planning Commission  
Monday, May 2, 2022 – 5:30pm

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1. Preliminaries
2. Call to Order
3. Roll Call
4. Approval of the April 2022 Minutes
5. New Business

**PC 22-AB-03**

*Issue:* A petition to abandon a portion of an unnamed alley north of the intersection between 17<sup>th</sup> Street West and Virginia Avenue. The petitioned abandonment is adjacent to Cabell County Tax District 7, Map 40, Parcels 57 and 482.

*Owner:* City of Huntington, 800 5<sup>th</sup> Ave., Huntington, WV

*Petitioner:* B & B Holdings, LLC., 1539 Greenup Ave., Ste. 101, Ashland, KY

**PC 22-TA-04**

*Issue:* A petition to make the following changes to the City of Huntington Zoning Ordinance:

1. To Amend Article 1315 Definitions and Measurements to clarify definitions for Auto Service Stations, Automotive and Other Vehicle Sales,
2. Add Section 1341.53 Animal Boarding and Training standards for locations providing animal boarding and training services,
3. Amend Section 1341.11 Auto Service Station to include Repair Shops and vehicle painting,
4. Add Section 1341.54 Fuel Sales to separate standards from Auto Service Station and Repair Shop standards,
5. Amend Article 1320 Permitted Uses to add Animal Boarding and Training and Open Space to the Permitted Uses Chart.

*Petitioner:* City of Huntington, 800 5<sup>th</sup> Avenue, Huntington, WV 25701

6. Old Business

**PC 22-01**

*Issue:* A petition to make the following changes to the City of Huntington Zoning Ordinance:

1. To Amend Article 1345 Sign Regulations and Site Lighting including, but not limited, to the following proposed changes: updating language and structure for readability, consistency, and content neutrality; permits for existing sign structures maintenance; illumination; permitting and size for window signs; abandoned nonconforming sign structures; sign measurements; signs in residential districts; awning signs; and Electronic Messaging Centers.
2. Amend Article 1315 Definitions and Measurements to match sign types and content neutral language in Article 1345, and update the Artisan Manufacturing and Sales definition to not require on premise sales.
3. Amend Article 1320 - Permitted Use chart to allow Banquet Halls or Conference Centers as a conditional use in the C-1 Neighborhood Commercial District.

*Petitioner:* City of Huntington, 800 5th Avenue, Huntington, WV 25701

7. Good and Welfare
8. Other Business or Announcements
9. Adjournment

**Minutes**  
**Huntington Planning Commission**  
**April 4, 2022**

A meeting of the City of Huntington Planning Commission was held on April 4, 2022 at 5:30 p.m. in the City Hall Council Chambers. *Mr. Gallagher* called the meeting to order.

Members Present: Sarah Walling, Sean Hornbuckle, Gerry Holley, Holly Smith Mount, Brian Gallagher

Members Absent: Major Steve Williams, Stephanie Vlahos Bryant, Ursulette Ward, Carl Eastham,

Staff Present: Janney Lockman, Planner  
Breanna Shell, Planning Director  
Ericka Hernandez, Assistant City Attorney  
Patricia Usher, Zoning Officer

*Ms. Walling* made a motion to approve the March Minutes as presented; *Ms. Smith Mount* seconded the motion. All were in favor, and the Minutes were approved.

**PC 22-01**

A petition to make the following changes to the City of Huntington Zoning Ordinance:

1. To Amend Article 1345 Sign Regulations and Site Lighting including, but not limited, to the following proposed changes: updating language and structure for readability, consistency, and content neutrality; permits for existing sign structures maintenance; illumination; permitting and size for window signs; abandoned nonconforming sign structures; sign measurements; signs in residential districts; awning signs; and Electronic Messaging Centers.
2. Amend Article 1315 Definitions and Measurements to match sign types and content neutral language in Article 1345, and update the Artisan Manufacturing and Sales definition to not require on premise sales.
3. Amend Article 1320 - Permitted Use chart to allow Banquet Halls or Conference Centers as a conditional use in the C-1 Neighborhood Commercial District.

*Ms. Lockman* presented the Staff Report, including comments from the Board of Zoning Appeals on the changes proposed. She concluded her presentation by asking the Commissioner determine time limit and size for temporary signs and demonstrated sign sizes with a sign demonstration.

The Commissioners discussed potential legal implications of the ordinance, the enforcement of the new temporary sign changes, and the implementation by staff.

*Ms. Smith Mount* made a motion to adopt 12 square feet for maximum sign size and a maximum time limit of 90 consecutive days for temporary signs that are exempt from permitting; *Ms. Walling* seconded the motion. Motion passed by a vote of 5 Yes to 0 No.

*Ms. Walling* asked whether the changes made now could be changed later if found to be not working. *Ms. Lockman* and *Ms. Hernandez* confirmed that the ordinance could be changed later if not effective and methods of enforcement and implementation could be changed to achieve those goals as well.

*Mr. Holley* left the meeting; therefore, the Board lacks quorum and cannot vote.

*Ms. Walling* made a motion to forward the petition with a favorable recommendation to City Council; *Ms. Smith Mount* seconded the motion. With only four members present, there is not quorum for a vote; the motions was withdrawn.



**Staff Report:** A petition to abandon an unnamed alley north of 17<sup>th</sup> St. W. and Virginia Ave.

**PC 22-AB-03**

*Issue:* A petition to abandon a portion of an unnamed alley north of the intersection between 17<sup>th</sup> Street West and Virginia Avenue. The petitioned abandonment is adjacent to Cabell County Tax District 7, Map 40, Parcels 57 and 482.

*Owner:* City of Huntington, 800 5<sup>th</sup> Ave., Huntington, WV

*Petitioner:* B & B Holdings, LLC., 1539 Greenup Ave., Ste. 101, Ashland, KY

**Introduction**

B & B Holdings is petitioning to abandon a portion of an unnamed alley located north of the 17<sup>th</sup> St. W. and Virginia Ave. intersection.

**Existing Conditions**

B & B Holdings is proposing to abandon a portion of a 20' wide unimproved alley that begins at the northern intersection with 17<sup>th</sup> St. W and Virginia Ave., runs north towards the levee, and makes an "L" shape with the levee. The total area to be abandoned is approximately 0.15 acres, or 6,544 sq. ft. Please see attached maps and survey for details.

The petitioner owns property east and west of the alley. This area is zoned I-1 Light Industrial.

The portion of right-of-way to be abandoned was appraised by David R. Given Real Estate and has a market value of \$15,600.

**Proposed Conditions**

The petitioner is proposing to abandon this portion of right-of-way in order to expand the commercial and industrial uses on the abutting properties they own.

**Utility Conditions**

- *Appalachian Electric Power* has facilities in this area that will need to remain in order to continue providing electric service. B & B Holdings has agreed to grant an easement to AEP to access, operate, and maintain their facilities in this area should the abandonment be granted.
- *Huntington Sanitary Board* After being contacted by the petitioner, HSB worked with the petitioner to modify their abandonment application so as to not interfere with Huntington Sanitary Board operations.
- *Mountaineer Gas Company* does not have mainline facilities within the area proposed to be abandoned.
- *West Virginia American Water* does not have facilities within the abandonment area, nor do they anticipate installing facilities there in the future. Adjacent properties are served by an existing water main on Virginia Ave.

**Pictures**



*Unnamed alley is to right of grass, where telephone poles are. Levee is visible in background.*

**Comprehensive Plan**

The Future Land Use map of the Plan2025 Comprehensive Plan designates this area as Light Industrial and Commercial. This designation provides a lower intensity industrial district that can allow creative reuse of industrial sites to complement any nearby residential areas.

**Staff Comments**

As this area is designated as industrial in Plan2025, Staff does not believe that this proposal goes against the comprehensive plan.

Because this alley is adjacent to Huntington’s levee on the Ohio River additional care and consideration must be taken to ensure that any development does not negatively impact the levee operations. The U.S. Army Corps of Engineers and Huntington Stormwater Utility’s Floodwall Division should be consulted before any development takes place in this area.

Please note that should the petition be granted, B&B Holdings would be required

to consolidate this area with other parcels owned at this location.

**Attachments**

- Aerial Map
- Zoning Map
- Future Land Use Map
- Survey
- Appraisal
- Cover letter
- Utility letters
- Application



**Petition to Abandon an Unnamed Alley  
North of the Intersection Between  
17th Street W. and Virginia Avenue  
PC 22-AB-03**



**Zoning**

-  R-2 Single-family Residential
-  C-1 Neighborhood Commercial
-  C-2 Highway Commercial
-  I-1 Lt Ind/Comm
-  I-2 Heavy Industrial



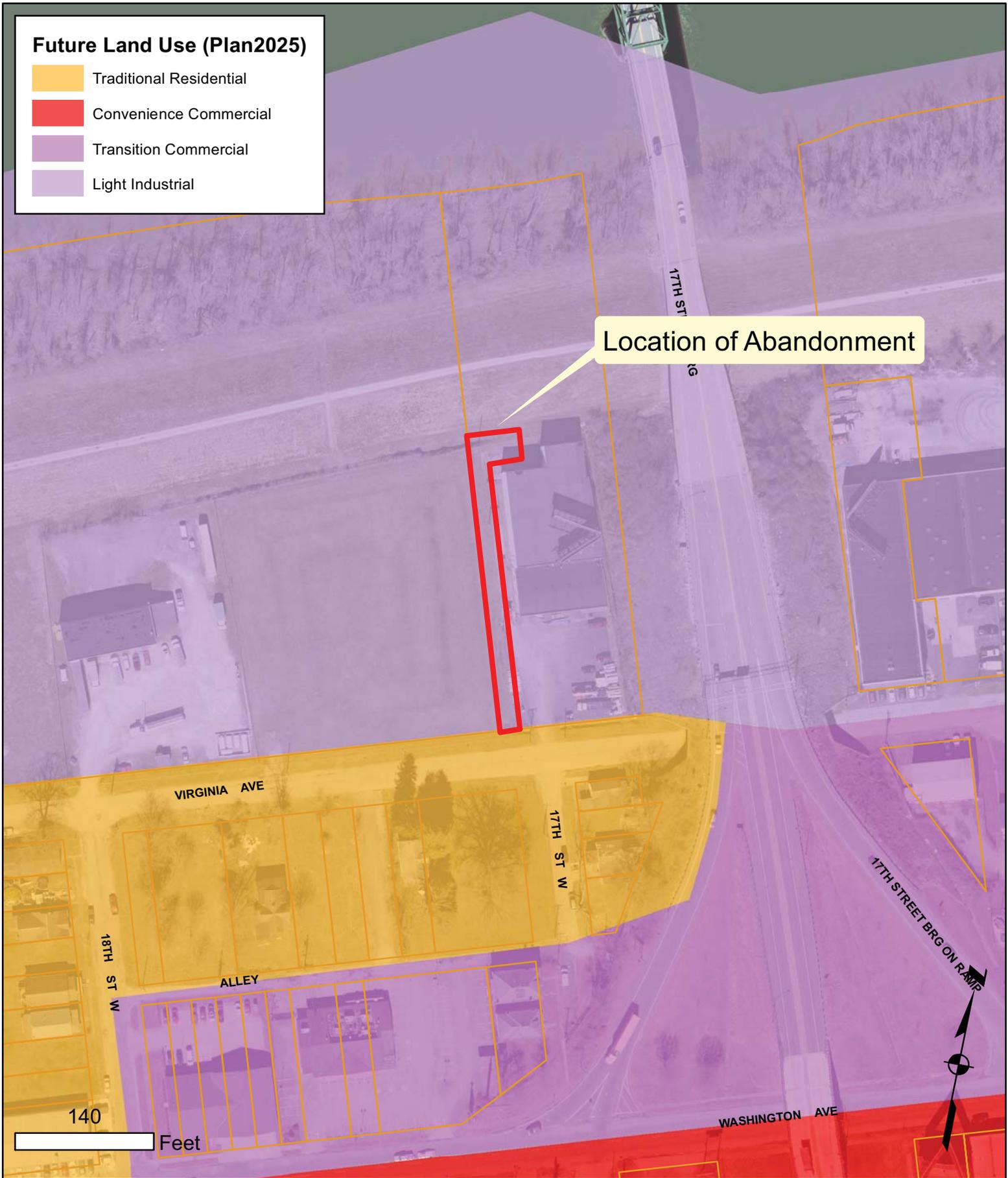
**Petition to Abandon an Unnamed Alley  
North of the Intersection Between  
17th Street W. and Virginia Avenue  
PC 22-AB-03**



**Future Land Use (Plan2025)**

- Traditional Residential
- Convenience Commercial
- Transition Commercial
- Light Industrial

Location of Abandonment



**Petition to Abandon an Unnamed Alley  
North of the Intersection Between  
17th Street W. and Virginia Avenue  
PC 22-AB-03**





**ABANDONMENT  
APPLICATION**

Planning and Zoning  
Huntington City Hall  
800 Fifth Avenue  
P.O. Box 1639  
Huntington, WV 25717  
(304) 696-5540, opt 3

Applicant Name: B&B Holdings, LLC Phone: 808-818-9128

Address (city, state, zip): 1539 Greenup Avenue, Suite 101, Ashland, Kentucky 41101

Email: llatherow@vanatlys.com

Property Owner (if applicable): City of Huntington Phone: 304-896-5540

Address (city, state, zip): 800 Fifth Avenue, Huntington, WV 25717

Type of Public Property to be Abandoned:	Location of Abandonment:
<input checked="" type="checkbox"/> Street Right of Way	<u>.150 acres between parcels 57 &amp; 482, Map 40</u>
<input type="checkbox"/> Alley	<u>Kyle District-See Attached</u>
<input type="checkbox"/> Easement	

Please state the reason for the abandonment:  
Expansion of commercial use of abutting property owned by B&B Holdings, LLC.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please see the Abandonment Application Checklist for required documentation**

All required documentation must be submitted to Planning and Zoning office (RM.2) by 3-25-22 in order to be placed on the next Planning Commission agenda.

I/We, the undersigned, am/are aware that a Public Hearing by the Planning Commission will be held on Monday, April 4, 2022. It is my responsibility to attend (or send a representative) to the above meeting to present plans and to answer any questions regarding the request for Abandonment. All meetings are held at 5:30pm in City Hall Council Chambers.

JOBBY  
Signature of Applicant  
3-24-22  
Date

<b>FOR OFFICE USE</b>	
Received:	_____
Staff Initials:	_____
Permit Number:	_____

*\*All applications to be submitted must be typed or legibly written in blue or black ink.*



# ABANDONMENT APPLICATION CHECKLIST

Planning and Zoning  
Huntington City Hall  
800 Fifth Avenue  
P.O. Box 1659  
Huntington, WV 25717  
(304) 696-5540, opt 3

- A processing fee of \$160
- A **petition** must be signed by the applicant and any adjoining property owners (*refer to sample petition*)
- A **survey and legal description** by a Registered Professional Land Surveyor showing the extent of the land to be abandoned and location of utilities
- An **ordinance** prepared by the applicants attorney (*refer to sample ordinance*)
- A **quitclaim deed** provided by the applicants attorney (*refer to sample quitclaim deed*)
- An **appraisal** showing the value of land to be abandoned
- A **certified check**, cashier's check or money order, covering the appraised cost of the property. This will be shall be forwarded to the City Attorney, who will hold the check pending resolution of the abandonment.
- A **letter** from all utility companies that will be affected by the abandonment (*refer to utility contact sheet for common utilities and sample utility letter*)

### Adjoining Property Owners (if applicable):

Name: City of Huntington Phone Number: \_\_\_\_\_  
 Address: 800 Fifth Avenue Huntington, WV 25717 Legal Description: Virginia Avenue  
 Signature: \_\_\_\_\_

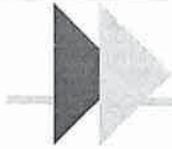
Name: City of Huntington Phone Number: \_\_\_\_\_  
 Address: 800 Fifth Avenue Huntington WV 25717 Legal Description: Floodwall Easement  
 Signature: \_\_\_\_\_

**\*Attach additional copies as necessary**

### Utility Company Letters:

Name: The Huntington Sanitary Board Utility: Sanitary Sewer  
 Phone Number: 304-696-5917 Contact Person: Wesley S. Leek Letter Attached: X  
 Name: Appalachian Power Utility: Electric  
 Phone Number: 304-696-1224 Contact Person: Russell A. Bays Letter Attached: X  
 Name: Mountaineer Gas Utility: Gas  
 Phone Number: 1-888-420-4427 Contact Person: Michael Plymale Letter Attached: X  
 Name: WV American Water Co. Utility: Water  
 Phone Number: 304-340-2974 Contact Person: Allen Parsley Letter Attached: X

**\*Attach additional copies as necessary**



# Eastham & Associates

*Engineers - Surveyors - Planners*

DESCRIPTION  
for  
B & B HOLDINGS, LLC

All those certain lot, piece or parcel of land situate in the State of West Virginia, Cabell County, City of Huntington, being that certain portion or segment of Seventeenth Street West, northerly from Virginia Avenue, toward the south flood wall right-of-way, and being more particularly bounded and described as follows:

**BEGINNING** at a 5/8" iron pin (found), at the point of intersection of the north right-of-way line of Virginia Avenue with the west right-of-way line of Seventeenth Street West, marking the southeast corner of Parcel "F", as shown on a map of Clemens Park Addition, a copy of which map was recorded in the Cabell County Commission Clerk's Office, on the 30<sup>th</sup> of December, 1915, in Deed Book 143, at page 576, having a coordinate value of N. 517,851.35 and E. 1,542,911.90, and also marks a corner common to Parcel One of Tract One, of the lands now owned by B & B Holdings, LLC, (D.B. 1386, Pg. 40; the subject tract is described as exception 4, in said B & B Holdings, LLC, deed); thence, leaving the north right-of-way line of the said Virginia Avenue, and with the west right-of-way line of the said Seventeenth Street West, if produced, and with the lands of the said B & B Holdings, LLC, and the said Parcel "F",

North 17° 44' 03" West, passing a 1" iron pin (found), at 263.84 feet, in all 288.69 feet to a 5/8" reinforcing rod with a red plastic cap stamped "Eastham & Associates" (set), from which the south right-of-way of the flood wall easement, bears: North 17° 44' 03" West 1.29 feet; thence, leaving the west right-of-way line of the said Seventeenth Street West, if produced, and severing the right-of-way of the said Seventeenth Street West,

North 67° 54' 30" East 60.19 feet to a 5/8" reinforcing rod with a red plastic cap stamped "Eastham & Associates" (set), in the west line of the lands of the said B & B Holdings, LLC, from which a 5/8" reinforcing rod with a red plastic cap stamped "Eastham & Associates" (recovered), bears: North 17° 44' 03" West 2.45 feet; thence, with the lands of the said B & B Holdings, LLC, as follows:

South 17° 44' 03" East 33.26 feet to a "+" in concrete (found); thence,

South 72° 15' 57" West 42.00 feet to a "+" in concrete (found); thence,

South 17° 44' 03" East 260.00 feet to a 5/8" reinforcing rod with a yellow damaged plastic cap (found)), on the north right-of-way line of the said Virginia Avenue; thence, leaving the lands of the said B & B Holdings, LLC, and with the north right-of-way line of the said Virginia Avenue,

South 72° 15' 57" West 18.02 feet to the **PLACE OF BEGINNING**, containing 0.150 acre, (6,544.3 square feet), more or less, as surveyed under the supervision of Jeffrey M. Eastham, West Virginia Licensed Professional Surveyor No. 2067, on February 8, 2022, as shown on the attached plat for Job No. 8010 WC, and made apart of this description.

