



AGENDA
Jefferson County Planning Commission
Thursday, March 24, 2016, 7:00 PM

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street in the City of Charles Town.

All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed.

1. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.

There is no public comment for the remaining items.

2. Planning Commission Work Session (continued): Discussion on Envision Jefferson 2035 Comprehensive Plan recommendations regarding modifications to the LESA/Conditional Use Permit provisions of the Jefferson County Land Development and Zoning Ordinance as well as modifications to the Cluster Subdivision provisions of the Rural Zoning District (ZTA16-01).

All files are made available for public review Monday through Friday, 9:00 AM to 5:00 PM (excluding Holidays). The Planning Commission welcomes written comments at any time. Submitting a document no later than the Thursday before a scheduled meeting will provide the Commission an advanced opportunity to review your comments prior to the meeting. Please note that documentation and exhibits submitted at a Planning Commission meeting are retained as part of the official record. Feel free to submit your comments to office of the Departments of Planning and Zoning.

Any party desiring a transcript of these proceedings will be responsible for providing a competent stenographer at their own expense. Minutes, video and/or audio recordings of past meetings, the Jefferson County Subdivision Regulations, Zoning Ordinance and Comprehensive Plan, as well as any working proposed amendments are located on the Departments page within the County's website at www.jeffersoncountywv.org. Minutes and audio recordings of older meetings that are not on the County's website are available for review in the office.



Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

MEMO

To: Jefferson County Planning Commission

From: Jennifer Brockman, AICP, Director, Planning and Zoning

Date: March 24, 2016

RE: LESA/CUP Processes and Rural Zoning Cluster Development Provisions
Zoning Ordinance Text Amendments (PC File #ZTA16-01)

On March 8, 2016 the Planning Commission reviewed the proposed draft amendments to the Zoning Ordinance pertaining to eliminating the LESA/CUP Processes; developing a traditional CUP process for nonresidential uses in the Rural zone; and modifying the rural cluster provisions.

Please bring your full document from the March 8 meeting. We are only attaching the pages which reflect revisions. Any sections of the Ordinance which do not have any proposed changes have been removed from your packet.

All changes made by the Planning Commission on March 8 are highlighted in yellow.

Below is a list of items that Staff identified during the revision process or received direction to amend at the March 8 meeting. They are shown in track changes in your document (but not highlighted).

- Section 1.3D – “Applicants desiring inclusion of a use not specifically permitted in this Ordinance may apply for a text amendment, following the provisions outlined in Article 12 of this Ordinance.” (added as a result of discussion from March 8)
- Section 2.2 – Terms Defined:
 - Farm Market: PC recommended deleting the word “land” and changing to the word “farm”. Staff recommends keeping the word “land” and adding the word “farm” so as to not exclude property owners who may have a garden but not a full farm.
 - Green Space: PC requested that staff add a definition for Green Space to include criteria listed in Section 5.7.
 - Mixed Use Building: “A mixed use unit consisting of a commercial or office use and a residential use. The commercial or office use must be located on the first floor.” (PC directed change; staff drafted definition)
 - Open Space: amended definition to reflect the same definition as the Subdivision Regulations.

- Section 3.2 – Staff originally deleted #4 entirely; however, there will be a new CUP process and it seemed appropriate to maintain part of this section. Staff proposes amending to read “Determine sufficiency and completeness of applications for a Conditional Use Permit.”
- Section 4.6: Staff copied the text from Article 8, Sections 8.2 and 8.4 for ease of reference.
 - Recommended changing the term “Barns” to read “Housing for farm animals” since we receive a number of complaints pertaining to structures that are not specifically barns but that do house chickens, goats, etc. (change reflected in both Section 4.6 and Section 8.2)
- Section 4A.5J – Cottage Industry: since the Compatibility Assessment Meeting is being eliminated, staff had originally proposed replacing with a public hearing before the BZA. However, in this particular instance, staff is proposing to simplify the process for a Zoning Certificate Cottage Industry by eliminating CAM and requiring certified letters and posting a sign.
- Section 8.2: ~~Barns~~ Animal Housing and Feeding Pens
 - Recommended changing the term “Barns” to read “Housing for farm animals” since we receive a number of complaints pertaining to structures that are not specifically barns but that do house chickens, goats, etc. (change reflected in both Section 4.6 and Section 8.2)

Jefferson County Zoning and Land Development Ordinance

Jefferson County,
West Virginia

Prepared By
The Jefferson County
Planning Commission

Adopted July 7, 1988, As Amended
Amendments adopted by the County Commission, October 1, 2015

Office Consolidation

This document contains additions and amendments approved by the Jefferson County Commission on the following dates.

- (1) Amended by act of the County Commission, Effective May 4, 1989
- (2) Amended by act of the County Commission, Effective August 31, 1989
- (3) Amended by act of the County Commission, October 12, 1989
- (4) Amended by act of the County Commission, November 30, 1989
- (5) Amended by act of the County Commission, September 13, 1990
- (6) Amended by act of the County Commission, October 4, 1990
- (7) Amended by act of the County Commission, July 15, 1993
- (8) Amended by act of the County Commission, Effective May 18, 1996
- (9) Amended by act of the County Commission, Effective February 11, 1998
- (10) Amended by act of the County Commission, Effective July 1, 1998
- (11) Amended by act of the County Commission, Effective August 13, 1998
- (12) Amended by act of the County Commission, Effective October 14, 1999
- (13) Amended by act of the County Commission, Effective January 10, 2002
- (14) Amended by act of the County Commission, August 8, 2002
- (15) Amended by act of the County Commission, Effective November 7, 2002
- (16) Amended by act of the County Commission, Effective May 1, 2003
- (17) Amended by act of the County Commission, April 8, 2005 at 5:00 p.m.,
Invalidated and removed by Court Order February 26, 2008
- (18) Amended by act of the County Commission, Effective October 3, 2005
- (19) Amended by act of the County Commission, September 1, 2006
- (20) Amended by act of the County Commission, Effective September 28, 2006
- (21) Previously invalidated April 8, 2005 amendments that were reinstated by
Court Order on December 3, 2009
- (22) Added by act of the County Commission on March 10, 2011
- (23) Amended by act of the County Commission on July 7, 2011
- (24) Amended by act of the County Commission on November 3, 2011
- (25) Amended by act of the County Commission on November 10, 2011
- (26) Amended by act of the County Commission on January 2, 2014
- (27) Amended by act of the County Commission, Effective May 1, 2014
- (28) Amended by act of the County Commission, Effective June 1, 2014
- (29) Amended by act of the County Commission, Effective October 1, 2015

Note: On November 1, 2008, an ordinance was enacted to amend the ordinance adopted July 7, 1988, with all previous amendments, to replace non-traditional zoning with traditional zoning. On January 8, 2009, there was a stay of the November 1, 2008 Amended Ordinance due to a petition to place the ordinance on a future ballot for referendum and a return to the ordinance which was effective prior to November 1, 2008. The referendum did not result in the approval of the new ordinance.

- (* Unidentified amendment approved by the County Commission September 14, 1989
- (* Unidentified amendment approved by the County Commission January 1, 1997
- (* Unidentified amendment approved by the County Commission June 12, 1997
- (* Unidentified amendment approved by the County Commission December 10, 1998

Table of Contents, Zoning and Land Development Ordinance

ARTICLE 1: PURPOSE, JURISDICTION, APPLICATION, INTERPRETATION AND SEVERABILITY 9

 Section 1.0 Effective Date 9

 Section 1.1 Purpose 9

 Section 1.2 Jurisdiction..... 9

 Section 1.3 Application and Interpretation..... 10

 Section 1.4 Severability 10

 Section 1.5 Use of Technical Information..... 10

ARTICLE 2: DEFINITIONS 11

 Section 2.1 Definitions 11

 Section 2.2 Terms Defined 11

ARTICLE 3: ADMINISTRATION AND ENFORCEMENT 41

 Section 3.1 Administration 41

 Section 3.2 Zoning Administrator 41

 Section 3.3 Enforcement..... 42

 Section 3.4 Boards and Commissions²³ 43

ARTICLE 4: GENERAL PROVISIONS 47

 Section 4.1 Ordinance Deemed Minimum Regulations; Uniformity 47

 Section 4.2 Compliance with Ordinance 47

 Section 4.3 Nonconforming Uses 47

 Section 4.4 Prohibited Uses..... 48

 Section 4.5 Agricultural Uses Permitted Generally..... 50

 Section 4.6 Distance Requirements 50

 Section 4.7 Essential Utility Equipment..... 50

 Section 4.8 Buildable Lot 50

 Section 4.9 Traffic Visibility Across Corner Lots..... 51

 Section 4.10 Site Plan Requirements..... 51

 Section 4.11 Landscaping, Screening and Buffer Yard Requirements 51

 Section 4.12 Design Standards for Multi-Family Developments..... 53

 Section 4.13 Development Adjacent to the Potomac and Shenandoah Rivers 53

ARTICLE 4A: HOME OCCUPATIONS AND COTTAGE INDUSTRIES..... 55

 Section 4A.1 Home Occupation and Cottage Industry, General Standards 55

 Section 4A.2 Exempt Activities 55

 Section 4A.3 Home Occupation, Level 1 56

 Section 4A.4 Home Occupation, Level 2..... 56

 Section 4A.5 Cottage Industry 57

 Section 4A.6 Private Covenants Running with the Land 58

ARTICLE 4B: WIRELESS TELECOMMUNICATION FACILITIES..... 59

 Section 4B.1 Purpose and Legislative Intent 59

Section 4B.2	Classification of Wireless Telecommunication Facilities and Development Review Process	59
Section 4B.3	Exempt Facilities Allowed by Right	60
Section 4B.4	Concealed Wireless Telecommunication Facilities.....	60
Section 4B.5	Co-located Wireless Telecommunication Facilities	61
Section 4B.6	Temporary Wireless Telecommunication Facilities.....	62
Section 4B.7	Wireless Telecommunication Towers	63
Section 4B.8	Maintenance & Removal Bonds.....	68
Section 4B.9	Abandonment & Removal.....	68
ARTICLE 5:	DISTRICT ESTABLISHMENT; ZONING MAPS; DISTRICT BOUNDARIES; DISTRICT REGULATIONS	69
Section 5.1	Establishment of Districts.....	69
Section 5.2	Boundaries of Districts	69
Section 5.3	District Maps	69
Section 5.4	Residential Growth (RG) District.....	70
Section 5.5	Reserved	71
Section 5.6	Industrial - Commercial (IC) District	71
Section 5.7	Rural (R) District.....	72
Section 5.8	Residential-Light Industrial-Commercial (R-LI-C) District	75
Section 5.9	Reserved	76
Section 5.10	Village (V) District.....	76
Section 5.11	Neighborhood Commercial (NC) District	77
Section 5.12	General Commercial (GC) District.....	78
Section 5.13	Highway Commercial (HC) District.....	79
Section 5.14	Light Industrial (LI) District.....	79
Section 5.15	Major Industrial (MI) District.....	80
Section 5.16	Planned Neighborhood Development (PND) District.....	81
Section 5.17	Office / Commercial (OC) Mixed-Use District.....	84
Error! Hyperlink reference not valid.	Section 6.1 — Development Review System (DRS)	86
Error! Hyperlink reference not valid.	Section 6.3 — The Soils Assessment	86
Error! Hyperlink reference not valid.	Section 6.5 — Computation of Soils/Amenities Assessment.....	91
Error! Hyperlink reference not valid.	Section 7.1 — Purpose	92
Error! Hyperlink reference not valid.	Section 7.3 — General Development Review System Requirements.....	92
Error! Hyperlink reference not valid.	Section 7.5 — Planning and Zoning Staff Evaluation of the Development Review System..	94
Error! Hyperlink reference not valid.	Section 7.7 — Public Hearings for Development Review System	95

ARTICLE 8:	SUPPLEMENTAL USE REGULATIONS	96
Section 8.1	Adult Use Requirements.....	96
Section 8.2	Barns and Feeding Pens.....	96
Section 8.3	Bed and Breakfast.....	96
Section 8.4	Kennels	96
Section 8.5	Farm Brewery, Farm Winery, or Farm Distillery.....	97
Section 8.6	Farm Market	97
Section 8.7	Jails and Prisons.....	97
Section 8.8	Hunting, Shooting and Fishing Clubs.....	98
Section 8.9	Industrial and Commercial Uses.....	98
Section 8.10	Model Homes/Sales Offices	101
Section 8.11	Petroleum Products Refining or Storage	101
Section 8.12	West Virginia Legal Fireworks	101
Section 8.13	Dormitory	102
Section 8.14	Rural Reception/Event Facility	102
Section 8.15	Accessory Agricultural Dwelling Unit.....	102
ARTICLE 9:	EXCEPTIONS.....	105
Section 9.1	General.....	105
Section 9.2	Building Height Limitations	105
Section 9.3	Lot Area Modification	105
Section 9.4	Setback Modifications	105
Section 9.5	Projections Into Yards	106
Section 9.6	Accessory Structures	106
Section 9.7	Other Exceptions	106
Section 9.8	Seasonal Uses	107
ARTICLE 10:	PROVISIONS FOR SIGNS	109
Section 10.1	Purpose of Sign Provisions.....	109
Section 10.2	General Provisions.....	109
Section 10.3	Permitted Signs Without Zoning Permit	109
Section 10.4	Signs Requiring a Zoning Permit	110
Section 10.5	Special Exception Uses	111
Section 10.6	Zoning Certificate.....	112
ARTICLE 11:	OFF-STREET PARKING STANDARDS	113
Section 11.1	Non-Residential Parking Standards.....	113
Section 11.2	Residential Parking Standards.....	115
ARTICLE 12:	MAP AND TEXT AMENDMENTS	117
Section 12.1	Purpose	117
Section 12.2	Procedure for Amendment by County Commission.....	117
Section 12.3	Procedure for Map Amendment by Petition.....	118
Section 12.4	Procedure for Initiating a Zoning Ordinance Text Amendment.....	119
APPENDIX A:	RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE	123
APPENDIX B:	NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE.....	125
APPENDIX C:	PRINCIPAL PERMITTED <u>AND CONDITIONAL</u> USES TABLE	127

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Section 1.3 Application and Interpretation

- A. The terms of this Ordinance shall be applied to promote the intent in Section 1.1 and the Comprehensive Plan.
- B. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, or by other rules, regulations or ordinance, or by private restrictions, covenants or declarations, the provisions of this Ordinance shall control, except where stated specifically herein.
- C. Where a provision of this Ordinance is in conflict with another provision of this Ordinance the stricter regulation shall apply.
- D. If a proposed use is not one in the list of the ~~use~~ principal permitted or conditional uses in each zoning district, it shall be prohibited as though it was included in the list of prohibitions. Applicants desiring inclusion of a use not specifically permitted in this Ordinance may apply for a text amendment, following the provisions outlined in Article 12 of this Ordinance. ~~However, the use may be approved if the Development Review System demonstrates that the use is compatible and appropriate with the neighborhood and the use can be approved by the Board of Zoning Appeals as a conditional use.~~^{2, 17, 21}
- ~~D.~~E. All uses listed as principal permitted or conditional uses within a zoning district shall comply with the standards contained in this Ordinance and be developed subject to the Jefferson County Subdivision and Land Development Regulations.
- F. Amendments to this Ordinance shall not adversely affect specific decisions made by the Board of Zoning Appeals or conditions on a Conditional Use Permit dated prior to the adoption of such amendment. Determination of adverse affect shall be made by the Zoning Administrator.^{8, 17, 21}

Section 1.4 Severability

Should any article, section, subsection or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Zoning and Land Development Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.²³

Section 1.5 Use of Technical Information

Should any technical study, authorized by the Jefferson County Commission, become available after the adoption of this Ordinance, the County Commission shall authorize the Planning Commission to review such study to determine the extent that this Ordinance may need to be amended. Such studies may include, but, are not limited to, information on recreation, groundwater, hazardous wastes, and historic structures.²³

Changes that arise from this provision may include additions and/or deletions of sections in this Ordinance which would further encourage the proper management and preservation of our Natural and Cultural Resources. All such recommended changes are subject to Section 12.1.

Jefferson County median gross income for housing costs, including taxed and utilities.

Aggrieved or
Aggrieved Person^{17, 21}

A person who is denied by the Planning Commission or the Board of Zoning Appeals, in whole or in part, the relief sought in any application or appeals, or has demonstrated that he or she will suffer a peculiar injury, prejudice or inconvenience beyond that which other residents of the county or municipality may suffer.

Agricultural Use^{17, 21, 23}

The use of land for a bona-fide farming operation. This includes:

1. Commercial Agricultural Enterprise;
2. Agriculture, Ranching;
3. Aquaculture;
4. Apiculture;
5. Horticulture;
6. Viticulture;
7. Fish, meat, poultry and game birds processing, provided that fifty percent (50%) of the meat processed must be raised on the site farm of the processing facility for minimum periods of three (3) months for beef and pork and two (2) months for lamb and poultry;
8. Animal Husbandry; including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals;
9. Poultry husbandry and the production of poultry, game birds and poultry products;
10. Dairy production and processing of dairy products;
11. Equestrian uses;
12. The production of field crops including but not limited to tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, mushrooms, timber, pasturage, Christmas trees, maple sap, woody biomass, compost;
13. Pick your own farm products;
14. Agricultural tourism;
15. Farm vacation enterprise;
16. Farm brewery and winery subject to the requirements for such a use in Article 8;
17. Rental of garden plots;
18. Community supported agriculture;
19. The warehousing; processing, value added, drying, storage, distribution and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, husbandry or production;
20. Forestry

Agricultural Tourism

Agricultural Tourism or “Agritourism” describes the act of visiting a working farm or any agricultural, horticultural or agribusiness operation designed to encourage such visitation for the purpose of enjoyment, to be educated or to be involved in activities on the land.

Airport²⁷

Any area of land or water designated, set aside, used, or intended for use,

	<p>for the landing and take-off of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities, and devices, terminal buildings, and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways, and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility.</p>
Alternative Structure ²²	<p>For antenna-mounting purposes, a structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. The term Alternative Structure includes, but is not limited to, buildings, silos, water tanks, pole signs, lighting standards, steeples and electric distribution, electric transmission or other utility poles.</p>
Amenities	<p>Utilities, roadways, and public services which make a particular site more attractive for development. Section 6.4 governs the assessment of amenities as it relates to the Development Review System.</p>
Antenna Array ²²	<p>Two or more antennas that operate as components of a complete antenna suite for a single Wireless Telecommunication Facility.</p>
Antenna, Concealed ²²	<p>An antenna that is designed and/or erected on or in a building or alternative structure in such a way that it blends in with the existing façade and/or is located in such a way that it is not readily visible or discernible to the average individual at the adjacent street level.</p>
Antenna ²²	<p>Any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, Personal Communications Services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas.</p>
Appalachian Trail Overlay District ²²	<p>For purposes of the Wireless Telecommunication Facilities Ordinance, the area within one mile of the centerline of the Appalachian Trail.</p>
Appliance Sales ²⁷	<p>Use of a site for indoor sale of nonportable equipment used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers, and stoves.</p>
Applicant ²³	<p>Any person seeking to develop land, initiate a land use, obtain approval pursuant to the requirements of this Development Review System Ordinance, or request an appeal from or variance to this Ordinance.</p>
Area, Land	<p>Land area refers to new land area, exclusive of streets and other public space.</p>
Art Gallery or Artist Studio ²⁷	<p>The use of a site for (a) an establishment engaged in the sale or exhibit of art works including but not limited to paintings, sculpture, knitted goods, or pottery; and/or (b) work space for one or more artists, artisans, or craftspersons, who may offer instruction in the creation of art works.</p>

automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.

