

**SPECIAL SESSION  
AGENDA  
JEFFERSON COUNTY COMMISSION  
TUESDAY, SEPTEMBER 13, 2016  
9:30 A.M.**  
County Commission Meeting Room  
located at the Old Charles Town Library  
200 E. Washington Street, Charles Town, WV

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

- September 1, 2016

**APPROVAL OF ACCOUNTS PAYABLE/MANUAL CHECKS**

- September 8, 2016

**APPROVAL OF PAYROLL**

- September 8, 2016

**ANNOUNCEMENTS**

- Report if there are changes in the agenda if applicable

**PUBLIC COMMENT**

**PRESENTATIONS**

1. 9:45 a.m. Amendments of the various sections of the Zoning and Land Development Ordinance (File #ZTA15-02) and the Subdivision and Land Development Regulations (File #STA15-04) regarding permitting campgrounds in certain Rural and Commercial zoning districts – Discussion/Action
2. 10:30 a.m. **BREAK**

3. 10:40 a.m. Recommendation from the Planning Commission to the County Commission to amend various sections of the Zoning and Land Development Ordinance to replace the current nontraditional zoning ordinance with the traditional zoning ordinance by eliminating the DRS/LESA CUP Process (Articles 6 and 7) and replace it with a traditional Principal Permitted and Conditional Use process. The proposed text amendment also includes a recommendation to increase the density provisions of the Rural Zoning Cluster Development in Section 5.7; and proposed amending various sections related to rural land use throughout the Ordinance. The purpose of this request is to provide an overview of the recommended amendment and possibly to schedule a public hearing to be held by the County Commission. (File #ZTA16-01) - Discussion/Action
4. 11:15 A.M. **BREAK**
5. 11:30 a.m. Continued discussion of the Engineering, Planning, Zoning and GIS/Addressing Department Restructuring Plan - Discussion/Action
6. 12:15 p.m. Nikki Painter, County Clerk's Office
  - Poll Worker and Alternate Approval - Discussion/Action
  - Modify the Limit for Election Budget Expenditures for the Current County Clerk - Discussion/Action
  - Election Update - Discussion/Action
7. 12:30 p.m. Michelle Gordon, Finance Director
  - Transfer of \$400,000 from Investment Account to Capital Outlay Checking Account - Discussion/Action

#### **COUNTY ADMINISTRATOR REPORTS**

- Selection of date and time for Meet Your Commissioners event - Discussion/Action

#### **COUNTY COMMISSION REPORTS**

#### **8. ADJOURN**

#### **CORRESPONDENCE/INFORMATION**

Impact Fee Status Report - August 2016

Transfer of Funds from the Office of Impact Fees General Account to Sheriff's Schools Impact Fee Account.

Transfer of Funds from the Office of Impact Fees General Account to Sheriff's Law Enforcement

**Impact Fee Account.**

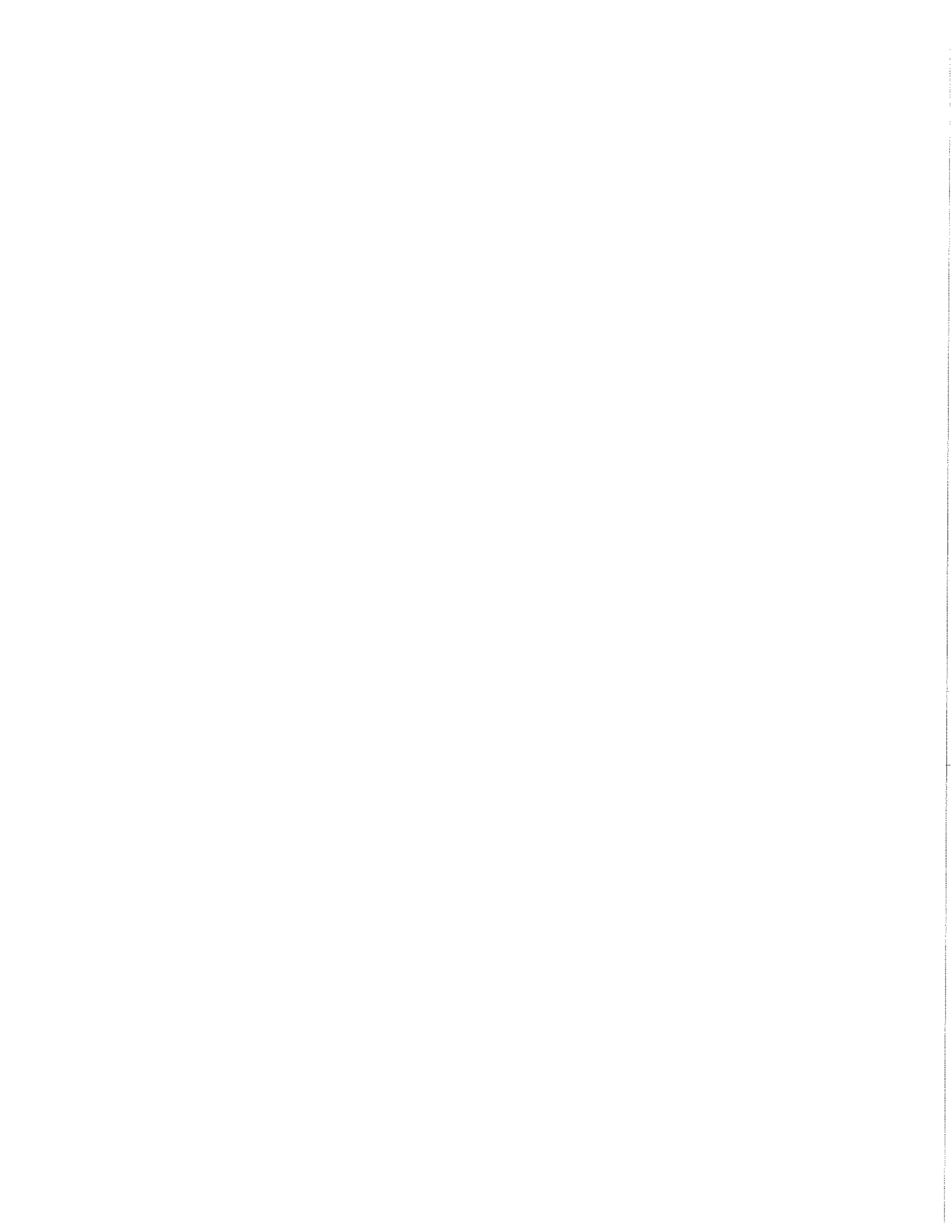
**Transfer of Funds from the Office of Impact Fees General Account to Sheriff's Parks and Recreation Impact Fee Account.**