The above bearings and distances are based on the West Virginia State Plane Coordinate System, South Zone, NAD '83, U.S. survey feet.

This survey does not constitute a Title Search by the Surveyor. No Title Commitment was provided. This survey is subject to all restrictions, reservations, right-of-ways, easements, utilities, covenants, exceptions, conveyances, leases and exclusions previously imposed and appearing of record, and those not of record.



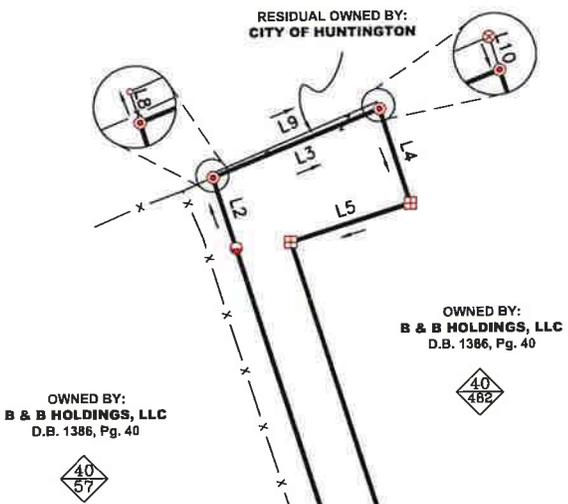
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Jeffrey M. Eastham, P.S.  
West Virginia Registration No. 2067



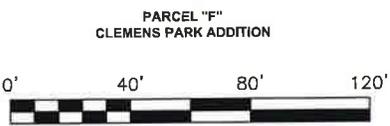
WEST VIRGINIA  
 CABELL COUNTY  
 CITY OF HUNTINGTON  
 KYLE DISTRICT  
 CLEMENS PARK ADDITION  
 D.B. 143, Pg. 576

E: 1,542,000  
 Survey datum is based on the West Virginia State Plane Coordinate System, South Zone, NAD '83, U.S. Survey feet.



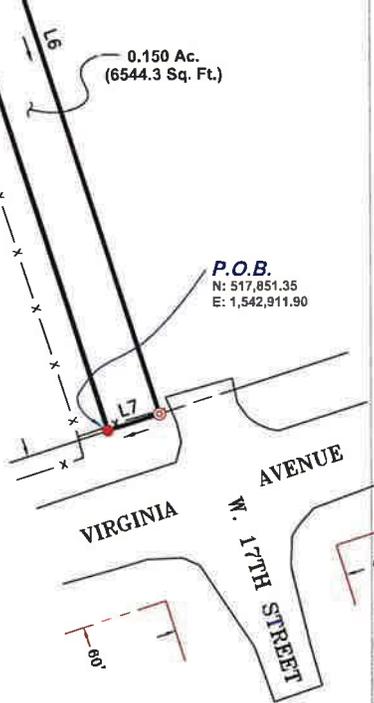
LINE	BEARING	DISTANCE
L1	N 17°44'03" W	263.84'
L2	N 17°44'03" W	24.85'
L3	N 67°54'30" E	60.19'
L4	S 17°44'03" E	33.26'
L5	S 72°15'57" W	42.00'
L6	S 17°44'03" E	260.00'
L7	S 72°15'57" W	18.02'
L8	N 17°44'03" W	1.29'
L9	N 66°48'31" E	60.29'
L10	S 17°44'03" E	2.45'

N: 518,000 N: 518,000



**NOTES**  
 1. This survey does not constitute a title search by the surveyor. No title commitment was provided. This survey is subject to all restrictions, reservations, right-of-ways, easements, utilities, covenants, exceptions, conveyances, leases and exclusions previously imposed and appearing of record, and those not of record.

- LEGEND**
- 5/8" Reinforcing Rod w/Red Plastic Cap Stamped "EASTHAM & ASSOCIATES" (set)
  - ⊙ Iron Pin w/ Damaged Yellow Plastic Cap (found)
  - ⊗ Iron Pin w/ Cap (found)
  - ⊕ "+" Cut in Concrete (found)
  - ⊙ 1" Iron Pin (found)
  - 5/8" Iron Pin (found)
  - Un-Monumented Point
  - Boundary Line
  - x- Chain Link Fence
  - ◆ Tax Map Number
  - ◆ Tax Parcel Number
  - P.O.B. Point of Beginning



Surveyed By:  
  
 Registered Professional Surveyor No. 2067

**Eastham & Associates**  
 ENGINEERS - SURVEYORS - PLANNERS

• 3992 STATE ROUTE 7, • CHESAPEAKE, OH 45619 •  
 • (740) 867-8389 • (800) 424-5258 • Fax (740) 867-8146 •  
 • E-mail Address • eastham@eastham-assoc.com •  
 • http://www.eastham-assoc.com •



Plot of Survey  
 for  
 Portion of Right-of-Way Abandonment of W. 17th St.  
 for  
**B & B HOLDINGS, LLC**  
 1747 Virginia Avenue, Huntington, WV

Job No. 8010 WC	Date: February 8, 2022	Scale: 1" = 40'
Drawn By: J. Smith		
Checked By: J. M. Eastham		







# The Huntington Sanitary Board

Plant: (304) 696-5917  
Fax: (304) 528-9345

P.O. Box 7098 Huntington, WV 25775  
555 7th Avenue Huntington, WV 25701

Board Office (304) 696-5564  
Fax: (304) 526-4029

**"Keeping Water Clean"**

RE: B&B Holdings, LLC  
Abandonment of 17<sup>th</sup> Street W. Vacant lot

A representative for B&B Holdings, LLC and Eastham & Associates have revised the description and survey as to not interfere with Huntington Sanitary Boards infrastructure. Since this has been completed the Huntington Sanitary Board has no objections to the abandonment of the vacant lot located at 17<sup>th</sup> Street West.

Sincerely,

A handwritten signature in cursive script that reads "Wesley S. Leek". The signature is written in dark ink and is positioned above the printed name.

Wesley S. Leek  
Director  
Huntington Sanitary Board



March 22, 2022

VanAntwerp Attorneys, LLP  
Attn: Leigh Gross Latherow  
1544 Winchester Ave, Fifth Floor  
PO Box 1111  
Ashland, KY 41105-1111

Dear Mrs. Latherow,

Mountaineer has received a notice from VanAntwerp Attorneys, LLP regarding the proposed abandonment of an alley, a portion of property that would be Seventeenth Street West, Huntington, West Virginia and located between parcels 57 and 482 in the Kyle District, Map 40, starting at Virginia Avenue to the south flood wall right-of-way (map enclosed).

Mountaineer Gas does not have mainline facilities located within this property and such does not have any objection to this action. If you should need any additional information, please feel free to contact me at the address or number below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael V. Plymale', with a horizontal line extending to the right.

Michael V. Plymale  
Senior Operations Engineer  
Mountaineer Gas Company  
2800 7<sup>th</sup> Avenue, Charleston, WV 25387

1-888-420-4427, Ext 87142

cc: Rick Dye, General Manager, Mountaineer Gas



January 7, 2022

Mr. Brent M. House  
VanAntwerp Attorneys, LLP  
1544 Winchester Avenue, 5th Floor  
P.O. Box 1111  
Ashland, KY 41105-1111

SUBJECT: Proposed Abandonment of a Portion of 17<sup>th</sup> Street West, Huntington, WV

Dear Mr. House,

Pursuant to your request, we have examined the documents provided for the subject abandonment. West Virginia American Water does not currently own, nor anticipates installing, facilities within the subject abandonment, which is generally described as 17<sup>th</sup> Street West, north from Virginia Avenue.

Please note, however, that West Virginia American Water has metered service(s) to the properties adjacent to the proposed abandonment. These services are provided by an existing water main located within Virginia Avenue.

Please let me know if you have any other questions.

Very truly yours,

Allen J. Parsley, PE

CC: Western Operating Area Supervisory Team



February 21, 2022

Via E-mail

Mr. Russell Bays  
Appalachian Power Company  
1122 7<sup>th</sup> Avenue  
Huntington, WV 25701  
rabays@aep.com

RE: Commitment to Provide Easement to Appalachian Power Company

Dear Mr. Bays:

B&B Holdings, LLC, has requested the City of Huntington abandon a portion of what would be, if continued, Seventeenth Street West, Huntington, West Virginia. This parcel is more precisely described as follows:

BEGINNING at a 5/8" iron pin (found), at the point of intersection of the north right-of-way line of Virginia Avenue with the west right-of-way line of Seventeenth Street West, marking the southeast corner of Parcel "F", as shown on a map of Clemens Park Addition, a copy of which map was recorded in the Cabell County Commission Clerk's Office, on the 30th of December, 1915, in Deed Book 143, at page 576, having a coordinate value of N. 517,851.35 and E. 1,542,911.90, and also marks a corner common to Parcel One of Tract One, of the lands now owned by B & B Holdings, LLC, (D.B. 1386, Pg. 40; the subject tract is described as exception 4, in said B & B Holdings, LLC, deed); thence, leaving the north right-of-way line of the said Virginia Avenue, and with the west right-of-way line of the said Seventeenth Street West, if produced, and with the lands of the said B & B Holdings, LLC, and the said Parcel "F",

North 17o 44' 03" West, passing a 1" iron pin (found), at 263.84 feet, in all 288.69 feet to a 5/8" reinforcing rod with a red plastic cap stamped "Eastham & Associates" (set), from which the south right-of-way of the flood wall easement, bears: North 17o 44' 03" West 1.29 feet; thence, leaving the west right-of-way line of the said Seventeenth Street West, if produced, and severing the right-of-way of the said Seventeenth Street West,

North 67o 54' 30" East 60.19 feet to a 5/8" reinforcing rod with a red plastic cap stamped "Eastham & Associates" (set), in the west line of the lands of the said B & B Holdings, LLC, from which a 5/8" reinforcing rod with a red plastic cap stamped "Eastham & Associates" (recovered), bears: North 17o 44' 03" West 2.45 feet; thence, with the lands of the said B & B Holdings, LLC, as follows:

South 17o 44' 03" East 33.26 feet to a "+" in concrete (found); thence,

South 72o 15' 57" West 42.00 feet to a "+" in concrete (found); thence,

South 17o 44' 03" East 260.00 feet to a 5/8" reinforcing rod with a yellow damaged plastic cap (found), on the north right-of-way line of the said Virginia Avenue; thence, leaving the lands of the said B & B Holdings, LLC, and with the north right-of-way line of the said Virginia Avenue,

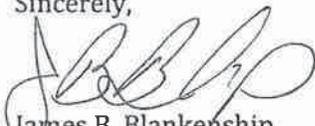
South 72o 15' 57" West 18.02 feet to the PLACE OF BEGINNING, containing 0.150 acre, (6,544.3 square feet), more or less, as surveyed under the supervision of Jeffrey M. Eastham, West Virginia Licensed Professional Surveyor No. 2067, on February 8, 2022, as shown on the attached plat for Job No. 8010 WC, and made apart of this description.

The above bearings and distances are based on the West Virginia State Plane Coordinate System, South Zone, NAD '83, U.S. survey feet.

We understand that Appalachian Power Company has facilities and distribution lines, power poles, and other necessary infrastructure in the vicinity of the requested abandonment. We also understand that these facilities and distributions will need to remain in order to allow Appalachian Power to continue to service customers in the City of Huntington and carry out its operations.

Upon abandonment of the parcel herein defined and our receipt of title/deed to the same, B&B Holdings, LLC, agrees to provide Appalachian Power Company an easement to the parcel using Appalachian Power Company's standard easement language for these facilities.

Sincerely,



James B. Blankenship

Member

Appalachian Power Company  
PO Box 1986  
Charleston, WV 25327-1986



*A unit of American Electric Power*

City of Huntington  
Planning and Zoning  
800 5<sup>th</sup> Ave.  
Huntington, WV 25701

March 9, 2022

Planning and Zoning:

We understand that Petitioner "B & B Holdings, LLC" has requested the City of Huntington abandon a portion of what would be, if continued, Seventeenth Street West, Huntington, West Virginia. The area to be abandoned is more precisely described in their letter to Appalachian Power Company, dated February 21, 2022, a copy of which is enclosed with this letter.

The enclosed referenced letter is agreement by B & B Holdings, LLC, confirming they will grant an easement to Appalachian Power Company (APCO) for facilities APCO currently has in the above-described area to be abandoned, once said area is quitclaimed to B & B Holdings, LLC by the City of Huntington.

The APCO facilities currently in place serve customers within the City of Huntington, including the tenant of B and B Holdings, LLC and will need to remain to continue this electric service.

However, we have no objection to the abandonment of the above-referenced portion of Seventeenth Street West as requested by the petitioner provided the petitioner will grant to Appalachian Power Company an easement for the existing facilities as agreed.

Respectfully,

A handwritten signature in cursive script that reads "Russell A. Bays".

Russell A. "Alan" Bays  
Right of Way Agent for Appalachian Power Company  
Huntington District  
Phone: 304-696-1224  
Cell: 304-206-8039  
Email: [rabays@aep.com](mailto:rabays@aep.com)  
**Enclosures**

*This document (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should destroy this document and are hereby notified that any disclosure, copying, or distribution of this document, or the taking of any action based on it, is strictly prohibited.*

*AEP: America's Energy Partner®*

DAVID R. GIVEN  
— REAL ESTATE —



GRI GAA

- APPRAISERS
  - CONSULTANTS
  - BROKERS
- 

Ms. Allie Skaggs  
Executive Manager  
Oley and James Executive  
Management Group  
1539 Greenup Avenue, Suite 101  
Ashland, Kentucky 41101  
[allie@oleyandjames.com](mailto:allie@oleyandjames.com)

3 December 2021

Re: B & B Holdings/City of Huntington  
Abandonment of a portion of (1747)  
Seventeenth Street West @ Virginia  
Avenue, Huntington, West Virginia 25704

A parcel east of parcel 482 on Tax Map 40  
Kyle District (0.153 Acres +/- Per Survey)

Dear Ms. Skaggs:

In accordance with your authorization of 1 December 2021, I have completed an appraisal report for a portion of a city street known as and composed of a section of Seventeenth Street West at Virginia Avenue. The subject parcel is a long and narrow strip of land. The survey indicates the parcel is some 0.153 +/- acres (6,664.68 +/- square feet) in gross size. A copy of the survey is included in the addenda. I have also discussed the survey with Mr. Jeffery Eastham.

As a matter of reference, this parcel is situated proximate to lands now owned by B & B Holdings. The acquisition of the property is needed to facilitate a more functional use of the larger parcel. This appraisal report is intended to serve as a basis for negotiation between the parties.

The intended use of the appraisal report is to establish a fair market value for this parcel to be abandon. This type of appraisal report is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice. The report presents summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the opinion of value. Supporting documentation concerning the data, reasoning, and analysis is retained in our file.

The depth of discussion contained in this report is specific to your needs and for the intended use as indicated above. I am not responsible for unauthorized use of this report. Furthermore, in accordance with prior agreement with you, this report is the result of a complete appraisal process.

The appraiser reports herein that I have undertaken appraisal reports in the past for properties like subject. I have not appraised this property in the past. I have had no other real estate related contact with this property.

The history of this property has been such that it has been involved with industrial processes since the early 1930's. Accordingly, concerns about environmental conditions are paramount. Any potential purchaser is advised to undertake the full amount of due diligence from an environmental standpoint concerning this property. Accordingly, as instructed, this report has been made as if the property is free and clear of all environmental contaminates. This means that the value reported is for a "clean site" that is ready to use for a commercial purpose with no surface or sub-surface contamination.

Lastly, the size of subject has been based on a survey prepared by Eastham and Associates, Inc. of Chesapeake, Ohio. The survey is dated 6 October 2021 and it was prepared for B & B Holdings LLC. I have had a telephone conference with Mr. Jeffrey M. Eastham concerning the survey in late October 2021. To provide some visual understanding of the unusual and atypical shape of the parcel, in my mind it has the overall shape of a "tomahawk."

**NB:** To form an opinion of value, I have utilized the concept of valuation noted as the "across the fence"(ATF) method\*. This method is defined in the Dictionary of Real Estate Appraisal (page 3) as "A means of estimating the price or value of land adjacent to or "across the fence" from a railroad, pipe line, highway, or other corridor real estate; as distinguished from valuing the right of way as a separate entity."

I am aware of and have considered the concept corridor factor. This is the ratio of the market value (or market price) of a corridor to the corridors across the fence value. Sometimes called the enhancement factor or continuity factor. \*

- The dictionary of Real Estate Appraisal, fifth edition, page 3.

The economic analysis was limited to information provided by the client, data in my file and/or information available from public records. This information may have included rents, operating expenses, building size, etc. If leases for the subject property were available, they will have been reviewed in summary or in whole. In this case, no leases involved with this property have been provided. Additional economic information may have been obtained from local banks, mortgage brokers and lenders. This type of information is typically applied when the **income approach** to value is reported. In this case, the income approach does not appear to be a realistic approach to value for this street abandonment appraisal. Accordingly, the income approach to value is simply not a realistic or persuasive approach to value and no value will be reported under the income approach to value.

**Cost information**, if utilized, would have been obtained from various publications, such as the Marshall Valuation Service of Los Angeles, California. Local builders would have been consulted on an as-needed basis. In this case, my onsite inspection indicates that the cost approach to value is not a realistic or persuasive approach to value. Subject has no “improvements” on the land save the possibility of a small portion of chain link fencing. There is no portion of the present-day macadam pavement of Virginia Avenue involved. What would be 17<sup>th</sup> Street West is not open and not paved. **Thus, no value has been reported under the cost approach to value.**

Prime consideration was given to the **sales comparison approach** which considers comparable sales data. What limited sales data that was available in the greater west end area of Huntington was collected from public records, the local multiple listing service (MLS) and data available in my files. This information was utilized in the sales comparison approach to value and reported in the sales comparison approach section. This approach was the prime motivator in the valuation analysis. I note for the record that the amount of current and reliable market sales data was found to be very limited in scope and number.