Caretaker Residence ²³	An accessory residential structure for the use of a caretaker or security guard
Cell on Wheels “COW” ²²	A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
Change of Use ²³	Any use which is different than the previous use of a building or land, or any change in the North American Industry Classification System (NAICS) code in utilizing the Development Review System.
Church ²³	A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
Clustering ^{5, 23}	Grouping structures in closely related groups at higher densities than normally permitted in certain areas in order to preserve other areas as parks, recreational areas or sensitive natural areas. Overall density of the total parcel <u>does not change unless otherwise provided for in this Ordinance</u> remains within acceptable limits. See Section 5.7 for minimum area per dwelling unit and minimum lot area.
Co-location ^{10, 22}	For purposes of regulating commercial wireless telecommunication facilities, co-location means the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. Co-location includes antennas, combiners, transmitters, receivers and related electronic equipment, cabling, wiring, equipment enclosures and other components or improvements associated with a wireless telecommunication facility.
Commercial Agricultural Enterprise ^{17, 21}	Farm operations which will: A. Contribute in a substantial way to the area’s existing agricultural economy; and B. Help maintain agricultural processors and established farm markets. When determining whether a farm is a part of a commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered.
Commercial Blood Plasma Center ²⁷	The use of a site as a facility for the donation or sale by individual donors of blood plasma and other blood products, with the exception of whole blood. This land use does not include a blood bank.
Commercial Wireless	Persons or entities who operate radio systems requiring an FCC license

Service Provider ²²	and who employ those facilities to provide point- to-point microwave links for wireline communication services (or connectivity between adjacent antenna sites), fixed wireless (including microwave), or mobile wireless communication services to third parties for compensation. Commercial Wireless Service Providers include, but are not limited to Cellular, Personal Communication Services (PCS), Specialized Mobile Radio (SMR), Enhanced Specialized Mobile Radio (ESMR), paging, Competitive Local Exchange Carriers (CLEC) utilizing point-to-point microwave, and other point-to-point microwave links for wireline communication service.
Commercial ¹	Any wholesale, retail or service business activity established to carry on trade whether or not for profit.
Commission ^{17, 21}	The Jefferson County Planning Commission.
<u>Community</u>	<u>A location that primarily consists of a group of people who share common interests in the area of which they live. A Community includes, but is not limited to, a subdivision.</u>
Comprehensive Plan	A composite of mapped and written text, the purpose of which is to guide the systematic physical development of the County and is adopted by the County Commission.
Conditional Use Permit	A permit issued <u>for a Conditional Use</u> upon <u>approval of the Board of Zoning Appeals which may be subject to conditions or additional requirements</u> completion of the Development Review System which that <u>would</u> allows for the proper integration of <u>a</u> compatible uses into the a community.
Conditional Use ^{17, 21, 23}	A use <u>included on the Principal Permitted and Conditional Uses Table (Appendix C)</u> which because of special requirements or characteristics, may be permitted in a particular zoning district only after review by the Board of Zoning Appeals and upon issuance of a conditional use permit, and subject to the limitations and conditions specified in the Zoning and Land Development Ordinance.
Condominium ⁵	A common interest community in which portions of the real estate are designated for separate fee simple ownership of cubic air interior spaces and the remainder of the real estate is designated for common ownership solely by the owners of those portions. Said common interest community may be residential, commercial or industrial depending on other provisions of this Ordinance. All such projects are subject to the West Virginia Uniform Common Interest Ownership Act. In the event that a specific requirement within the Uniform Common Interest Ownership Act is inconsistent with a commercial or industrial project, that specific requirement shall not apply.
Contiguous ^{17, 21}	Lots, parcels, municipal boundaries or county boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine lots,

Day Care Center, Large ²³	A facility: (1) licensed by the state, if applicable; (2) providing care for six or more children or adults who do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight; and (3) which may include some instruction.
Day Care Center, Small ²³	A facility: (1) in a dwelling unit; (2) licensed by the state, if applicable; (3) providing care for five or fewer children or adults who (except for family members) do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight. Family members who receive care in the facility are not included in the total; and (4) which may include some instruction.
Department ²²	The Jefferson County Planning and Zoning Department.
Development	The subdivision of land; construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, installation of a sign; and any mining, landfill or land disturbance, such as grading, paving and excavation.
Development Review System	A numerical rating system designed to assess a particular site's development potential based on soils and amenity criteria cited within this Ordinance.
Discernible ²²	Capable of being distinguished with the eye or mind from its surroundings as a telecommunications tower.
Dormitory ^{13, 23}	A building used for sleeping accommodations where such building is used accessory to a permitted use of land.
Dry Cleaning and Laundry Facility ²⁷	A facility at which clothing and other fabrics are dry-cleaned or laundered for customers, utilizing processes which are in compliance with applicable state and federal laws.
Dry Cleaning and Laundry Services ²⁷	The use of a site for customer drop-off and pickup of clothing or fabrics, to be laundered or dry-cleaned at an offsite location. This use does not include use of a site as a Dry Cleaning and Laundry Facility.
Dwelling Unit ^{7, 23}	One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, occupied by no more than one family, and containing no more than one independent food preparation area together with facilities for sleeping and bathing.
Dwelling, Detached	A building containing only dwelling units surrounded by yards or other open area on the same zoning lot.
Dwelling, Duplex ²³	A combination of no more than two single-family dwelling units, with each individual dwelling unit located on its own legal lot, and sharing a common lot line and a common vertical wall.
Dwelling, Multi-Family ²³	A building containing three or more dwelling units, which may include rental or condominium residential units.

- A. Local serving;
- B. Nonlocal or transmission through county or municipality; and
- C. Water and sewer systems, the activities of which are regulate, in whole or in part, by one or more of the following state agencies:
 - 1. Public Service Commission;
 - 2. Department of Environmental protection; or
 - 3. Department of Health and Human Resources.

Expanded Use	The further development of a developed site.
Exterminating Services ²⁷	The use of a site for the eradication or control of rodents, insects, or other pes with incidental storage on sites other than where the service is rendered.
FAA ²²	Federal Aviation Administration.
Family ²³	Any of the following cases constitutes a family: <ul style="list-style-type: none">A. An individual; orB. Two (2) or more persons related by blood, marriage or adoption, or under approved foster care; orC. A group of not more than six (6) unrelated persons living together and sharing living areas in a dwelling unit; orD. A group of persons occupying a dwelling unit meeting the definition of a Residential Care Home.
Farm Brewery ²⁶	An agricultural use that entails the manufacturing of beer in accordance with the requirements of the West Virginia Code. A farm brewery is also subject to the requirements of Section 8.5 of this Ordinance.
Farm Distillery ²⁶	An agricultural use licensed as a “Mini-distillery” pursuant to the West Virginia Code, and meeting the requirements for a “Mini-distillery” in §60-1-1 et seq of the West Virginia Code as amended. A farm distillery is also subject to the requirements of Section 8.5 of this Ordinance.
Farm Market ²³	<u>A producer-operated Mmarket for the sale of farm products <u>grown or produced on the land or landfarm on which the market is located</u>, and products incidental to farm products.</u>
Farm Vacation Enterprise ²³	A farm adapted for use as a rural vacation area, which may include picnicking and sporting areas, fishing waters, camping, scenery, nature recreation areas, and similar uses. The site may contain up to 5 lodging units.
Farm Winery ²⁶	An agricultural use licensed as a “Farm winery” pursuant to the West Virginia Code, and meeting the requirements for a “Farm winery” in §60-1-1 et seq of the West Virginia Code as amended. A farm winery is also subject to the requirements of Section 8.5 of this Ordinance.
<u>Farmer’s Market</u>	<u>A multi-stall market at which farmer-producers congregate to offer for sale agricultural products directly to the general public at a central or fixed location, particularly fresh fruit and vegetables (but also meat products, dairy products, and/or grains). Generally located in commercial zoning</u>

districts unless a part of an approved Commercial Agricultural Enterprise.

FCC ²²	Federal Communications Commission.
Flood-prone Area	Areas subject to the one hundred (100) year flood as determined by the Flood Insurance Study prepared by the Federal Insurance Study prepared by the Federal Insurance Administration for Jefferson County, dated April 15, 1980, as may be amended.
Flood-prone Soils	Any area designated as flood-prone soils in the Soil Survey of Jefferson County, West Virginia prepared by the Department of Agriculture, Soil Conservation Service.
Food Preparation ²⁷	An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption. This use includes food preparation for catering.
Frontage, Street	All property on the side of a street between two intersecting streets (crossing or ending), or if the street is a dead-end, then all property abutting on one side between an intersecting street and the dead-end of the street.
Functionally Equivalent Services ²²	FCC licensed providers of Commercial Mobile Radio Services (CMRS) classified as Cellular, Personal Communication Services (PCS), Paging, Specialized Mobile Radio (SMR) and Enhanced Specialized Mobile Radio (ESMR).
Gambling Facilities ²⁷	The operation or conducting of any games played with cards, roulette wheels, dice, craps, slot machines, video lottery terminals, mechanical, electro-mechanical, or electronic amusement devices or machine for the return of money, cash, or prizes, or anything that could be redeemed for money, cash, or prizes. This definition does not apply to games of chance operated by charitable organizations licensed under West Virginia state law.
Gas Station ²⁷	Buildings and premises for the supply and retail dispensing of motor fuels. Accessory uses may include minor servicing and repair of automobiles; and sale of lubricants, batteries, tires, motor vehicle accessories, beverages, food, tobacco products and other retail merchandise; a car wash; and up to fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. A gas station shall be classified as a “Gas Station, Large” if it exceeds any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.
Gas Station, Large ²⁷	A gas station (as defined in this Ordinance) exceeding any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.
Gas Station, Limited ²⁷	A gas station (as defined in this Ordinance) limited to two fuel pump islands and a total of two fuel pumps. A Gas Station, Limited land use

may include as an accessory use a convenience store with a gross floor area not to exceed 1,000 square feet.

Glare

The effect produced by brightness sufficient to cause annoyance, discomfort, or lessen visual performance and visibility.

Golf Course²⁷

A facility for the playing of golf. A golf course may include a clubhouse with rest rooms and locker rooms, may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales; and may include a restaurant as an accessory use.

Governmental User²²

Federal, state or local governments, or agencies or instrumentalities thereof, volunteer fire departments or rescue squads which operate radio systems (including microwave) requiring an FCC license, and which employ those facilities exclusively for intra-governmental or inter-governmental public service, public safety or administrative purposes.

Green Space

Land required to be set aside under Section 5.7 Cluster Provisions, for the purpose of reining active or passive farmland, wooded or forested areas, significant natural or environmentally sensitive features, historic structures and/or core battlefields, and parks. Green space may include open space as defined herein.

Land indicated as green space in a cluster development shall be permitted to maintain one single family dwelling unit and may be in private ownership or a homeowner's association.

Grocery Store²⁷

An establishment in which most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which carry a broader range of merchandise than convenience stores.

Gross Floor Area²⁷

The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed as provided in the Jefferson County Subdivision and Land Development Regulations.

Group Residential Facility²³

A facility which is owned, leased or operated by a behavioral health service provider and which: (1) Provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled; (2) is occupied as a residence by not more than eight individuals who are developmentally disabled and not more than three supervisors or is occupied as a residence by not more than twelve individuals who are behaviorally disabled and not more than three supervisors; (3) is licensed by the Department of Health and Human Resources; and (4) complies with the State Fire Commission for residential facilities. Per Chapter 17 of the West Virginia Code, as amended, a Group Residential Home shall be a permitted residential use of property for the purposes of zoning and shall be a permitted use in all zones or districts.

processing and custom manufacturing. This category includes welding services.

Massage Parlor⁷

An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, certified massage therapist, or similar professional person licensed by the State. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Medical/Dental/
Optical Office, Small²³

A medical, dental, or optical office limited to two practitioners.

Medical/Dental/
Optical Office²⁷

A facility other than a hospital where medical, dental, optical, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates licensed primary practitioners (for example, chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc.) within a single office suite.

Mixed Use Building

A mixed use unit consisting of a commercial or office use and a residential use. The commercial or office use must be located on the first floor.

Mobile Home Park

A lot, site, or parcel of land used or intended to accommodate two (2) or more mobile homes for residential purposes with adequate public or community water and sewerage service meeting Health Department standards. A mobile home park does not include mobile home sales lots, which unoccupied mobile homes are parked for inspection and sale. This term includes all buildings, structures, vehicles, accessories and appurtenances used or intended as equipment in such a park.

Mobile Home, Boat and
Trailer Sales²⁷

Use of a site for the sale, rental or servicing of mobile homes, boats and trailers. This use includes outdoor display of items for sale or rent, and accessory retail sale of merchandise related to mobile homes, boats and trailers. This use does not include a gas station.

Mobile Home²³

A detached structure with the following characteristics: It is designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, and it is designed for transportation after fabrication on streets or highways on its own wheels, or on flatbeds or other trailers, or detachable wheels, and it arrives at the site where it is to be occupied complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. A mobile home is distinct from a manufactured home.

Model Home/ Sales Office ²³	A dwelling unit temporarily used for display purposes as an example of dwelling units available for sale in a residential development approved by Jefferson County. Model homes may include sales offices for dwellings within the development.
Modular Unit	A factory-fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure for residential, commercial, educational, or industrial uses.
Monopole ^{9, 22}	A support structure constructed of a self-supporting hollow metal tube securely anchored to a foundation.
Motor Vehicle ^{17, 21}	Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or other public ways.
Movie Theater ²⁷	A building containing audience seating and one or more screens and auditoriums intended for the viewing of films. A movie theater may contain a lobby and refreshment stand, and may include service of food and beverages to seated patrons. Incidental use of a movie theater for community events and live performances is permitted. This use does not include an adult use or a bar/nightclub.
Multi-Residential Use	A deeded lot or parcel on which two or more dwelling units is located.
Natural Undisturbed Conditions ⁵	This exists where the terrain has not been altered in form by human activities such as cutting, filling, blasting or leveling and where natural vegetation exists.
Natural Vegetation ⁵	This occurs when a property is allowed to revert to a wild condition with native plants. No cutting, trimming or cultivation takes place in areas of natural vegetation.
Neighborhood ^{17, 21}	An area generally confined to a one-mile radius from the perimeter of a proposed development.
Nightclub ²⁷	A commercial establishment where the primary activity is dancing and musical entertainment and in which alcoholic beverages are dispensed for consumption on the premises. This use may include live entertainment (other than an adult use) that complies with Jefferson County noise restrictions.
<u>Nonconforming Lot</u>	<u>A lot or parcel that lawfully existed at the time this Ordinance became effective and which does not conform with the dimensional requirements of the district in which it is located. This includes the dimensions, acreage, and/or access, etc. Any new lines of division within a subdivision of a parcel that is a nonconforming lot shall meet the regulations of this Ordinance.</u>
Nonconforming Use	A <u>land</u> use of a building or of land that lawfully existed ed at the time this Ordinance became ame effective and which does not conform with the use regulations of the district in which it is located. Any new lines of division

~~within a subdivision of a parcel that is a nonconforming use shall meet the regulations of this Ordinance.~~

Nonconforming Structure A building that lawfully existed at the time this Ordinance became effective and which does not conform with the site coverage, setback, height, open space, or other regulations describing the physical development standards of the district in which it is located. Any new lines of division within a subdivision of a parcel that contains a nonconforming structure shall not create a further nonconformity and shall meet the regulations of this Ordinance.

Non-Residential^{17, 21} A commercial, industrial, or institutional use.

~~North American Industry Classification System (NAICS)²³ A system to classify business establishments according to type of economic activity.~~

Nursing or Retirement Home This term includes rest homes, nursing homes, convalescent homes for children and homes providing chronic and convalescent care.

Open Space ~~Land within a proposed development site excluding areas devoted to buildings, structures, roadways and parking.~~
Land area to be left undeveloped as part of a natural resource preservation, recreation, bufferyards, or other open space provision of these Regulations. Open space excludes areas in lots, street right-of-ways, or parking. Private open space is deisgned and intended for common use and the enjoyment of the residents. Public open space is designed and intended for common use and the enjoyment of the residents of Jefferson County.

Parking, Commercial Offsite Accessory²⁷ Use of a site for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot, and which contains parking space rented to the general public or reserved for individuals by the hour, day, week, or month.

Pawn Shop Services²⁷ An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. This use does not include a Bank.

PCS²² Personal Communication Services.

Performing Arts Theater²⁷ An establishment for the performing arts with seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions. Incidental use of a performing arts theater for community events is permitted. This use does not include an adult use or a bar or nightclub.

Personal Services²⁷ Establishments primarily engaged in providing individual services generally related to personal needs of a non-medical type, including barber shops; beauty salons; chiropractic clinics; clothing rental; dry

cleaning and laundry services (as defined in this Ordinance); duplicating services; garment repair, pressing, and tailoring; massage therapy provided by licensed massage practitioner; photographic studios; psychic readers; real estate; self-service laundromat; shoe repair; spas; tanning salons; travel agencies; video rental stores and other similar establishments.

Plat²³

A scaled, graphic drawing of a land subdivision project prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance. A plat depicts the design and layout of a project as well as the location of existing and proposed property boundaries and easements. A plat also includes all terms, conditions and performance requirements established prior to the approval of a subdivision.

Preliminary Plat²³

A professionally prepared drawing of a proposed subdivision which is not a record plat but which contains detailed information concerning the proposed development, and is prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance.

Preschool²³

Use of a site for the provision of pre-elementary educational services on a scheduled basis to children through kindergarten. If the West Virginia Department of Education establishes requirements for a preschool, the land use shall meet these requirements.

Primary Public Safety Provider²²

An FCC licensed governmental user that uses wireless telecommunication facilities to provide primary communications for law enforcement, fire, ambulance or related emergency services. Primary Public Service Provider does not include Commercial Wireless Service Providers, or Competitive Local Exchange Carriers (CLEC), who provide telecommunication services on a commercial basis to Primary Public Service Providers, or who deliver emergency calls or messages from its customers to a Public Safety Answering Point (PSAP).