**Transfer of Funds from the Office of Impact Fees General Account to Sheriff's EMS Impact Fee Account.**

**Letter from the WV Division of Culture and History re: nomination of Feagan's Mill to the National Register of Historic Places.**

**Letter and Registration Materials from the State Auditor's Office re: 2016 State Auditor's Training Seminar for County and Municipal Boards and Authorities.**

**WV Lottery Weekly Settlement for Charles Town - week ending August 27, 2016.**



## Minutes

### Jefferson County Commission

Thursday, September 1, 2016

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A meeting of the Jefferson County Commission was held on Thursday, September 1, 2016 in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Dale Manuel, Patricia Noland, Peter Onoszko, Walter Pellish, and Jane Tabb. Also present were Stephanie Grove, County Administrator, Jessica Carroll, Executive Administrative Assistant and Jim Eddy, Bailiff. (An audio tape of the Thursday, September 1, 2016 meeting is available through the Jefferson County Commission Office.)

#### PLEDGE OF ALLEGIANCE

Commissioner Tabb led the Pledge of Allegiance.

#### APPROVAL OF MINUTES

**Motion by Ms. Tabb to approve the Regular Meeting Minutes for August 18, 2016 with noted correction. Motion seconded and unanimously approved.**

#### APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
076933	PAYROLL	AMERICAN FAMILY LIFE ICU		\$ -	\$ 3,935.54	\$ 3,935.54
076934	717	AUTOZONE		\$ -	\$ 96.49	\$ 96.49
076935	402	APPLE VALLEY OFF.PRODUCT		\$ -	\$ 125.42	\$ 125.42
076936	717	ADVANCE AUTO PARTS		\$ -	\$ 42.24	\$ 42.24
076937	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
076938	PAYROLL	BUREAU F/CHILD SPRT ENF		\$ -	\$ 212.31	\$ 212.31
076939	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
076940	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
076941	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 392.31	\$ 392.31
076942	405	MARCIA LYNN CHANDLER		\$ -	\$ 304.15	\$ 304.15

076943	PAYROLL	COLONIAL LIFE		\$ -	\$ 385.42	\$ 385.42
076944	424	J.C.EHRLICH		\$ -	\$ 31.00	\$ 31.00
076944	425	J.C.EHRLICH		\$ -	\$ 609.00	\$ 609.00
076945	401	FEDEX		\$ -	\$ 51.01	\$ 51.01
076945	700	FEDEX		\$ -	\$ 36.34	\$ 36.34
076946	717	FLEETPRIDE		\$ -	\$ 51.00	\$ 51.00
076947	415	GENERAL COUNTY FUND-J FE		\$ -	\$ 17,138.49	\$ 17,138.49
076948	PAYROLL	STEPHANIE GROVE		\$ -	\$ 1,461.20	\$ 1,461.20
076949	412	GREATAMERICA FINANCL SVC		\$ -	\$ 315.64	\$ 315.64
076950	717	GUTTMAN OIL CO		\$ -	\$ 10,317.28	\$ 10,317.28
076951	717	INTERSTATE ALL BATTERY		\$ -	\$ 576.20	\$ 576.20
076952	401	THE SPIRIT OF JEFFERSON		\$ -	\$ 23.14	\$ 23.14
076953	712	ROBERT E. JONES III		\$ -	\$ 1,000.00	\$ 1,000.00
076954	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 5,420.00	\$ 5,420.00
076955	PAYROLL	KATHRYN KING		\$ -	\$ 3,000.00	\$ 3,000.00
076956	712	LANGUAGE LINE SERVICES		\$ -	\$ 123.85	\$ 123.85
076957	412	JUDITH A MATLICK		\$ -	\$ 111.78	\$ 111.78
076958	PAYROLL	JENNIFER S. MAGHAN		\$ -	\$ 609.92	\$ 609.92
076959	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
076960	425	MILLER'S SUPPLIES AT WOR		\$ -	\$ 240.00	\$ 240.00
076960	425	MILLER'S SUPPLIES AT WOR		\$ -	\$ 44.50	\$ 44.50
076960	425	MILLER'S SUPPLIES AT WOR		\$ -	\$ 251.00	\$ 251.00
076960	425	MILLER'S SUPPLIES AT WOR		\$ -	\$ 75.70	\$ 75.70
076961	401	PATRICIA A NOLAND		\$ -	\$ 275.40	\$ 275.40
076962	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 749.00	\$ 749.00
076963	405	PANHANDLE PSYCHOLOGICAL		\$ -	\$ 1,800.00	\$ 1,800.00
076964	717	RICE TIRES CO		\$ -	\$ 113.85	\$ 113.85
076964	717	RICE TIRES CO		\$ -	\$ 585.00	\$ 585.00
076964	717	RICE TIRES CO		\$ -	\$ 478.08	\$ 478.08
076965	698	SHERIFF OF JEFFERSON CO		\$ -	\$ 594,000.00	\$ 594,000.00
076966	408	STATE TAX DEPARTMENT		\$ -	\$ 15,644.18	\$ 15,644.18
076967	704	WV REGIONAL JAIL &		\$ -	\$ 112,567.25	\$ 112,567.25
076968	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 45,755.18	\$ 45,755.18
076968	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,700.66	\$ 10,700.66
076968	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 159.58	\$ 159.58
076968	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 37.32	\$ 37.32
076968	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 139.34	\$ 139.34
076968	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 45,575.69	\$ 45,575.69
076969	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 32,732.22	\$ 32,732.22
076969	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 938.00	\$ 938.00