As a matter of background and to provide additional understanding of the research and reporting of the market data uncovered the thought of size, shape and utility of the subject parcel is important. As noted in the narrative report below, subject is only a small portion of what was to have been an extension of Seventeenth Street West. It is of an unusual size, configuration, and location. The subject parcel is not the type of property that normally trades in the local real estate market. It is atypical in size, shape, configuration, and location.

Regardless of these unusual characteristics of subject, some basis of valuation must be found and assigned to the appraisal problem. As a practical matter, this means locating and confirming, as best as can be done, the data concerning past sales that then can be applied to subject’s parcel. Adjustment to the past sales prices is made to compensate for the unusual size, configuration, location, and overall lack of utility of the subject parcel.

With all these factors taken into consideration, it is my opinion that the subject property has a “market value” of:

**Fifteen Thousand Six Hundred Dollars**  
**\$15,600.00 (Rounded)**

Attached to this transmittal letter is the narrative restricted use appraisal report that includes photographs, additional maps, the limiting conditions and certification and my appraisal qualifications.

Very Truly Yours,

A handwritten signature in black ink that reads "David R. Given, SRA". The signature is written in a cursive style with a large, stylized 'D' and 'G'.

David R. Given, SRA AI-RRS GRI GAA  
State Certified General Real Estate Appraiser  
#CG047 (WV), #000392184 OH), 4001005460  
(VA)

## Summary of Salient Facts and Conclusions

**Location:** (1747) Virginia Avenue and Seventeenth Street West  
Huntington, West Virginia 25704

**Owner:** B & B Holdings LLC

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**Purpose of Appraisal:** Estimate Market Value

**Appraisal Type:** Restricted Use Appraisal Report

**Ownership Interest:** Encumbered lands owned by a public body  
(City of Huntington)

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**Type of Improvements:** No major improvements on the land save some chain link  
fencing. There are no buildings on the land.

**Land Size:** 0.153+/- acres per survey or 6,664.68 +/- square feet

**Zoning:** I-1 General Industrial

**Highest and Best Use:** Industrial Usage

**Current Year Taxes:** Exempt

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**Date of Value:** 3 December 2021

**Cost Approach to Value:** Does Not Apply

**Income Approach to Value:** Does Not Apply

**Market Approach to Value:** **\$15,600.00 (Rounded)**

This is a **Restricted Use Appraisal Report** which is intended to comply with the reporting requirements set forth under Standards Rule 2-2© of the Uniform Standards of Professional Appraisal Practice (USPAP) for a Restricted Use Appraisal Report. A **restricted appraisal report contains a minimal amount of detailed content** and can legally only be relied upon by the client and not any other party. This type of report is not appropriate for most appraisal situations since it contains minimal details and content. Further, this report type may not be understood without additional information contained in the work file that is not transmitted in the report. As such, it does not present discussions of the data, reasoning and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation is retained in the appraiser's file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use state below. The user of this report is cautioned that the report may not be understood properly without additional information contained in the appraiser's file.

This is the least common appraisal report type because it does not satisfy the needs of most lenders and appraisal users. The operative word in a restricted report is to "state" the appropriate information as opposed to providing a "detailed analysis" and reporting on the information and data uncovered. However, the appraiser is to undertake all the appropriate research to develop the value, but the reporting of these efforts is minimal. I stress that time must be allowed to perform the necessary market research. The limiting factor is reporting the details of the research. The appraiser is not responsible for unauthorized use of this report.

**Client:** B & B Holdings, LLC

**Appraiser:** David R. Given, SRA AI-RRS GRI GAA  
819 Sixth Avenue, Suite 201,  
Huntington, West Virginia 25701

**Subject:** (1747) Virginia Avenue and Seventeenth Street West,  
Huntington, West Virginia 25704.

**Identification of the Property:** According to public records, (1747) Virginia Avenue and Seventeenth Street West, Huntington, WV 25704 is in census tract 540110010.00 and occupies a portion of what would have been Seventeenth Street West (extended) if open. Subject is in Kyle Magisterial District, Cabell County, West Virginia and shown on tax map 40 adjacent to parcel 482. Subject does not have an assigned parcel number.

**History of the Property:** According to the public records, subject is a city street that belongs to the city of Huntington, West Virginia. There is no sales history of this property in the public record.

As of the date of this report, I **am not aware** of all the potential restrictions, encumbrances, reservations, covenants, contracts, declarations, special assessments, ordinances, that may be associated with a public right of way (city street). These important items are the purview of the city government.

However, it is strongly suggested that the client be fully informed of any responsibilities that may come with the ownership of what was a public street. Specifically, any utilities that may be under the area of the un-opened street (sewer lines, electrical conduits, etc.).

This small parcel is adjacent to lands that were and may still be used for the storage of petroleum products. The land was part of the former Pennzoil loadout facility. Adjacent lands formerly supported large petroleum storage tanks. Any potential purchaser is strongly advised to obtain a current environmental report on the property with special attention to the former use for petroleum storage on a nearby site. Note that the reported market value estimate is that of a "clean site."

**Tax and Assessment Analysis:** This property is a city street and is tax exempt.

**Purpose of the Appraisal:** The purpose of this restricted use appraisal is to provide an opinion of the market value of the subject property. The property has been appraised in its "as is" condition. The date of value is 3 December 2021. The subject parcel is part of what was to be a city street (Seventeenth Street West). The purpose of the report is to provide an opinion of market value to be used as a basis of negotiation for a street abandonment effort.

**Market Value Defined:** A formal definition of market value is: The most probable price which a property should bring in a competitive and open market under all condition's requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (a) Buyer and seller are typically motivated.
- (b) Both parties are well informed or well advised, and acting in what they consider their own best interests;
- (c) A reasonable time is allowed for exposure to the open market;
- (d) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- (e) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale;

**Prior Work on the Property:** I note for the record that I have not appraised this property in the past. I have not had any contact with this property from a real estate perspective as an appraiser or a broker.

**Intended Use of the Appraisal:** The intended use of this report is to provide an estimate of market value. The report will be utilized in a street abandonment effort. The appraiser does not intend any other use of this appraisal report.

**Intended User of the Appraisal:** The appraisal report has been prepared for the use of B & B Holdings, LLC. It is not intended for the use of others.

**Interest Valued:** Encumbered Un-Opened City Street

**Dates of Inspection:** 1 December 2021 and 3 December 2021

**Date of the Opinion of Value:** 3 December 2021

**Date of Report:** 3 December 2021

**SCOPE OF WORK:** The scope of the appraisal outlines the steps that were taken in the collection of information about the subject property and the data used in the preparation of the final report. To that end, I gathered data from several public and private sources. These sources included, but were not limited to, the public records of Cabell County including the deeds and deeds of trust filed in the office of the Cabell County Clerk. I have reviewed the zoning map for Huntington and the zoning ordinance material available to the public. A copy of the zoning map is in the addenda.

I have also reviewed the records of the Cabell County Assessor and the office of the Sheriff of Cabell County for current assessment and tax data. My research of the deed records at the Cabell County Courthouse included reviewing the past sales records of properties that were considered comparable to subject. The database maintained in my office was also reviewed for past sales information. Local real estate brokers and salespeople were contacted on an as needed basis.

The data search was concentrated around subject's neighborhood and similar neighborhoods in the greater west Huntington area. I have reviewed the sales records for the last three years or so. The wider range in the time frame was necessitated by the dearth of sales of smaller industrial or commercial land sales. As noted, if enough sales data was not located in the immediate area, I expanded my research to other areas with similar economic and social parameters.

Comparable sales were inspected from the curb. I have made every attempt to gain factual data about the sales. Some of this type of data is available from public sources. A photograph of each of the sales used in the report is included in the body of the report.

The comparability of the sales data utilized was based on several factors including, but not limited to, the general and specific location, the topography, the gross size of the property, configuration of the site and general market conditions including relevant financing.

I have made every effort to confirm the data with the parties involved in the sale or parties who were involved in the transaction. This verification process included determining if the transaction was an arm's length sale, the conditions of the sale and any unusual circumstances of the sale. The availability of public services, special financing, exposure and marketing times and the motivation of the buyer and seller were considered in this verification process.

I viewed the subject property on 1 December 2021 and again on 3 December 2021; I have “walked the land”. Several photographs were taken and included in this report to provide a wide understanding of the physical aspects of the property.

I note for the record that I have not appraised this property in the past nor have I had any real estate related contact with the property. I have not undertaken a title search. This type of research would be beyond the scope of this assignment. My report is intended to comply with the Standards of Professional Practice of the Appraisal Institute and guidelines promulgated by the appropriate agency or agencies, including USPAP.

**Neighborhood Overview/Market Area:** This property is situated in the west end of Huntington, WV, just west of Seventeenth Street and U. S. Route 52 as it crosses the Mighty Ohio River from Huntington to Ohio. It is in an area composed of a complicated mix of older residential properties, ongoing commercial activity, and some light industrial users. The industrial activity is concentrated mainly south of the city floodwall between Eighteenth Street West and about Twelfth Street West; this is generally the area in which subject is located. The area is west of the greater Huntington CBD, south of the earthen floodwall, and is truly “off the beaten path” of residential and commercial properties.

**Neighborhood Summary:** The immediate neighborhood is said to be in a state of transition. The older housing stock is slowly being replaced by other users. In the case at hand, it is by industrial users. The area further south and west of subject is the center of the residential housing section of Huntington’s west end. The residential areas are generally removed from the industrial and commercial areas found south of the Ohio River.

**Market/Sub-Market Analysis:** The overall trend of the market for properties like subject has been very limited. The number of sales of commercial and industrial tracts has been minimal. This is because the flat, in-town land has been divided over time into smaller “residential lots.” With only limited areas where commercial and industrial activity is allowed; now codified with city zoning regulations. Most of the commercial and industrial lands are restricted throughout the city to areas just south of the Ohio River. Sales activity for smaller lots, some less than one acre, are very rare. Accordingly, there have been only a few properties like subject that have been offered on the open market in the last two to four years. Those properties that were offered to the market and have sold, which are reasonably comparable to subject, are shown in the sales comparison approach section of this report.

**In summary**, subject’s location is considered of prime importance to the industrial /commercial users. As an example of the importance and placement of this land, the current owners paid \$2,300,000.00 to acquire some 11.59+ acres of land in this area of the city (see DB 1386/40, dated 14 May 2018). It is of note that the prime mover of this transaction may have been to acquire and control a very large amount of river frontage (perhaps as much as 2,200 river front feet-RFF) along the south bank of the mighty Ohio River and not necessarily the land where subject is located.

**Third Party Reports and Studies:** The only third-party reports made available were the surveys undertaken by Eastham & Associates. I do not have a copy of any past environmental reports. I know of no other structural inspections, soil studies, other studies, or analysis, etc. The Eastham survey data is in the addenda.

### **Property Description (Land)**

The subject of the appraisal is an unusual shaped parcel that is part of what would have been Seventeenth Steet West if open and extended north of Virginia Avenue. The parcel is situated between Virginia Avenue and the south base of the city floodwall. The parcel is long, narrow, and in the shape of a “tomahawk.” The size and shape of the parcel make it atypical and of very limited use under normal circumstances. The value of the property is found by its association with adjacent property owned and controlled by the party that wishes to have subject abandoned.

Subject is atypical in size and use pattern. This appraisal involves a city street. While the abandonment of city streets is seen in the local market on occasion, it is not a usual occurrence and is considered atypical. Subject is considered smaller than most of the commercial parcels in the industrial areas south of the city floodwall as it passes through the northern tier of the city limits. It is vacant land in an area where most of the land is in use. It is one of the few very small “vacant” tracts of land south of the floodwall in the west end or throughout the city. Most of the past sales have been of larger and more utilitarian tracts of land.

While the shape and configuration of subject are unusual, the size has been clearly noted in the Eastham survey as .153 acres or 6,664.68 square feet. I “walked the land” on 3 December 2021. As noted, I do have a unique legal description of the property being appraised provided by Eastham and Associates.

According to the Eastham survey, subject offers only 18.82 front feet along the north side of Virginia Avenue. The amount and placement of the frontage is important. In several cases, users, and buyers of commercial and industrial lands use, as a basis of valuation, the amount and placement of the parcels “front feet” of exposure along a given thoroughfare. An amount of only 18 +/- front feet is unusual and tends to limit the appeal and utility of the parcel and therefore, the value. The parcel extends to the north about 289 feet to the base of the city floodwall. The parcel ends at a point to the rear of a commercial building now owned by B & B Holdings LLC. I noted a metal “tie off” at the base of the floodwall. Other than the “tie off” point the only other physical improvement that might be on subject is a small section of chain link fencing at the south end of the parcel at Virginia Avenue. I believe the fencing is owned by B & B Holdings LLC and not the city.

My records indicate that the property is not within the 100-year flood plain, designated as zone AE in the FEMA maps available (See map #54011C 0116E dated 19 February 2014). A copy is attached. The flood map indicates that subject is noted as being in a zone marked "other" areas of .02% annual chance of flooding. This section of Huntington is protected by a floodwall.

The current zoning is I-1/General Industrial District according to the latest zoning maps of the city of Huntington, WV. The I-1 category applies to areas of industrial development or potential. A copy of the zoning map is in the addenda.

### **Environmental Concerns**

The potential environmental problems associated with subject cannot be overstated. I have called the reader's attention to the fact that this parcel and surrounding lands are/were associated with the former Pennzoil loadout facility. Any purchaser is advised to seek the proper advice concerning environmental matters. The site is appraised as if it is free and clear of any environmental concerns. I defer to B & B Holdings LLC to assure that all potential environmental matters have been researched and attended to in the normal course of business. The appraiser has not been provided any environmental studies. The appraisal assignment is to provide an estimate of value for the land as if it is free and clear from all environmental problems.

### **Highest and Best Use**

The concept of highest and best use is noted as "the reasonably probable and legal use of vacant land or improved property which is physically possible, appropriately supported, financially feasible and that results in the highest value." (Dictionary of Real Estate Appraisal, Third Edition, page 93.)

**Highest and Best Use "As Though Vacant"** -- The legally permissible use of the subject is for industrial use. The likelihood of a zoning change is not anticipated. Thus, the maximally productive and highest and best use of the site, "as though vacant", would be for industrial use.

**Highest and Best Use "As Improved"** – There are no improvements on this land other than possibly a small amount of chain link fencing at the south end of the parcel. There is no pavement and no building on the land. There may be a "tie off" point on the land at the base of the floodwall. I do not know what might be "under" Seventeenth Street, if extended. There may be sewer lines or electrical conduits owned by the city. However, no easements are shown or noted on the Eastham survey. The parcel was to have been part of Seventeen Street West if extended.

## Appraisal Methodology

In order to form an opinion of value, I have utilized the concept of valuation noted as the "across the fence"(ATF) method. This method is defined in the Dictionary of Real Estate Appraisal (page 3), as "A means of estimating the price or value of land adjacent to or "across the fence" from a railroad, pipeline, highway, or other corridor real estate; as distinguished from valuing the right of way as a separate entity."

A publication by the West Virginia Department of Transportation (WVDOT) adds the following clarification and additional comments: "The concept of ATF usually comes into play when an appraiser is confronted with placing a value on a piece of real estate that typically has little value, if any, stand –alone utility in a market at large as a part of a corridor or special-use property. These types of properties may have significant value-in use-to one owner, usually those who utilize the assembled property for some type of specialized use such as for public utilities, roadways, etc.

In this case, the street to be abandon has some of the characteristics of a "specialized property" that is one of limited use except to one party, usually the surrounding landowner. Thus, the use of the concept of the across the fence method has been applied in this appraisal.

Simply stated, this means that the past sales of other commercial/industrial properties that are similar enough to the land in question and to be considered "comparable" are researched and utilized in the appraisal process. This is the method applied in this report.

Also, I am aware of and have considered the concept the corridor factor. This is the ratio of the market value (or market price) of a corridor to the corridors across the fence value. Sometimes called the enhancement factor or continuity factor. \*

- The dictionary of Real Estate Appraisal, fifth edition, page 47.

## Summary Analysis and Valuation

The current market value of real property is usually estimated by the application of one or more classic approaches to value. The three most widely used techniques are the income capitalization approach, the sales comparison approach, and the cost approach to value. Each of these approaches has a unique path to estimate value.

As an example, the income approach is typically applied to properties that can generate a steady and reliable source of income. Such properties as office buildings, apartments, trailer parks and other retail type properties are good candidates for valuation via the income approach. The application of this technique to vacant land like subject is not usually a particularly persuasive approach to value. Accordingly, while given full consideration, the income approach to value has not been applied in this report.

Another classic approach to value is the cost approach. This approach is based on the idea that value is influenced by the capital sums necessary to produce a similar building or buildings equal usefulness if there are improvements on the land. In this approach, the appraiser estimates the cost to reproduce or replace the building and other improvements at current cost levels or as they were at the date of value. Loss in value from deterioration and obsolescence is then estimated and deducted from cost new to arrive at depreciated cost. Estimated land value is then added to depreciated building and site improvement costs to arrive at a value indicated for the total property, as improved.

If utilized, the replacement costs of the building and site improvements are estimated, for the most part, using data from the Marshall Valuation Service, a cost estimating manual published in Los Angeles, California. The manual is updated quarterly, and local adjustment factors are provided. The appraiser has had occasion to check cost estimates derived from the manual against actual local building costs and has found it to be reasonably accurate.

In this case, the only improvement is the possibility of a small amount of chain link fencing (thought to be owned by B & B Holdings, LLC and not the City of Huntington). There is no city street and no city owned pavement, no curbs, and no gutters. There are no buildings on this land to be “reproduced” by the cost approach. **Accordingly, no value will be provided under the cost approach to value.**

The most important approach and the one most heavily relied upon in this study has been the sales comparison approach.

### **Sales Comparison Approach/Market Sales Analysis**

#### **(Site Valuation)**

The basis of the value reported herein is the value of the land. The assignment is to place a value on the land as if vacant, free, and clear of all environmental concerns. To this end, I have researched several sales of commercial land in the west end of the city. Details of each of the sales researched for this analysis are found below. These past sales provide valuable insight into the thinking of active sellers of similar properties.

The sales comparison approach, or market approach, is based upon a comparison of the prices that are paid for similar competitive properties in the same market and represent a bona fide arm's length transaction. This approach works best in an active market where these prices serve as good indicators of the most probable selling price of the subject property as of the valuation date. Comparable sales are analyzed and adjusted for conditions in the market, terms of financing, unusual conditions of sale, differences in physical characteristics and location. The adjusted sales price should be what the comparable property would have sold for if it had possessed the identical characteristics of the subject property at the time of the sale.