Principal Permitted Use²³

Any use included on the Principal Permitted and Conditional Uses Table (Appendix C) which is or may be lawfully established in a particular district, approved by the Departments of Planning and Zoning without requirement of Development Review System review or approval by a board or commission, provided the use conforms with all applicable requirements of this Ordinance. Such use does not include Conditional Uses as defined in this Ordinance.

Principal Use²³

The primary or predominant use of any site.

Printing and Publishing²⁷

A printing operation of an industrial scale, involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing. This use may include the production of books, magazines, newspapers and

radome on a monopole that does not exceed the diameter of the monopole, or interlaced within or atop an electric distribution tower.

Wireless
Telecommunication
Facility^{9, 22}

A facility consisting of the equipment and structures involved in transmitting or receiving telecommunications or radio signals to or from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Zoning Ordinance,
Map Amendment²⁵

An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted in within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.

Zoning Ordinance,
Text Amendment²⁵

An amendment to the text of the Zoning Ordinance resulting in a change in the language of the Ordinance that applies to all similar property county-wide, such as a change in principal permitted or conditional uses in a district.

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ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

Section 3.1 Administration

- A. The provisions of this Ordinance will be governed by the County Commission or the Zoning Administrator and Staff in accordance with §8A-1-1 et seq of the West Virginia State Code, as amended. With enactment of the Ordinance, the County Commission shall designate a Zoning Administrator for the day to day administration of the ordinance.^{5,17,21}
- B. An appeal to this Ordinance, however, may be made to the Jefferson County Board of Zoning Appeals subject to the provisions of §8A-1-1 et seq of the West Virginia Code, as amended.^{17, 21}
- C. The Jefferson County Board of Zoning Appeals shall evaluate all Development Review conditional use applications and approve or deny issuance of a conditional use permit.^{2, 17, 21}
- D. All departments, officials, and public employees of Jefferson County which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building, or purpose if the same would be in conflict with the provisions of this Ordinance.

Section 3.2 Zoning Administrator

- A. The Zoning Administrator shall administer and enforce the Zoning and Land Development Ordinance. This includes but is not limited to the following:²³
 1. Make determinations that all applications required by the Ordinance are complete and that all fees are paid.
 2. Interpret the provisions of the Ordinance as required by law.
 3. Issue Zoning Certificates as permitted by the Ordinance.
 4. Determine sufficiency and completeness of applications for a Conditional Use Permit. ~~Calculate the LESA point scores and determine the adequacy of the Support Data for all applications for a Conditional Use Permit.~~
 5. Issue all permits and Certificates as permitted by the Ordinance.
 6. Prepare and submit reports as required by the Ordinance or the Board of Zoning Appeals or Planning Commission.
 7. Conduct meetings and conferences pursuant to the Zoning and Land Development Ordinance.^{17, 21, 23}
- B. Any decision or action by the Zoning Administrator based on Section 3.2A above is subject to appeal to the Board of Zoning Appeals.^{17, 21}
- C. It shall be unlawful to develop, construct, alter, or reconstruct any structure or to change the use of any structure or property without first obtaining a zoning certificate from the Zoning Administrator. This provision may not apply to the general maintenance or repair or any addition deemed not a major addition as defined in Section 2.2 of this Ordinance.^{17, 21, 23}
- D. Each application for a zoning certificate shall be accompanied by a copy of an approved site plan, if applicable, or by a legible drawing either drawn to scale or accurately indicating dimensions which show property boundaries and existing and proposed structures and other proposed changes or land development. The plans shall be retained in the office of the Departments of Planning and Zoning.^{17, 21, 23}
- E. Use of any property, developmental arrangement, or construction on any property other than that authorized in the zoning certificate is a violation of this Ordinance. All provisions of this Ordinance and amendments shall be maintained perpetually.

- F. The Zoning Administrator shall approve or disapprove issuance of a zoning certificate within sixty (60) days of the initial filing date providing the application is complete and fees are paid when filed and the request is in compliance of the provisions of this Ordinance.^{17, 21}
- G. A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months. Pursuant to Chapter 8A of the West Virginia Code as amended, a Zoning Certificate or Conditional Use Permit associated with a subdivision or land development plan - whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010 - shall remain valid until July 1, 2012, provided that the land development plan or plat received at least preliminary approval by the Planning Commission or County Commission by March 1, 2010.^{17, 21, 23}
- H. A filing fee, in accordance with the County fee structure, shall be charged for all zoning certification.

Section 3.3 Enforcement

- A. The Zoning Administrator or Staff shall promptly investigate any written complaint alleging a violation of this Ordinance and determine if a violation has occurred.^{17, 21}
- B. As provided in §8A-1-1 et seq of the West Virginia Code, as amended, any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty (\$50.00) or more than five hundred dollars (\$500.00) per day. Each day during which any violation of this Ordinance continues shall constitute a separate offense.^{5, 17, 21}
- C. When it appears to the Board of Zoning Appeals or the Zoning Administrator or Staff that a violation of this Ordinance has occurred, the County shall notify the responsible person by means of a written Violation Notice. The Violation Notice shall specify the nature of the violation and shall request that the violation be terminated within 15 days from the date appearing on the Notice. Failure to terminate the violation within the requested time shall be cause for the Board of Zoning Appeals or the Zoning Administrator or Staff pursuant to §8A-10-1, 2 and 3 of the West Virginia Code, as amended, to:^{17, 21, 23}
 - 1. Seek an injunction in the Circuit Court of Jefferson County to restrain the responsible person from continuing the violation cited or seek an injunction requiring the removal of structures or land uses from the property involved; or,
 - 2. Issue a warrant for the arrest of the person responsible for the violation and seek a conviction in the Circuit Court of Jefferson County.

Section 3.4 Boards and Commissions²³

A. Board of Zoning Appeals

1. The Board of Zoning Appeals will consist of five members to be appointed by the County Commission. Their terms of office, succession, removal, filing of vacancies, and their powers and duties shall be provided in Chapter 8A of the West Virginia Code, as amended.
2. Meetings of the Board of Zoning Appeals shall be conducted according to the Rules of Procedure adopted by the Board of Zoning Appeals. In the event of a conflict between this Ordinance and the Rules of Procedure, the Rules of Procedure shall prevail.²
3. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official in regard to the enforcement of this Ordinance or of any ordinance adopted thereto.
 - a. Filing an Appeal
 - i. An appeal to the Board may be taken by any person, board, associate, corporation or official allegedly aggrieved by any administrative decision based or claimed to be based, in whole or in part, upon the provisions of this Ordinance. The property owner of the subject appeal shall sign the application or an affidavit allowing an agent for the property owner to file the application which shall be submitted.
 - ii. Such appeal shall be filed with the Board within thirty (30) days from the decision appealed.
 - b. Notification
 - i. Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing.^{5, 17, 21}
 - ii. The subject property shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days before the hearing. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant. The Board, in its discretion, may otherwise visit the specific property prior to or after the hearing.
 - c. Public Hearing
 - i. The Board shall hold a hearing within forty-five (45) days of the date the appeal is received in the Departments of Planning and Zoning. At the hearing, any party may appear and be heard in person or by agent or attorney.^{5, 8, 17, 21}
 - ii. The Board shall render its determination on the application no more than thirty (30) days following the public hearing by registered mail.
 - d. Continuance of Hearing
 - i. The Board may continue a hearing at another time and/or date once such hearing has been started; however, the Board shall announce the date and hour of continuance of such hearing while in session. Any hearing continued shall be held within thirty (30) days from the initial hearing.
4. The Board of Zoning Appeals shall consider requests for variances from the terms of the Ordinance.²³
 - a. The Board shall approve a variance request if the Board finds that a variance:
 - i. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;

- ii. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
 - iii. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
 - iv. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.^{17, 21}
- b. The owner or authorized representative of the owner of the property which is the subject of a variance request shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The variance request shall be filed with the Board at offices of the Departments of Planning and Zoning.
 - c. Notification for a variance must be conducted according to the requirements of Section 3.4A.3.b.
 - d. A public hearing must be conducted according to the requirements of Section 3.4A.3.c and such hearing may be continued according to the requirements of Section 3.4A.3.d.
5. The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as “Conditional Uses (CU)” in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit. The Board of Zoning Appeals review process for a conditional use permit application is established in Article 7 of this Ordinance.²
- a. The Board shall consider and approve a Conditional Use Permit request with conditions or special requirements which allows for the proper integration of the proposed uses into the community subject to such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit, if it finds that the following general standards have been met:
 - i. The proposed use is compatible with the goals of the adopted Comprehensive Plan.
 - ii. The proposed use is compatible in intensity and scale with the rural environment and poses no threat to public health, safety and welfare.
 - iii. Taking into consideration the Comprehensive Plan’s Highway Road Classification Map and Highway Problem Areas, the roads serving the proposed use are adequate to serve the development. ~~and are not anticipated to have a greater impact on the road network than the by-right agricultural activities would.~~
~~The proposed use shall be compatible with the appropriate and orderly development of the district, taking into consideration the location and size of the use, the nature and intensity of the operations involved in or conducted in connection with such use, the size in relation to the use, the assembly of persons in connection with such use, the size in relation to the use, and the location of the site with respect to streets giving access to the site.~~
 - iv. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings, taking into consideration the location, nature and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site.
 - v. Neighborhood character and surrounding property values shall be reasonable safeguarded.
 - vi. Operations in connection with the use shall be in conformance with Section 8.9 of this Ordinance. ~~not be offensive, dangerous, destructive of property values and~~

~~basic environmental characteristics, or detrimental to the public interest of the community. They shall not be more objectionable to nearby properties by reason of fumes, noise, vibration, flashing of or glare from lights, and similar nuisance conditions than the operations of any permitted use not requiring a conditional use permit in the district.~~

~~vii. The character and appearance of the proposed use, buildings, structures, and/or outdoor signs should be in general harmony or better, with the character and appearance of the surrounding neighborhood.~~

~~vii. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit.~~

b. The owner or authorized representative of the owner of the property for which the Conditional Use Permit is being requested shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The Conditional Use Permit request shall be filed with the Board at offices of the Departments of Planning and Zoning.

c. Notification for a Conditional Use Permit must be conducted according to the requirements of Section 3.4A.3.b.

d. A public hearing must be conducted according to the requirements of Section 3.4A.3.c and such hearing may be continued according to the requirements of Section 3.4A.3.d.

~~5.6.~~In exercising its power and authority, the Board of Zoning Appeals may reverse or affirm, in whole or in part, or may modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as the Board deems appropriate.^{17, 21}

~~6.7.~~Any party may appeal any decision of the Board of Zoning Appeals to the Circuit Court of Jefferson County within thirty (30) days of the Board's decision, pursuant to Chapter 8A of the West Virginia Code, as amended.^{2, 17, 21}

~~7.8.~~Nothing in this Section shall be construed as permitting the Board of Zoning Appeals to exercise any power or refrain from the performance of any duty not authorized or directed by the provisions of Chapter 8A of the West Virginia Code, as amended, which provisions of the Code are hereby incorporated herein by reference.^{14, 17}

2. Planning Commission²³

1. Membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Planning Commission and Chapter 8A of the West Virginia Code, as amended.

2. The powers and duties of the Jefferson County Planning Commission include but are not limited to the following:

a. Review applications for major site plans, major subdivisions, and waivers from minimum standards, pursuant to the Subdivision and Land Development Regulations;

b. Review requests for amendments to the County zoning map and Zoning and Land Development Ordinance;

c. Research and recommend to the County Commission improvements to the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations;

d. Make recommendations to the County Commission concerning planning and zoning issues;

- e. Make an annual report to the County Commission concerning the operation of the Planning Commission and the status of planning within its jurisdiction;
 - f. Prepare the Jefferson County Comprehensive Plan and recommend to the County Commission for adoption or amendment.
3. County Commission²³
1. General. The County Commission shall have all powers conferred upon it by the Constitution, the laws of the State of West Virginia, and the County Charter. With respect to development approval and amendments to this Ordinance and the County's Comprehensive Plan, the powers that the County Commission retains and shall exercise include but are not limited to the powers set out in this Section.
 2. Approvals. Following a public hearing and the submittal of recommendations by the Planning and Zoning Department and the Planning Commission, the County Commission may take action on the proposed adoption of, or amendments to, the following, including text, maps, and other elements:
 - a. Comprehensive Plan
 - b. Zoning and Land Development Ordinance
 - c. Subdivision and Land Development Regulations
 - d. The Jefferson County Zoning Map
 - e. An Urban Growth Boundary in accordance with Chapter 8 of the West Virginia Code, as amended:
 - i. A boundary shall be established by the County Commission in agreement with each individual municipality regarding that municipality's boundary.
 - ii. If the County Commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgment relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court.
 - iii. Once the county has adopted an urban growth boundary by its designation on an adopted county zoning map, the gross area inside the boundary may not be reduced without written consent of the municipality.
 - iv. The County Commission shall review each urban growth boundary at a period not to exceed ten years or upon request of the individual municipality.
 3. Hiring. The County Commission shall hire staff of the Departments of Planning and Zoning.
 4. Appointments. The County Commission shall appoint the members of the Planning Commission and the Board of Zoning Appeals.
 5. Fees. The County Commission shall adopt a fee schedule for processing applications pursuant to this Ordinance. The fee schedule may be amended from time to time as determined appropriate by the County Commission.

ARTICLE 4: GENERAL PROVISIONS

Section 4.1 Ordinance Deemed Minimum Regulations; Uniformity

The regulations set forth by this Ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each kind of structure or land except as hereinafter provided.

For each zoning district, a ~~limited number list~~ of principal permitted uses and conditional uses are ~~listed delineated in Appendix C., as well as~~ Additionally, several uses prohibited for all districts as listed in Section 4.4. ~~All other uses, except prohibited uses, may receive a conditional use permit upon completion of the Conditional Use Permit process as described in this Ordinance, including a demonstration that the land use in a specific location will comply with the standards of the Development Review System and any other applicable requirements of this Ordinance.~~²³ Conditional uses shall require processing before the Board of Zoning Appeals. All non-residential permitted and approved conditional uses shall require a Zoning Certificate and may require processing a Site Plan in conformance with the requirements of the Jefferson County Subdivision and Land Development Regulations.

Section 4.2 Compliance with Ordinance

Except as hereinafter specified, no land, building, or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted or altered except in conformity with the regulations herein specified for the district in which it is located ~~and the Development Review System~~. This provision shall not apply to general maintenance or repair or any addition deemed not a major addition as defined in Section 2.2 of this Ordinance.

Section 4.3 Nonconforming Uses

Any building, structure or premises lawfully existing at the time of the adoption of this Ordinance, or lawfully existing at the time that this ordinance is subsequently amended, may continue to be used even though such building, structure, or premises does not conform to use, setbacks or dimensional regulations of the zoning district in which it is located ~~or the regulations of the Development Review System~~; subject, however, to the following provisions:⁷

- A. Nonconforming ~~uses~~ structures may be upgraded or repaired, or alterations made to the ~~use's~~ facilities. ~~However, expansion of any nonconforming use shall be limited to the lot that existed at the time of adoption of this Ordinance.~~^{7, 23}
- B. Repair includes the following: replacement of same size (+/-35%) porches, awnings, decks roofs, overhangs, patios, or any other similar construction as approved by the Zoning Administrator. However, expansion of any nonconforming structure or use shall be limited to the lot that existed at the time of adoption of this Ordinance.^{7, 23} Additional acreage shall not be added to enlarge any nonconforming use unless approved a variance by the Board of Zoning Appeals after review and a public hearing in accordance with Section 3.4A.4, via the Development Review System.²³
- C. Whenever a nonconforming use has been abandoned for a period of twelve (12) months, such use shall not be reestablished and any future use shall be in conformance with the provisions of this Ordinance.^{5, 17, 21}
- D. A nonconforming use may not be substituted for any other nonconforming use without the Board of Zoning Appeals review and public hearing, provided, however, to the following: upon notice to the Zoning Administrator with an application for and approval

of a Zoning Certificate a nonconforming retail, service, or wholesale operation may be substituted with another retail, service or wholesale operation without such public hearing; provided again, however, the intended use does not include an adult use.^{7, 17, 21}

- E. Effective October 14, 1999, whenever a nonconforming structure or use expands over 35% of the existing square footage of its operation said use shall meet all the applicable requirements of this Ordinance unless otherwise allowed by the Board of Zoning Appeals. Any nonconforming structure or use that expanded between October 5, 1988 and October 14, 1999 may expand under this provision as if they have never utilized this provision in the past.^{7, 8, 12, 17, 21, 23}
 - 1. When a nonconforming use can be computed by units such as apartment units, motel/hotel units, mobile home parks, and similar uses, the 35% expansion shall be limited to 35% of the number of existing units.⁸
- F. A nonconforming shopping center (including spaces that were not leased in the existing building at the time of the adoption of this Ordinance) may substitute uses according to Section 4.3C.⁷
- G. Section 4.3 is subject to Chapter 8A of the West Virginia Code, as Amended.^{17, 21, 23}
- H. This Section (4.3) does not apply to industrial uses that existed at the adoption of the ordinance. Such industries may expand provided that they meet the site plan standards of this Ordinance, in addition to those of the Jefferson County Subdivision and Land Development Regulations.^{8, 23}
- I. A nonconforming structure or use destroyed by a natural or unnatural calamity cannot be rebuilt without approval of the Board of Zoning Appeals upon application by the owner and pursuant to the variance and appeal procedures outlined in Article 3.^{12, 17, 21, 23} This provision will not apply to existing residential dwelling units.
- J. The nonconforming use automobile racing facility located on property specifically described as Tax Map 17, Parcels 2, 2.1 and 5 in the Kabletown District is permitted to expand as herein described:
 - 1. The commercial/competitive racing circuit as measured on January 10, 2002, 5,344 linear feet may add an additional 8,870 feet of commercial/competitive raceway surface, in accordance with (and not in addition to) the provisions of Section 4.3 of this Ordinance. The surface shall conform to a required 200 foot setback from all property lines.
 - 2. May add dormitory lodging with food service facilities that do not contain internally lit signs.
 - 3. May add automobile related research and development facilities.
 - 4. May add other automobile related facilities only for vehicles that are used on-site, including, but not limited to warehousing, parts, supplies and service.¹³

Section 4.4 Prohibited Uses

- A. Any existing or proposed use which is determined to be in conflict with any existing ordinance or laws of Jefferson County or law or regulation of the State of West Virginia or other governmental agency shall be prohibited even though such use may be allowed under the terms of this Ordinance.
- B. No land use shall be conducted that creates any injurious, noxious, or otherwise objectionable fire, explosive heat, or other hazard; noise, or vibration; smoke, dust, odor, gases, or other form of air pollution; or emit dangerous radioactivity in such a manner that if permitted would adversely affect the uses of an adjacent property or contaminate the ground water or surface waterways of the County. All land uses generating such conditions shall comply with the appropriate State and Federal Codes. Such compliance with applicable State and Federal laws shall be deemed as compliance with this Ordinance.