076969	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 66.96	\$ 66.96
076970	425	SHERWIN-WILLIAMS		\$ -	\$ 17.91	\$ 17.91
076971	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 10,637.05	\$ 10,637.05
076971	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 15,017.07	\$ 15,017.07
076972	401	SANDRA MCDONALD		\$ -	\$ 203.04	\$ 203.04
076973	GRANT	MARY SELL		\$ -	\$ 137.50	\$ 137.50
076974	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 2,960.00	\$ 2,960.00
076975	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 162.17	\$ 162.17
076975	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 66,007.00	\$ 66,007.00
076975	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 24,752.65	\$ 24,752.65
076975	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 60.81	\$ 60.81
076976	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 2,451.26	\$ 2,451.26
076976	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 4,902.52	\$ 4,902.52
076977	PAYROLL	LISA WALTERS		\$ -	\$ 202.11	\$ 202.11
<b>TOTAL</b>					<b>\$ 1,037,590.66</b>	<b>\$ 1,037,590.66</b>

**Motion by Ms. Tabb to approve the Accounts Payable for August 25, 2016 in the amount of \$1,037,590.66. Motion seconded and unanimously approved.**

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
076979	712	AT&T/GA		\$ -	\$ 55.04	\$ 55.04
076980	402	BANK OF CHARLES TOWN		\$ -	\$ 48.40	\$ 48.40
076981	PAYROLL	KIMBERLY D BURKE		\$ -	\$ 3,000.00	\$ 3,000.00
076982	425	BERKELEY GLASS INC*		\$ -	\$ 64.14	\$ 64.14
076982	425	BERKELEY GLASS INC*		\$ -	\$ 851.00	\$ 851.00
076982	425	BERKELEY GLASS INC*		\$ -	\$ 495.00	\$ 495.00
076983	712	BIDDLE CONSULTING GROUP		\$ -	\$ 599.00	\$ 599.00
076984	401	201 N. GEORGE ST LLC		\$ -	\$ 9,638.92	\$ 9,638.92
076985	ALLOC	CITIZENS FIRE COMPANY		\$ -	\$ 75,000.00	\$ 75,000.00
076986	425	OLD CHARLES TOWN LIBRARY		\$ -	\$ 1,500.00	\$ 1,500.00
076987	PAYROLL	DELTA DENTAL OF WV		\$ -	\$ 6,314.61	\$ 6,314.61
076988	711	EVERBRIDGE		\$ -	\$ 3,500.00	\$ 3,500.00
076989	PAYROLL	THE HARTFORD		\$ -	\$ 2,228.85	\$ 2,228.85
076989	PAYROLL	THE HARTFORD		\$ -	\$ 4,505.02	\$ 4,505.02
076990	403	JEFFERSON CENTER		\$ -	\$ 100.00	\$ 100.00
076991	402	THE SPIRIT OF JEFFERSON		\$ -	\$ 255.14	\$ 255.14
076992	PAYROLL	HIGHMARK WV		\$ -	\$ 173,213.80	\$ 173,213.80

076993	PAYROLL	MILLENIUIM INSURANCE GROU		\$ -	\$ 750.00	\$ 750.00
076994	425	MILLER'S SUPPLIES AT WOR		\$ -	\$ 192.90	\$ 192.90
076994	425	MILLER'S SUPPLIES AT WOR		\$ -	\$ 630.90	\$ 630.90
076994	425	MILLER'S SUPPLIES AT WOR		\$ -	\$ 693.79	\$ 693.79
076995	PAYROLL	NATIONAL VISION ADMIN.		\$ -	\$ 1,773.66	\$ 1,773.66
076996	425	RCS SECURITY		\$ -	\$ 668.75	\$ 668.75
076997	PAYROLL	WVCORP		\$ -	\$ 3,069.00	\$ 3,069.00
<b>TOTAL</b>					<b>\$ 289,147.92</b>	<b>\$ 289,147.92</b>

**Motion by Ms. Noland to approve the Accounts Payable for September 1, 2016 in the amount of \$289,147.92. Motion seconded and unanimously approved.**

**APPROVAL OF MANUAL CHECKS**

<b>COAL SEVERANCE</b>			
<b>OO2</b>			
<b>Date</b>	<b>Check #</b>	<b>VENDOR</b>	<b>Amount</b>
5/26/2016	431	LEWIS CO. CIRCUIT CLERK	\$ 43.62
<b>FARMLAND PROTECTION BOARD</b>			
<b>O57</b>			
<b>Date</b>	<b>Check #</b>	<b>VENDOR</b>	<b>Amount</b>
5/19/2016	276	JEFFERSON CO FARMLAND PROT.	\$ 72,863.60
<b>SHERIFF'S CAPITAL O/L</b>			
<b>246</b>			
<b>Date</b>	<b>Check #</b>	<b>VENDOR</b>	<b>Amount</b>
5/26/2016	1505	ZMM ARCHITECTS & ENG	\$ 6,720.00
<b>TOTAL</b>			<b>\$ 79,627.22</b>

**Motion by Ms. Noland to approve the Manual Checks for August 26, 2016 in the amount of \$79,627.22. Motion seconded and unanimously approved.**

**APPROVAL OF PAYROLL**

**Motion by Mr. Manuel to approve the Payroll for August 25, 2016 in the amount of \$245,900.29. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:**

Lyn Widmyer, resident – spoke in support of Mr. Manuel’s prospective motion to hold a public hearing on the restructuring of the Engineering, Planning & Zoning, and GIS/Addressing departments and suggested the Commission also hold a work session on the restructuring to allow for added public knowledge and input.

David Tabb, resident – stated the Commission rarely “follows the rules” and provided an update on his multiple issues with the Commission’s actions.