A review of the greater west end of Huntington included a very limited number of quality sales available for study. It is the case that to have some basis for reporting, older sales may have been applied. The number of commercial/industrial sales were few and far between. Thus, the use of older sales data. However, these factors would tend to offset and provide a reasonable indication of what a potential investor might pay for a similar property. All the sales were in the greater west end area of Huntington.

## Market Based Land Sales

### Market Sale #1



Address:	Thirteenth Street West, Huntington, WV 25704
Grantor:	Cynthia A. & Gregory L. Null
Grantee:	Fuchs Lubricants Co.
Sale Date:	6 June 2018
Sale Price:	\$110,000.00
Lot Size/Shape:	165' X 191' or 31,515 SF (0.72 +/- Ac.)
Cost Per Square Foot:	\$3.49
Cost Per Front Foot:	\$666.67
Deed Book/Page:	DB 1388/327
Tax Map/Parcel Number:	Map 26, Parcel 12.3, Kyle District
Zoning:	I-2 Heavy Industrial District
Prior Sale:	Over Three Years Old
Financing:	Cash to Seller
Financing Concession:	None Known

**Comment/Analysis:** This is the most important and most meaningful sale uncovered in my research. This larger tract of vacant land is only four +/- blocks east of subject and along the south wall of the city floodwall. This is a position very similar to subject's situation. The zoning is for industrial use. The land was purchased by a company in the lubricant industry. Fuel storage tanks are located just west of this lot, but not on this lot. This industrial lot has 165 front feet along on what appears to be a right of way, not a city street; it does not have frontage along a paved public street like subject. This sale is almost square in configuration offering over 31,515 square feet of usable and flat space. Subject has over 6,000 square feet but is highly irregular in shape and limited utility. Subject is of limited use except to an adjacent landowner.

This sale is superior to subject in size, utility, and configuration. An adjustment of -30% has been made to compensate for each of these important factors. Thus, the adjusted value is said to be (\$3.49 minus 30%) or an adjusted value of \$2.44 per square foot.

### **Market Sale #2**



Address:	(1739) Virginia Avenue, Huntington, WV 25704
Grantor:	Gregory and Teresa Perkins
Grantee:	B & B Holdings, LLC
Sale Date:	8 July 2021
Sale Price:	\$10,000.00
Lot Size:	37.5' X 155' or 5,812.50 SF (0.133 +/- Ac.)
Cost Per Square Foot:	\$1.72
Cost per Front Foot:	\$266.67
Deed Book/Page:	DB 1437/535
Tax Map/Parcel Number:	Map 40, Parcel 128, Kyle District
Zoning:	R-2 Single Family (at time of sale)
Prior Sale:	DB 1432/732; \$2,750.00. 17 September 2020

Financing:  
Financing Concession:

Cash to Seller  
None Known

**Comment/Analysis:** This is a lot of similar size to subject, but of a consistent and usable configuration. The lot was zoned R-2 Residential Usage and thus, could not have been utilized for industrial usage unless the purchaser had gone through the lengthy process of having the zoning changed to an industrial category. Thus, the sale is considered inferior to subject in that respect.

This sale represents the very low end of land values in the area (residential usage or industrial category). Under normal circumstances it would not be readily usable unless the purchaser went to the time and expense of creating an “assemblage” of other lots. Thus, this sale is seen as inferior in that respect. An upward adjustment was made in both instances; the zoning change and the time/effort needed to accomplish such and the same thought as to create an assemblage...i.e., acquire more land to make the original acquisition useful. A plus 50% adjustment has been assigned (\$1.72 plus 50% or \$2.58 per square foot).

### **Market Sale #3**



Address:	(1741) Virginia Avenue, Huntington, WV 25704
Grantor:	Doris Spurlock
Grantee:	B & B Holdings, LLC
Sale Date:	24 May 2021
Sale Price:	\$25,000.00
Lot Size:	62.5' X 155' or 9,687.5 SF (0.222 Ac. +/-)
Cost Per Square Foot:	\$2.58
Cost Per Front Foot:	\$400.00
Deed Book/Page:	DB 1444/450
Tax Map/Parcel Number:	Map 40, Parcel 127, Kyle District

Zoning:	R-2 Single Family Residential (at time of sale)
Prior Sale:	Over Three Years
Financing:	Cash to Seller
Financing Concession:	None Known

**Comment/Analysis:** This is a larger lot next to sale #2 above and purchased by the same party. It is a rectangular lot but, in an area, zoned R-2 Residential Usage and thus, could not have been utilized for industrial purposes unless the purchaser had gone through the lengthy process of having the zoning changed to an industrial category. Therefore, this sale is considered inferior to subject in that respect.

This sale is part of the acquisition shown in Sale #2. This lot was improved with a 1,468 square foot home and several outbuildings that have now been removed from the land. The cost to remove the improvements and clear the land has been noted and considered in my analysis. This parcel was purchased to add to the land mass that was acquired in Sale #2 and other purchases by B & B Holdings, LLC in this block. On balance, this is considered a superior sale even after the cost of the building removal and the zoning problem. An adjustment of -10% was made for an adjusted value of \$2.32 per square foot.

### **Market Analysis Grid**

Sale #	Address	Gross Size (SF)	Sale Price	Cost per SF	Overall configuration	Terms of Sale	Overall Comparability	Adjustment	Adjusted Value PSF
1	13 <sup>th</sup> Street West	31,515	\$110,000.00	\$3.49	Square	Cash	Superior	-30%	\$2.44
2	(1739) Virginia Ave.	5,812	\$ 10,000.00	\$1.72	Rectangular	Cash	Inferior	+50%	\$2.58
3	(1741) Virginia Ave.	9,687.50	\$ 25,000.00	\$2.58	Rectangular	Cash	Superior	-10%	\$2.32
Subject	17 <sup>th</sup> St. West @ Virginia Avenue	6,664.68	DNA	DNA	Very Poor	DNA	DNA		

## Final Analysis and Summary

Three sales were studied, and each sale was compared with subject. The range of the adjusted values were from a low of \$2.32 per square foot to a high of \$2.58 per square foot. I am aware that sales #2 and #3 are very close to subject in proximity and have been purchased by the same party making the abandonment request. I have considered these facts in my analysis. I noted that sale #1 had several similar features to subject, save the much better shape and configuration. Sale #1 has played a major part in the valuation analysis. In my analysis of all the sales, I have been aware of the concept of market conditions (time). All sales are relatively recent and, in a market, where little change has taken place for sales in the industrial/commercial category, no market conditions adjustment has been applied.

My study and analysis of subject's unusual tract should be at the final valuation in the low end of the range. Thus, I have assigned a value of \$2.35 per square foot to subject's area of abandonment. A value of \$2.35 is above the very lowest value found and closer to sale #1, the most similar sale. **A fair market value for the area of abandonment is then said to be 6,664.68 square feet X \$2.35 per square foot or \$15,662.00. This amount has been rounded for reporting purposes to \$15,600.00).**

**Value via the Sales Comparison Approach: \$15,600.00**

## Reconciliation and Final Estimate of Value

All three conventional approaches to value have been investigated. The **sales comparison approach** has been given full consideration and assigned the most weight. Past sales of properties with a degree of similarity to subject have been investigated. These past sales were compared with subject to arrive at an opinion of value via the sales comparison approach. **This important aspect of valuation produced a value of \$15,600.00 (rounded).**

The **income approach** to value was examined. However, as explained above, the income approach has little to no applicability in this report because the subject is not presently an income generating property nor has it been in the immediate past. **Thus, no value was reported under the income approach to value.**

The **cost approach** to value was also given full consideration. In this approach, the physical structure on the land is "rebuilt" utilizing cost tables supplied by a recognized cost estimating service. In most cases, the Marshall Swift Valuation Service is used as a basis for estimating reproduction costs. The value of the improvements is estimated. Deductions for physical deterioration, economic obsolescence and functional obsolescence are then made. To the "depreciated" value of the improvements the value of the underlying land is added to derive an opinion of value via the cost approach to value.

In this case, the cost approach to value is not thought to be a realistic or persuasive method of valuation. There are no physical structures on the site to be “rebuilt.” **Thus, no value has been reported under the cost approach.**

While all three approaches are important, it is my view that the sales comparison approach is the most relevant. The sales comparison approach measures the actions of past buyers and sellers in the market and is considered a good barometer of the actions of other buyers and sellers. An analysis of all three approaches suggests that the value estimate provided by the sales comparison approach is most important and most relevant. **I have assigned a final indication of value of \$15,600.00.**

<b>Market Data or Sales Comparison Approach:</b>	<b>\$15,600.00</b>
<b>Income Approach:</b>	<b>Does Not Apply</b>
<b>Cost Approach:</b>	<b>Does Not Apply</b>

**Final Estimate of Value: \$15,600.00**

**REAL ESTATE APPRAISED:** A small portion of an unopened city street (Seventeenth Street West extended).

**ESTIMATED EXPOSURE PERIOD:** Exposure time may be defined as follows: the estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal retrospective opinion based on an analysis of past events assuming a competitive and open market. I have based my estimate of exposure time on statistical information from the Huntington, WV, Multiple Listing Service, information gathered through the process of sales verification and interviews with market participants. I estimate the exposure time for subject to be 10 to 14 months.

**EXISTING USE OF SUBJECT PROPERTY:** An unopened portion of a city street.

**USE OF REAL ESTATE REFLECTED IN APPRAISAL:** Vacant industrial land.

**Hypothetical Conditions/Extraordinary Assumptions:** Unless otherwise noted, the valuation methods do not attempt to adjust for current uncertainty due to the Novel Coronavirus (COVID-19) as it may relate to health issues or financial markets and real estate transactions. The expectation is that current measures and actions may abate soon in certain geographic areas and industries, and that such impacts may be short-term in nature, resulting in a return to stable market conditions.

## CERTIFICATE OF APPRAISAL

I, the undersigned, do hereby certify that I have made a personal inspection of the property that is the subject of this report – **A portion of an unopened city street- Seventeenth Street West at Virginia Avenue, Huntington, West Virginia.**

No one has provided significant real property appraisal assistance to the undersigned. The reported analyses, opinions, and conclusions are limited only by the report's assumptions and limiting conditions and is my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

To the best of my knowledge and belief, the statements of fact contained in this report and upon which the opinions herein are based are true and correct, subject to the assumptions and limiting conditions explained in the report.

Employment in and compensation for making this appraisal are in no way contingent upon the value reported, and I certify that I have no (or the specified) interest, either present or contemplated, in the subject property. I have no (or the specified) personal interest or bias with respect to the subject matter of the appraisal report or the parties involved.

The reported analysis, opinion, and conclusions are limited only by the reported assumptions and limiting conditions and is my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.

I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value that favors the cause of the client, the amount of the value opinion, that attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

This appraisal report identifies all the limiting conditions (imposed by the terms of my assignment or by the undersigned) affecting the analysis, opinions and conclusions contained in this report.

My analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.

I certify that, to the best of my knowledge and belief, the reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

I have made a personal inspection of the property that is the subject of this report. If more than one person has signed this report, it will clearly be specified as to which individual did and which individuals did not make a personal inspection of the appraised property. No one provided significant professional assistance to the person signing this report. If there are exceptions, the names of individuals providing significant professional assistance will be stated.

If digital photos were included in the report, they may have been edited to enhance color, brightness, contrast, etc.

As of the date of this report, I, David R. Given, SRA, AI-RRS has completed the continuing education program for Designated Members of the Appraisal Institute.

In addition, I do not authorize the out of context quoting from or partial reprinting of this appraisal report. Further, neither all nor any part of this appraisal report shall be disseminated to the public using media for public communication without the prior written consent of the undersigned.

This report is performed within the scope of the appraiser's certification. It is provided by the appraiser as a disinterested and unbiased third party and with the certification of the appraiser.

A handwritten signature in black ink that reads "David R. Given SRA". The signature is written in a cursive style with a horizontal line underneath the name.

---

David R. Given, SRA, AI-RRS, GRI, GAA  
State Certified General Real Estate Appraiser  
(WV/Number CG047)  
(OH/Number 000392184)  
(VA/Number 4001005460)



**Seventeenth Street West @ Virginia Avenue**  
Huntington, West Virginia 25704

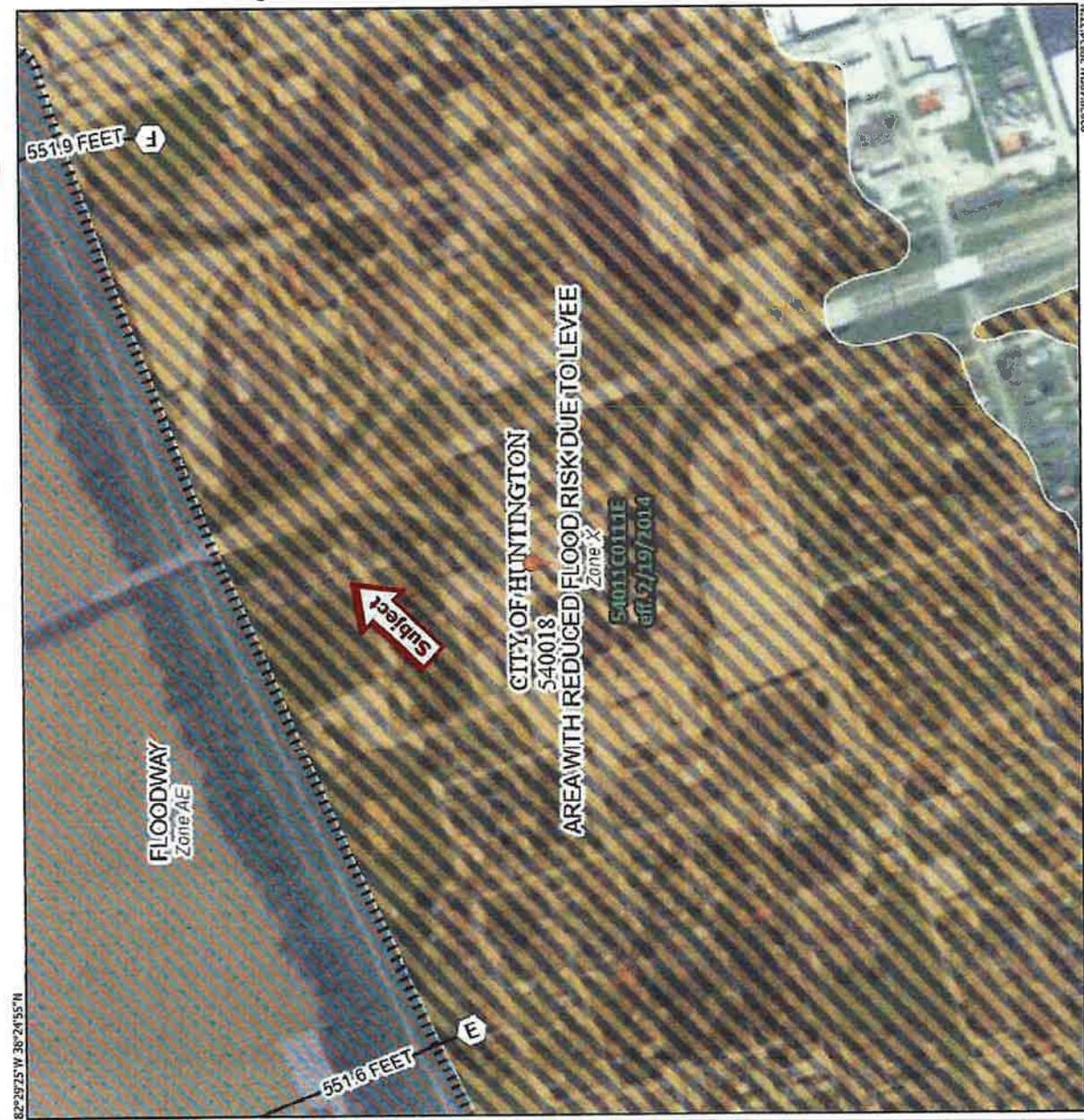








# National Flood Hazard Layer FIRMette



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- SPECIAL FLOOD HAZARD AREAS**
- Without Base Flood Elevation (BFE) Zone A, V, X, Y
  - With BFE or Depth zone AE, AD, AH, VE, AP
  - Regulatory Floodway
  - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
  - Future Conditions 1% Annual Chance Flood Hazard Zone A
  - Area with Reduced Flood Risk due to Levee, See Notes, Zone X
  - Area with Flood Risk due to Levee Zone D
- OTHER AREAS OF FLOOD HAZARD**
- NO SCREEN Area of Minimal Flood Hazard Zone X
  - Effective LOMR6
  - Area of Undetermined Flood Hazard Zone I

- OTHER AREAS**
- Channel, Culvert, or Storm Sewer
  - Levee, Dike, or Floodwall
- GENERAL STRUCTURES**
- Cross Sections with 1% Annual Chance Water Surface Elevation
  - Coastal Transect
  - Base Flood Elevation Line (BFE)
  - Limit of Study
  - Jurisdiction Boundary
  - Coastal Transect Baseline
  - Profile Baseline
  - Hydrographic Feature

- OTHER FEATURES**
- Digital Data Available
  - No Digital Data Available
  - Unmapped
- MAP PANELS**



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps. If it is not valid as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/19/2014 at 11:32 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is valid if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

# WV Flood Map



This map is not the official regulatory FIRM or DFIRM. Its purpose is to assist with determining potential flood risk for the selected location.

<b>H I G H  R I S K</b>		Regulatory Floodway	📍 Flood Info Location <span style="float: right;">Map created on 12/6/2021</span> <b>User</b> 17th Street West & Virginia Avenue Huntington, WV 25704 <b>Notes</b> <b>Flood Hazard Area</b> Location is PROTECTED by a levee from a 100-year flood. <b>Flood Zone</b> X (Levee Protected) <b>Stream</b> Ohio River <b>Watershed (HUC8)</b> Raccoon-Symmes (5090101) <b>Flood Height</b> Flood Height 6a N/A <b>Water Depth</b> <b>Elevation</b> 539.9 ft (Source: FEMA 2018-20) (NAVD88) <b>Community &amp; ID</b> City of Huntington (ID: 540018) <b>FEMA Map &amp; Date</b> 54011C0111D; Effective Date: 2/19/2014 <b>Location (lat, long)</b> (38.412988, -82.485483) (WGS84) <b>Parcel ID</b> 06-07-0040-0482-0000 <b>E-911 Address</b>
		1-Percent-Annual-Chance Flood Hazard Area With Base Flood Elevation (BFE)	
		1-Percent-Annual-Chance Flood Hazard Area Without BFE (may have Advisory Flood Heights)	
		1-Percent-Annual-Chance Future Conditions (High Risk Advisory Flood Zones)	
Download the Full Legend for all flood tool symbols <a href="https://www.mapwv.gov/flood/map/docs/wv_flood_tool_legend.pdf">https://www.mapwv.gov/flood/map/docs/wv_flood_tool_legend.pdf</a>			
<b>Disclaimer:</b> The online map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. Refer to the official Flood Insurance Study (FIS) for detailed flood elevation data in flood profiles and data tables. WV Flood Tool ( <a href="https://www.MapWV.gov/flood">https://www.MapWV.gov/flood</a> ) is supported by FEMA, WV NFIP Office, and WV GIS Technical Center.			