- C. Any development which would destroy the historical character of a property listed on the West Virginia or National Register of Historic Places shall not be permitted.
- D. No materials or waste should be stored on a property in a form that could be transported to adjacent property by wind or water or other natural causes or forces.
- E. All methods of industrial waste or sewage treatment and disposal shall be in accordance with County, State and Federal Codes.
- F. Jails, prisons and/or penal institutions shall be prohibited in all zoning districts except the Industrial-Commercial District and the Major Industrial District. Approval of a Conditional Use~~The Development Review System does shall~~ not supersede this prohibition.^{5, 27}
- G. No gambling or casino type game of chance (video or mechanical) that provides any type of payoff or remuneration shall be permitted anywhere in Jefferson County unless expressly and explicitly permitted and authorized by the West Virginia Code as amended. Provided, however, that such use shall only be permitted in the Industrial-Commercial District and the Major Industrial District and shall be processed as a conditional use after processing through the Board of Zoning Appeals~~processthrough the Development Review System (Article 6 and 7).~~^{6, 23, 27}
This prohibition does not apply to betting on horses or pari-mutuel betting on horses. Furthermore, this prohibition does not apply to such uses that existed at the time of the adoption of this ordinance. ~~The Development Review System~~Approval of a Conditional Use shall not supersede this prohibition in any zoning district other than the Industrial-Commercial District or the Major Industrial District.^{23, 27}
- H. For parcels located east of the Shenandoah River or which are in a natural, undisturbed condition within 1000 feet of the Potomac and Shenandoah Rivers and Opequon Creek, no use shall be permitted without adherence to the requirements for retention of land in a natural, undisturbed area as spelled out in Section 22.504 of the Jefferson County Subdivision and Land Development Regulations.^{5, 23}
- I. No sales of fireworks are permitted outside of the Industrial-Commercial, Residential-Light Industrial-Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts, and are subject to the requirements of for such use in Article 8.^{8, 23, 27}
- J. Vehicle signs left parked or standing on a public right-of-way, public property or private property.¹²
- K. Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, shall only be permitted in the Industrial-Commercial District.^{23, 27}
No conditional use permit shall be approved for any of these adult uses in any zoning district. This provision does not apply to any specific existing use that legally qualifies as a nonconforming use.^{15, 16, 27}
- L. Salvage yards unless established in accordance with the Jefferson County Salvage Yard Ordinance.²³
- M. Heavy industrial uses listed as Conditional Uses (CU) in Section 5.6B and Appendix C , Principal Permitted and Conditional Uses Table of this Ordinance are permitted only in the Industrial-Commercial District and the Major Industrial District and require approval of the Board of Zoning Appeals~~via the Development Review System.~~^{23, 27}
- N. No above ground chemical storage tanks shall be permitted within an area defined by one (1) mile upstream of any public water intake and within one-quarter (1/4) mile of any waterway serving the public water intake; provided, however, that agricultural tanks that are regulated by WV Code Chapter 19 are exempt from this provision.²⁷

Section 4.5 Agricultural Uses Permitted Generally

Except for compliance with distance requirements for a building set forth in Section 4.6, nothing in this Ordinance shall prohibit the use of land for agricultural purposes or the construction or use of building or structures incidental to the use for agricultural purposes.

Section 4.6 Distance Requirements

- A. Industrial uses are subject to this subsection, unless otherwise specified in this Ordinance. Any uses (not including parking) or buildings subject to compliance with this Section shall be located at least 200 feet from:²⁷
1. Any lot in the Residential Growth District;²⁷
 2. A dwelling, school, church or institution for human care not located on the same lot as the said use or buildings;¹
 3. Any lot which is part of a recorded subdivision; and
 4. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.
- B. Commercial uses are subject to this subsection, unless otherwise specified in this Ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this Section shall be located at least 75 feet from:^{7, 27}
1. Any lot in the Residential Growth District;
 2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
 3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.²³
- C. A commercial use (not including parking) located in the Neighborhood Commercial District or the Office/Commercial Mixed Use shall be located at least 25 feet from a land use identified in Section 4.6B.1-3.²⁷
- D. Housing for farm animals, barns and feeding pens must be set back a minimum of 75' from a residential district, a lot with a residential use, a church, a school, or an institution for human care.
- ~~C.E.~~ All portions of a kennel land use must be buffered pursuant to Article 4 and set back at least 500' from any property that contains a residence. Kennels cannot be located within a Planning Commission approved major residential subdivision.

Section 4.7 Essential Utility Equipment

Essential utility equipment, as defined in Section 2.2, shall be permitted in any district, as authorized and regulated by law and ordinances of Jefferson County, it being the intention hereof to exempt such essential utility equipment from the application of this Ordinance. Wireless telecommunication towers, however, shall conform to the requirements of Article 4B.^{7, 22}

Section 4.8 Buildable Lot

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this ordinance and which was established or recorded at that time shall be deemed a buildable lot for the erection of a single-family dwelling, subject to the provisions of the appropriate district regulations of this Ordinance.

ARTICLE 4A: HOME OCCUPATIONS AND COTTAGE INDUSTRIES^{8,24}

Section 4A.1 Home Occupation and Cottage Industry, General Standards

- A. A Zoning Certificate is required for a Cottage Industry or Home Occupation pursuant to Section 3.2 of this Ordinance.
- B. A Home Occupation or Cottage Industry shall be clearly incidental and subordinate to the use of the dwelling unit as a residence.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the Home Occupation or Cottage Industry, other than as provided in this Article.
- D. No equipment or process shall be used in a Home Occupation or Cottage Industry which creates offensive manifestations by sight, sound or smell detectable to the normal senses, or electrical interference or vibrations perceptible, at any lot line.
- E. The following land uses cannot be established as a Home Occupation or Cottage Industry:
 1. Boarding or rooming homes.
 2. Bed and breakfast establishments.
 3. Adult uses.
 4. Any business which involves the storage of weapons such as firearms (other than residents' hunting, protection and leisure weapons).¹²
- F. Any need for parking generated by the Home Occupation or Cottage Industry shall be met off street and other than in a required front yard.
- G. No outdoor storage of any kind, visible from a property line or a public or private right-of-way or vehicular access easement, is permitted.
- H. The business owner is responsible for ensuring compliance with all local, state, and federal taxing requirements.
- I. All applicable County, State, and Federal requirements must be met.

Section 4A.2 Exempt Activities

The following land uses do not constitute a Home Occupation or Cottage Industry, and do not require a Zoning Certificate:

- A. Telecommuting.
- B. A computer-based occupation involving one full-time resident and no other on-site employees, provided that the occupation generates no additional vehicular trips, no customer visits, no additional shipping or mailing that exceeds a normal residential volume, and would not be otherwise prohibited by this Article. This category includes internet-based sales activities that do not require the presence of inventory at the property, such as drop-shipping.
- C. The participation of an individual location in an event conducted annually or twice yearly with multiple locations, such as a home and garden tour or an art studio tour.

Section 4A.3 Home Occupation, Level 1

An occupation conducted in a dwelling unit for gain provided that:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation. Said members must be full time residents of the premises.
- B. The use shall be conducted wholly within the dwelling unit and shall not exceed one third (1/3) of the floor area of the dwelling unit.
- C. There shall be no sales, other than items handcrafted on the premises, in connection with such home occupation. Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.
- D. Traffic generated by such home occupation must not exceed two (2) business related vehicle visits per day no more than ten (10) visits per week at the premises.

Section 4A.4 Home Occupation, Level 2

An occupation conducted in a dwelling unit for gain, provided that:

- A. The occupation must be conducted by a full-time resident of the property. Up to two (2) nonresident employees also may be permitted to work on the premises.
- B. The use shall be conducted wholly within the dwelling unit and shall not exceed one third (1/3) of floor area of the dwelling unit.
- C. One sign, not exceeding two (2) square feet in area, non-illuminated, is permitted.
- D. There shall be no sales, other than items crafted on the premises, in connection with such home occupation. Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.
- E. No more than three (3) business-related vehicle visits per day and no more than fifteen (15) visits per week at the premises, including delivery vehicles, but excluding employee commuting, shall be permitted.
- F. The subject property shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days prior to approval of a Zoning Certificate for the land use. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant.
- G. For a Home Occupation located in an existing residential subdivision established after July 17, 1979, the minimum lot size is 20,000 square feet.

Section 4A.5 Cottage Industry

An occupation conducted at a residential premises for gain, provided that:

- A. The occupation must be owned and operated by a full-time resident of the property. Up to four (4) nonresident employees may be permitted to work on the premises.
- B. The use may be conducted at least in part within the dwelling unit. Said use area within the dwelling unit shall not exceed one half (1/2) of the floor area of the dwelling unit. Two subordinate structures shall be permitted in accordance with the requirements of this Article.
- C. There shall be no change in the outside appearance of the residential structure. One sign, not exceeding four (4) square feet in area, non-illuminated may be permitted.
- D. Sales on the premises shall be permitted with the limitation that no less than seventy-five (75) percent of the items for sale shall be products produced on the premises and that items not produced on premises shall be items similar or related to the items produced on the premises. Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.
- E. No more than fifteen (15) business-related vehicle visits per day and no more than sixty (60) visits per week at the premises, including delivery vehicles, but excluding employee commuting, shall be permitted.
- F. Submittal of a sketch plan is required for all Cottage Industry applications. The plan need not be prepared by a licensed engineer or surveyor. Use of a sketch plan does not preclude compliance with applicable County, State, and Federal regulations. The plan submittal shall include the following elements:
 1. Accurate locations and dimensions of all existing and proposed:
 - a. Structures, paved areas, parking areas and drive aisles (including setbacks from property lines)
 - b. Septic areas
 - c. Access points to roads, driveways, and easements
 - d. Property boundaries
 2. Most recent deed for the property
- G. Additionally, site plans pursuant to the Subdivision and Land Development Regulations are required if the combined gross floor area of a new building, an addition, and/or an existing accessory structure as described in (1) – (4) below, to be used as a Cottage Industry, exceeds 1,500 square feet but is less than 3,000 square feet:
 1. New accessory structures, or
 2. An addition to an existing residence or accessory structure, when the addition is intended for use as part of a Cottage Industry;
 3. Existing accessory structures that are to be converted to be used as a part of the Cottage Industry, if constructed during the five years prior to application for a Zoning Certificate for a Cottage Industry;
 4. An existing structure or addition built without a required, valid building permit or Improvement Location Permit after December 20, 1975.
- H. The maximum combined gross floor area of a new building, an addition, and/or an existing accessory structure as described in subsection J.1 – 4, to be used as a Cottage Industry, is 3,000 square feet. For any additional building area exceeding 3,000 square feet, the development and property shall meet all requirements of the Subdivision and Land Development Regulations and the Zoning and Land Development Ordinance. Setbacks shall be as provided below for an accessory structure used for a Cottage Industry:

1. For an accessory structure lawfully constructed during the five years prior to application for a Zoning Certificate for a Cottage Industry, setbacks are 25 feet from all lot lines.
 2. For an accessory structure lawfully constructed more than five years prior to application for a Zoning Certificate for a Cottage Industry, the applicable zoning district setbacks for an accessory structure apply.
- I. For a Cottage Industry located in the Residential Growth District or an existing residential subdivision, the minimum lot size is 2 acres.
- J. If a proposed Cottage Industry would utilize a private, shared right-of-way, driveway or easement for vehicular access, owners of all properties with vehicular access to the right-of-way or easement shall be notified of the proposed use. A letter shall be sent by certified mail to the homeowners association (HOA) for distribution by the HOA; however, if an HOA does not exist, letters shall be mailed to individual property owners within 1,000 feet of the property line. The applicant shall provide proof of the mailing to Staff. a Compatibility Assessment Meeting is required. The meeting shall be conducted as described in Sections 7.6A and 7.6C of this Ordinance, with the following exceptions:
- ~~1. The purpose of the meeting is for the applicant to inform adjacent owners of the proposed Cottage Industry and to describe any associated traffic impacts.~~
 - ~~2. Owners of all properties with vehicular access to the right of way or easement shall be notified of the date, time, and place of the meeting by registered mail. Letters shall be mailed 14 days prior to the scheduled date of the meeting. Staff shall approve the letter as adequate prior to mailing, and the applicant must provide proof of mailing.~~
 - ~~3. During the Compatibility Assessment Meeting, attendees should limit their comments to the adequacy of the private, shared right of way, driveway or easement, to accommodate traffic generated by the proposed Cottage Industry.~~
 - ~~4. No Board of Zoning Appeals approval of the application is required.~~
- K. The subject property shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days prior to approval of a Zoning Certificate for the land use. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant.

Section 4A.6 Private Covenants Running with the Land

Jefferson County shall not enforce or become involved in the enforcement of deed restrictions, covenants, easements, or any other private agreement, and, in the review of development proposals, the County will apply only its regulations to evaluate the proposal. All such restrictions shall be enforced by the parties to the restriction. It is the responsibility of an applicant for a proposed Cottage Industry or Home Occupation to research any private agreements relating to the subject property, contact the Homeowners' Association, or seek the advice of a surveyor, engineer or attorney.^{17, 21, 24}

Section 5.4 Residential Growth (RG) District

The Residential Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate and compatible integrated part of a residential development in conformance with Section 5.4C of this Ordinance. ~~provided that such growth is deemed to be appropriate and compatible by the Development Review System.~~

The following regulations govern development within the Residential Growth District.

- A. Principal Permitted and Conditional Uses^{23,27}
1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.²⁷
 2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance. ~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~²⁷
- B. Minimum Lot Area, Height, and Yard Requirements
1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.^{23, 27}
 2. When computing the dwelling unit yield for a parcel of land, use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in the Jefferson County Subdivision and Land Development Regulations. The balance square footage between the ADU (Area per Dwelling Unit) and the MLA (Minimum Lot Area) shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.^{5,23, 27}
 3. All detached accessory structures under 144 square feet in size shall have a setback of 6'.²⁷
- C. Commercial Services in Residential Developments²³
1. Commercial services may be included in a residential development providing the commercial uses are intended to serve the residential community proposed and shall relate well to residential areas in terms of pedestrian and vehicular circulation.
 2. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less.
 3. Commercial uses shall not be built or established prior to the residential development unless built in phases consistent with phasing of the residential construction.
 4. These uses shall be located within the interior of the project.
 5. Commercial uses shall be subject to the Conditional Use Permit approval Compatibility Assessment Meeting process as outlined in Article 7 of this Ordinance. Any proposed commercial use that is served from a road that is proposed to be located on the perimeter of the project or on a State Road shall be required to be considered as a part of the Conditional Use Public Hearing process. ~~be subject to the entire Development Review Process.~~⁵
- D. Standards for Commercial ~~or Light Industrial~~ Uses²³
1. Commercial ~~or Light Industrial~~ uses are subject to the following access requirements:
 - a. Such uses will not use adjacent residential roads for through traffic; and

- b. Will connect to principal and major arterial highways as directly as feasible considering access restrictions.⁵
2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.

Section 5.5 Reserved²³

Section 5.6 Industrial - Commercial (IC) District²³

The purpose of this district is to provide locations for manufacturing, processing, and commercial uses which may require extensive transportation and central or public water and sewer services. It is not the purpose of this district to encourage the use of land within the district for retail services; however, it is anticipated that there may be areas or locations where retail services can be reasonably and logically considered due to their relationship with other uses existing within the district, as well as their relationship with the district boundary line or the configuration of the property and the relative scale of the project.

- A. Principal Permitted and Conditional Uses²³
 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table and this section.²⁷
 2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject the requirements of this section and to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance. ~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~²⁷
- B. The following heavy industrial uses shall be require review and approval of the Board of Zoning Appeals under the Conditional Use Permit process ~~evaluated by the Development Review System~~ and shall not be located less than 1000 feet from any Residential property line or property listed on the National and State Historic Register/Survey.
 1. Bituminous concrete mixing and recycling plants
 2. Concrete and ceramic products manufacture, including ready mixed concrete plants
 3. Petroleum products refining or storage (subject to the requirements for such standards in Article 8)²³
 4. Commercial sawmills
 5. Salvage Yards (subject to the Jefferson County Salvage Yard Ordinance)
 6. Garbage or dead animal reduction or processing
 7. Slaughterhouses, Stockyards
 8. Acid or heavy chemical manufacturer, processing or storage
 9. Cement or lime manufacture
 10. Explosive manufacture or storage
 11. Foundries and/or casting facilities
 12. Mineral extraction, mineral processing
 13. Jails and Prisons (subject to requirements for this use in Article 8)²³
- C. Height Regulations
No structure shall exceed seventy-five (75) feet in height except as provided in Section 9.2.
- D. Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.^{5, 23, 27}
2. Compliance with Section 4.11 and Section 8.9A(1-9)^{7, 23}
3. Distance Requirements
 - a. Commercial shall comply with Section 4.6B
 - b. Industrial shall comply with Section 4.6A^{7, 23}

E. Lot Area

A minimum lot size of three acres shall be required for any industrial use unless the site is located in an approved Industrial Park.²³

F. Additional Commercial and Industrial Design Standards²⁷

1. Commercial Design Standards^{23, 27}
 - a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 80% of the gross area of the site.
 - b. Adequate provision shall be made for storage and collection of refuse. Refuse containers are subject to Section 4.11F.²⁷
 - c. Permeable areas of the site shall be planted with ground cover, shrubs and trees.
 - d. Lighting shall be provided for all parking areas which will receive night use. Such lighting shall be directed to the parking area and be shielded to prevent adverse glare on adjacent public highways, streets and properties.
2. Industrial Design Standards
 - a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 90% of the gross area of the site.²³
 - b. Adequate provision shall be made for storage and collection of refuse, subject to Section 4.11F.²⁷
 - c. Permeable areas of the site shall be planted with ground cover, shrubs or trees if subject to Section 4.6.

Section 5.7 Rural (R) District²³

The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not intended to be served with public water or sewer facilities, although certain size developments processed under the cluster provision of Section 5.7D(2) may choose to do so in situations where the Development Review System is utilized, it may be. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the Rural District are subject to Section 5.7D. The Envision Jefferson 2035 Comprehensive Plan recommends that the cluster provision of the Zoning Ordinance be the preferred method of residential development in the Rural zoning district. The Development Review System does allow for higher density by issuance of a Conditional Use Permit.^{8, 23}

A. Principal Permitted and Conditional Uses^{23, 27}

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.²⁷
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning

Appeals per the requirements of this Ordinance, the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.²⁷

B. Minimum Lot Area, Lot Width and Yard Requirements²³

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.²⁷
2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.²³
3. Any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in Section 4.6 and the requirements for barns and feeding pens specified in Article 8. Also, any buildings used to store manure shall comply with distance requirements specified in Section 4.6A.²³

C. Height Regulations

No structure shall exceed thirty five (35) feet in height **except** as provided in Section 9.2.