**PRESENTATIONS**

1. Angie Banks, Assessor – requested the approval of the following Split Tickets and Exonerations:

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Timothy Babson	PP	Ranson Corp.	00026825	\$458.98
Rhiannon Babson				\$233.82

- **Motion by Ms. Tabb to approve the Split Ticket as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
John Moore	PP	Kabletown	310316	\$292.85
Robin Moore				\$126.51

- **Motion by Ms. Noland to approve the Split Ticket as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Francis Storrow	PP	Shepherdstown	316509	\$229.60
Elizabeth Storrow				\$215.54

- **Motion by Ms. Tabb to approve the Split Ticket as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Sheila Bach	PP	Kabletown	309088	\$100.74

- **Motion by Ms. Noland to approve the Exoneration as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Kenneth and Sandra Stroeck	PP	Middleway	312799	\$346.74

- **Motion by Ms. Tabb to approve the Exoneration as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Charles and Susan Hite	PP	Harpers Ferry	307505	\$68.31

- **Motion by Ms. Noland to approve the Exoneration as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Rondal and Reba Wine	PP	Harpers Ferry	308819	\$96.06

- **Motion by Ms. Tabb to approve the Exoneration as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Ellen Hoffman	PP	Shepherdstown Corp.	317020	\$66.74

- **Motion by Mr. Manuel to approve the Exoneration as presented. Motion seconded and unanimously approved.**
2. Tanner Haid, Cacapon Institute – provided the Commission and the audience with a discussion on the Commission’s 2011 Urban Tree Canopy Goal/Plan and a discussion of the WV Project CommuniTree Program.
  3. Robert Allen, Citizen – requested an extension of a building permit deadline for his property in order to bypass the imposition of the Impact Fee.
    - **Motion by Ms. Tabb to waive the imposition of impact fees for new construction at 473 Valley View Road, Harpers Ferry, provided a completed building permit application for new construction is provided to the appropriate department by January 1, 2017. Motion seconded and unanimously approved.**
  4. Interviews and Appointments to the Jefferson County Farmland Protection Board – three four-year terms ending September 7, 2020.
    - **Motion by Ms. Tabb to reappoint David Ober, Russell Quinn, and Robert Glen to the Jefferson County Farmland Protection Board each for a four year term ending on September 7, 2020. Motion seconded and unanimously approved.**
  5. The Commission recessed for break at 10:45 am.  
The Commission reconvened at 11:00 am.
  6. Bill Polk, Director of Maintenance
    - a. Retirement Announcement for Larry Collier & request to advertise for vacant Maintenance Helper position.
      - **Motion by Mr. Manuel to accept the retirement announcement for Larry Collier, effective October 14, 2016 and advertise for the vacant Maintenance Helper position. Motion seconded and unanimously approved.**
    - b. Request to advertise for vacant Custodial position.

- **Motion by Mr. Manuel to approve the advertisement of a vacant custodial position within the Maintenance Department. Motion seconded and unanimously approved.**
7. Roger Goodwin, Chief County Engineer – Provided the Commission with a discussion on the Engineering, Planning, Zoning, and GIS/Addressing Department Restructuring Plan
- **Motion by Mr. Manuel to postpone this item until the next regularly scheduled meeting. Motion seconded and fails on a vote of 1-4 with Mr. Onoszko, Ms. Noland, Ms. Tabb, and Mr. Pellish opposing.**
  - **Motion by Mr. Pellish to approve Mr. Goodwin’s report as presented to allow him to move forward with implementing the reorganization. Motion seconded and passes on a vote of 4-1 with Mr. Manuel opposing.**
8. Nathan Cochran, Assistant Prosecuting Attorney
- a. Update on new building purchase at 120 South George Street
    - Mr. Cochran notified the Commission that they closed on the Gray Building located at 120 South George Street on Wednesday, August 31, 2016 from American Public University Systems.
  - b. Update on WV State Fire Commission Meeting on August 19, 2016
    - **Motion by Ms. Noland to enter into Executive Session to discuss potential litigation. Motion seconded and unanimously approved.**
  - c. Discussion of the JCCVB letter to potential sponsors regarding support of the “Brunch Bill” education and outreach campaign
    - Mr. Cochran stated the Commission was prohibited from providing any financial support to the JCCVB for their Brunch Bill campaign; however, the Commission requested Annette Gavin, Executive Director of the JCCVB, provide language for a Resolution of Support for the referendum on the Brunch Bill.
  - d. Approval of Resolution Concerning the Commencement of Cable Renewal Procedures
    - **Motion by Ms. Tabb to approve the Resolution Concerning the Commencement of Cable Renewal Procedures as presented by Mr. Cochran. Motion seconded and unanimously approved.**

## NEW BUSINESS

9. Request to hold a public hearing concerning the restructuring of the Department of Engineering, Planning, Zoning, GIS/Addressing, and Impact Fees
  - **Motion by Mr. Manuel to hold a public hearing regarding the restructuring of the Department of Engineering, Planning, Zoning, GIS/Addressing, and Impact Fees. Motion seconded but fails on a vote of 1-4 with Mr. Onoszko, Ms. Noland, Ms. Tabb, and Mr. Pellish opposing.**
  - **Motion by Mr. Pellish to strike Mr. Manuel's item from the agenda as it was previously discussed and voted down during a prior meeting and improperly raised during the current meeting. Motion seconded and passes on a vote of 4-1 with Mr. Manuel opposing.**
10. Discussion on the best use of the Gray Building (120 S. George Street)
  - It was the consensus of the Commission to hold a special session on this topic on Thursday, September 8, 2016 at 9:30 a.m.
11. Request of a letter of endorsement by the County Commission for the Mountain Heritage Arts and Crafts Festival, September 23-25, 2016 for the Fairs and Festivals licenses.
  - **Motion by Ms. Noland to approve the letter of endorsement for the Mountain Heritage Arts and Crafts Festival to obtain their Fairs and Festivals license and to authorize the President of the Commission to affix her signature to the appropriate document. Motion seconded and unanimously approved.**
12. Discuss scheduling a date, time, and location for the next "Meet Your Commissioners" event.
  - It was the consensus of the Commission to hold the next "Meet Your Commissioners" event at the Shepherdstown Fire Hall in the month of October; however, the Commission decided to select a date and time certain during the next regularly scheduled meeting after review of their calendars.

## COUNTY ADMINISTRATOR REPORTS

- Update on Dispatching Matter – Ms. Grove notified the Commission she has been working with local fire chiefs and the Jefferson County Director of Communications to mediate and solve issues related to Computer Aided Dispatch (CAD).

## COUNTY COMMISSION REPORTS

### Patricia Noland

- Attended the annual State Auditor's In-Service Training
- Judged multiple 4-H projects at the Jefferson County Fair.
- Participated in two conference calls with NACO.
- Attended the closing of the newly acquired Gray Building.