FFIEC FFIEC Geocoding/Mapping System – 2021



● Matched Address: 1500 WASHINGTON AVE, HUNTINGTON, WV, 25704  
MSA: 26580 - HUNTINGTON-ASHLAND, WV-KY-OH || State: 54 - WEST VIRGINIA || County: 011 - CABELL COUNTY || Tract Code: 0010.00

● Selected Tract  
MSA: || State: || County: || Tract Code:


**2021 FFIEC Geocode Census Report**

Matched Address: 1560 WASHINGTON AVE. HUNTINGTON, WV, 25704  
 MSA: 26580 - HUNTINGTON-ASHLAND, WV-KY-OH  
 State: 54 - WEST VIRGINIA  
 County: 011 - CABELL COUNTY  
 Tract Code: 0010.00

**Summary Census Demographic Information**

Tract Income Level	Moderate
Underserved or Distressed Tract	No
2021 FFIEC Estimated MSA/MD/non-MSA/MD Median Family Income	\$61,000
2021 Estimated Tract Median Family Income	\$37,045
2010 Tract Median Family Income	\$33,149
Tract Median Family Income %	60.73
Tract Population	2160
Tract Minority %	12.13
Tract Minority Population	262
Owner-Occupied Units	471
1- to 4- Family Units	995

**Census Income Information**

Tract Income Level	Moderate
2010 MSA/MD/statewide non-MSA/MD Median Family Income	\$54,584
2021 FFIEC Estimated MSA/MD/non-MSA/MD Median Family Income	\$61,000
% below Poverty Line	38.76
Tract Median Family Income %	60.73
2010 Tract Median Family Income	\$33,149
2021 Estimated Tract Median Family Income	\$37,045
2010 Tract Median Household Income	\$25,781

**Census Population Information**

Tract Population	2160
Tract Minority %	12.13
Number of Families	549
Number of Households	968
Non-Hispanic White Population	1898
Tract Minority Population	262
American Indian Population	0
Asian/Hawaiian/Pacific Islander Population	0
Black Population	0
Hispanic Population	51
Other/Two or More Races Population	211

**Census Housing Information**

Total Housing Units	1147
1- to 4- Family Units	995
Median House Age (Years)	76
Owner-Occupied Units	471
Renter Occupied Units	497
Owner Occupied 1- to 4- Family Units	471
Inside Principal City?	YES
Vacant Units	179

12/15/21, 10:48 AM

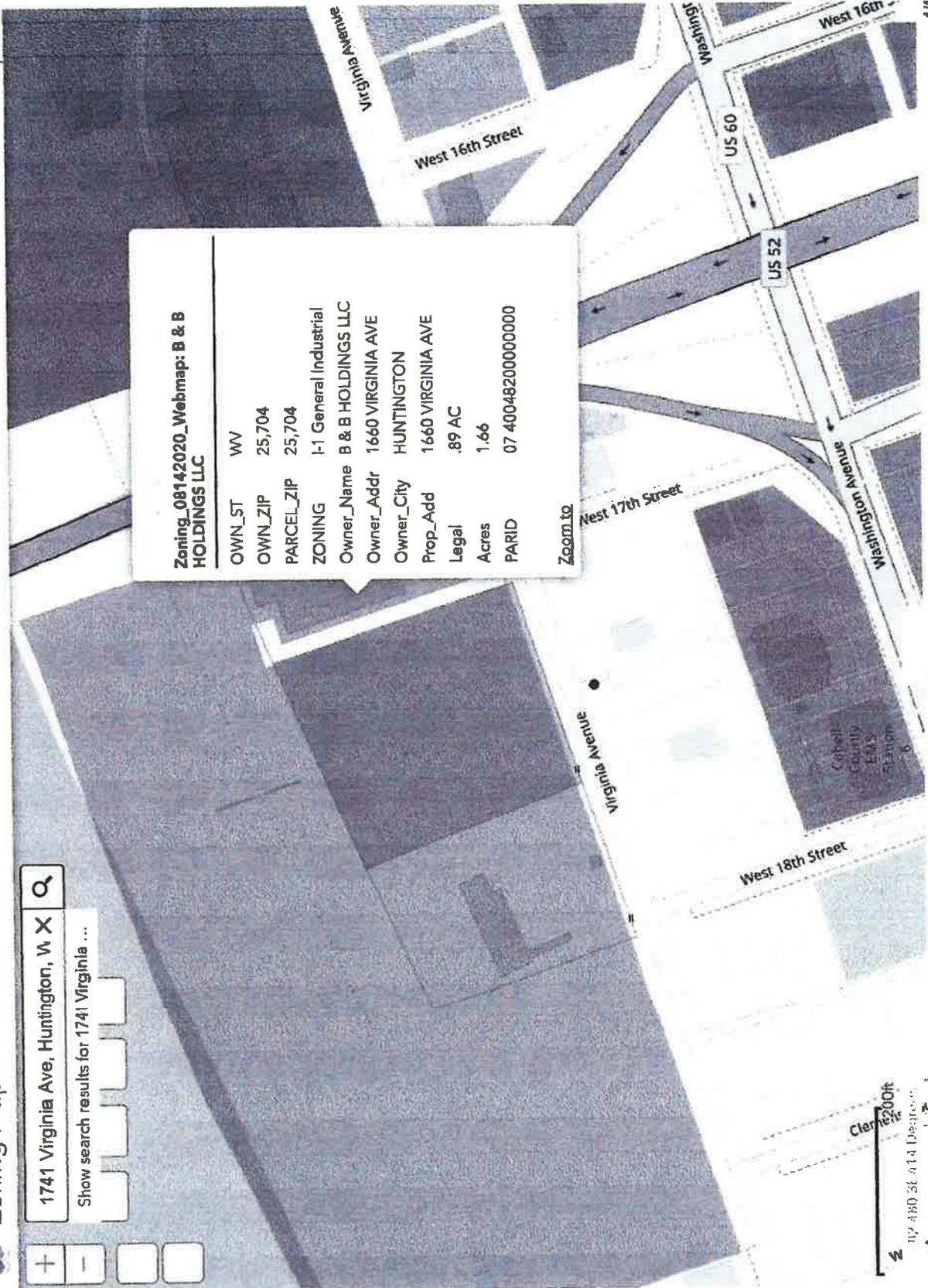
Zoning Map

with Web AppBuilder for ArcGIS | City of Huntington | Planning & Zoning | Zoning Ordinances | Cabinet 04

### Zoning Map

1741 Virginia Ave, Huntington, W X

Show search results for 1741 Virginia ...



#### Zoning\_08142020\_Webmap: B & B HOLDINGS LLC

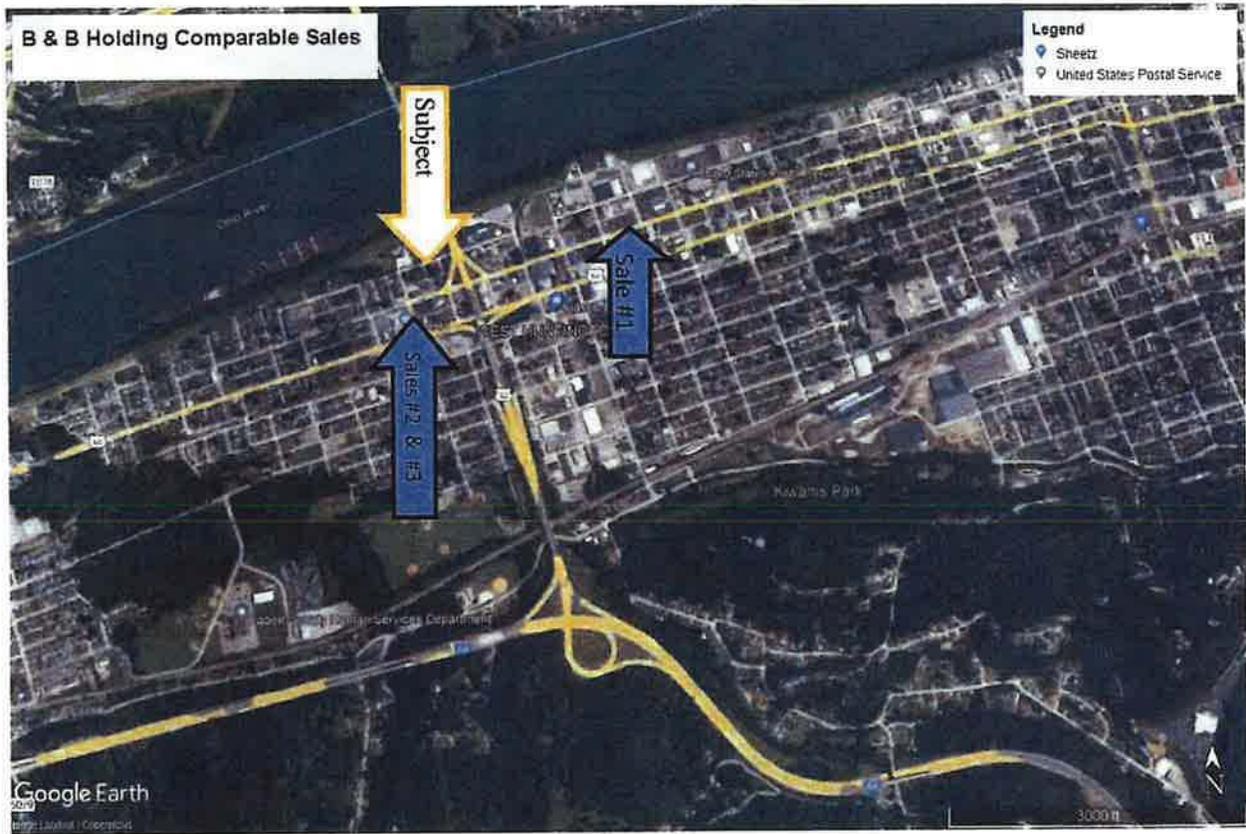
OWN_ST	WW
OWN_ZIP	25,704
PARCEL_ZIP	25,704
ZONING	I-1 General Industrial
Owner_Name	B & B HOLDINGS LLC
Owner_Addr	1660 VIRGINIA AVE
Owner_City	HUNTINGTON
Prop_Add	1660 VIRGINIA AVE
Legal	.89 AC
Acres	1.66
PARID	07 40048200000000

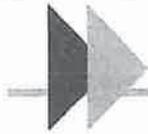
Zoom to

Clear View

12 480 31 414 Degrees

<https://hcb.maps.arcgis.com/apps/webappviewer/index.html?id=d87049b710e142e1e830b6414bc02d8a>





# Eastham & Associates

*Engineers - Surveyors - Planners*

## DESCRIPTION

for

## B & B HOLDINGS, LLC

All those certain lot, piece or parcel of land situate in the State of West Virginia, Cabell County, City of Huntington, being that certain portion or segment of Seventeenth Street West, northerly from Virginia Avenue, to the south flood wall right-of-way, and being more particularly bounded and described as follows:

**BEGINNING** at a 5/8" iron pin (found), at the point of intersection of the north right-of-way line of Virginia Avenue with the west right-of-way line of Seventeenth Street West, as shown on a map of Clemens Park Addition, a copy of which map was recorded in the Cabell County Commission Clerk's Office, on the 30<sup>th</sup> of December, 1915, in Deed Book 143, at page 576, having a coordinate value of N. 517,851.35 and E. 1,542,911.90, and also marks a corner common to Parcel One of Tract One, of the lands now owned by B & B Holdings, LLC, (D.B. 1386, Pg. 40; the subject tract is described as exception 4, in said B & B Holdings, LLC, deed); thence, leaving the north right-of-way line of the said Virginia Avenue, and with the west right-of-way line of the said Seventeenth Street West, if produced, and with the lands of the said B & B Holdings, LLC,

North 17° 44' 03" West, passing a 1" iron pin (found), at 263.84 feet, in all 289.98 feet to the south right-of-way of the flood wall easement; thence, leaving the said west right-of-way line of the said Seventeenth Street West, if produced, and continuing with the lands of the said B & B Holdings, LLC, and with the south right-of-way of the said flood wall easement,

North 66° 48' 31" East 60.29 feet to a 5/8" reinforcing rod with a red plastic cap stamped "Eastham & Associates" (found); thence, leaving the south right-of-way of the said flood wall easement, and continuing with the lands of the said B & B Holdings, LLC, as follows:

South 17° 44' 03" East 35.71 feet to a "+" in concrete (found); thence,

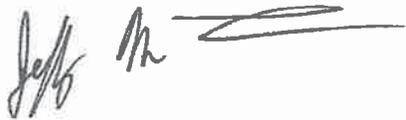
South 72° 15' 57" West 42.00 feet to a "+" in concrete (found); thence,

South 17° 44' 03" East 260.00 feet to a 5/8" reinforcing rod with a red plastic cap stamped "Eastham & Associates" (found)), the north right-of-way line of the said Virginia Avenue; thence, leaving the lands of the said B & B Holdings, LLC, and with the north right-of-way line of the said Virginia Avenue,

South 72° 15' 57" West 18.02 feet to the **PLACE OF BEGINNING**, containing 0.153 acre, more or less, as surveyed under the supervision of Jeffrey M. Eastham, West Virginia Licensed Professional Surveyor No. 2067, on October 6, 2021.

The above bearings and distances are based on the West Virginia State Plane Coordinate System, South Zone, NAD '83, U.S. survey feet.

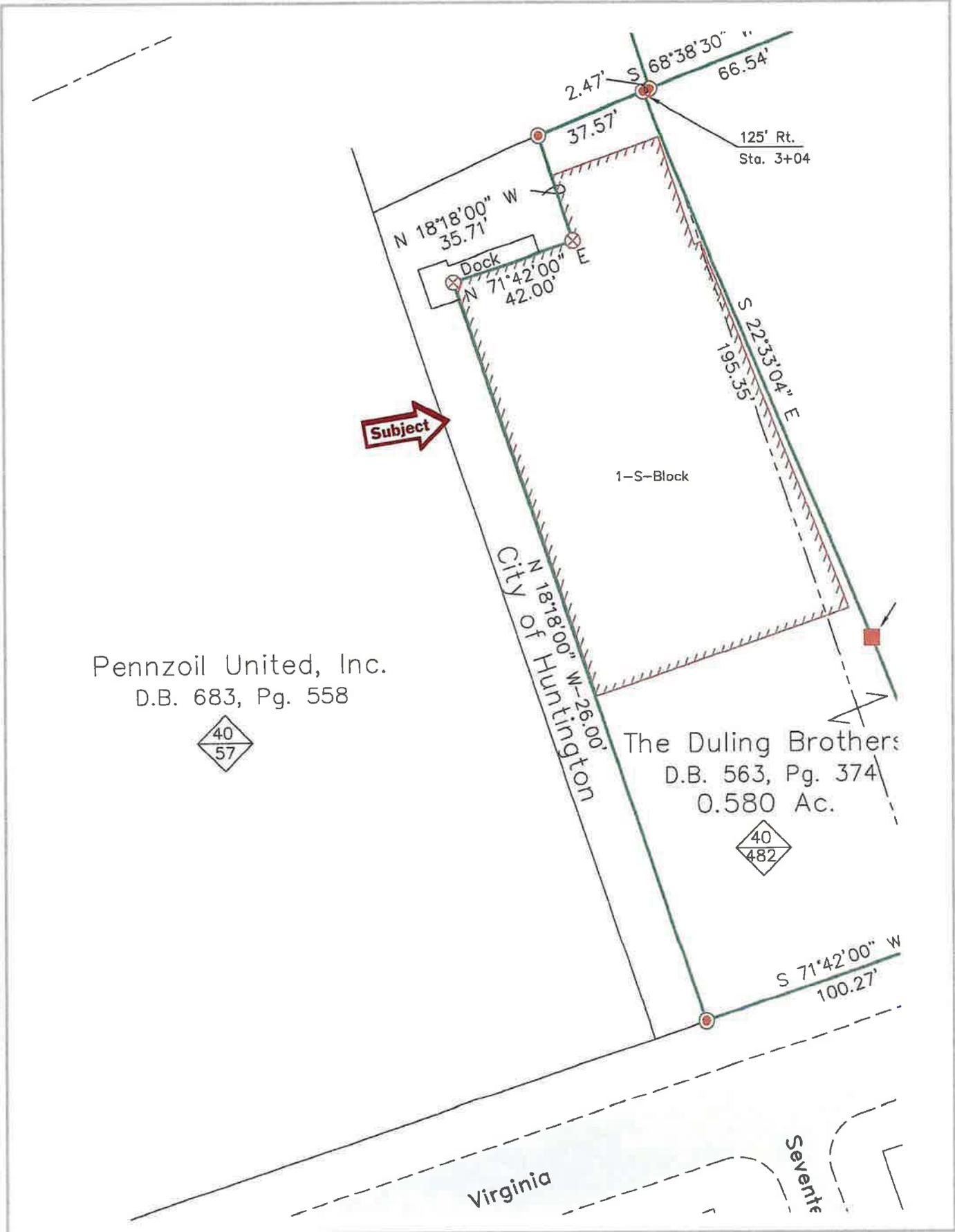
This survey does not constitute a Title Search by the Surveyor. No Title Commitment was provided. This survey is subject to all restrictions, reservations, right-of-ways, easements, utilities, covenants, exceptions, conveyances, leases and exclusions previously imposed and appearing of record, and those not of record.



---

Jeffrey M. Eastham, P.S.  
West Virginia Registration No. 2067





Pennzoil United, Inc.  
D.B. 683, Pg. 558



The Duling Brothers  
D.B. 563, Pg. 374  
0.580 Ac.