D. Maximum Number of Lots Allowed

All parcels of land that were on record as of October 5, 1988 are entitled to subdivide for single family detached residences based on Subsections 5.7D.1, 5.7D.2 or 5.7D.3 below. A property owner may use a combination of these Subsections, provided that the number of lots are prorated by density.⁸ The density rights for any rural development shall be based on the parcel of record as of October 5, 1988 utilizing the following alternatives:

1. A property owner may create one (1) lot for every fifteen (15) acres with a minimum lot size of three (3) acres.^{17, 21}
 - a. Acreage shall be computed using ~~existing~~ acreage on record as of October 5, 1988 and calculating any divisions which have occurred since that time. at the time application is submitted. Total acreage does not include acreage which was subdivided off of present parent parcel between October 5, 1988 and time of application.
 - b. A property owner may transfer rights to adjacent parcels which are owned by the same entity.^{17, 21}
2. Clustering
 - a. Purpose and Intent
 - i. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract while retaining a portion of the property as green space. farmland or forested/wooded area on the property in agricultural use or open space in perpetuity.
 - ii. To provide for a well planned development while minimizing the use of prime agricultural land.
 - b. Requirements
 - i. One (1) lot may be subdivided for every ~~ten (10)~~ five (5) acres.^{17, 21, 23}
 - (a) Acreage shall be computed using ~~existing~~ acreage on record as of October 5, 1988 and calculating any divisions which have occurred since that time. at the time application is submitted. Total acreage does not include acreage which was subdivided off of present parent parcel between October 5, 1988 and time of application.

- (b) A minimum of fifty percent (50%) of the property shall be retained as green space and shall contain no further development rights unless the property is placed in another zone or further subdivision is allowed by ordinance. ~~active or passive farmland and/or wooded area and/or open green space.~~ and shall contain no further development rights.
- (c) Maximum lot size shall be 3 acres.
- ii. The residue of a lot divided utilizing either 5.7D.1 or 5.7D.2 prior to the date of adoption of this amendment in 2016, shall have additional rights based on the provisions of this Subsection, provided that ~~the~~ total lots developed shall not exceed one lot per five acres based on the parent parcel on October 5, 1988 and all other provisions of this Subsection are complied with.
- iii. Minimum lot size shall be 40,000 square feet for lots that will be served by individual wells and septic systems; 20,000 square feet for lots that will be served by a central water OR central sewerage system; and 10,000 square feet for lots that will be served by both a central water AND central sewerage system.^{17, 21}
- (a) Setbacks shall be 25' front, 12' sides and 20' rear.
- (b) All clusters of three (3) or more lots shall be served by an internal road.²³
- (c) Clusters of three (3) or more lots shall not be along an existing public road.
- (d) A property owner may transfer rights to adjacent parcels which are owned by the same entity.^{17, 21}
- (e) ~~Maximum lot size shall be 3 acres.~~^{17, 21}
- iii. iv. Procedures²³
- (a) Concept Plan. For the subdivision of tracts eligible for cluster lots, a Concept Plan must be submitted pursuant to the requirements of the Jefferson County Subdivision and Land Development Regulations. All cluster developments must be processed as a Major Subdivision.^{17, 21, 23}
- ~~(a)~~(b) The Concept Plan for a proposed Cluster Development can be combined with the required submittal and process requirements for a Concept Plan for a Major Subdivision as outlined in the Subdivision Regulations, provided that the Concept Plan includes all requirements of the Concept Plan in the Subdivision Regulations and includes the necessary soils and topographic data, together with a written narrative, required for the analysis listed below.
- ~~(b)~~(c) The Staff ~~will have final approval~~ shall review and make a recommendation to the Planning Commission regarding ~~over the location the proposed design and~~ layout of the ~~proposed clustering of lots~~ proposed Cluster Development. The Staff shall consider the following when reviewing the Cluster Concept Plans:
- (1) Soils: The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses.
- (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.

(e)(d) If the Ceoncept Pplan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved Ceoncept Pplan. The plat shall bear a statement indicating “The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation”.²³

3. ~~Not in addition to~~ If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create 3 total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. ~~be processed utilizing the Development Review System~~. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.

~~3.4~~. Subdivisions involving transfers of land between parent and child shall not be subject to the density requirements of this section. All lots that qualify under this section must meet subdivision requirements. ~~Only the residue or parent parcel may qualify under this provision once the original subdivision takes place~~. Parent to child or child to parent lots are not entitled to further subdivide except as another parent to child or child to parent transfer.

~~4.5~~. Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such.

Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District¹

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.²³

A. Principal Permitted and Conditional Uses^{23, 27}

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.²⁷
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance. ~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive~~.²⁷

B. Standards²³

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.^{23, 27}
3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.²⁷

C. Site Development Standards^{23, 27}

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.²⁷
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.^{5, 7, 23, 27}
3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (~~food stores not in excess of 10,000 square feet gross floor area~~) shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use per the requirements of this Ordinance~~Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive~~. This requirement shall not apply to a building located within a shopping center shown on an approved site plan.^{23, 26}
4. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.^{7, 27}

Section 5.9 Reserved²³

Section 5.10 Village (V) District^{8, 23}

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries.

A. Principal Permitted and Conditional Uses²³

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.²⁷

~~B. Conditional Uses^{23, 27}~~

2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive~~.²⁷

B. Setbacks²⁷

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. Setbacks may be reduced if approved as a Variance by the Board of Zoning Appeals~~as a result of a Compatibility Assessment Meeting~~ based on other structures existing in the neighborhood.²³
2. Existing Structures²⁷
 - a. The side and rear yard setbacks are 6' for an existing structure to be used for a land use as provided in this Article.

- C. Commercial uses shall not cause any odor, dust, smoke, vibration, noise, or electromagnetic interference, which can be detected at or beyond the property line.

- D. Proposed uses in a recognized historic district shall obtain approval from the Historic Landmarks Commission and/or other appropriate state or federal agency prior to processing.²³
- E. There will be no outdoor storage of equipment, materials or other stock.
- F. Parking requirements may be modified as a result of consideration of a variance of the Parking Standards by the Board of Zoning Appeals~~a compatibility meeting~~.²³
- G. Other Requirements²³
 - 1. With the exception of setback requirements as specified in this section, Commercial and Light Industrial uses are subject to the requirements of Section 5.6E and the requirements for such standards in Article 8.

Section 5.11 Neighborhood Commercial (NC) District²⁷

- A. Purpose. The purpose of this district is to permit the development of small scale commercial uses in locations where a commercial use of the intensity permitted in the GC District (and not otherwise permitted in the NC District) is not appropriate. Developments in the NC district should be appropriate in scale, designed, landscaped and buffered so as to be compatible with neighboring land uses.
- B. Location. This zoning category is intended for use on properties:
 - 1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
 - 2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
 - 3. In locations with safe vehicular access on roads that function as collector roads.
- C. Permitted Uses
 - 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
 - 2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive~~.
 - 3. A non-residential land use in this district may include residential uses on building levels located above the ground floor.
- D. Site Development Standards
 - 1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
 - 2. For a non-residential use abutting a commercial or industrial use at a side lot line:
 - a. No side yard building setback is required, unless required by Building Code or other law or regulation.
 - b. Section 4.11A-B does not apply to the side property line that abuts a commercial or industrial use.
 - 3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
 - a. A rear yard building setback may be reduced to 10 feet
 - b. Section 4.11A-B does not apply to the rear property line
 - 4. Section 4.11A-C does not apply to the front lot property line.

5. Vehicular parking requirements shall be 80% of the required number of parking spaces indicated in Article 11 of this Ordinance.
6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this Ordinance.

E. Additional Requirements

1. Any off-street parking shall be located in the rear or on the side of a building and may not be located between a street and the front facade of a building.
2. Each building shall be limited to a maximum building footprint of 3,500 square feet.
3. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent street curb) and five-foot-wide sidewalks. The landscaped buffer yard may consist of shrubs, ornamental plants, and vegetative ground cover, and need not screen the view of buildings from the adjacent street(s). The landscaping requirements in this subsection are in addition to any other applicable landscaping requirements of this ordinance. If the Comprehensive Plan or the Subdivision and Land Development Regulations identify the property location as appropriate for a trail in lieu of a sidewalk, a trail meeting any applicable county requirements may be installed.
4. One bicycle parking space shall be provided for each ten vehicular parking spaces.
5. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
6. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.12 General Commercial (GC) District²⁷

- A. Purpose. The purpose of this district is to provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in this ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district.
- B. Location. This zoning category is intended for use on properties:
 1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
 2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
 2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject review and approval by the Board of Zoning Appeals per the requirements of this Ordinance.~~to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~
- D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
 2. A development that complies with all requirements of Section 5.11E may be developed in accordance with the requirements of Section 5.11D(2-6) and the front setback requirements for the Neighborhood Commercial District as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards.
- E. Additional Requirements
1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.13 Highway Commercial (HC) District²⁷

- A. Purpose. The purpose of this district is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this district may be characterized by a broad scale of building sizes, which may include very large buildings that exceed 100,000 square feet of gross floor area for an individual building and which may have a greater impact on surrounding areas as a result of significant truck traffic and other factors. This district may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.
- B. Location. This zoning category is intended for use on properties:
1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
 2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
 2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject review and approval by the Board of Zoning Appeals per the requirements of this Ordinance. ~~to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~
- D. Site Development Standards
1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
- E. Additional Requirements
1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.14 Light Industrial (LI) District²⁷

- A. Purpose. The purpose of this district is to provide locations for lighter manufacturing processes which are not as extensive as those provided in the Major Industrial District and can be served with adequate public or community water and sewerage service. In this district, most manufacturing is composed of processing or assembly of previously processed materials.
- B. Location. This zoning category is intended for use on properties:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.15 Major Industrial (MI) District²⁷

A. Purpose. This district is intended to provide sufficient space in appropriate locations for a wide variety of industrial activities. The uses in this district can be served with adequate public or community water and sewerage service, and may be characterized by extensive warehousing, frequent heavy trucking activity, and broader manufacturing activity than would be permitted in the Light Industrial District.

B. Location. This zoning category is intended for use on properties:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.

E. Additional Requirements

1. Heavy industrial land uses shall not be located less than 1,000 feet from an adjacent property with a dwelling, school, church or institution for human care or a residential zoning district.
2. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.16 Planned Neighborhood Development (PND) District²⁷

- A. Purpose. The purpose of the PND District is to:
1. Encourage flexibility in the development of land in order to promote its most appropriate use;
 2. Improve the design, character and quality of new developments;
 3. Provide and promote redevelopment and reuse opportunities;
 4. Encourage a harmonious and appropriate mixture of uses and/or housing types;
 5. Facilitate the adequate and economic provision of streets, utilities and services;
 6. Promote safe and convenient travel for pedestrians, bicyclists, transit users, and motorists;
 7. Promote connections to adjacent properties, developments, and transportation routes;
 8. Preserve critical natural environmental features of the site (including but not limited to wetlands, steep slopes, floodplains, woodlands, watercourses, and karst topography) and scenic features of the site (including but not limited to historic resources, mature trees, open spaces, and agricultural landscapes);
 9. Encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses; and
 10. Mitigate the problems which may be presented by specific site conditions.
- B. Location. This zoning category is intended for use on properties:
1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
 2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
 2. The Planning Commission may restrict land uses shown as permitted or conditional uses in Appendix C, Principal Permitted and Conditional Uses Table, as part of the approval of a Preliminary PND Plan.
 3. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~
- D. Site Development Standards
1. If not otherwise addressed in the Preliminary PND Plan, setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. However, setbacks and other site development standards may be modified as part of the approval of a PND zoning map amendment request, as described in this article.
 2. Modification of Development Standards Allowed
 - a. The Planning Commission may approve modifications of the development standards of this Ordinance and the Jefferson County Subdivision and Land Development Regulations as part of the approval of a Preliminary PND Plan.
 - b. Modification of these standards pertains only to developments associated with the Preliminary PND Plan for which the modifications are approved.
- E. Additional Requirements

1. A PND development shall include the following mix of uses, measured as follows, after the Open Space requirement is met:
 - a. 10-30% of the land area shall be commercial
 - b. 10-30% of the residential units shall be multifamily (7+ dwelling units per acre)
 - c. 20-40% of the residential units shall be attached/detached (4-6 dwelling units per acre)
 - d. 0-60% of the residential units shall be detached (1-3 dwelling units per acre)
2. Open Space Requirements
 - a. A minimum of 20% of the total tract area of a PND development shall be composed of common and open space. Up to one-half of the common and open space may be used for active recreation. Acreage within the 100-year floodplain, as designated by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM) or acreage of critical natural environmental features (as defined in this article), may constitute up to 50% of the required common and open space area.
 - b. At least 20% of the total of the site's existing tree canopy area shall remain undisturbed and shall be so noted on any site plan or subdivision approval associated with the development.
3. Connectivity Requirements. The development shall provide pedestrian and vehicular connections to each adjacent undeveloped property and/or property containing a non-residential or multi-family use, or to one or more streets in an adjacent residential subdivision. If a connection to an adjacent property cannot be made at the time that the Preliminary PND Plan for the development is submitted, the plan shall include a cross-access easement in a logical location to allow for future connection when the conditions on the adjacent property will allow for connection. Such pedestrian easements shall be permanent.
4. Street Network. An interconnecting network of internal streets shall be designed to accommodate the various uses found within a PND development. Where possible, all access to sites shall be from these internal streets.
5. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.
6. For a PND development proposed to be located on a lot where a trail is shown on a plan adopted by Jefferson County, establishment of a permanent trail easement shall be required prior to site plan approval.

F. Review and Approval Process

The review and approval of a development in the PND district includes the following steps:

1. Pre-Application Conference. Prior to filing a formal application for a Zoning Map Amendment for a PND district, the applicant shall schedule and attend a Pre-Application Conference with staff of the Planning, Zoning, and Engineering Departments. The purpose of the conference is for the applicant to present a general concept for the development, and for staff to inform the applicant of relevant policies, requirements, adopted plans, planning principles, and recommendations. This conference is informal and has no binding effect.
2. Preliminary PND Plan. Submittal of a Preliminary PND Plan is required prior to submittal of a petition for a map amendment to change the zoning designation of a property to the Planned Neighborhood Development district.
 - a. The format and content requirements for a Preliminary PND Plan shall be the same as the Submission and Completeness Review requirements for a Major Site Plan Concept Plan as described in the Jefferson County Subdivision and Land Development Regulations, with the exception of the public workshop and advertising requirements. Additionally, a Preliminary PND Plan shall include the following:
 - i. Graphic illustration of locations of proposed land uses; landscaping areas; pedestrian amenities; interconnectivity of roads, trails, sidewalks, and adjacent parcels; open space areas and areas of undisturbed tree canopy; passive or active

- recreational areas; setbacks for buildings, parking, drive aisles, and other features associated with the proposed development.
- ii. Proposed square footages of development by type and proposed residential densities.
- iii. Proposed building heights.
- iv. Any requested modifications to the standards of the Zoning Ordinance or the Subdivision and Land Development Regulations.
- b. Following a staff determination that the Preliminary PND Plan is sufficient, the applicant may present a petition for a zoning map amendment to the Planning Commission. The Preliminary PND Plan is a required component of the petition submission.
- 3. Zoning Map Amendment. The procedure for processing a map amendment petition shall be in accordance with the requirements of Article 12 and this Article.
 - a. Presentation of petition for map amendment. The applicant shall present the petition for map amendment to the Planning Commission. As part of the petition, the applicant shall provide a Preliminary PND Plan to the Planning Commission, as described in this article.
 - b. Planning Commission review and public hearing. The Planning Commission shall conduct a public hearing on the proposed zoning map amendment in accordance with Article 12 and this Article. In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements. The Preliminary PND Plan shall be considered during the public hearing. In addition to the review criteria for a Concept Plan as required by the Subdivision and Land Development Regulations, the Planning Commission shall utilize the following criteria in its consideration of a Preliminary PND Plan and any requested modifications to the Zoning Ordinance and/or the Subdivision and Land Development Regulations:
 - i. Consistency with the purpose of the PND district as described in this Article;
 - ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards;
 - iii. Consistency with the Comprehensive Plan.
 - c. As part of its recommendation to the County Commission regarding approval or disapproval of a zoning map amendment as described in Article 12, the Planning Commission shall make a recommendation to the County Commission regarding the Preliminary PND Plan, including any changes proposed by the Planning Commission.
 - d. County Commission review and public hearing. The County Commission shall conduct a public hearing on the proposed map amendment in accordance with Article 12 and this Article. In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements.
 - e. In its deliberation of a proposed map amendment to change a zoning designation to a PND district and any requested modifications to the Zoning Ordinance and/or the Subdivision and Land Development Regulations, the County Commission shall consider:
 - i. Consistency with the purpose of the PND district as described in this Article
 - ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards
 - iii. Consistency with the Comprehensive Plan
 - f. The County Commission shall approve, amend, or deny the Preliminary PND Plan and the zoning map amendment request; and may apply conditions to the approval of a zoning map amendment to a PND district.

- g. County Commission approval of a zoning map amendment to change the zoning designation of a property to a PND district shall have the following effect:
 - i. Approval of the change in zoning designation;
 - ii. Approval of the Preliminary PND Plan;
 - iii. Approval of any modifications to the Subdivision and Land Development Regulations and the Zoning Ordinance; such modifications being associated with the Preliminary PND Plan; and
 - iv. Establishment of any conditions of approval applied by the County Commission.
4. If a request to amend the zoning map designation of a tract to a PND district is approved, the applicant may submit applications for the development of the property as a PND development.
 - a. Compliance with Other Ordinances. With the exception of any modifications granted by the County Commission, all applicable requirements of the Zoning Ordinance, the Subdivision and Land Development Regulations, and all other County ordinances must be met, including but not limited to any applicable site plan and subdivision requirements.
 - b. Consistency with Preliminary PND Plan. All applications submitted for the site must be consistent with the requirements of the approved Preliminary PND Plan and shall clearly state any modifications granted.
 - c. Any modifications to the Zoning Ordinance or the Subdivision and Land Development Regulations approved by the County Commission are associated with and indivisible from the approved Preliminary PND Plan.
5. Amendment. Minor changes to a Preliminary PND Plan may be reviewed and approved administratively if the Planning and Zoning Department determines that such changes are consistent with the purpose and general character of the Preliminary PND Plan. An applicant's request for revisions determined substantive by the Planning and Zoning Department shall follow the approval process for a Preliminary PND Plan as described in this Article. Substantive changes include but not are limited to changes that would exceed one or more of the percentages noted in a-c below.
 - a. A change in total square footage of the development by $\pm 10\%$
 - b. A change in the area of any land use by $\pm 10\%$
 - c. A change in the residential density by $\pm 5\%$

Section 5.17 Office / Commercial (OC) Mixed-Use District²⁷

- A. Purpose. The purpose of the OC district is to allow for well-designed employment centers. Developments in the OC district contain a mix of land uses, primarily oriented to commercial and office uses but also allowing multi-family and attached single-family residential uses. Developments are oriented to principal streets, contain substantial public space and streetscaping, allow for pedestrian movement within the site and between adjacent sites, and meet the design standards provided for this district.
- B. Location. This zoning category is intended for use on properties:
 1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
 2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted **and Conditional** Uses Table.