### Jane Tabb

- Attended the Kent Cartridge ribbon cutting.
- Participated in the WV Dairy Show at Jackson's Mill.
- Participated in the Dairy Show at the WV State Fair.
- Spent last week participating in multiple activities at the Jefferson County Fair.
- Attended the WVDOH public hearing on the expansion of Rt. 340.
- Reported that JCESA has received a \$960,000 grant for continued training and education.

### Dale Manuel

- Participated in the NAACP African American Heritage Parade and Festival.
- Attended the Jefferson County Fair.
- Attended a WAC meeting at the Jefferson County Fair.
- Attended the Harpers Ferry Job Corp Open House.
- Sold tickets at the Fair Carnival for Kiwanis.
- Attended the WVDOH work session and public hearing on the expansion of Rt. 340.

### Walt Pellish

- Participated in two radio shows to discuss Commission business and promote the passage of the Brunch Bill

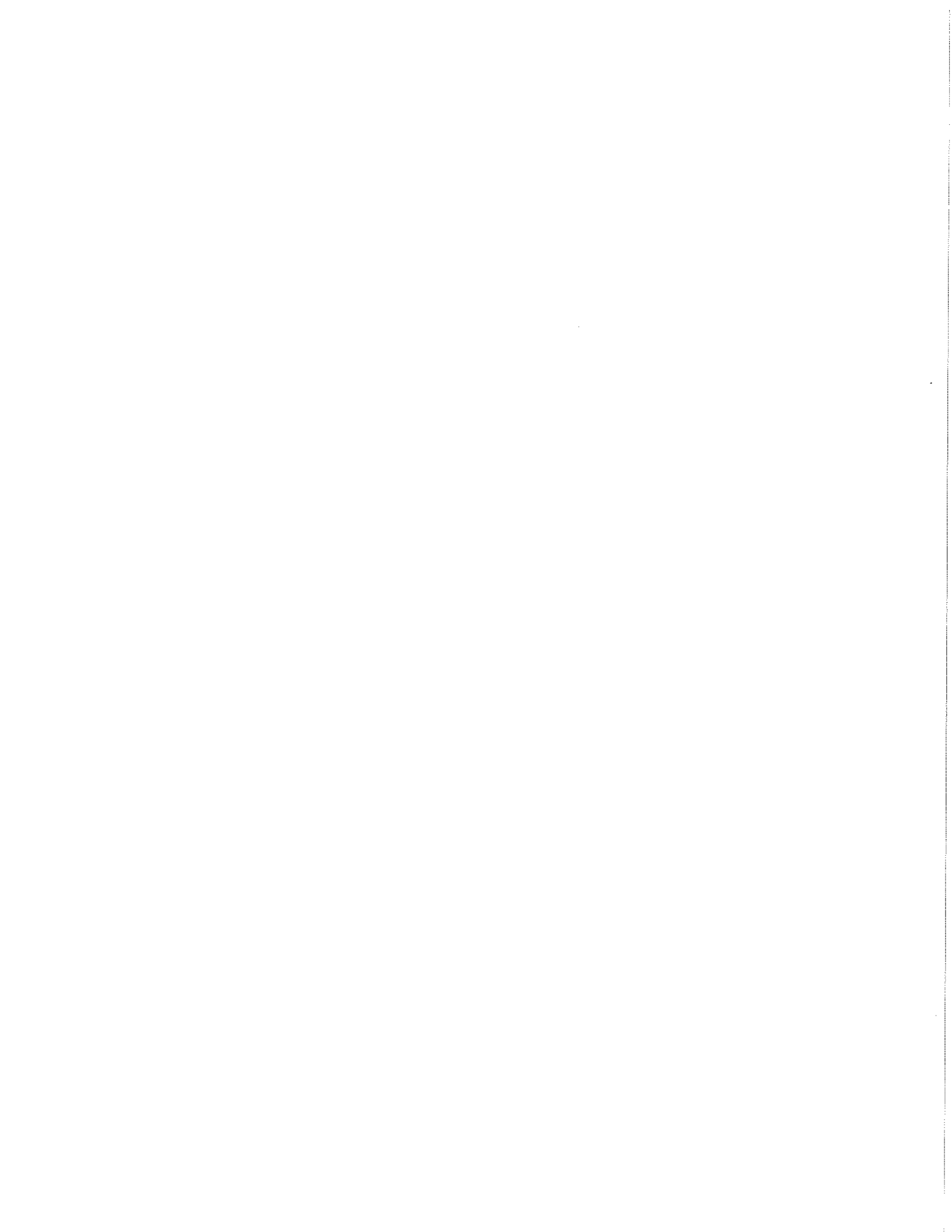
### Peter Onoszko

- Attended an EPTA meeting.
- Attended an informal meeting with the Jefferson County Board of Education and Dr. Bondy Shay Gibson, Schools Superintendent.
- Met with Bill Polk, Director of Maintenance, to learn more about the daily functions of the County's maintenance department.
- Attended the WVDOH public hearing on the expansion of Rt. 340.