### STATEMENT REGARDING NOVEL CORONAVIRUS (COVID-19)

The outbreak of the Novel Coronavirus (COVID-19), declared an outbreak by the World Health Organization (WHO) on January 30, 2020 and subsequently reclassified as a worldwide pandemic on March 11, 2020, has created substantial uncertainty in the worldwide financial markets. Concerns about the ongoing spread of the Novel Coronavirus (COVID-19) have resulted in: cancellations of a substantial number of business meetings, conferences, sporting and entertainment events in the coming 3 to 6 months; the implementation of personal quarantine procedures; a 30 day lock-out for travel from most of Europe to the United States; and substantial reductions (and restrictions) in other travel by air, rail, bus and ship. The list and magnitude of restrictions changes daily. As of the effective date of this report, tourism, lodging, and tourist-related food, beverage and retail sectors are likely to feel the first negative effects due to the substantial decline in social movement and activity. A prolonged outbreak could have a significant, and yet unquantifiable, impact on other real estate sectors. Our valuation is based upon the best information that is available as of the effective date of this report.

Given the degree of overall uncertainty present in the economy, forecasts and projections contained herein may change dramatically, or differently than projected under stable market conditions. Therefore, we recommend a more frequent review of the value of the underlying asset analyzed in this appraisal, further advise the intended user to consider the current lack of overall economic stability in evaluating the use and reliability of the opinions expressed here.

#### Hypothetical Conditions/Extraordinary Assumptions Language for Reports

Unless otherwise noted, the valuation methods do not attempt to adjust for current uncertainty due to the Novel Coronavirus (COVID-19) as it may relate to health issues or financial markets and real estate transactions. The expectation is that current measures and actions may abate in the future in certain geographic areas and industries, and that such impacts may be short-term in nature, resulting in a return to stable market conditions.

### Photograph Addendum

Client	B & B Holdings, LLC						
Property Address	17th Street West and Virginia Avenue						
City	Huntington	County	Cabell	State	WV	Zip Code	25704
Owner	City of Huntington						



**Looking east along Virginia Avenue from 18th St. West. B & B Holdings has purchased most of the land shown in this photo.**



**Looking west along Virginia Avenue from 17th Street West. B & B has purchased most of the properties that are now vacant lands.**



**Looking south from Virginia Avenue between Sixteenth Street and Seventeenth Street West.**



**Looking south from Virginia Avenue between Sixteenth Street and Seventeenth Street West.**



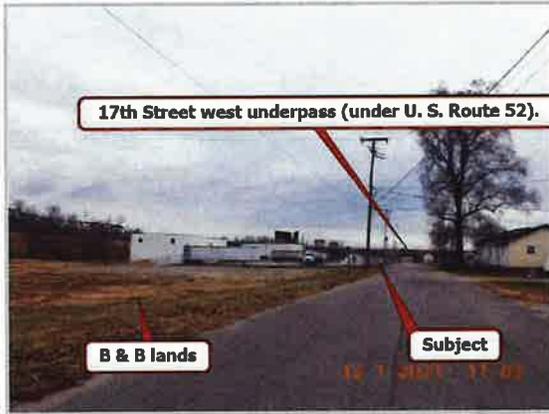
**Looking west along Virginia Avenue. Vacant lots were improved but dwellings have now been removed.**



**Looking south along Sixteenth Street West from Virginia Avenue.**

### Photograph Addendum

Client	B & B Holdings, LLC		
Property Address	17th Street West and Virginia Avenue		
City	Huntington	County	Cabell
State	WV	Zip Code	25704
Owner	City of Huntington		



Looking east along Virginia Avenue. Subject is in the distance near the 17th St. West underpass.



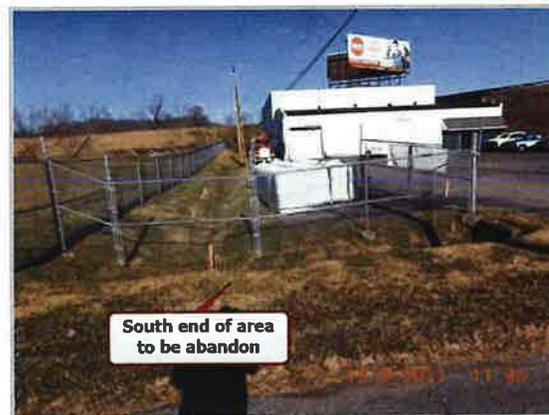
Looking northeast from Virginia Avenue towards subject.



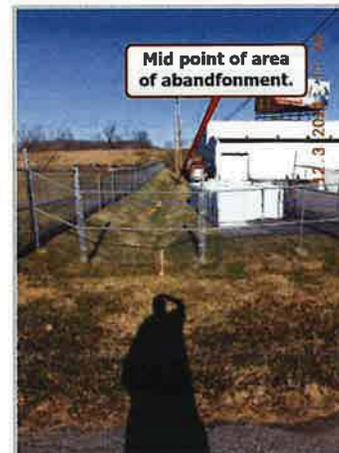
Looking east along Virginia Avenue. Subject is on the left of the photo.



Area of abandonment. Note the red flags showing the area to be abandon.



Area of abandonment. Note the red flags showing the area to be abandon.



Area of abandonment. Note the red flags showing the area to be abandon.

### Photograph Addendum

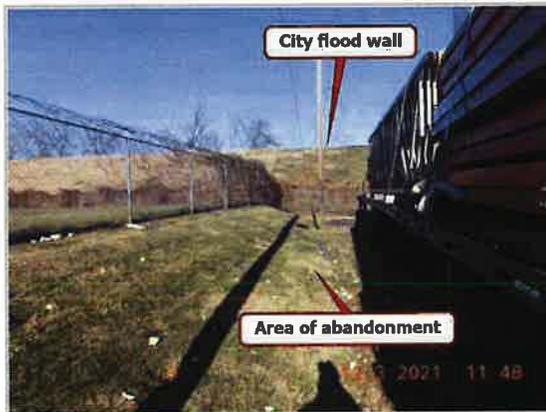
Client	B & B Holdings, LLC			State	WV	Zip Code	25704
Property Address	17th Street West and Virginia Avenue			County	Cabell		
City	Huntington						
Owner	City of Huntington						



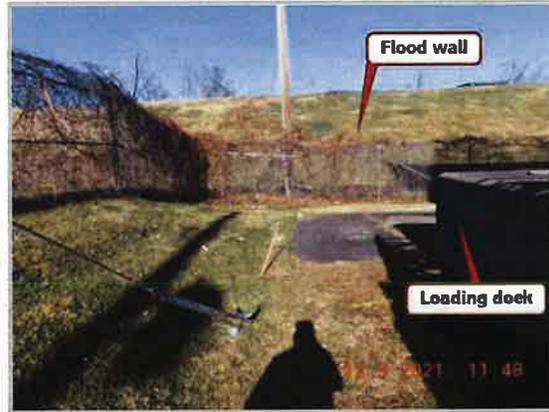
Mid point of the area of abandonment.



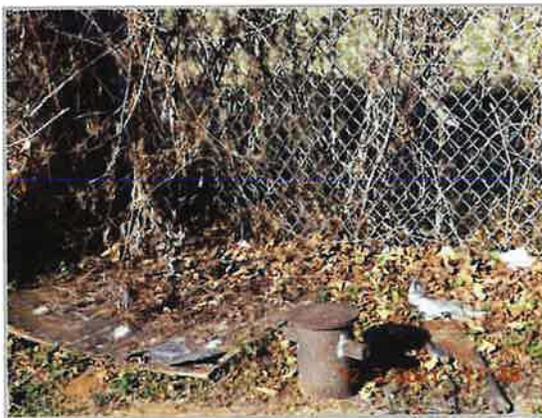
Looking north (towards the Ohio River) from the mid point of the tract.



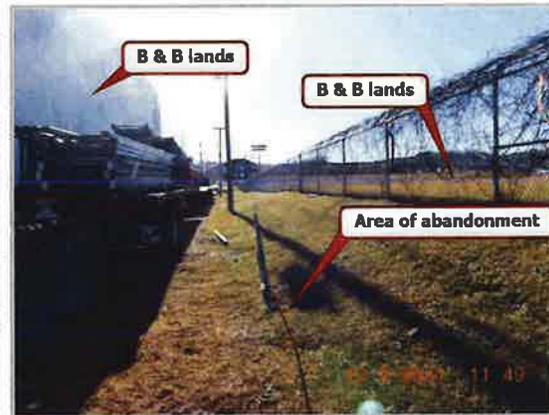
North end of the area of abandonment.



North end of the area of abandonment. Note part of the dock associated with the improvement.



Metal tie off on the south side of the flood wall. In place prior to erection of flood wall?



Looking south from the north end of the area of abandonment.

### Photograph Addendum

Client	B & B Holdings, LLC						
Property Address	17th Street West and Virginia Avenue						
City	Huntington	County	Cabell	State	WV	Zip Code	25704
Owner	City of Huntington						



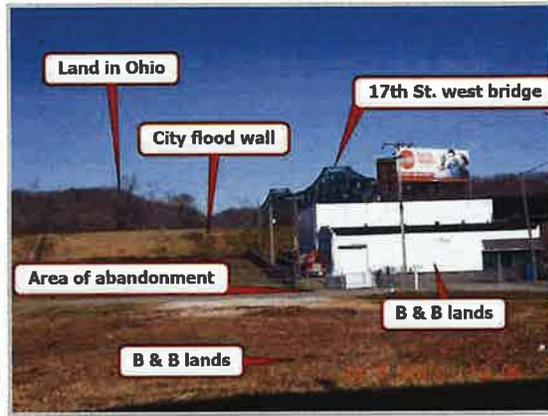
Looking south from the north end of the area of abandonment.



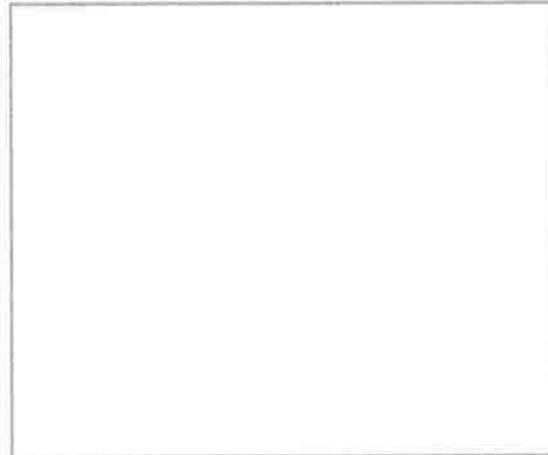
Looking south from the north end of the area of abandonment.



Looking south from the most southerly portion of the abandonment.



Overview of the area of the abandonment, looking north.



**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale. (Source: FDIC Interagency Appraisal and Evaluation Guidelines, October 27, 1994.)

\* Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgement.

## STATEMENT OF LIMITING CONDITIONS AND CERTIFICATION

**CONTINGENT AND LIMITING CONDITIONS:** The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is valued on the basis of it being under responsible ownership.
2. Any sketch provided in the appraisal report may show approximate dimensions of the improvements and is included only to assist the reader of the report in visualizing the property. The appraiser has made no survey of the property.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. Any distribution of valuation between land and improvements in the report applies only under the existing program of utilization. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
5. The appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous waste, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. This appraisal report must not be considered an environmental assessment of the subject property.
6. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
7. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
8. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
9. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.
10. The appraiser is not an employee of the company or individual(s) ordering this report and compensation is not contingent upon the reporting of a predetermined value or direction of value or upon an action or event resulting from the analysis, opinions, conclusions, or the use of this report. This assignment is not based on a required minimum, specific valuation, or the approval of a loan.

CERTIFICATION: The appraiser certifies and agrees that:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial and unbiased professional analyses, opinions, and conclusions.
3. Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
9. Unless otherwise indicated, I have made a personal inspection of the interior and exterior areas of the property that is the subject of this report, and the exteriors of all properties listed as comparables.
10. Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).

**ADDRESS OF PROPERTY ANALYZED:**

17th Street West and Virginia Avenue, Huntington, WV 25704

**APPRAISER:**

Signature: *David R. Given, SRA*  
 Name: David R. Given, SRA AI-RRS, GRI, GAA  
 Title: SRA, AI-RRS, GRI, GAA  
 State Certification #: CG047  
 or State License #:  
 State: WV Expiration Date of Certification or License: 09/30/2022  
 Date Signed: 12/20/2021

**SUPERVISORY or CO-APPRAISER (if applicable):**

Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 State Certification #: \_\_\_\_\_  
 or State License #: \_\_\_\_\_  
 State: \_\_\_\_\_ Expiration Date of Certification or License: \_\_\_\_\_  
 Date Signed: \_\_\_\_\_  
 Did  Did Not Inspect Property

**Staff Report:** A petition to amend Article 1315, 1320, and 1341 of the Zoning Ordinance.

**PC 22-04**

*Issue:* A petition to make the following changes to the City of Huntington Zoning Ordinance:

1. To Amend Article 1315 Definitions and Measurements to clarify definitions for Auto Service Stations, Automotive and Other Vehicle Sales,
2. Add Section 1341.53 Animal Boarding and Training standards for locations providing animal boarding and training services,
3. Amend Section 1341.11 Auto Service Station to include Repair Shops and vehicle painting,
4. Add Section 1341.54 Fuel Sales to separate standards from Auto Service Station and Repair Shop standards,
5. Amend Article 1320 Permitted Uses to add Animal Boarding and Training and Open Space to the Permitted Uses Chart.

*Petitioner:* City of Huntington, 800 5<sup>th</sup> Avenue, Huntington, WV 25701

**Introduction**

The Planning and Zoning office is petitioning to make several minor amendments to the zoning ordinance in order to fix issues with the code that we have observed in our administration and communication with new and existing businesses in the City of Huntington.

Case law shows that zoning cannot prohibit a use from occurring in a city. By accidental omission, the City of Huntington's Zoning

Code currently prohibits businesses from offering animal boarding and training unless it is attached to an animal hospital or clinic.

Several people have approached the Planning & Zoning Office interested in starting dog training businesses in the city but have been unable to do so as training was not specified in the ordinance.

In addition, a recent petition before the Board of Zoning Appeals highlighted the need to clarify and expand upon definitions and uses pertaining to automobiles.

**Existing Code**

Article 1315 – Definitions and Measurements

**Automobiles** Currently, the code has three use definitions related to automobiles: *Auto Service Station*, *Automotive and Other Vehicles Sales and Services*, and *Fuel Sales*. *Auto Service Station* currently describes a type of business model that sells fuel and also does minor repairs on vehicles, which is no longer prevalent in Huntington. This definition explicitly excludes “major repair” work, yet the code does not state where this work would be permitted.

*Automotive and Other Vehicle Sales and Services* does not explicitly define what these “services” are, creating confusion for business owners and staff, and

**Animal Boarding and Training Kennels and Animal Boarding** was a previous permitted and defined use that was

## PC 22-04 Staff Report

accidentally removed during 2019 and 2020 code updates. Currently, animal boarding and training are permitted as accessory uses to Animal Hospitals/Clinics, or Pet Store/Pet Services businesses, however, a business providing animal boarding or training as their primary service could not locate in the city of Huntington under existing code.

### Article 1320 – Permitted Uses

The Permitted Uses Chart (Table 1320.A) shows which uses are permitted by-right and conditionally in each zone.

Kennels and Animal Boarding (Proposed to be revised to Animal Boarding and Training) is not a listed use in the Permitted Uses Chart.

Open Space is defined, but not listed as permitted in any zoning district.

### Article 1341.11 – Auto Service Station

Regulations include standards specific to businesses that sell motor fuel, and not applicable to the majority of the businesses providing automobile repair in the city.

No specific standards exist for Kennels and Animal Boarding (Proposed to be revised to Animal Boarding and Training).

## **Proposed Code Changes**

### **Article 1315 – Definitions and Measurements**

#### **Animal Boarding and Training**

*Kennels and Animal Boarding* would be renamed to “*Animal Boarding and Training*” and added back to this section.

*Pet Store/Pet Services* would be updated to list boarding and training under permitted accessory uses. In practice, boarding has been allowed as an accessory use for these types of businesses, however, this has not been specified in the code.

#### **Automobile Repair**

*Auto Service Station* would be renamed to “*Auto Service Station and Repair Shop*” to make explicit that this category includes automobile repair. This definition would be updated to make this category cover more types of vehicle repair, remove the language that explicitly excludes major repairs, and remove language pertaining to fuel sales. *Automotive and other Vehicle Sales and Services* would be renamed to “*Automotive and Other Vehicle Sales.*” Language added to explain that auto services and repairs are a permitted accessory use for this type of business.

### **Article 1320 – Permitted Uses**

*Animal Boarding and Training* would be added to the permitted use chart. This use would be permitted in the same manner and zones that *Animal Hospitals/Clinics* are currently permitted; that is, conditionally in commercial/industrial districts typically adjacent to residential uses, and permitted by-right in all other commercial and industrial districts.

The existing *Open Space* definition would be added to the permitted use chart.

### **Article 1341.11 Auto Service Station and Repair Shop**

B, C, and D. Standard specific to businesses selling motor fuel would move into a new section 1341.54 Fuel Sales.

## PC 22-04 Staff Report

### Article 1341.53 Animal Boarding and Training

A section with four regulations specific to Animal Boarding and Training would be added to the code.

### Article 1341.54 Fuel Sales

New section created from B, C, and D of existing *Auto Service Station* section.

### Staff Comments

These changes will remedy issues with the existing code that make existing businesses non-conforming and make it difficult to impossible for new businesses to provide necessary services within city limits.

These code changes all fall into one or more of the following scenarios:

- Existing uses in previous code that had the follow accidentally omitted during the 2019-2020 code overhaul (Animal Boarding and Training, Open Space)
- uses with definitions that needed to be expanded upon or refined in order to reflect current business practices (Auto Service Station and Repair Shop, Pet Store/Pet Services)
- Uses that require additional standards to prevent negative impacts on surrounding properties (Auto Service Station and Repair Shop, Animal Boarding and Training).

### Comprehensive Plan

The Plan 2025 Comprehensive Plan's redevelopment and economic development recommendations call for prioritizing infill development and reducing vacancy and appearance of vacancy. The proposals that

the Planning and Zoning Office has heard regarding animal boarding and training and auto service station and repair businesses would facilitate the redevelopment of vacant or underutilized spaces in the city.

Further, the comprehensive plan recommendations call for identifying opportunities for increased green space to benefit residents of denser urban areas and to aid in stormwater retention.

### Attachments

Please see attached zoning ordinance for the proposed amendments; light gray are additions and ~~dark gray strikethrough~~ are omissions.



**Key**

Existing Text

Additions

Removed

**Section 1315 Definitions**

~~KENNELS AND ANIMAL BOARDING AND TRAINING~~ - A facility for the boarding, raising, grooming, selling, training, or other animal husbandry activities for dogs, cats, or other animals for financial or other compensation.

**Commented [JL1]:** Breeding animals was removed from this definition in a previous ordinance update – Name has been changed to focus on animal boarding and training as use.