2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
2. For a non-residential use abutting a commercial or industrial use at a side lot line:
 - a. No side yard building setback is required, unless required by the Building Code or other law or regulation.
 - b. Section 4.11A-B does not apply to the side property line that abuts a commercial or industrial use.
3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
 - a. A rear yard building setback may be reduced to 10 feet.
 - b. Section 4.11.A-B does not apply to the rear property line.
4. Section 4.11.A-C does not apply to the front lot property line.
5. Vehicular parking requirements shall be 80% of the required number of parking spaces indicated in Article 11 of this Ordinance.
6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this Ordinance.

E. Additional Requirements

1. Of the gross floor area of land uses in a development in this district, at least 75% shall be non-residential uses, and at least 50% shall be office uses.
2. Buildings fronting a principal street must be at least 2 stories in height.
3. A minimum of 75% of the total gross floor area located on the ground floor of buildings in a development in this district shall be composed of non-residential space
4. Any off-street parking shall be located in the rear or on the side of buildings and may not be located between a street and the front façade of a building.
5. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent street curb) and five-foot-wide sidewalks. If the Comprehensive Plan or the Subdivision and Land Development Regulations identify the property location as appropriate for a trail in lieu of a sidewalk, a trail may be installed.
6. One bicycle parking space shall be provided for each ten vehicular parking spaces. Said bicycle spaces shall not be located within the required sidewalk or in a manner that impedes pedestrian access to the building and may be located within the landscape buffer area provided that it occupies less than 10% of the length of the required buffer, or may be located at the side or rear of the building.
7. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
8. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

ARTICLE 6: RESERVED DEVELOPMENT REVIEW SYSTEM

Section 6.1—Development Review System (DRS)

~~The purpose of the Development Review System (also referred to as DRS) is to assess a particular site's development potential based on criteria which determine the agricultural longevity of the parcel in combination with the presence of and compatibility with public services adjacent to and in close proximity to the site. The DRS is a numerical rating system designed to function within the framework of the traditional zoning districts referenced in this ordinance. All commercial uses and those uses which are not permitted in zoning districts shall be governed by the procedures set forth in Article 7 and all sections that reference requirements to obtain a conditional use permit. It shall be unlawful to commence construction of any commercial uses or uses which are not permitted uses in a zoning district without obtaining conditional use permit approval.~~

Section 6.2—Issuance of a Conditional Use Permit

~~Application for a conditional use permit shall be made before construction of any uses not listed as permitted uses within the appropriate zoning district. Upon receipt of an application, the site will be evaluated by the Departments of Planning and Zoning Staff using the Development Review System. The two major components of the System, the Soils Assessment and the Amenities Assessment, consist of criterion which each possess a numerical value that is weighted relative to its importance as an indicator of a parcel's agricultural significance or its development potential. The total numerical value of the combined criteria is 100 points: the Soil Assessment contributes 25 points and the Amenities Assessment contributes 75 points. The highest total numerical value of the combined criteria indicates that a parcel is more suitable for agriculture, whereas, the lowest numerical value indicates that development is more appropriate for the site. A score of 60 points or less advances the application to the Compatibility Assessment as provided in Section 7.6.^{14, 17, 21, 23}~~

Section 6.3—The Soils Assessment

- ~~A. The Soils Assessment evaluates a particular parcel for development based on the soil types it possesses. The following soils types will be combined into soil groups:~~
- ~~B. The Soils Assessment of a proposed development is not applicable when one or more of the following circumstances applies:²⁷~~
 - ~~1. The development proposal is located within the Residential Growth District or the Industrial Commercial District; or²⁷~~
 - ~~2. The proposed land use will be completely contained:²⁷~~
 - ~~a. In an existing building, and/or~~
 - ~~b. On an existing paved area installed prior to the effective date of this Ordinance, and/or~~
 - ~~c. On an existing paved area installed at any time, for a non-residential purpose, in compliance with County regulations in existence at the time of the installation; or~~
 - ~~3. A land use that complies with Sec. 6.3B.2 with the exception of a one-time expansion of an existing paved area that meets the criteria described in Section 6.3B.2 and/or a one-time expansion of an existing building footprint by the lesser of either:²⁷~~
 - ~~a. Up to 1,000 square feet total, or~~
 - ~~b. Up to 50% of the building footprint of an existing building and/or an existing paved area that meets the criteria described in Sec. 6.3B.2~~
 - ~~c. The following soils types will be combined into soil groups.~~

Soils Type Data

Map Symbol		Agricultural Value Group
AmB	Ai	3
AxC	Ai	4
BaC	Ba	4
BaD	Ba	6
BgE	Ba	6
BnF	Ba	2
BoF	Ba	4
Bp	Bi	3
CaB	Ca	4
CaC	Ca	5
CbC	Ca	6
CbD	Ca	10
CdD	Ca	9
CmB	Cl	4
CrB	Cl	4
Cs	Cd	5
DsB	Dc	1
DsC	Dc	9
DsD	Dc	9
DsE	Dc	9
DyB	Dt	4
DyC	Dt	5
DyD	Dt	3
DyE	Dt	7
EgB	Ed	7
EgC	Ed	10
EgD	Ed	10
Fa	Fa	10
Fk	Fu	10
HbB	Hc	2
HbC	Hc	4
HcC	Hc	3
HeB	Hc	4
HeC	Hc	4
HgE	Hc	6
HrB	Hc	6
HrC	Hc	6
Hy	Hc	10
La	La	6
Ln	Li	6
MhA	M	9
MoB	M	7
MxC	M	8
MxD	M	4
OaB	Oc	4
OaC	Oc	3
		4

X

The points for the soils assessment are computed as follows:⁵

- A. Determine the area of each soil type on the property according to the map symbols.
- B. Multiply the soil type areas times the Relative Value for the soil type taken from the List of Soil Groups and Relative Values.
- C. Sum the products of the multiplication of Area times Relative Value to obtain a total for the property.
- D. Divide the total of the multiplication products by the Total Area of the property to obtain the Weighted Relative Value.
- E. Multiply the Weighted Relative Value times the 25 Soil Assessment Points. Then divide the product by 100 to obtain the allowable number of Soil Assessment Points.

Soil groups take into account a rating of best and worst individual soil types. The following 10 soil groups have been developed from the Jefferson County Soil Survey and have been assigned relative values based on their agricultural productivity (see note).⁵

Table 6.3—2 List of Soil Groups and Relative Values²³

<u>Agricultural Group</u>	<u>Relative Value</u>
1	100
2	87
3	78
4	76
5	65
6	53
7	0
8	0
9	0
10	0

The soil groups and their corresponding values will be incorporated into a work sheet to be used to evaluate the potential agricultural value of each site.

If 50% to 65% of the total soils are rated severe for home construction or street construction, by the Jefferson County Soil Survey, add 5 points to the Land Evaluation value of the work sheet.

If over 65%, add 10 points to the Land Evaluation value of the work sheet.

The soils assessment shall not exceed 25 points.

NOTE: The development of soil groups have been determined by the USDA Natural Resources Conservation Service using corn as the indicator crop.^{1, 17, 21, 23}

Section 6.4—Amenities Assessment^{17, 21}

The amenities assessment of the Development Review System provides indicators of a site’s agricultural viability or its development potential. The following criterion are weighted with a high numerical value assigned if the site is more agriculturally viable and a low numerical value assigned if development would be more appropriate for the parcel. The procedure for the compatibility assessment is contained in Article 7.

For nonresidential projects, there is no impact on Proximity to Schools or Parks and Recreation. Therefore, these points have been added to Size of Site, Highway Problem Areas, and Roadway Adequacy as shown.

A.—Size of Site⁴

This criterion reflects the importance of preserving large blocks of land as a primary goal of agricultural preservation; therefore, acreage shall be contiguous. For nonresidential projects, the points on the right will be applied:

<u>Acres</u>	<u>Residential Project Points</u>	<u>Nonresidential Project Points</u>
0 to 40 acres	0 points	0 points
40 to 80 acres	3 points	5 points
Over 80 acres	6 points	10 points

B.—Adjacent Development⁷

This criterion assesses percentage of adjacent land that which is developed or under development. Development and development pressure includes: a subdivision of more than 5 lots, lots of less than 5 acres and all commercial or industrial uses. This measurement shall be by a computation of linear feet around the boundary of the property in question. Agricultural related industry or uses shall be considered “no development pressure.” Adjacent property includes land separated by roads, rights-of-way, railroads, and other easements. After the percentage of land under development pressure is calculated the remaining percentage of adjacent property may be considered as property where there is no development pressure. The points shall be assessed as follows:

For the property not under development pressure or not developed:

<u>Percent</u>	<u>Points</u>
0 to 40 percent	0 points
40 to 65 percent	5 points
65 to 100 percent	10 points

C.—Distance to Growth Corridor

The distance to the growth corridor relates to the distance of the subject parcel to the boundaries of the Residential Growth District or the Residential Light Industrial Commercial District adopted within this Ordinance. Measuring shall be by the closest linear distance from the property to the closest point of either of the aforementioned growth districts.

<u>Distance</u>	<u>Points</u>
Less than .25 mile	0 points
.25 mile to .75 mile	6 points
Over .75 mile	12 points

D.—Comprehensive Plan Compatibility

This criterion shall determine whether site development is supportive of or has a negative impact on the following elements of the Comprehensive Plan: Highway Problem Areas, Compatibility of site development with designated parks or proposed parks and recreational areas and percentage of proposed affordable housing.

Highway Problem Areas

<u>Number of Areas</u>	<u>Residential Project Points</u>	<u>Nonresidential Project Points</u>
0 problem areas	0 points	0 points
1 problem area	3 points	6 points
2 problem areas	6 points	12 points

Highway Problem Area Points will be assessed as follows:

If the site is accessible to the closest ‘in county’ incorporated area (using the most direct vehicular route) and an ‘out of county’ market area (Frederick, MD; Winchester, VA; Inwood, WV; Martinsburg, WV) (using the most direct vehicular route) without traveling through a Highway Problem Area as shown on the Comprehensive Plan Highway Problem Area Map the project would score a 0 for this criterion.²³

If the site is accessible to either one or the other without traveling through a Highway Problem Area the project would score a 3 for this criterion.²³

If a Highway Problem Area intersects the most direct vehicular route to the closest in county incorporated area and the closest out of county market area, the project would score a 6 for this criterion.²³

Affordable Housing

<u>Percent</u>	<u>Points</u>
25% affordable housing is proposed	0 points
10% affordable housing is proposed	3 points
No affordable housing is proposed	6 points

Park/Recreational

<u>Proposal</u>	<u>Points</u>
Proposing a 5 acre park or 10% of gross acreage (whichever is greater) with amenities and land dedicated to and accepted by Jefferson County Parks and Recreation Commission	0 points
Located within 2 miles from an area marked on the Comprehensive Plan Parks and Recreation Map	3 points
Located farther than 2 miles from an area marked on the Comprehensive Plan Parks and Recreation Map	6 points

Distances for Parks and Recreation will be measured by vehicular miles from a subdivision entrance by the most direct route to the closest park or recreation area as shown on the Comprehensive Plan map of Parks and Recreation Areas.

For nonresidential projects, parks and recreation points will be reassigned to Highway Problem Areas: 0, 6, and 12.

E. Proximity to Schools⁴

<u>Distance</u>	<u>Residential Project Points</u>	<u>Nonresidential Project Points</u>
Less than 2 miles	0 points	For Nonresidential projects points are reassigned to Roadway Adequacy and Size of Site.
2 to 4 miles	4 points	
Over 4 miles	8 points	

The purpose of assessing the proximity of schools to new development is to avoid excessive busing of students. Distances for schools will be measured by vehicular miles from a subdivision entrance by the most direct route to the entrance of the appropriate school.

For nonresidential projects the proximity to schools points will be reassigned to roadway adequacy: 0, 10, and 16 and size of site: 0, 5, and 10.

F. Roadway Adequacy⁴

Road Type	Residential Project Points	Nonresidential Project Points
Primary or Four Lane Road	0 points	0 points
Secondary	6 points	10 points
Local Service	12 points	16 points

Point values for this criterion are assigned based on the designation of the Comprehensive Plan Highway Classification map. Section 6.5D evaluates the operational proximity of the site to designated highway problem areas.

G. Emergency Service Availability

The purpose of this criterion is to assess the distance of potential site development to emergency services: fire department (4.5 points) and ambulance service (4.5 points).

Distance to Emergency Services

Distance to Fire	Points	Distance to Ambulance	Points
Less than 2 miles	0 points	Less than 2 miles	0 points
2 to 5 miles	2.5 points	2 to 5 miles	2.5 points
Over 5 miles	4.5 points	Over 5 miles	4.5 points

Distances for Fire and Ambulance will be measured by vehicular miles from a subdivision entrance by the most direct route to the closest entrance of the appropriate fire or ambulance station.

Section 6.5 — Computation of Soils/Amenities Assessment²⁷

A. At the completion of evaluation of a site with the Soils and Amenities Assessment Criteria, there should be a total number of points awarded to each Assessment. Since the Soils Assessment utilized was based on a 100 points relative point value in itself, a minor conversion must be made to the total relative value. The Development Review System allots a maximum of 25 points to the Soils Assessment therefore the conversion to be made is expressed as follows: $100 \times .25 = 25$ pts. (For example, if a parcel receives the maximum point value of 100 points, in actuality only 25 points will be awarded for the Soils Component of the Development Review System.)

B. The Amenities Assessment has a 75 point maximum point value.

C. The combined maximum total for both Assessments is 100 points. The most agriculturally significant parcel would rate 100; the most developable parcel would rate 0. A total of 60 points or less advances the application to the Compatibility Assessment Meeting.^{14; 17, 21}

D. Any land in the Rural District that is located on a primary or secondary road, as defined in the Comprehensive Plan, shall not have to process through the LESA points process for a commercial or industrial project and shall be advanced directly to the Compatibility Assessment Meeting.^{17, 21}

ARTICLE 7: RESERVED PROCEDURAL REQUIREMENTS FOR REVIEW

Section 7.1—Purpose

~~The Procedural Requirements section of the Ordinance details the procedures to review development utilizing the zoning district regulations and/or the Development Review System. All plans and development approved shall comply with the standards contained in this Article.²³~~

Section 7.2—Zoning District Principal Permitted Uses

~~All uses listed as principal permitted uses within a zoning district shall be developed subject to the Jefferson County Subdivision and Land Development Regulations.²³~~

Section 7.3—General Development Review System Requirements

- ~~A. If a proposed use is not listed as a principal permitted use in a zoning district, the applicant must submit a Development Review System application subject to the requirements of Section 7.4.²³~~
- ~~B. Filing an application with the Planning and Zoning Staff is the first of several stages within the Development Review System. Those stages are listed below.~~
 - ~~1. Filing the application~~
 - ~~2. Departments of Planning and Zoning Staff Evaluation of the Development Review System²³~~
 - ~~3. Compatibility Assessment Meeting~~
 - ~~4. Public hearings~~
 - ~~5. Board of Zoning Appeals decision on the issuance or denial of the Conditional Use Permit^{2, 23}~~

Section 7.4—Filing the Application

- ~~A. The owner or the owner's agent proposing to develop land that is not a principal permitted use in the district where it is located shall consult with the Departments of Planning and Zoning. Fifteen (15) copies of a sketch plan detailing the project shall be submitted with an application and fifteen (15) copies of the support data that will enable the project to be evaluated by the Development Review System, at least ten (10) days prior to the scheduling of a Compatibility Assessment Meeting. This meeting will occur within thirty (30) days from the date that the meeting is scheduled by the staff. Copies of the application, sketch plan, and development review data shall be available for public review in the Planning Office at such time as the proposed development is advertised in the newspaper.^{1, 2, 7, 17, 21, 23}~~
- ~~B. The sketch plan shall include the entire original parcel as it appeared on the date this Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Departments of Planning, Zoning, and Engineering, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.²³~~

~~C. The sketch plan should be accompanied by a tract location map; a soils report indicating the soil types on the parcel and a map delineating the boundaries of each soil type; and the necessary support data, to evaluate the site by the Development Review System, listed below.~~

~~D. Support Data~~

- ~~1. Name and address of owner/developer.~~
- ~~2. Name and address of contact person.~~
- ~~3. Type of development proposed.~~
- ~~4. Acreage of original tract and property to be developed.~~
- ~~5. General description of surface conditions (topography).~~
- ~~6. Soil and drainage characteristics.~~
- ~~7. General location and description of existing structure.~~
- ~~8. General location and description of existing easements or rights of way.~~
- ~~9. Existing covenants and restrictions on the land.~~
- ~~10. Intended improvements and proposed building locations including locations of signs.~~
- ~~11. Intended land uses.~~
- ~~12. Earth work that would alter topography.~~
- ~~13. Tentative development schedule.~~
- ~~14. Extent of the conversion of farm land to urban uses.~~
- ~~15. Affected wildlife populations.~~
- ~~16. Ground water and surface water and sewer lines within 1320 feet.~~
- ~~17. Distance to fire and emergency services that would serve the site.~~
- ~~18. Distance to the appropriate elementary, middle, and high school.~~
- ~~19. Traffic characteristics—type and frequency of traffic; adequacy of existing transportation routes.~~
- ~~20. Demand for school services created by this development.~~
- ~~21. Proximity and relationship to historic structures or properties within two hundred (200) feet.~~
- ~~22. Proximity to recreational facilities.~~
- ~~23. Relationship of the project to the Comprehensive Plan.~~

~~E. The developer shall submit a list of all property owners, and their addresses, adjacent to and confronting the property which is to be developed.~~

~~F. Payment of fees—Within one week of the submittal of a Development Review System application, all required fees must be paid.²³~~

~~G. The Zoning Administrator shall determine if the sketch plan and support data are adequate.^{8, 17, 21, 23}~~

~~Section 7.5—Planning and Zoning Staff Evaluation of the Development Review System~~

- ~~A. The staff will evaluate all applications for the proposed land use in conjunction with Article 6 and all other applicable sections of the Zoning and Land Development Ordinance and other pertinent ordinances governing development in the County.²³~~
- ~~B. Staff will notify the adjacent and confronting property owners of the date, time, and place of the Compatibility Assessment Meeting by registered mail. Notification requirements of Section 3.4A.3(b) shall apply.^{1,23}~~
- ~~C. A North American Industrial Classification System (NAICS) code will be assigned to the proposed project. Once the classification is agreed upon, the NAICS code shall be binding. Any change of use shall require submittal of a new application in accordance with Article 7.²³~~