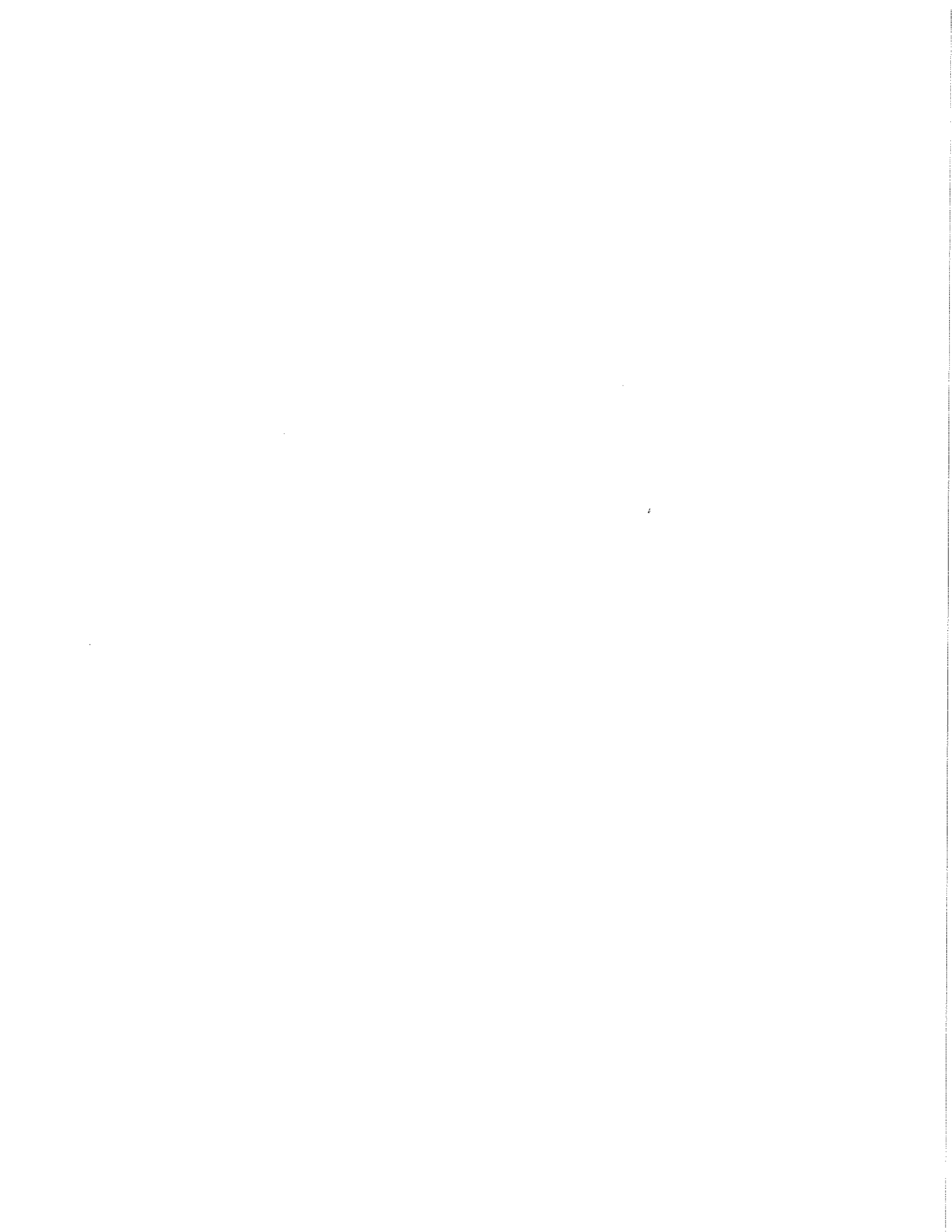
13. The Commission meeting was adjourned at 12:10 pm on a motion by Mr. Pellish.  
Motion was seconded and unanimously approved.

PATRICIA A. NOLAND,  
PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Administrative Assistant



DESCRIPTION	Fund 001 CO.	Fund 003 Dog	Total
Gross Wages	\$ 383,746.82	\$ -	\$ 383,746.82
6.2% Tax Payable OASDI	22,888.29	\$ -	\$ 22,888.29
1.45% Tax Payable HI	5,352.83	\$ -	\$ 5,352.83
Fed Withholding	44,742.43	\$ -	\$ 44,742.43
WV State Withholding	16,568.78	\$ -	\$ 16,568.78
PERS Retirement Deduct 4.5%	11,975.51	\$ -	\$ 11,975.51
PERS Retirement Deduct 6%	1,247.66		\$ 1,247.66
Hosp. Pre-Tax	11,975.00		\$ 11,975.00
Cancer/ICU Pre-Taxed	1,052.31		\$ 1,052.31
Cancer/ICU Not Pre-Taxed	862.73		\$ 862.73
Optional Life Not Pre-Taxed	2,252.51		\$ 2,252.51
Christmas Club	5,320.00		\$ 5,320.00
Wage Attach #1	1,588.24		\$ 1,588.24
Wage Attach #3	212.31		\$ 212.31
DSRS Retirement Deduct 8.5%	5,780.37		\$ 5,780.37
457 - Nationwide	749.00		\$ 749.00
457I - Empower	2,910.00		\$ 2,910.00
MD State Tax	469.00		\$ 469.00
D/VF	1,552.83		\$ 1,552.83
VA. State Tax	133.28		\$ 133.28
COLONIAL(PLUS)	151.01		\$ 151.01
<b>Total Deductions</b>	<b>\$ 137,784.09</b>	<b>\$ -</b>	<b>\$ 137,784.09</b>
<b>Net Wages Total</b>	<b>\$ 245,962.73</b>	<b>\$ -</b>	<b>\$ 245,962.73</b>
Payroll Date	8-Sep-2016		



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name:

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **September 13, 2016**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): **Campground Ordinance Workshop**

Please provide the County Commission with a description of your request or presentation, including any background information:

The Commission held a work session on the Campground Ordinance on May 5, 2016 in which they made suggestions and changes, and asked staff to return with edits for a final review. Though the review of the Campground Ordinance was on the agenda for the July 21, 2016 County Commission meeting, the Commission decided to postpone the item because of the length of the July 21 regular meeting due, in part, to the interview/appointment of a new Commissioner for the Harpers Ferry district.