~~AUTO SERVICE STATION AND REPAIR SHOP~~ - Any structure or premises used for dispensing or sale of automotive vehicle fuels or lubricants, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses may include the retail sale of parts and minor services that include, but is not limited to, oil changes, replacement of tires, and replacement of batteries and other minor parts that typically occurs while the customer waits, primarily for the servicing and repair of motor vehicles. May include minor repair work – including not limited to, oil changes, replacement of tires, and replacement of batteries – and major repair work – including but not limited to motor replacement, body and fender repair, or spray painting.

**Commented [JL2]:** In practice, most business doing auto repairs have been previously classified as Auto Service Station. Adding this language specifies that repairs done to automobiles are classified as such rather than other types of less-intensive repair uses.

~~AUTOMOTIVE AND OTHER VEHICLES SALES AND SERVICES~~ - Any building or land used for the display, sale or rental of new or used motor vehicles in operable condition. Such use may also include the display, sale, or rental of motorcycles, mopeds, or other motorized two or three-wheeled vehicles. Auto services and repairs are a permitted accessory use.

**Commented [JL3]:** Definition has been updated to cover all types of automotive repair work, including "major repair" which was accidentally removed entirely from the ordinance, and currently occurs in many different commercially-zoned properties throughout the city.

FUEL SALES – An establishment that sells unleaded and diesel gasoline or any other fuel used in vehicles.

**Commented [JL4]:** Language removed – activities pertaining to automobiles beyond sale or rental falls into the Auto Service Station and Repair Shop classification

PET STORE/PET SERVICES –A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry. May also include the sale of supplies, and accessory services such as: boarding, and provide grooming, and/or training services.

**Commented [JL5]:** Specifies that work permitted in Auto Service Station and Repair Shop is permitted as an accessory use in businesses classified as Automotive and Other Vehicle Sales

OPEN SPACE - Any parcel of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**Commented [JL6]:** Specifies that boarding, grooming, and training are types of accessory uses permitted in locations classified as pet store/pet services.

**Section 1320.04 Permitted Uses**

The chart in this section lists all permitted uses, conditional uses, and use-specific standards.

Legend	
Permitted Use	●
Conditionally Permitted Use	○
Prohibited Use	

Use Type	Districts								Use-Specific Standards
	R-1 & R-2	R-4	R-5	C-1	C-2	C-3	I-1	I-2 (Reserved)	
Animal Hospital / Clinic				○	●	●	○	●	
Animal Boarding and Training				○	●	●	○	●	1341.53
Auto Service Station and Repair Shop				○	●	○	○	●	1341.11
Automotive and Other Vehicles Sales and Services					●			●	
Fuel Sales				○	●	○	○	●	1341.54
Pet Store / Pet Services				●	●	●	●	●	
Open Space	○	●	●	●	●	●	●	○	

- Commented [JL7]:** Kennels and Animal Boarding was mistakenly left out of the permitted use chart in previous updates. Adds Animal Boarding and Training back into the Permitted Uses chart. Please note that this is conditional in the C-1 and I-1 Districts, as these districts are typically adjacent to residential areas.
- Commented [JL8]:** Name change
- Commented [JL9]:** References section for use-specific standards for Fuel Sales
- Commented [JL10]:** Use is defined in ordinance, but was left out of permitted use chart in ordinance update.

**Section 1341.11 Auto Service Station and Repair Shop**

- A. All storage areas, pits, lifts and working areas shall be within a building. All lubrication, repair, painting, or similar activities shall be performed in an enclosed building, and no dismantled parts shall be placed outside.
- ~~B. All gasoline pumps and islands upon which pumps are normally located shall be set back a minimum of fifteen (15) feet from the front yard property line and at least fifty (50) feet from other property lines. Layout of all pumps shall conform to the requirements of the Building Code.~~
- ~~C. Canopies shall be set back a minimum of ten (10) feet from all lot lines and twenty five (25) feet from all adjacent residential lot lines.~~
- ~~D. In districts other than C 2 Highway Commercial and I 2 Heavy Industrial, all gasoline pumps, air pumps, and islands upon which the pumps are normally located, shall only be permitted when in the side yard or rear yard. In no case shall such uses be located in between the principal building and a street.~~
- E. No junked motor vehicle or part thereof or no unregistered motor vehicle shall be permitted outside an enclosed service station, except that not more than six (6) motor vehicles may be located outside a building for a period not to exceed five (5) days for each vehicle, provided that the owners are awaiting the repair of the motor vehicle.

- Commented [JL11]:** Painting added to this list, as this is a service many Auto Service Stations and Repair Shops providing "major repair" engage in.
- Commented [JL12]:** Standards specific to fuel have been moved to section 1341.54.

- F. The exterior display and parking of equipment or vehicles for rent or sale shall be permitted, provided that the area devoted to this purpose is in addition to the minimum lot size required for a service station, the area devoted to this purpose does not exceed twenty (20%) percent of the total area of the entire site, the maximum sign area for a service station is not exceeded and the location of the equipment or vehicles being rented or sold does not interfere with the required off-street parking requirements for the service station and does not interfere with the on-lot traffic circulation indicated on the approved land development plan.
- G. The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable Federal, State, and local requirements.
- H. Outdoor solid waste and recyclable storage areas shall be screened in accordance with Section 1347.07.

**Section 1341.53 Animal Boarding and Training**

- A. These regulations apply to any location providing animal training services. This section shall not apply to any establishment whose principle use is an Animal Hospital/Clinic or Pet Store/Pet Services use.
- B. Distance. No training and animal boarding facilities may be directly adjacent to residentially zoned property.
  - a. The distance restriction may be eliminated when adjacent to a residentially zoned property if sound proofing techniques approved by the Fire Marshal and Chief Building Inspector are utilized.
  - b. In granting a conditional use or any special exception under this section, the Board of Zoning Appeals may impose additional conditions or restrictions, such as increasing buffers, requiring odor, noise, or animal waste disposal mitigation, and setting limits on the number dogs, to ensure that the proposed use will not be detrimental to the health, safety, or general welfare of the surrounding area.
- C. Measurement of Distance. The distance between the animal boarding and training facility shall be measured in a straight line, without regard to intervening structures, from the closest property line of the animal boarding and training facility to the closest property line of the residential zone.
- D. Outdoor yard. If an outdoor yard is present, in no event shall it operate between the nighttime hours of 9:00 p.m. and 7 a.m. on weekdays and 9:00 p.m. to 9:00 a.m. on weekends and local legal holidays (*Ref. Article 527*).
  - a. An outdoor yard shall be screened with privacy fencing, minimum 6 ft. in height or landscaped to keep animals from view of the property lines.

**Commented [JL13]:** Use specific standards have been developed after reviewing similar ordinances in other communities. The main concern of these ordinances is typically noise from barking animals, especially near residential areas. As such, these facilities are conditional uses in the C-1 and I-1 Zoning districts which are closest to residentially zoned areas.

**Commented [JL14]:** These use specific standards would not apply to Animal Hospital/Clinics or Pet Store/Pet Services businesses that offer boarding and training as an accessory service.

**Commented [JL15]:** These items are designed to mitigate potential concerns about barking animals. This use is permitted conditionally in the two zoning districts that are typically closest to residential areas, so any proposed animal boarding or training facilities on properties in those areas will go through a public hearing through the Board of Zoning Appeals, where the public can share any concerns or speak in support, and learn more about the project.

**Commented [JL16]:** This is how distance is measured in most sections in the ordinance with distance requirements.

**Commented [JL17]:** These are the "night time" hours designated in the City's noise ordinance.

**Commented [JL18]:** Designed to keep outdoor areas screened from nearby property, people walking dogs down the sidewalk, etc.

**Commented [JL19]:** This section pulls out the standards that are specific to a facility that sells fuel from the Auto Service Station section. These standards are existing within code, they have just been moved into a separate section.

**Section 1341.54 Fuel Sales**

1. All gasoline pumps and islands upon which pumps are normally located shall be set back a minimum of fifteen (15) feet from the front yard property line and at least fifty (50) feet from other property lines. Layout of all pumps shall conform to the requirements of the Building Code.
2. Canopies shall be set back a minimum of ten (10) feet from all lot lines and twenty-five (25) feet from all adjacent residential lot lines.
3. In districts other than C-2 Highway Commercial and I-2 Heavy Industrial, all gasoline pumps, air pumps, and islands upon which the pumps are normally located, shall only be permitted when in the side yard or rear yard. In no case shall such uses be located in between the principal building and a street.

## ARTICLE 1315 – DEFINITIONS AND MEASUREMENTS

**ALTERATION** - Any change, addition, or modification in construction or occupancy of a structure.

**FLAG** – Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

**MANUFACTURING AND SALES, ARTISAN** – The manufacturing, processing, fabrication, packaging, or assembly of products within a fully enclosed structure which includes retail sales for the products produced within the same structure. Retail sales may include products produced offsite. No processes or equipment may be used that creates heat, glare, dust, smoke, fumes, odors, or vibration beyond its lot line. Retail space may be included on site and shall be located at the primary entrance of the structure.

**SIGN** - Any object, device, display, painting, decal, structure, or part thereof, situated outdoors or indoors, which is used to advertise, announce, identify, inform, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images, including all associated brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes. See Figure 1315.D.

**SIGN, ANIMATED OR MOVING** - Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

**SIGN AREA** - The entire face of a sign and any framing, trim or molding, but not including the supporting structure.

**SIGN, AWNING, CANOPY OR MARQUEE** - A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by ordinance. See Figure 1315.D.

**SIGN, BANNER** - A temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

**SIGN, BLADE** - A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

**SIGN, BILLBOARD OR OFF-PREMISE** - A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. The following shall not be considered an off-premise sign: Directional or official sign authorized by law, real estate signs, or on-premise signs.

**SIGN, CHANGEABLE COPY** - A sign which is designed to be changed on a regular basis usually consisting of interchangeable letters, numbers, and/or logos.

**SIGN, COMMERCIAL MESSAGE** – one where the message concerns goods or services offered for consideration by a person or entity engaged in a profit-oriented business, includes any written representation, emblem, graphic, logo, symbol or other display that names, advertises or references a business, operator, product, service or other for-profit activity.

**SIGN, ELECTRONIC MESSAGE BOARDS** - an electrically activated display whose variable message and/or graphic presentation can be electronically programmed. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.

**SIGN, CONSTRUCTION** - A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

**SIGN, DIRECTIONAL** - Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", and "exit".

**SIGN, FACE** - The area or display surface used for the message and visible in one direction at one time.

**SIGN, FLASHING** - Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

**SIGN, FREE STANDING** - Any non-movable sign not affixed to a building.

**SIGN, GOVERNMENTAL** - A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

**SIGN, LIGHT POLE BANNER** - A temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure, and where the temporary sign element can be changed without modifying the permanent structure.

**SIGN, PORTABLE MESSAGE CENTER** - A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels. Such signs may include changeable copy or electronic message boards.

**SIGN, SIDEWALK** - A freestanding sign which is ordinarily in the shape of an "A," "T" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.

SIGN, SUSPENDED OR PROJECTION – a two-side sign that projects outward from the exterior wall of a structure.

SIGN, TEMPORARY – are signs not affixed to a permanent structure in any permanent way. Such signs are usually constructed with material not intended to be permanent or material susceptible to damage through exposure to ordinary weather or seasonal changes.

SIGN, VEHICULAR OR TRAILER - A sign permanently or temporarily attached to or placed on a vehicle or trailer and used primarily as a stationary sign.

SIGN, WALL - a sign that is painted to, attached flat to or mounted away from, but parallel to, any exterior wall of a structure.

**Section 1320.04 Permitted Uses**

The chart in this section lists all permitted uses, conditional uses, and use-specific standards.

Legend	
Permitted Use	●
Conditionally Permitted Use	○
Prohibited Use	

Table 1320.A: Permitted Uses	Districts									
Use Type	R - 1 & R - 2	R - 4	R - 5	C - 1	C - 2	C - 3	I - 1	I - 2	( R e s e r v e d )	Use- Spe- cific Stan- dar- ds
Banquet Halls or Conference Centers				○	●	●	●	●		

ARTICLE 1345 - SIGN REGULATIONS AND SITE LIGHTING

**Section 1345.01 Purpose**

This Sign Ordinance is not intended to regulate speech. Instead the intent is to:

- A. To preserve and protect the public safety, comfort and welfare of users of streets and sidewalks in the City of Huntington by regulating signs of all types.
- B. To enhance community appearance, reduce visual clutter and blight, protect property values, promote recreational value of public travel and the economic development of the City of Huntington.

- C. To limit the size, number and location of signs which may obstruct the vision of motorists, create distractions and increase traffic accidents.
- D. To acknowledge the appropriate display of signs as necessary to public service and to the conduct of competitive commerce.
- E. To establish size and design standards.
- F. To maintain signs in a safe manner.

### **Section 1345.02            General Sign Regulations**

- A. Applicability. All new, reconstructed, altered, or relocated signs must comply with the standards of this section. For the purpose of this ordinance, “to alter” means to change in appearance, material, size, or structure.
- B. Sign Permit.
  - 1. All sign types, unless exempted in this article, require a sign permit before they may be constructed, reconstructed, altered, or relocated. Signs that are exempted from requiring a permit within this article must still comply with the regulations for this article.
  - 2. Any sign that encroaches upon or over a public right-of-way requires review and approval from Public Works must be included in a liability insurance policy holding the city free of all responsibility.
  - 3. No person shall construct, reconstruct, alter, or relocate any sign upon any property or structure without the prior written consent from the property owner or their authorized representative. The written consent must accompany the sign permit application.
  - 4. A sign permit shall become null and void if work authorized under the permit has not been completed within one year of the date of issuance. The planning officer may approve an extension of up to three months based on a written request from the applicant.
- C. Location.
  - 1. Each sign, with the exception of off-premise signs as defined in Art.1315 erected in conformance with this Article, must be located on the same site as the subject of the sign.
  - 2. No sign may be installed in a way that obstructs free and clear vision, or free use, of any public right-of-way, intersection, ingress or egress point, transit stop, parking space, drive aisle, driveway, building entrance, fire escape, or accessibility ramp.
  - 3. No sign may be placed so as to obstruct any window or door, with the exception of window signs in compliance with this Article.
  - 4. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street. In the C-3 zone, any improved alley abutting a property shall be considered a street frontage when determining number of permitted signs.
- D. Design, Construction, and Maintenance.
  - 1. All signs shall be designed, constructed, and maintained in accordance with the appropriate Building Code and Electrical Code as adopted by the City of Huntington. Except for banners, flags, temporary signs, and window signs, conforming in all respects with the requirements of the ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
  - 2. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.
  - 3. When an existing sign is removed, replaced, or repaired, all brackets, poles, wiring, and other supporting hardware that are no longer required must be removed, and any surfaces to which the sign may have been attached must be repaired or painted.

- E. Illumination. Each type of sign illumination must comply with the following standards:
1. External Illumination. An externally illuminated sign is characterized by the use of artificial light reflect off its surface.
    - a. External light sources intended to illuminate the sign face must be fully shielded and placed close to, and directed upon, the sign face.
    - b. Any light sources intended to illuminate surfaces behind a sign to produce a halo effect must be fully concealed from view.
  2. Internal Illumination. An internally illuminated sign is characterized by the use of artificial light projecting through its surface.
    - a. All lamps intended for internal illumination must be fully concealed.
  3. Direct Illumination. A directly illuminated sign is characterized by the use of exposed lamps, such as neon tubes, incandescent bulbs, or LED lights that have no shielding and are visible to the eye.
    - a. Direct illumination is limited to letters, numbers, symbols, and accents.
  4. Public Safety.
    - a. No direct or reflected light from the primary light source of a sign may create hazards for pedestrians, cyclists, or operators of motor vehicles.
    - b. Colored light must not be used at a location or in a manner so as to be confused with or construed as traffic control devices.
    - c. Blinking, flashing, fluttering, strobe-light effects, and streaming video are prohibited

#### **Section 1345.03      Prohibited Signs**

Unless specifically excepted in this Section, the following signs shall be prohibited in all zoning districts:

- A. Portable signs or attention-getting devices, flags, pennants, and banners except in compliance with the temporary sign regulations in Section 1345.04(F) and Table 1345 of this Article;
- B. Signs painted, attached, or in any other manner affixed to trees, rock, or similar natural surfaces, public utility poles, equipment, bridges, towers, or other similar public structures;
- C. Roof signs;
- D. Signs with moving, rotating, or oscillating parts, excluding tri-vision signs per section 1345.15.
- E. Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed to be a traffic-control sign or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal;
- F. No sign of any description shall be installed, erected, or maintained so as to obstruct any fire escape or any door or window leading to any fire escape, nor shall any sign of any kind be attached or affixed in any form or manner to a fire escape. (1964 Code Section 30-23)

#### **Section 1345.04      Exemptions**

The following signs shall be exempt from the permit requirements of this Article, except as they may interfere with traffic safety or in any other way become a public safety hazard, but must still follow applicable requirements:

- A. Maintenance and Non-structural Alterations: The following alterations and maintenance activities do not require a sign permit:
  - A. Painting, cleaning, or other normal maintenance and repair of a sign, provided no change is made to any structural or electronic component of the sign.

- B. Changing displayed information, the message of an existing changeable or electronic message component of a sign, or the sign face within an existing sign structure, provided that no change is made to any structural or electronic component of the sign.
- B. Decorations displayed for recognized holidays recognized by Federal, State, or local government or generally recognized by the community.
- C. Signs engraved or are otherwise a permanent component of a building, monument, tombstone, or other similar structure or are integrated into public-use equipment such as automatic teller machines, coin-operated machines, or vending machines.
- D. Signs erected by a public entity for a public purpose.
- E. Window signs that do not exceed fifty percent (50%) of the total area of the window in which they are located (see Section 1345.13).
- F. Temporary signs that are less than 12 square feet or Sidewalk Signs, subject to the limitations in Section 1345.14
- G. Signs promoting or assisting in the health and safety of persons or their personal property. Some examples might include, but are not limited to, trespassing signs, notification signs for emergency personnel, directional signs to promote orderly traffic flow and inform pedestrians of expected vehicular traffic on private property, provided that the sign does not exceed two square feet in sign surface area.

#### **Section 1345.05 Nonconforming Signs**

Any nonconforming sign may be continued only as provided in this Section.