~~Section 7.6—Compatibility Assessment Meeting~~

- ~~A. The Compatibility Assessment Meeting allows the adjacent and confronting property owners and all other interested parties the opportunity to hear the Applicant's presentation and proposal. The presentation will address the compatibility of the project to the existing areas adjacent to the site. Following the Applicant's presentation, attendees may ask questions or provide comments. Any discussion shall be limited to the proposal's compatibility as presented rather than whether the site should be developed by any other use. At the end of the discussion, the staff shall summarize the positions presented by those in attendance. If the majority of those in attendance are in agreement that the staff record is accurate, the meeting will end. If there is need for clarification of a particular issue the staff will allow additional time for clarification before ending the meeting.²³~~
- ~~B. During the Compatibility Assessment Meeting, those who participate should address, but are not limited to, the following criteria to determine compatibility of the proposed project:
 - ~~1. Adopted Federal, State and local regulations;~~
 - ~~2. Similarity of proposed development type (residential, commercial, industrial, agricultural, etc.) to existing development types;~~
 - ~~3. In a residential project, similarity of the density of the proposed development to existing density in the neighborhood;~~
 - ~~4. Adequacy of roads and highways to accommodate traffic to be generated by the development, with particular attention to dangerous intersections designated by the State Roads Commission or the State Police;~~
 - ~~5. Present and future transportation patterns in the area;~~
 - ~~6. Consistency with land use plans and regulations of incorporated municipalities immediately adjacent to the proposed development;~~
 - ~~7. Any variance which is known to be required at the time of submittal;~~
 - ~~8. The relationship of the proposed change to the adopted Comprehensive Plan; and~~
 - ~~9. All items submitted with the application.^{17,21}~~~~
- ~~C. Staff shall monitor and record the meeting. A time limit, as referred to in Section 7.7C may be imposed if there are a large number of speakers. Staff may comment on the proposed development's conformance to applicable State, Federal and Local codes.^{17,21,23}~~

- ~~D. If not all issues raised at the Compatibility Assessment Meeting were resolved at that meeting, a public hearing of the Board of Zoning Appeals will be required. Staff shall prepare a report summarizing the developer's proposal, the agreed upon conditions, and any other pertinent data and will advertise for the public hearing. A public hearing in conformance with this article will be conducted no fewer than 30 days but no more than 60 days from the date of the Compatibility Assessment Meeting. At the public hearing, the Board shall take action as described in Section 7.6F.^{1, 17, 21, 23}~~
- ~~E. If all issues raised at the Compatibility Assessment Meeting were resolved at that meeting, no public hearing shall be required. At the next Board of Zoning Appeals meeting, the Board shall take action as described in Section 7.6F.^{2, 17, 21, 23}~~
- ~~F. The Board of Zoning Appeals shall issue, issue with conditions, or deny the conditional use permit. The standards governing the issuance of the Conditional Use Permits shall be: successful LESA Point application, Board of Zoning Appeals resolution of unresolved issues; and, evidence offered by testimony and findings by the Board of Zoning Appeals that the proposed development is compatible with the neighborhood where it is proposed.^{2, 17, 21, 23}~~
- ~~G. A Conditional Use Permit shall be valid for the time period identified in Section 3.2G of this Ordinance.²³~~

~~Section 7.7 — Public Hearings for Development Review System²³~~

- ~~A. Unless otherwise superseded by the Board of Zoning Appeals Rules of Procedure, a public hearing for a Development Review System application shall be conducted in accordance with this section.~~
- ~~B. The public hearing will be conducted by the Board of Zoning Appeals. The purpose of the meeting is to hear the staff's report of the issues and concerns raised at the Compatibility Meeting. Any comments relative to the validity of the staff's report should be presented at this meeting. Concerns that have been addressed and agreed upon as accurate by the majority of those present at the Compatibility Assessment Meeting should not be addressed at this hearing. Speakers shall be limited to resolution of issues which could not be resolved at the Compatibility Assessment Meeting and the compatibility of the project within the neighborhood.^{1, 17, 21}~~
- ~~C. All public hearings shall have time limits allotted to those who speak, as follows: the applicant or agent shall have 30 minutes for a presentation, each group who speaks may have 15 minutes, each individual who speaks is allotted 5 minutes, the applicant or agent is allowed 15 minutes for rebuttal. The time limit provision within this section may be modified by the Board of Zoning Appeals Chairperson in the event that there are a large number of persons to speak at a particular hearing. The Board shall announce any change to this section at the beginning of the hearing.^{17, 21}~~
- ~~D. Notification requirements of Section 3.4A.3(b) apply.~~
- ~~E. The Board of Zoning Appeals shall render a decision no more than 60 days after the public hearing.^{17, 21}~~

ARTICLE 8: SUPPLEMENTAL USE REGULATIONS²³

Section 8.1 Adult Use Requirements^{16, 23}

Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, shall only be permitted in the Industrial-Commercial District under the following conditions:

- A. All elements of the use, including parking areas, shall be located at least 1,500 feet from any zoning district other than Industrial-Commercial not separated from the subject property by a public road or railroad right-of-way.²⁷
- B. A proposed adult arcade, adult bookstore, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors or any sign advertising the operation thereof, shall not be permitted within 2,500 feet of a lot with an existing adult use or a lot with a sign advertising an adult use.
- C. All elements of any use described in this section, including parking areas, shall be located at least 1,500 feet from any lot, regardless of its zoning classification, that contains a dwelling unit, a school, a church or house of worship or an institution for human care, regardless it is separated by a public road or railroad right-of-way.

This provision does not apply to any specific existing use that legally qualifies as a nonconforming use; provided, however, that an existing nonconforming use cannot add any of the uses described in this section to their operations as existing on May 1, 2003.

Section 8.2 ~~Barns~~ Animal Housing and Feeding Pens²³

~~Barns~~ Housing for farm animals and feeding pens must be set back a minimum of 75' from a residential district, a lot with a residential use, a church, a school, or an institution for human care.

Section 8.3 Bed and Breakfast²³

A bed and breakfast may contain up to 7 bedrooms, and may conduct up to 4 receptions per year, with 1 tent per reception. Breakfast is the only meal served, and is served only to overnight tenants and their guests. An owner or designated caretaker must reside on the premises while the bed and breakfast is occupied. Up to 2 bedrooms may be located in an accessory dwelling unit, provided that the total number of bedrooms associated with the land use does not exceed 7.

Section 8.4 Kennels²³

All portions of a Kennel land use must be buffered pursuant to Article 4 and set back at least 500 feet from any property that contains a residence. Kennels cannot be located within a ~~Planning Commission approved~~ major residential subdivision.¹⁵

Section 8.5 Farm Brewery, Farm Winery, or Farm Distillery^{23, 26}

- A. All structures associated with the operation of a farm brewery, farm winery, or farm distillery may not exceed 20,000 square feet.²⁶
- B. No sale of alcohol for onsite consumption is permitted.²⁶
- C. The use may include facilities for fermenting, processing, bottling, packaging, and storage of products produced on-premises²⁶
- D. Permitted accessory uses include the following:²⁶
 - 1. Incidental tastings of products produced on-premises.
 - 2. Incidental food sales associated with tastings, not including a restaurant.
 - 3. Sales of packaged products produced on-premises.
 - 4. Sales of novelty and gift items associated with products produced on-premises.
- E. Twenty-five percent of the raw products for a product containing alcohol that is produced by a farm brewery, farm winery, or farm distillery must be produced (i.e. grown and harvested) on the premises of the farm brewery, farm winery, or farm distillery. No more than twenty-five percent of any produce utilized for farm wineries and farm distilleries shall originate from any source outside of West Virginia.²⁶
- F. Production limits are as follows:²⁶
 - 1. A farm brewery may produce annually up to 5,000 barrels of beer (155,000 gallons).
 - 2. A farm winery may produce annually up to 50,000 gallons of wine and similar products.
 - 3. A farm distillery may produce annually up to 20,000 gallons of alcoholic liquor.
- G. Buildings located on the premises may exceed the square footage limit of Section 8.5A provided that the total building area dedicated to the use does not exceed to total permitted square footage. This limit applies to the use of space for distilling, bottling, sales, administrative offices, and customer area, and does not apply to a barn, greenhouse or similar structure that is directly related to agricultural production.²⁶

Section 8.6 Farm and Farmers' Markets²³

- A. A Farm Market shall be located on the land or farm on which the farm products being sold are produced. The floor area of a farm market may not exceed 1,500 square feet, a front yard setback of fifty feet (50) from the street right-of-way must be maintained, and off street parking must be provided.
- A.B. A Farmers' Market is a multi-stall market at which multiple farmer-producers offer agricultural products for sale to the public. Such uses are permitted in commercial zones in accordance with Appendix C and in the Rural Zoning District as a part of a Commercial Agricultural Enterprise.

Section 8.7 Jails and Prisons²³

Due to the special conditions surrounding a jail, prison, or penal institution, all such projects shall only be allowed in the Industrial-Commercial Zone and shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use as provided for in this Ordinance ~~Development Review System as outlined in Article 6 of this Ordinance.~~⁵

Design Standards for Jails, Prisons and/or Penal Institutions are as follows:⁵

- A. All jails shall have direct access to a primary road as defined by the Jefferson County Comprehensive Plan. Such road shall have a level of service no worse than Level C.

- B. No residential subdivisions, schools, churches or institution for human care shall be within 2000' of the subject property. However, this does not prevent such use from locating within 2000' of a jail, prison or penal institution.
- C. Setbacks:
 - 1. Front 1,000 Feet
 - 2. Sides 1,500 Feet
 - 3. Rear 1,500 Feet

Section 8.8 Hunting, Shooting and Fishing Clubs²³

- A. Hunting, Shooting and Fishing Clubs may include the following accessory uses:
 - 1. Private restaurant that seats no more than 80 patrons that are members and guests of members.
 - 2. Conference and banquet facilities to serve no more than 250 people in which a member rents the facility. Events which are accessory uses other than hunting, shooting, archery and fishing, cannot exceed more than 16 per year.
 - 3. Private lodge facilities of up to 50 units that serve members and guests.²⁰
 - 4. Shooting ranges for use of members and guests of members.
- B. Standards for Hunting, Shooting and Fishing Clubs²⁰
 - 1. 75 foot setback for all structures and parking.
 - 2. 150 yard setback for all shooting facilities.
 - 3. Height
 - a. As is for conversion or reconstruction that does not exceed 135 percent of the original footprint of existing structures
 - b. 35 feet for new structures
 - 4. Landscaping requirements of this Ordinance apply, with the following exception:
 - a. Perimeter landscaping shall be as approved by staff in order to preserve existing vegetation.
 - 5. Minimum of 150 acres under common ownership.
- C. Special Exceptions for Hunting, Shooting and Fishing Clubs²⁰
 - 1. Limits exceeding requirements outlined above can be increased with Board of Zoning Appeals approval provided that the Board of Zoning Appeals find that the increase is compatible with the neighborhood after taking into consideration neighborhood character, traffic, and buffering. Such decision shall be rendered after a public hearing as outlined in the Board of Zoning Appeals Rules of Procedure.

Section 8.9 Industrial and Commercial Uses²³

- A. Industrial and commercial uses in all districts shall comply with the following standards:
 - 1. Noise

All noise shall be muffled so as not to be objectionable due to intermitting, beat frequency, or shrillness. Noise levels shall not exceed the following sound levels dB(A). The sound-pressure level shall be measured at the property line with a sound level meter.

<u>Sound Measured In</u>	<u>DAY</u>	<u>NIGHT</u>
	<u>7 AM - 6 PM</u>	<u>6 PM - 7 AM</u>
Adjoining Agricultural or Residential Growth District	60 dB(A)	50 dB(A)
Residential Uses in R-LI-C District	65 dB(A)	55 dB(A)

Sales of fireworks are permitted in the Industrial-Commercial, Residential-Light Industrial-Commercial, General Commercial, Highway Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.^{8, 27}

Section 8.13 Dormitory²³

A dormitory shall be located on the same property or campus as the use it is intended to serve. A dormitory shall not offer accommodations to the general public or to persons who are visiting the property or campus primarily for the purpose of being a spectator at a sporting event or other gathering held at the facility. A dormitory may include one common kitchen or dining facility and common gathering rooms for social purposes for use only by its temporary occupants.

Section 8.14 Rural Reception/Event Facility²⁶

A Rural Reception/Event Facility is a facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events. Such events proposed in the Rural, Village, Residential Growth, and Residential-Light Industrial-Commercial Districts are ~~allowed by Special Exception in accordance with Section 10.5B of this Ordinance.~~ approved by the Board of Zoning Appeals following a public hearing. Such public hearing shall be conducted according to the requirements of Section 3.4A.3(c); may be continued according to the requirements of Section 3.4A.3(d); and is subject to the notification requirements of Section 3.4A.3(b).

Such a land use may be approved based on the Board's evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. For events exceeding 300 persons, applicants shall provide a traffic control plan.

A Rural Reception/Event Facility, Small, is a Rural Reception/Event Facility in the Rural District only, for the hosting of events such as weddings with attendance not to exceed 75 cars, at a frequency of no more than one event per month. Such events are permitted administratively provided that if the facility would utilize a private, shared right-of-way, driveway or easement for vehicular access, a public hearing before the BZA is required. ~~in accordance with the requirements of a Cottage Industry found in Section 4A.5 of this Ordinance; provided, however, that the maximum square footage for a Cottage Industry shall not apply to a proposed Rural Reception/Event Facility, Small. If these requirements are not complied with, the Cottage Industry permit can be revoked.~~

Approvals of all Rural Reception/Event Facility and Rural Reception/Event Facility, Small shall include a provision that noise at the property line shall conform with Section 8.9A.1 of this Ordinance and shall apply the Residential Growth District Standard to all adjacent lots containing a residence as well adjacent lots in the Rural District.

Note that any suppliers and/or production staff are not counted in the trip generation for this Section.

Section 8.15 Accessory Agricultural Dwelling Unit²⁶

Detached "Accessory Agricultural Dwelling Units" for agricultural purposes are defined as a dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building and meets all of the following criteria: (a) is limited in size to a

maximum of 1,700 heated square feet, gross floor area; (b) is located on a property for which the primary use is an agricultural use as defined by this ordinance; (c) is located on a property of at least 10 acres in area; and (d) is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property.

One unit meeting the definition of “Accessory Agricultural Dwelling Unit” may be permitted administratively for each property meeting the criteria of Section 8.15 on the effective date of this Amendment. Additional units may be permitted by Special Exception, which may be approved by the Board of Zoning Appeals following a public hearing. Such public hearing shall be conducted according to the requirements of Section 3.4A.3(c); may be continued according to the requirements of Section 3.4A.3(d); and is subject to the notification requirements of Section 3.4A.3(b). These additional units designed for occupancy by farmworkers or caretakers, may be approved based on the Board’s evaluation of the size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood.

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ARTICLE 10: PROVISIONS FOR SIGNS

Section 10.1 Purpose of Sign Provisions

The purpose of this section is to regulate all exterior signs and interior signs placed for exterior observance so as to protect property values and the character of the County. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted therein or thereon shall be deemed to be accessory and incidental to such land, building or use.

It is intended that the placement of a particular sign will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. It is also intended that in areas proposed for new development, that signs placed will be harmonious in color, form and proportions to its surroundings.

Section 10.2 General Provisions

- A. No sign shall be erected, hung, or placed in any district except as provided in this Ordinance. No sign erected before the enactment of this Ordinance shall be structurally altered or moved except in accordance with this Ordinance.
- B. No zoning permit shall be required for the repainting or repairing of a sign.
- C. No signs, other than subdivision signs approved by the Planning Commission, shall be located in the right-of-way of any road or on any slope or drainage easement for such road.^{2, 17, 21, 23}
- D. No sign shall be permitted which is an imitation of or which resembles an official traffic control device, railroad sign or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal, or traffic sight lines. Illuminated signs shall be so constructed as to avoid glare or reflection of any portion of an adjacent highway or residential building.
- E. No sign which implies the need or requirement of stopping or this existence of danger shall be displayed.
- F. No sign shall be placed on rocks, trees, or on poles maintained by public utilities.
- G. No sign shall be permitted which becomes unsafe or endangers the safety of the building, premises, or persons and unless maintained in a good general condition.
- H. No sign shall be permitted which contains statements, words or pictures of an obscene, indecent, or immoral character.
- I. No animated signs, as defined by Section 2.2 are allowed.

Section 10.3 Permitted Signs Without Zoning Permit

- A. Signs posted upon property relating to private parking or warning the public against trespassing or against dangers of animals.
- B. Municipal, County, State and Federal signs, including necessary traffic signs.
- C. Historical markers, monuments, or signs erected by a public authority.
- D. Plates on residential structures or premises giving the name or address of the occupant, mailboxes, papertubes, and similar uses customarily associated with residential uses.
- E. A sign indicating the name and/or premises or accessory use of a home for a home occupation or professional purpose, not exceeding the maximum size for such a sign as permitted in Article 4A of this Ordinance.

- F. A sign not exceeding twenty-five (25) square feet on a farm, advertising farm products primarily grown on the premises.
- G. Directional or informational signs of a public or quasi-public nature, such as those containing the meeting date of a community or civic club, or the advertising of a public event.
- H. A temporary real estate sign designating the zoning classification of the parcel, not exceeding twenty (20) square feet and being located on the subject property for sale or lease.
- I. Building contractors', subdivision and/or professional person' temporary signs on buildings or land under construction but not to exceed one hundred (100) square feet.
- J. Election signs, provided that unsuccessful candidate shall remove signs within 15 days after a primary or special election. All signs shall be removed within 15 days after the general election. Signs shall not interfere with traffic visibility.
- K. All temporary signs shall be removed thirty (30) days after the event, unless otherwise specified in Article 10.