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed?      Projector    Y/N      Internet/Wi Fi    Y/N.      Telephone for conference call    Y/N

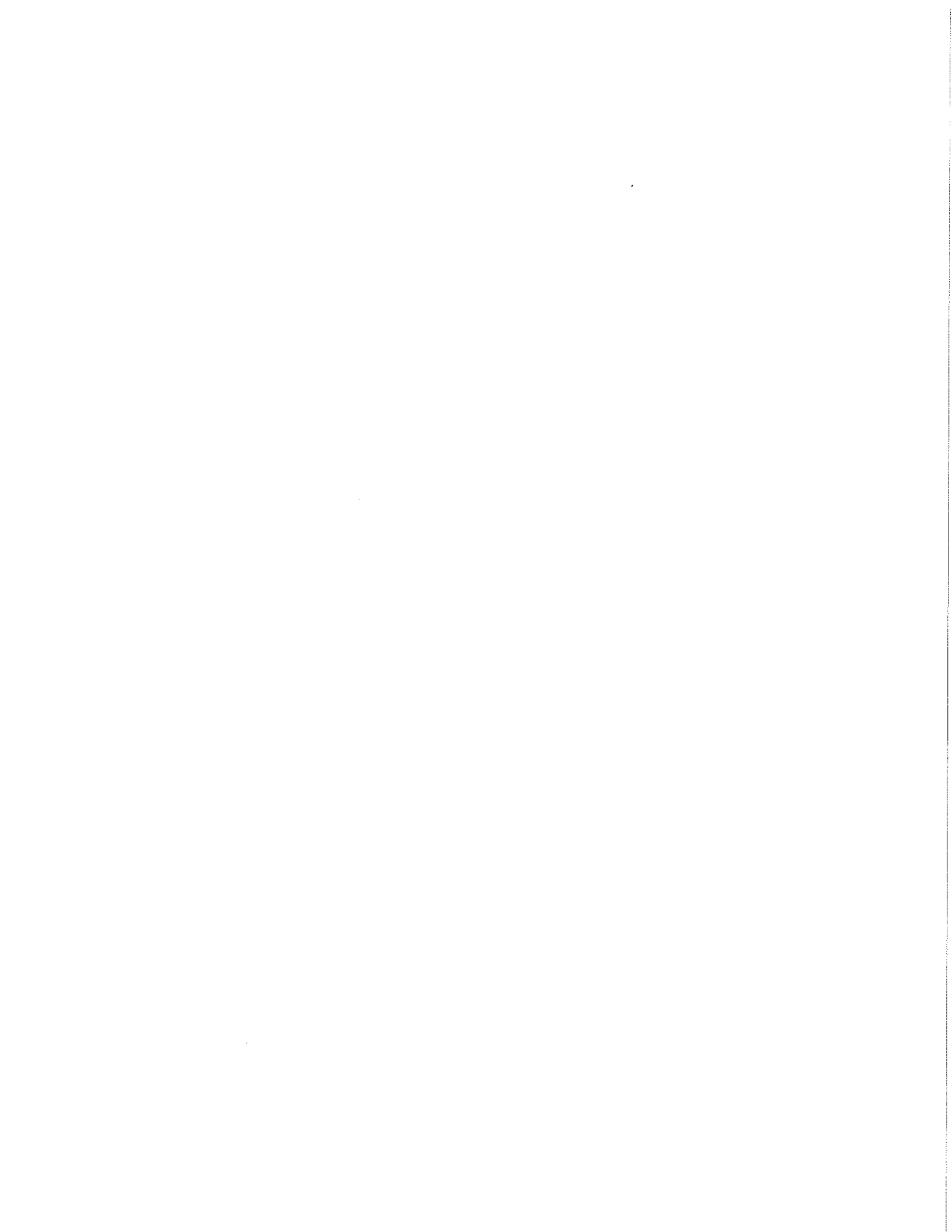
Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Jennifer Brockman

Department or Organization: Jefferson County Planning and Zoning

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1<sup>st</sup> Choice: **July 21, 2016**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): **Campground Ordinance Workshop**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable



# Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor

Charles Town, WV 25414

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Fax: (304) 728-8126

## MEMO

**To:** County Commission of Jefferson County

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

**Date:** July 21, 2016

**RE:** Envision Jefferson 2035 Comp Plan review related to Campgrounds – resubmitted from 05-05-16

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West Virginia Code §8A-7-8 contains the requirements for all map and text amendments to the zoning ordinance by the governing body. It states that “before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. . . .”

The following are excerpts from the Envision Jefferson 2035 Comprehensive Plan which relate to the provision of campgrounds in the rural areas of the county (*emphasis added*):

Under the “**Land Use and Growth Management Element**”:

“**Rural/Agricultural Areas** (Pg 24 of 256)

Rural/Agricultural properties outside the UGBs and PGAs are allowed to develop using the “by right” standard of one lot per 15 acres and a cluster development of one lot per ten acres. Over the past number of years, the Zoning Ordinance has been amended to allow many additional uses in the Rural District to promote more rural agricultural uses and value added operations. The 2008 Subdivision and Land Development Regulations have been amended to reduce the site improvement standards for rural business. *This Plan proposes that a holistic review of Rural zoned properties should occur that would allow for greater scope and variety of agriculture related activities and rural recreation.* It should be noted that regardless of location, whether in an UGB, GMB, or PGA, all Rural zoned properties shall be permitted to undertake the activities noted above. Additionally, this Plan proposes that the Zoning Ordinance be reviewed and amended to consider a higher density for rural/agricultural lots utilizing the cluster provision instead of allowing rural residential developments via the Condition Use Permit process.”

Under the “**Economic Development, Employment, and Infrastructure Element**”:

“**2.B. Agricultural and Rural Economy** (Pg 72 of 256)

One of the more significant issues expressed by County residents involved in the Envision Jefferson 2035 process was maintaining the rural economy and small town lifestyle of Jefferson County. It is important that this discussion not be framed by the

concept of preservation but of creating opportunities for farms to be economically viable. This would include identifying ways to protect and enhance the farms and open spaces that provide the rural character along with the agribusinesses that have been the historical heart of the Jefferson County economy. One goal of this Plan is to maintain productive farmland soils and the rural character and economy of the County by reducing the conversion of farmland to non-agricultural based uses.

There must be a viable rural economy to maintain the rural landscape. The rural economy is much more than traditional farming. It includes innovative agriculture, horticulture, forestry, commercial and non-commercial equine industry, other forms of animal husbandry, tourism, rural based public and commercial recreation, ancillary rural business, and compatible rural institutional uses. Many of these sectors are growing and collectively contribute significantly to Jefferson County's economy and provide several thousand jobs. The County's citizens benefit from the proximity of rural based activities and services and the rural enterprises benefit from nearby markets for goods and services. With this potential, the rural areas of Jefferson County should be seen as ripe for investment and reinvestment."