- A. A nonconforming sign that was lawfully established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation, but that does not now comply with the provisions of this Ordinance, may be repaired, altered, or relocated on-site in accordance with Section 1345.02.D.
- B. Normal maintenance of a nonconforming sign may occur, including any necessary repairs and alterations which do not enlarge, extend, or intensify the nonconformity.
- C. No structural alteration, enlargement, or extension shall be made of a nonconforming sign, except when the alteration is required by law or will eliminate the nonconforming condition.
- C. Any sign that was not previously approved by the City of Huntington and that does not conform to these regulations (illegal signs) shall be removed at the expense of the owner.
- D. Should a nonconforming sign or sign structure be damaged, whether intentionally or unintentionally (including actions by an outside party or “acts of God”), to an extent greater than fifty percent (50%) of its physical structure or its market value, or temporarily or permanently removed by any means, it shall not be reconstructed or used except in conformity with the provisions of this article; unless all required permits for its reconstruction have been applied for within 180 days of when the sign or sign structure was damaged.

#### **Section 1345.06 Sign Measurement**

- A. Computation of Area of Individual Signs.
  - 1. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

2. Window signs printed on a transparent film and affixed to the interior or exterior of a windowpane are calculated as individual letters or features, provided that the portion of the film around the individual letters or features is fully transparent.
  3. If a sign has two or more faces, the area of all faces is included in determining the area of the sign, unless the two sign faces are placed back to back and are no more than two feet apart. In such case, the sign area is calculated as the area of one face. If the two faces are unequal in area, the area of the larger face is used to calculate sign area.
- B. Sign Height. Sign height is measured as the vertical distance from the base of a sign or sign structure, to the highest point of the sign or sign structure.
- C. Vertical Clearance. For signs attached to a structure, vertical clearance is measured as the vertical distance from the sidewalk level to the lowest point of the sign.

**Section 1345.07 Signs Permitted in Individual Zoning Districts**

The signs listed in Table 1345 shall be permitted in individual zoning districts, subject to any requirements listed in the Table and in each Subsection.

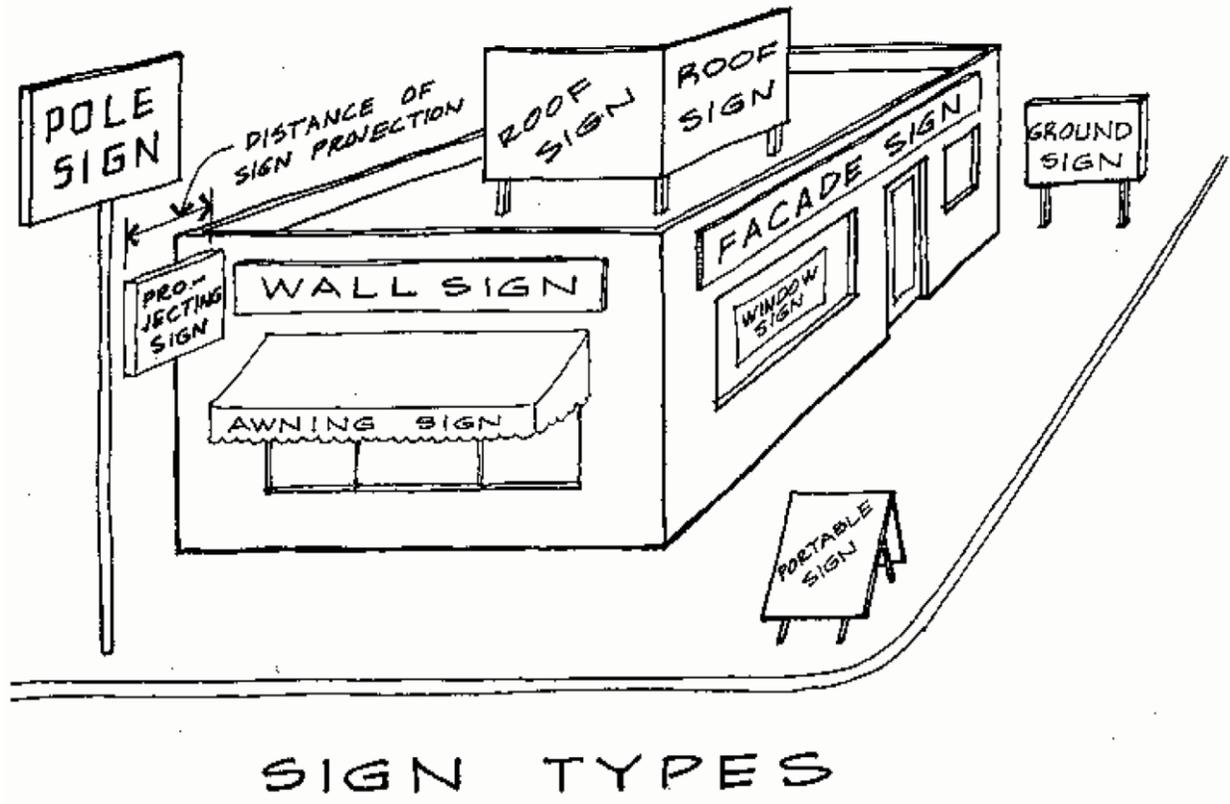


Figure 1345

Table 1345: Sign Types			
	Residential	Commercial	Industrial
<b>Changeable Copy Signs (Section 1345.08)</b>			
Permitted	YES	YES	YES

<b>Electronic Message Center Signs (Section 1345.09)</b>			
Permitted	CONDITIONAL	CONDITIONAL in C-1, YES in C-2 and C-3	YES
<b>Free-Standing Signs (Section 1345.10)</b>			
Permitted	YES	YES	YES
Maximum Number	1 per lot or parcel		
Maximum Surface Area	32 sq. ft.	C-1 and C-3 is 72 sq. ft. C-2 is 100 sq. ft.	72 sq. ft.
Maximum Height	5 ft.	20 ft.	20ft
Maximum Length	8 ft.	10 ft.	10 ft.
Minimum Setback from the Property Line	5 ft.	5 ft.	5ft
<b>Suspended/Projecting Signs (Section 1345.11)</b>			
Permitted	NO	YES	YES
Maximum Number		1 per street frontage	1 per street frontage
Maximum Sign Area		6 sq. ft.	40 sq. ft.
Maximum Height of Sign Surface		3 ft.	5 ft.
Minimum Clearance Above Ground or Sidewalk		9 ft.	9ft.
Minimum Spacing Between Signs		20 ft.	20 ft.
Setback		Building setback minus 4 ft.	Building setback minus 5 ft.
<b>Wall Signs (Section 1345.12)</b>			
Permitted	YES	YES	YES
Maximum Number	1 per establishment per street frontage		

Maximum Surface Area	See 1345.12.D	See 1345.12.C	See 1345.12.C
Maximum Height	See 1345.12.F	See 1345.12.E	See 1345.12.E
<b>Window Signs (Section 1345.13)</b>			
Permitted	NO	YES	YES
Maximum Surface Area	See 1345.13		
<b>Off-Premise Signs (Billboards) (See Section 1345.15)</b>			

### **Section 1345.08 Additional Standards for Changeable Copy Signs**

Changeable copy signs are signs with characters, letters or illustrations that can be changed or rearranged manually without altering the face or surface of the sign; are exempt from permitting; and shall be allowed as followed:

- A. In residential districts, changeable copy may be used on authorized free standing or wall signs for permitted civic and community uses only as listed in Article 1320. Signs utilizing changeable copy shall comply with sign size and illumination regulations for residential districts.
- B. In commercial and manufacturing districts, changeable copy may be used on authorized free standing or wall signs. Signs containing changeable copy shall comply with sign size and illumination regulations for commercial and manufacturing districts.
- C. In addition to other signs permitted under this Article, gasoline service stations may erect changeable copy signs advertising the prices of gasoline or other fuels, provided that the total of area of permitted signage is not exceeded.

### **Section 1345.09 Additional Standards for Electronic Message Centers**

An electronic message center (EMC) is an electrically activated display whose variable message and/or graphic presentation can be electronically programmed. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix, and shall comply with the following limitations:

- A. Display Requirements. Each electronic message that is displayed must be static and depicted for a minimum of 8 seconds before changing. Any change in an electronic message must be instantaneous, without scrolling, fading in, dropping in, or similar moving copy changes.
- B. All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to not exceed 0.3 foot candles at night.
- C. Any commercial messages on an electronic display sign in the C-1 C-2, C-3, and I-1 zones shall be limited to on premise products and services, otherwise said electronic display must conform to the regulations regarding Off-premise Signs (Billboards) as outlined in Section 1345.15, below.
- D. In commercial, and manufacturing districts, electronic message centers may be used on authorized free standing or wall signs. Signs containing electronic message centers shall comply with sign size and illumination regulations for residential, commercial, and manufacturing districts.
- E. An electronic display sign is Conditionally Permitted in the C-1 zone.

### **Section 1345.10 Additional Standards for Free-standing Signs**

The following sign types are considered free-standing signs:

- Monument sign - a freestanding sign attached to a pedestal or perimeter wall
- Pole sign - a freestanding sign constructed on a structure of one or more poles.

In addition to the regulations in Table 1345, all free-standing signs, except for temporary signs, shall comply with the following limitations and requirements:

- A. A free-standing sign shall have no more than two sign faces and a maximum of one free-standing sign is permitted per site;
- B. The area immediately surrounding the base and support structure of the sign shall be landscaped with evergreen vegetation; and
- C. No part of a pole sign may encroach upon a public right-of-way or overhang a drive aisle, parking space, or walkway.
- D. Connector/Freeway-Oriented Signs are signs oriented towards Interstate 64:
  1. Area of Sign - shall not exceed (200) square feet in area and shall have no more than two sign faces.
  2. Height - Signs shall not exceed (35) feet in height.
  3. Lighting - Signs may be internally or externally lighted. No exposed incandescent lamp shall be utilized.
  4. Connector for this purpose shall be defined as State Route 10, State Route 152 (5<sup>th</sup> Street Road), US Route 52 (Rahall Bridge approach), and the sign shall be limited to C-1, C-2, and I-1 zoned properties.

#### **Section 1345.11 Additional Standards for Suspended or Projecting Signs**

A suspended or projection sign is a two-sided sign that projects outward from the exterior wall of a structure. In addition to the regulations in Table 1345, all suspended and projecting signs shall comply with the following limitations and requirements:

- A. The sign shall be located in front of the establishment it serves and shall be of similar size, color and design as other suspended signs; and
- B. There shall be no more than one (1) such sign per establishment fronting on the marquee, overhang, or other building feature from which the sign is suspended.
- C. A projection sign which is suspended to allow the sign to swing due to wind action may not exceed six square feet in area.

#### **Section 1345.12 Additional Standards for Wall Signs**

A wall sign is a sign that is painted to, attached flat to, or mounted away from, but parallel to, any exterior wall of a structure. In addition to the regulations in Table 1345, all wall signs shall comply with the following limitations and requirements:

- A. The sign shall extend no further than twelve (12) inches from the wall to which it is attached;
- B. The sign shall be attached, painted, or adhered to the wall so that the face of the sign is substantially parallel to the wall;
- C. Commercial and Industrial Zones.
  1. In C-1 and C-3 Commercial zones, the maximum sign area shall be 1.5 square feet per linear foot of building facade within the Built-to Zone or on the Built-to Line, to include linear footage of exempted elements of the built-to requirements such as a forecourt or arcade. In the C-3 zone, any improved alley abutting a property shall be considered a street frontage when determining number of permitted signs.

- 2. In C-2 and I-1 zones, maximum sign area shall be 1.75 square feet per linear foot of building facade within the Built-to Zone or on the Build-to Line, to include linear footage of exempted elements of the built-to requirements such as a forecourt or arcade, but not to exceed 100 SF per establishment per right-of-way.
- 3. If no part of the building facade is in the Built-to Zone or on the Build-to Line, the Planner shall make a determination of the linear footage based on the building facade parallel and closest to the Build-to Zone or Build-to Line.
- 4. In the case of multi-occupant buildings, each tenant or owner may have a sign area not to exceed its proportionate share of the total allowable sign area for the building.
- D. In residential districts, multi-family apartment buildings and authorized non-residential buildings may have wall signs that shall not exceed two (2) feet in height or twelve (12) square feet in total area, and shall not obscure or cover any window, door, or architectural feature
- E. In commercial and industrial districts, wall signs shall be placed no higher than the height of the building and, if the sign projects further than three (3) inches from the wall, no lower than ten (10) feet above the ground level.
- F. No wall sign or wall bulletin shall be erected or maintained in such a manner as to permit the accumulation of paper, leaves, or trash behind the same.
- G. No wall sign or wall bulletin shall be erected and maintained so as to cover the doors or windows of any building, except by special permit authorized by the Chiefs of the Police and Fire Departments, or so as to prevent free ingress or egress from any window, door, fire escape of the building upon which it is erected (1964 Code Sec 30-15).
- H. Awnings: An awning sign is defined as a wall sign printed on any surface of an awning
  - 1. The content on the awning sign is calculated using the same measurements as wall signs according to the district in which it is located.
  - 2. Awnings may project out from the building and minimum clearance above the sidewalk with the same requirements as projection signs.

**Section 1345.13 Additional Standards for Window Signs**

In addition to the regulations in Table 1345, all window signs shall comply with the following limitations and requirements.

- A. The total area of all window signs on display at any one time, including temporary window promotional signs, shall not exceed fifty percent (50%) of the total area of the window in which they are located. A series of windows which are separated by frames less than six (6) inches in width shall be considered as a single window for the purposes of this computation.
- B. Window signs that do not exceed fifty percent (50%) of the total area of the window in which they are located are exempt from permits.

**Section 1345.14 Temporary Signs**

- A. No temporary sign shall encroach into any public right-of-way or obstruct the view of motorists in any required clear sight triangle; and
- B. No temporary sign is erected for more than 90 consecutive days, up to two times per calendar year.
- C. All signs shall be maintained in good structural condition, with no rips, tears, or other types of damage, at all times.
- D. All temporary signs are subject to the size requirements in Table 1345.14.E below.

**Table 1345.14.E: Temporary Sign Types**

Residential	Commercial	Industrial
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<b>Banner</b>		
Max area	24 sq. ft.	32 sq. ft.
Max Number	1 per lot	1 per street frontage
<b>Blade Signs</b>		
Max Height		18 ft.
Max Width		3.5 ft.
Max Number		2 per business per frontage
<b>Sidewalk Sign</b>		
Max Number		1 per business per street frontage
<b>Light Pole Banner Sign</b>		
Max Number		1 per pole

#### **Section 1345.15 Off-premise Signs (Billboards)**

- A. Off premise signs shall be permitted in the following zones:
- C-1 - Conditional Use
  - C-2 - Permitted
  - C-3 - Conditional Use
  - I-1 - Permitted
- B. Legal Nonconforming Off-premise signs. Any off-premise sign lawfully erected and in existence on the effective date of this ordinance which does not meet the requirements of this ordinance may be maintained as a matter of right as a legal nonconforming sign and may be rebuilt 100% or relocated on the same property, provided that the sign's degree of nonconformity is not increased. This includes loss of signs due to Acts of God.
- C. Size of Signs.
1. The maximum size area for any one face of an off-premise sign located on interstate roads shall not exceed 672 square feet excluded the base of apron, trim supports, and other structural elements. Temporary embellishments shall not exceed 20% of the maximum sign area allowed.
  2. The maximum sign area of any one face of an off-premise sign located on non-interstate roads shall not exceed 400 square feet excluding the base, or apron, trim supports, and other structural elements. Temporary embellishments shall not exceed 20% of the maximum sign area allowed.
  3. Sign may be back-to-back, V-type, and tri-vision with not more than one face to each facing and such structure shall be considered as one off-premise sign.
- D. Height of an Off-Premise Sign
1. An off-premise sign shall maintain a minimum clearance of ten feet measured from the ground level at the base of the sign to the bottom of the sign face.

2. An off-premise sign shall have a maximum height not to exceed 50 feet above grade level of interstate roadways to the bottom of the sign face and 35 feet above grade level of non-interstate roadways to the bottom of the sign face, as measured from the centerline of the roadway to which the sign is oriented. In no case, shall the height of a sign exceed the maximum height limitation of the zoning district in which it is located.
- E. Spacing for Off-Premise Signs
1. No off-premise sign may be established within 750 feet of any other off-premise sign, measured along the same side of the street or highway to which the sign is oriented.
  2. The spacing between signs does not apply to structures separated by buildings or other obstructions in such a manner that only one sign located within the spacing distances is visible from the street at any one time.
  3. Spacing from Directional and Official signs. On-premise signs, or any other signs which does not constitute an off-premise sign shall not be counted nor shall measurements be made from such signs for the purpose of determining compliance with these spacing requirements.
  4. No off-premise sign shall be constructed within 500 feet, measured linearly, along the same side of the street from a church, school, playground, park, recreation center, or community center.
  5. No billboard shall be constructed within 200 feet, measured linearly, along the same side of the street from a residential district.
  6. The minimum distance between off-premise signs shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs along each side of the highway and shall apply to structures located on the same side of the same street or highway.
- F. Setback Requirements
1. Front - 10 feet
  2. Side - 5 feet
  3. Rear - 5 feet
  4. In no case shall any portion of an off-premise sign overhang into or be placed in the public right-of-way unless allowed by the Director of Public Works.
  5. In no case shall any portion of an off-premise sign extend into the required buffer area as designed in Section 1347.05.
- G. Illumination (see Section 1345.02.E)
- H. Construction Standards. All off-premise signs shall be constructed in accordance with the building code of the City. The structural elements of all off-premise signs shall be of steel unipole construction.

### **Section 1345.16      Lighting**

In connection with every site plan, the applicant shall submit plans for all proposed exterior lighting. These plans shall include the location, type of light, radius of light, manufacturer's specification sheet and intensity in foot-candles. The following designs standards shall be followed.

- A. The style of the light and light standard shall be consistent with the architectural style of the principal building.
- B. The maximum height of free-standing lights shall be the same as the principal building, but not exceeding twenty-five (25) feet.
- C. All lights shall be shielded to restrict the maximum open angle of the cone of illumination to one hundred fifty (150) degrees.
- D. Where lights along property lines would be visible to adjacent residents, the lights shall be appropriately shielded.
- E. Spotlight-type fixtures attached to buildings and visible to the public shall be avoided.

- F. Free-standing lights shall be so located and protected to avoid being easily damaged by vehicles.
- G. Lighting shall be located along streets, parking areas, at intersections, and where various types of circulation systems merge, intersect, or split.
- H. Pathways, sidewalks and trails shall be lighted with low or mushroom type standards.
- I. Stairways, and sloping or rising paths, building entrances and exits require illumination.
- J. Lighting shall be provided where buildings are setback or off-set if access is provided at such points.
- K. The following intensity in foot-candles shall be provided.
  - 1. Parking lots - average of 0.5 foot-candles throughout.
  - 2. Intersections - 3 foot-candles.
  - 3. Maximum at property lines - 1.0 foot-candle.
  - 4. In residential areas - average of 0.6 foot-candles.

**Section 1345.17            Severability**

If any sections, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.