Section 10.4 Signs Requiring a Zoning Permit

- A. Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.²
- B. Any exterior sign or signs pertaining to the use conducted on the premises, and which is either integral with or attached to the principal building, shall have a sum total area of no more than two square feet for each foot in length of the frontage of the building. No sign shall be attached to the side of the building that faces an adjoining residence. All signs placed on a property whose use is permitted through the approval of a Conditional Use Permit governed by the Development Review System ~~is~~are subject to Section 10.4E.
- C. Individual business or industrial establishments may erect a freestanding business sign, provided the lot frontage is at least forty (40) feet. The freestanding sign shall be located in such a manner that no part of the supporting structure is less than twenty-five (25) feet from the street right-of-way, and that no part of the sign is closer than five (5) feet to the right-of-way. The total area for any sign or signs on one supporting structure shall not exceed 300 square feet and the total height of the sign structure shall not exceed thirty-five (35) feet. Businesses or industries having a frontage on more than one street may have an additional freestanding sign for each street frontage, provided that the total area for all freestanding signs does not exceed 600 square feet. Where the lot adjoins a residence and a freestanding sign is on the side of the business lot adjoining the residential lot, the sign shall not face the adjoining residence. Signs whose use is permitted through the approval of a Conditional Use Permit governed by the Development Review System ~~are~~ subject to Section 10.4E. Structures which have more than one use shall be required to use a pylon sign. One is permitted on each street frontage.⁸
- D. All outdoor advertising signs shall be spaced in such a manner that in an Industrial District there shall be a minimum of three hundred (300) feet between signs, and in the Rural District, where permitted, such signs shall be located in such a manner that there shall be one thousand (1,000) feet between signs. This shall be subject to Section 10.4E.
- E. All signs accessory to land use that must be permitted through the approval of a Conditional Use Permit ~~evaluated by the Development Review System (DRS)~~ shall be proposed within the Conditional Use Permit ~~DRS~~ application and assessed by the Board of Zoning Appeals at the required Public Hearing ~~Compatibility Assessment Meeting~~. Such signs shall be maintained at least one thousand (1,000) feet between signs. Consideration of the placement of such signs with less than one thousand (1,000) foot intervals shall be determined by the Commercial or

Residential Uses adjacent to the subject site. Commercial uses adjacent to the subject site may allow spacing intervals of three hundred (300) feet. Any variance from this standard shall require consideration and approval of a variance by the Board of Zoning Appeals. The Planning Commission shall make this determination if the location cannot be agreed upon at the Compatibility Assessment Meeting.^{2, 17, 21, 23}

- F. No outdoor advertising sign shall be placed closer than three hundred (300) feet to an intersection on a dual or proposed dual highway or within one hundred feet of any other intersection; provided, however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
- G. All outdoor advertising, excluding billboards subject to Section 10.4H, shall comply with front yard setback provisions in the districts in which they are permitted.
- H. Billboards
 - 1. No billboard shall be closer to any public highway right-of-way than three (300) feet.
 - 2. Placement of a billboard must be in a location that is within eight hundred (800) feet of an existing business.
 - 3. There shall be a minimum of one thousand (1000) feet between billboards.
 - 4. A billboard shall be no closer than five hundred (500) feet from a church, school, or cemetery.

Section 10.5 Special Exception Uses²⁶

- A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals following a public hearing.
 - 1. The public hearing shall be conducted according to the requirements of Section 3.4A.3(c).
 - 2. Such hearing may be continued according to the requirements of Section 3.4A.3(d).
 - 3. The public hearing is subject to the notification requirements of Section 3.4A.3(b).
- B. The following uses may be approved as a Special Exception:
 - 1. Outdoor advertising signs including billboards. The Board of Zoning Appeals shall determine if such a sign conforms to existing State law and does not have a negative effect on the neighborhood or intent of this Ordinance.^{17, 21}
 - ~~2. Detached “Accessory Agricultural Dwelling Units” for agricultural purposes, such as units for occupancy by farmworkers or caretakers, may be approved based on the Board’s evaluation of the size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. One unit meeting the definition of “Accessory Agricultural Dwelling Unit” may be permitted administratively for each property meeting the criteria of Section 8.15 on the effective date of this Amendment. Additional units may be permitted by Special Exemption in accordance with this Section.~~
 - ~~3. Use of existing structures and outdoor areas as “Rural Reception/Event Facilities” for weddings and similar events in the Rural, Village, Residential Growth, and Residential-Light Industrial Commercial Districts. Such a land use may be approved based on the Board’s evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. For events exceeding 300 persons, applicants shall provide a traffic control plan.~~

APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE²⁷

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft.***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/ Drive Aisle Setbacks	Screened Buffers Sec. 4.11		
							Front	Side	Street Side	Rear				
Residential Growth	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A		
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"				
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"				
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20				
		Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20				
	Duplex Dwelling Unit	Public/Central water and sewer	N/A	10,000	N/A	"	"	"	"	"				
		Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"				
	Townhouse Dwelling	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20			12 side	12 side
	Multi-Family Dwelling (See also Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30			15 front	15 front
Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	‡	12	N/A	N/A			
	30,000 sq. ft. to 40,000 sq. ft.	N/A	N/A	N/A	40	20	10	‡	12					
	Under 30,000 sq. ft.	N/A	N/A	N/A	40	20	8	‡	12					
Rural (See also Sec. 5.7)	Dwellings		40,000	N/A	100	35	40	15	‡	50	N/A	N/A		
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres	N/A	N/A	N/A	35	40	15	‡	50				
		40,000 sq. ft. to 2 acres	N/A	N/A	N/A	35	25	12	‡	12				
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	35	20	10	‡	12				
		Under 30,000 sq. ft.	N/A	N/A	N/A	35	20	8	‡	12				
Cluster Subdivision	See Residential Growth													
	Residential use that complies with the Development Review System	See Residential Growth												
Village	Residential uses	See Residential Growth												
Residential-Light Industrial-Commercial	Residential uses	See Residential Growth ^φ												
Industrial-Commercial	Residential uses	See Rural setbacks for lots not previously stipulated by the Planning Commission.												
Neighborhood Commercial	Residential uses	See Residential Growth												
General Commercial	Residential uses	See Residential Growth												
Highway Commercial	Residential uses	N/A												
Light Industrial	Residential uses	N/A												
Major Industrial	Residential uses	N/A												
Office / Commercial Mixed Use	Residential uses	See Residential Growth												
Planned Neighborhood Development	Residential uses	See Residential Growth. Note: the Planning Commission may amend site development standards for a land use in the Planned Neighborhood Development district pursuant to Article 5 of this Ordinance.												

The requirements in this table are in addition to any other applicable requirements in the text of the Zoning and Land Development Ordinance. See also Article 8 of the Ordinance for site development standards for certain land uses. In the event of a conflict with the text of this Ordinance this table shall prevail.

For all lots approved prior to Sept. 1, 1989, lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'. NOTE: All detached accessory structures under 144 square feet in size - 6' setback. (Res Growth District)

See Article 8 of the Zoning and Land Development Ordinance for building setbacks for certain land uses.

All dimensions are in feet unless otherwise indicated.

^φ In the Residential - Light Industrial - Commercial District, on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse may be reduced to 10', if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

[‡] See setback requirements noted in Sec. 2.2, definition of "Lot, Corner."

* Maximum height subject to Section 9.2

** Exterior side only.

*** The balance square footage between the ADU and the MLA shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.

**** The front setback for a Small lot single-family detached dwelling may be reduced to 10' if the front yard does not contain a driveway.

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APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE²⁷

Zoning District	Development Type ^o	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks			Parking/Drive Aisle Setbacks [¶]			Distance if Sec. 4.6 applies	Buffers (Sec. 4.11) (Screened / Unscreened)							
													a Residential district, or any lot with a residence, school, church, or institution of human care						Commercial Use	
						Front	Side	Rear	Front	Side	Rear		Front, Side, Rear	Front, Side, Rear	Front	Side	Rear	Front	Side	Rear
Industrial - Commercial**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Narrow Buffer Detail No. M-54							
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25	50 (or 25 if adjacent to industrial use)		15	10	10	75	Medium Buffer Detail No. M-53							
	Industrial	3 acres***	N/A	75	90%	50 (or 25 if adjacent to industrial use)			25 (or 20 if adjacent to industrial use)			200	Wide Buffer Detail No. M-52							
Residential-Light Industrial-Commercial	Commercial or Industrial	N/A	N/A	60	80%	See Industrial - Commercial District														
Rural	Churches	2 acres	200	35	N/A	25	50	50	See Parking / Drive Aisle Setbacks for commercial sites (greater or less than 1.5 acres, based on lot size) in the Industrial-Commercial District.			N/A	50(U) or 15(S)		N/A	10(S)	10(S)	N/A	10(S)	10(S)
	Schools, Grades K-12	Grades K- 4: 10 acres+ Grades 5-8: 20 acres+ Grades 9-12: 30 acres+	500	35	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A	N/A	N/A
	Hospitals	10 acres	500	35	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A	N/A	N/A
	Other Rural principal permitted uses	40,000 sq. ft.	100	35	N/A	40	50	50				N/A	If a commercial or industrial use, see Industrial - Commercial District; otherwise N/A							
	Commercial or Industrial**	See Industrial - Commercial District																		
Village District	Commercial [†]	N/A	N/A	35	N/A	25	10	40	See Industrial - Commercial District											
	Industrial**	See Industrial - Commercial District																		
Residential Growth	Commercial or Industrial**	See Industrial - Commercial District																		
Neighborhood Commercial	Commercial	N/A	N/A	35	70%	15 min 25 max	10 [£]	10 ^o	See Industrial - Commercial District			25	See Industrial - Commercial District							
General Commercial	Commercial	N/A	N/A	60	80%	20	10	25	See Industrial - Commercial District											
Highway Commercial	Commercial	N/A	N/A	60	80%	25	25	25												
Light Industrial	Commercial or Industrial	N/A	N/A	60	80%	25	25	25												
Major Industrial	Commercial	N/A	N/A	75	90%	25	10	50												
	Industrial	3 acres***	N/A	75	90%	25	50	50												
Office / Commercial Mixed Use	Commercial	N/A	N/A	60	80%	15 min 25 max	10 [£]	10 ^o	See General Commercial District.											
Planned Neighborhood Development	Commercial	3 acres	Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).																	

The requirements in this table are in addition to any other applicable requirements in the text of the Zoning and Land Development Ordinance. See also Article 8 of the Ordinance for site development standards for certain land uses. In the event of a conflict with the text of this Ordinance this table shall prevail.

All dimensions are in feet unless otherwise indicated.

* Maximum building height is subject to Sec. 9.2.

** If land use(s) approved via [Neighborhood Compatibility Meeting process or Development Review System](#) ~~the Conditional Use~~ process in accordance with this Ordinance.

*** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

**** For schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly. [Source: 5.7B]

¥ Village Commercial setbacks may be reduced [by a variance approved by the BZA as a result of a Compatibility Assessment Meeting](#) based on other structures existing in the neighborhood. Side and rear yard setbacks - 6' for an existing structure to be used for a land use as provided in Sec. 5.10.

‡ Setback may be reduced if adjacent to industrial use.

ϕ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

◇ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

θ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

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APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE²³

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Residential Uses													
Dwelling, Single Family	<u>P</u> NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	<u>P</u> NP	NP	NP	NP	NP	P	NP	NP	P	P	NP	NP	
Dwelling, Two Family	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	NP	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	NP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Multi-Family	NP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
Mixed Use Building	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>CU</u>	<u>CU</u>	<u>NP</u>	<u>P</u>	
Mobile Home	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	<u>CU</u> <u>PC</u>	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
Home Uses													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
Institutional Uses													
Airport	NP	NP	NP	P	P	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Church	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	P	P	P	NP	P	
Convention Center	NP	P	P	P	<u>PC</u> <u>CU</u>	P	P	NP	NP	P	<u>CU</u> <u>PC</u>	NP	
Cultural Facility ²⁹	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	<u>PC</u> <u>CU</u>	P	P	NP	P	P	P	<u>CU</u> <u>PC</u>	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	NP	NP	P	P	<u>CU</u> <u>PC</u>	
Elementary or Secondary School	P	P	<u>PC</u> <u>CU</u>	<u>PC</u> <u>CU</u>	NP	P	P	P	P	P	NP	NP	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	<u>CU</u> <u>PC</u>	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	<u>PC</u> <u>CU</u>	P	P	P	NP	P	
Heliport	NP	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	NP	NP	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	NP	
Hospital	NP	P	P	P	<u>CU</u> <u>PC</u>	P	P	P	P	P	NP	NP	
Nursing or Retirement Home	<u>CU</u> <u>PC</u>	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	P	P	NP	<u>CU</u> <u>NP</u>	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	NP	NP	P	P	<u>PC</u> <u>CU</u>	
Preschool	P	P	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	P	P	P	P	P	NP	NP	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	<u>CU</u> <u>PC</u>	
Recycling Drop-Off Center	<u>CU</u> <u>PC</u>	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	<u>CU</u> <u>PC</u>	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	NP	NP	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	
Industrial													Sec. 8.9
Heavy Equipment Repair	NP	NP	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9

APPENDIX C: PRINCIPAL PERMITTED **AND CONDITIONAL** USES TABLE^{23, 27}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Industrial Continued													Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** <u>NP</u>	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	<u>CU</u> <u>PC</u>	P	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Manufacturing, Limited	NP	P	P	P	P	<u>CU</u> <u>PC</u>	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	<u>CU</u> <u>PC</u> ²	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u> ²	NP	Sec. 4.4L
Shooting Range, Indoor	NP	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	P	P	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	P	NP	
Shooting Range, Outdoor	NP	NP	NP	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	<u>CU</u> <u>PC</u>	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	<u>CU</u> <u>PC</u>	P	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	<u>CU</u> <u>PC</u>	P	NP	NP	P	P	NP	
Industrial Manufacturing & Processing													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	<u>PC</u> <u>CU</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	<u>PC</u> <u>CU</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Commercial Sawmills	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>PC</u> <u>CU</u>	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Explosive manufacture or storage	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Jails and Prisons	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Petroleum products refining or storage	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	Sec. 8.11
Adult Uses													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses**													
Sec. 8.9													
Antique Shop	P	P	P	P	NP	P	NP	NP	NP	P	P	<u>CU</u> <u>PC</u>	
Appliance Sales	NP	P	P	P	<u>CU</u> <u>PC</u>	P	NP	NP	NP	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	NP	NP	P	P	<u>CU</u> <u>PC</u>	
ATM	P	P	P	P	NP	P	P	NP	NP	P	P	<u>CU</u> <u>PC</u>	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	NP	NP	P	P	NP	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 27}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													
Sec. 8.9													
Bail Bond Services	NP	P	P	P	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	P	NP	
Bank	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	NP	NP	P	P	<u>CU</u> <u>PC</u>	
Bank with Drive-Through Facility	<u>CU</u> <u>PC</u>	P	P	P	<u>CU</u> <u>PC</u>	P	P	NP	NP	P	P	NP	
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	NP	P	P	<u>CU</u> <u>PC</u>	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	<u>CU</u> <u>PC</u>	Sec. 8.3
Business Equipment Sales and Service	<u>CU</u> <u>PC</u>	P	P	P	<u>CU</u> <u>PC</u>	P	P	NP	NP	P	P	NP	
Building Maintenance Services	<u>CU</u> <u>PC</u>	P	P	P	P	P	P	NP	NP	P	P	NP	
Building Materials and Supplies	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Campground	<u>CU</u> <u>PC</u>	P	NP	NP	NP	P	NP	NP	NP	P	P	NP	
Car Wash	NP	P	P	P	<u>CU</u> <u>PC</u>	P	P	NP	NP	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	NP	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	NP	NP	<u>CU</u> <u>PC</u>	P	NP	
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	NP	NP	P	P	NP	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Convenience Store, Limited	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	NP	P	P	<u>CU</u> <u>PC</u>	
Convenience Store	<u>PC</u> <u>CU</u>	P	P	P	<u>PC</u> <u>CU</u>	P	NP	NP	NP	<u>PC</u> <u>CU</u>	P	NP	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	NP	P	P	<u>CU</u> <u>PC</u>	
Custom Manufacturing	P	P	P	P	P	P	P	<u>CU</u> <u>NP</u>	NP	P	P	<u>CU</u> <u>PC</u>	
Dry cleaning and Laundry Services	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	NP	NP	P	P	<u>CU</u> <u>PC</u>	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Exterminating Services	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Florist	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	NP	NP	P	P	<u>CU</u> <u>PC</u>	
Food Preparation	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	NP	NP	P	P	NP	
Hotel/Motel	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Gambling Facilities	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>PC</u> <u>CU</u>	NP	Sec. 4.4G
Gas Station, Limited	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	NP	P	P	NP	
Gas Station	NP	P	P	P	<u>CU</u> <u>PC</u>	P	P	NP	NP	P	P	NP	
Gas Station, Large	NP	<u>PC</u> <u>CU</u>	P	P	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	NP	NP	P	P	NP	
Golf Course	NP	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	NP	P	P	NP	
Grocery Store	P	P	P	P	<u>CU</u> <u>PC</u>	P	NP	NP	NP	P	P	NP	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	<u>CU</u> <u>NP</u>	NP	P	P	NP	
Kennel	NP	P	P	P	<u>CU</u> <u>PC</u>	P	P	P	NP	P	P	NP	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	NP	NP	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	<u>CU</u> <u>PC</u>	P	P	NP	NP	P	P	NP	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	<u>CU</u> <u>PC</u>	P	NP	NP	NP	<u>CU</u> <u>PC</u>	P	NP	
Movie Theater	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Nightclub	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Non-Profit Community Centers	P	P	P	P	<u>PC</u> <u>CU</u>	P	NP	P	NP	P	P	NP	
Parking,	NP	P	P	P	P	P	P	NP	NP	P	P	NP	

Commercial Offsite Accessory														
Pawn Shop Services	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP		

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 27}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
Personal Services	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	NP	P	P	<u>CU</u> <u>PC</u>	
Professional Office	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	NP	P	P	<u>CU</u> <u>PC</u>	
Restaurant, Fast Food, Limited	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	NP	P	P	<u>PC</u> <u>CU</u>	
Restaurant, Fast Food	<u>CU</u> <u>PC</u>	P	P	P	<u>CU</u> <u>PC</u>	P	P	NP	NP	<u>CU</u> <u>PC</u>	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Fast Food, Drive-Through	NP	P	P	P	<u>CU</u> <u>PC</u>	<u>PC</u> <u>CU</u>	P	NP	NP	<u>PC</u> <u>CU</u>	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Limited	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	NP	P	P	<u>CU</u> <u>PC</u>	
Restaurant	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	NP	P	P	NP	
Retail Sales Limited	P	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	NP	P	P	NP	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Retail Store, Large	NP	<u>CU</u> <u>PC</u>	P	<u>CU</u> <u>PC</u>	NP	<u>PC</u> <u>CU</u>	NP	NP	NP	<u>PC</u> <u>CU</u>	<u>PC</u> <u>CU</u>	NP	
Shipping and Mailing Services	P	P	P	P	<u>PC</u> <u>CU</u>	P	P	NP	NP	P	P	NP	
Storage, Commercial	NP	P	P	P	<u>CU</u> <u>PC</u>	P	NP	NP	NP	P	P	NP	
Veterinary Services	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	P	NP	P	P	NP	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*													
Agricultural Uses as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	NP	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Farm Brewery or Winery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
<u>Farmer's Market</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>P</u> <u>CU</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>CU</u>	<u>Sec. 8.6</u>
Feed and/or Farm Supply Center	<u>PC</u> <u>CU</u>	P	P	P	P	P	P	P	NP	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	NP	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	NP	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	NP	P	P	NP	
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC	Neighborhood Commercial	OC	Office / Commercial Mixed-Use
GC	General Commercial	R	Rural
HC	Highway Commercial	RG	Residential Growth District
LI	Light Industrial	RLIC	Residential-Light Industrial-Commercial District
MI	Major Industrial	IC	Industrial-Commercial District
PND	Planned Neighborhood Development	V	Village District
P	Permitted Use		
NP	Not Permitted Use		

PC U Conditional Uses ~~Permitted Conditionally~~ (subject to requirements of district and/or other requirements of this Ordinance)

* Limited Permitted or Conditional ~~Permitted~~ Uses listed in Permitted Uses Table

** Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a Conditional Use.

¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this Ordinance

² Approval process is per the Salvage Yard Ordinance.

DRAFT