

Frequently Asked Questions

about the proposed Jefferson County Zoning Ordinance and Subdivision Regulations

- ***What zoning classification is proposed for my property?***

The proposed County Zoning Map provides the answer to this question. To determine the proposed zoning for your property(s), simply find your property on the map, ascertain the color shown on your property and consult the legend in the upper left corner of the map to determine the designation (e.g. Agriculture, Countryside, Residential etc.).

- ***How did you determine the zones on the zoning map?***

By and large the zone districts shown on the Zoning Map were delineated based on the existing use of the land and the prevailing lot sizes in existing developments. Areas developed into various parcel sizes are generally mapped based according to the “zone district” that best reflects these conditions. For example, areas where large parcels prevail are either zoned Agriculture or Countryside.

- ***If my land was zoned for “Residential Growth” or “Commercial-Industrial” on the current zoning map will it be the same on the proposed map?***

Not necessarily. There are over nine proposed zone districts that do not always correspond to the previous five districts. As already stated, the existing land use provided the basis for delineating districts on the proposed map. Areas currently zoned “Residential Growth” or “Commercial-Industrial” will be reconsidered when the County Comprehensive Plan is prepared during the coming year. The map is not a “plan map” or a “growth plan” map. Such maps are the province of a Comprehensive Plan and will likely be considered when the Comprehensive Plan is revised during the coming year or two. A Zoning Ordinance and Zoning Map are not a Comprehensive Plan or Plan Maps.

- ***What if I don't think the proposed zoning designation of my property is appropriate?***

If you feel the designation is not a fitting one based on your lot size or use of the property, you may submit a written request for consideration by the County for a change in designation. A simple form is available at the County Planning Office or you may submit a letter requesting such change. Your request should clearly describe the property address and include the tax map and parcel number for reference purposes. It should also indicate the zone designation you feel should be applied and why.

None of the proposed changes will be considered until the December 17, 2007, public comment deadline. At that time, the process for considering proposed amendments by the Planning Commission and the County Commissioners will begin.

- ***What can I do on my property? What uses can I make of my property? How can I use my property?***

Once you've identified the zone district in which your property is located, you will need to consult the zoning ordinance to answer this question. Tables **2.201A** and **2.201B** provide a list of uses on the left column of the table. The various zone districts are located near the first row of the table. Read across the row to find your district; then read down that column to see if a "P", "L", "C," or "N" is located in the column for each of the uses to the left. The P, L, C, and N are defined at the bottom of the table. If additional provisions apply with regard to a specific use, a reference to the additional provision section is provided in the far right column of the row in which the use is identified. For example, if you are trying to determine if you can conduct a home occupation or home business you will need to consult Sections 2.410 through 2.413 of the ordinance.

- ***If I want to subdivide lots on my property how many lots will be permitted?***

The number of lots into which a property may be subdivided depends on the zone district in which you are located. Once you identify the zone district applied to your property, consult tables **3.201A** and **3.201B**. The tables identify the Maximum Gross and Net densities of development permitted on the property for each zone district and also identify the minimum amount of open space that must be maintained. As shown in the table, the density and open space standards change depending on the form of development proposed. Generally speaking, as density increases so also does the requirement for additional open space to be maintained.

- ***Is the proposed ordinance more restrictive than the existing one with regard to the use of land on farms?***

No. The proposed ordinance permits a wider range of both farm-related and non-farm uses. These uses include: Agriculture and Farming, Viniculture, farm supply services, equipment repair and dealership, grain storage, animal hospitals and kennels, personal and commercial stabling, training horses and riding facilities, light automobile services, light industry, meat processing, trucking, welding, sheet metal and blacksmithing, warehousing, bed and breakfast facilities, country inns and farm markets among others.

The ordinance also permits modestly higher density in a cluster development form should a farmer need to develop lots to supplement farm income.

- ***Does the proposed ordinance limit the number of animals I can have on a farm?***

Yes. The June 2007 draft of the ordinance limited keeping of livestock to one animal unit per acre. Although the intent was to delete this provision it is still contained in the current draft. It is the intent of the Planning Department to recommend it be deleted in the final ordinance as it is largely unenforceable and may be inconsistent with State Law.

- ***Can I keep horses if I'm not zoned Agricultural?***

Yes. The ordinance permits both Stables for personal enjoyment of horses and Commercial Stables for breeding and training of horses in the Countryside and Estate Districts as well as the Agricultural District. The provisions for stables for the personal use of residents apply in any

district provided the lot is three or more acres in size and no more than one horse per acre of lot area is kept for personal enjoyment. Commercial stables are permitted in the Countryside (CS) or Estate (ES) district, provided such facilities are located on a minimum lot area of 10 acres or 1.2 acres per horse, whichever is greater. Barns or riding rings for commercial stables shall be set back at least 50 feet from all property lines. All other outdoor areas for riding, paddocks, or pastures shall be set back a minimum of 10 feet from all property lines.

- ***Will I be able to conduct a business in my home or on my property?***

Generally speaking the answer is yes. However, it depends on the nature and type of business you wish to conduct and the level of activity it generates. In Table 2.201A, Zone Districts for each category of home business are identified. There are four categories of home business provided for in the proposed ordinance. They include: home occupations, home businesses, home industries and home work space. More specific details regarding these categories are provided in later sections of Article 2. (See sections 2.410 through 2.413 for details)

- ***What about my current home business? Can I stay in business?***

Yes. Any home businesses known as a Home Occupation Level 2 under the 1988 code, as amended, that is in existence on the effective date of the proposed Ordinance and which is not located on a farmstead within the Agriculture (AG) or Countryside (CS) districts, shall be considered a conforming accessory use. However, two stipulations apply: 1) the home business may not be expanded or enlarged, and 2) if the home business activity is discontinued for a period of 12 months or longer, it may not be re-established.

- ***If I have an existing use on my property or an existing building on my property that doesn't meet the ordinance requirements or standards can I continue with my use?***

Yes, you can continue to use the property as you currently are, and you will not have to move or relocate any structures. Such uses and structures are treated as non-conforming uses and structures in Article 6 of the Zoning Ordinance.

- ***What's wrong with the current ordinances?***

The current ordinances depend on a development review system to guide development that has led to major subdivisions being located in scattered form throughout the County. Such development impacts farming, and leads to greater costs to provide public services. This sprawl pattern of development provides little or no control over where development or larger subdivisions may next occur. The pamphlet titled "Key Points" about the new ordinance provides comparisons between the existing and proposed ordinances and identifies additional deficiencies with the existing ordinance that limit its ability to provide the County with any real growth management program.

- ***What happens next in the process?***

There are several steps remaining in the process to adopt the zoning ordinance and subdivision regulations. They include:

1. Finish the initial round of 6 public meetings.

2. Compile and evaluate comments received during the meetings.
3. Prepare recommendations for change based on comments.
4. Revise the proposed texts and map (edits).
5. Compile a report and present it to the Planning Commission and County Commissioners.
6. Secure a recommendation and proposed zoning map from the Planning Commission for submission to the County Commissioners.
7. Conduct two formal public hearings prior to consideration by the County Commissioners for adoption.
8. Action taken by the County Commissioners to Adopt the Ordinances or reconsider for further study.

- ***How do I suggest a change in the proposed zoning text, zoning map or subdivision text?***

Your request must be in writing. Simple forms are available at the County Planning Office, or you may submit a letter requesting such changes. Each text change request should clearly describe the section of the Ordinance or regulations you proposed be changed. If possible, please provide specific language for the change. Map change requests should clearly describe the property address and include the tax map and parcel number.

None of the proposed changes will be considered until the December 17, 2007, public comment deadline. At that time, the process for considering proposed amendments by the Planning Commission and the County Commissioners will begin.

- ***Why is the proposed Zoning Ordinance so long?***

The proposed Jefferson County Zoning Ordinance is comprehensive, and thus lengthy - a total of 276 pages. But let's look at what constitutes the majority of these pages.

Legal definitions require 55 pages, and provisions for administration, procedures, and enforcement require another 37 pages. Standards for parking and lighting, and for landscaping and signs, in new developments requires another 42 pages. Twenty-seven more pages apply only to particular and/or temporary uses, for instance, home occupations, hospitals, garage sales, and model homes. Together these sections account for about 60% of the total draft.

While these sections are important overall for good public administration, it is the remaining 115 pages that address the four things that most people find most important in land use planning: what are the zoning districts, what can be built in each of these districts, how do we protect the environment, and how do we provide affordable housing.

- ***What is the impact of the Ordinance on build-out?***

No one can truly predict when build-out will occur. Our best estimate is that total build-out, if the ordinance is adopted, is to be between 190,000 and 200,000 residents. Over the next 30 years, fifty thousand new residents are anticipated assuming a sustained growth rate of 2.5% annually.

Perhaps of greatest importance is the fact that under the terms of the proposed ordinance, even at build-out, only 23,000 to 26,000 new residents are anticipated in all rural areas outside the towns and the delineated townscape boundaries as shown on the proposed zoning map. The rest of the population increase would be located within the Towns or areas adjacent to the Towns.

Under the terms of the present ordinance under the Development Review System or LESA, the population in the rural areas at build-out could be well over 90,000 new residents as compared to the 23,000 to 26,000 under the proposed ordinance.

- ***How reliable is any build-out scenario?***

No build-out scenario is more reliable than the quality of assumptions used to project or estimate future population. If worst case assumptions are used then the figures reflecting build-out can be excessive or higher.

Keep in mind the County ordinances can change over time through amendments. Such changes can dramatically affect any current assumptions or estimates regarding a build-out population.

- ***What are the Key Principles guiding development of the Ordinances?***

- Create a process and procedures to “manage growth” rather than be overrun by it.
- Balance developer needs and resident needs.
- Abolish LESA to ensure more fair process of review and approval.
- Provide farm owners more options to continue to provide for themselves.
- Protect natural resources.
- Provide predictability in growth.
- Reduce the incidence of variances.
- Better the quality of planned development.
- Provide more affordable housing.
- Protect open space.

- ***Can I subdivide lots from my property for immediate family members?***

Yes you can, provided you have enough land to do so. For example, in the agricultural district each lot can be 1 to 1.5 acres in area, but the number of lots is limited to one lot per nine (9) acres as currently proposed. In the Countryside District, lots can be only one acre in size, but you would need to allocate approximately 4.5 acres for each lot. Family lots can be served by a road that does not meet full county road standards, thereby reducing costs in comparison to a more traditional subdivision.

- ***Who is the new County Planning Director and what is his background?***

Tony Redman holds a Masters degree in Urban and Regional Planning from the University of Virginia and is a member of the American Institute of Certified Planners. Tony has over 30 years combined public and private practice experience in planning. He served as Deputy Director of Planning in Kent County, Maryland and Director of Planning in Talbot County, Maryland, from 1975 through 1984.

He established A.D. Redman Associates in July 1984, which later restructured as Redman/Johnston Associates, Ltd., in October 1985. In private practice he has served as a consultant to the Maryland Chesapeake Bay Critical Area Commission, and served as Chairman of the Planning Subcommittee of the Maryland State Planning Commission. He has prepared or directed preparation of community comprehensive

plans, growth management programs and land use regulatory ordinances for over 50 county and municipal governments in the states of Maryland, Delaware, Pennsylvania, Virginia, West Virginia, New York, South Carolina, and Washington.