**"Recreational Tourism (Pg 83 of 256):**

. . . . Outdoor recreation complements the County's natural, cultural, and built environments. It is anticipated that recreational tourism opportunities in Jefferson County will continue to expand in the coming years. This is particularly true in areas near the Potomac and Shenandoah Rivers, where the numerous outfitters and private outdoor recreation providers in the region are expanding their offerings to visitors and residents. The type and scale of new recreational development should be appropriate to the rural nature of Jefferson County."

**Tourism Recommendations (Goal 9) (Pg 84 of 256)**

8.	Coordinate with riverside property owners and river tourism service providers to identify and implement methods that would enhance recreation options along the County's waterways, including public river access.
	a. When considering additional river recreation activities, rural landowners' property rights and the quality of life of the individuals and families living along the waterways should be factored into proposed development plans.
	b. Encourage all river recreation activities to occur in a manner which supports the Chesapeake Bay Initiative.
9.	Support and promote rural and recreational tourism to help achieve the County's economic goals.

Under the **"Cultural, Historic, Natural Resources and Recreation Element":**

**Parks and Recreation Recommendations (Goals 19, 20, & 21) (Pg 131 of 256)**

9.	Work with the Jefferson County Development Authority to explore how an effective park and recreation system and trail network can entice businesses and new residents to relocate to or expand their operations in Jefferson County.
----	--

10.	Collaborate with the Jefferson County Convention and Visitors Bureau and private commercial entities to provide a wider variety of recreation needs for Jefferson County residents and tourists to the County.
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Under Appendix D Goals and Objectives:

**Goal #9:** Preserve, Promote and Enhance Components of Jefferson County's Natural, Cultural, Built, Historic, Recreational, and Rural Environments which Encourage Tourism. (Pg 195 of 256)

**Objective #3:** Protect and enhance the viability of natural, cultural, and built environments within Jefferson County while allowing recreational and tourism opportunities.

**Goal # 19** Develop and Expand Well-Programmed Publicly and Privately Owned Local, Regional and Federal Recreation, Park, and Trail Facilities and Opportunities Distributed throughout the County. (Pg 201 of 256)

**Objective # 6:** Coordinate with public and private sector recreation providers located within Jefferson County to ensure that their facilities reflect the character of the communities or areas where they are located.

**Goal #21:** Balance the Use of Jefferson County's Natural Resources for Recreational and Tourism Purposes with Conservation Practices that Ensure the Resources will be Available for Future Generations.

**Objective #1:** Ensure that public and privately owned parks and recreation facilities within Jefferson County are designed in a way that respects the natural features of the properties where the facilities are located.

**Objective #3:** Encourage the provision of a variety of public and private camping facilities located in appropriate areas of Jefferson County.

**Objective #4:** Provide improved public access to the Potomac and Shenandoah Rivers for residents and tourists in a manner that is compatible with existing neighborhoods and rural areas, for all water sports and related activities.

Attachments (in order):

- A. ZTA15-02, Proposed Campground Amendments based on 05-05-16 CC input for 07-21-16 Work Session (Zoning Ord)
- B. Proposed Definitions for ZTA15-02 for 07-21-16 Work Session (Zoning Ordinance)
- C. STA15-04, Proposed Campground Amendments based on 05-05-16 CC input for 07-21-16 Work Session (Sub Regs)
- D. Corrected Power Point presentation for 07-21-16 CC Work Session

Proposed Amendments (ZTA 15-02) to  
Jefferson County Zoning and Land Development Ordinance  
Amendments adopted by the County Commission, June 1, 2014

ARTICLE 2: DEFINITIONS

Section 2.2 Terms Defined

Campground<sup>27</sup>

An area or premises located on a single lot operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by customers tourists-occupying camping units such as trailers, self-propelled campers, tents, cabins, and/or lodges. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Section 8.17 of this Ordinance and relevant sections of the Subdivision Regulations.

\*\* See attached for additional definitions recommended to be included in either the Zoning Ordinance or Sub Regs by staff.

ARTICLE 8: SUPPLEMENTAL USE REGULATIONS<sup>23</sup>

Section 8.17 Campgrounds

Campground facilities provide tourism related accommodations for visitors to Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations. Campgrounds are identified as Principal Permitted Uses in Appendix C in the General Commercial (GC), Residential-Light Industrial-Commercial (RLIC), Industrial-Commercial (IC) and Rural (R) zoning districts.

A. The following uses are identified as Permitted Uses within a campground:

1. Campsites, cabins, campers and recreational vehicles sites, which shall not be divided into individual lots for sale.
2. Campground residency shall be temporary, limited to a 180 days per calendar year. Campground residency shall be limited to 14 overnight stays in any 60-day period and a total of 30 overnight stays per calendar year.
3. Caretaker residence
4. Shelters, gathering halls, bathhouses, pools, recreational areas and other uses, amenities related to the campground.
5. Such campground amenities may be rented out to the general public without the rental of a campsite, however the primary use of the amenity must be for the use and enjoyment of campers. River access shall be restricted to use by the campers and their guests.

Any campground wishing to host an event or activity open to the public at the campground shall process a Zoning Certificate application prior to commencement.

6. A campground shall not be used as a primary residence on either a temporary or permanent basis, except as provided for a caretaker residence.

B. Development Guidelines

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet all of the following setbacks.

2. A variance to the minimum campground size may be granted by the Board of Zoning Appeals.

Comment [JB1]: This statement is not required as all standards in the zoning ordinance may be varied by the BZA

3. When campsites or amenities are within 1,000' of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers or other methods to prevent unintentional trespass.

4. All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance standards. A variance to this standard may be granted by the Board of Zoning Appeals.

Comment [JB2]: This statement is not required as all standards in the zoning ordinance may be varied by the BZA.

5. All camp sites shall be located a minimum setback of 50 200' from existing residential dwellings property lines.

6. All camp sites shall be visually screened from existing residential dwellings within 500'. All campsites and amenities shall be screened by a 10 foot vegetative buffer utilizing the Narrow Standard Detail; provided that if the campground abuts the river or has a mountain view, no vegetative screen is required in this area. A 10 foot buffer of natural vegetation (evergreen or hardwood) may be administratively approved in place of a planted buffer.

Comment [JB3]: Reflects CC input 5/5/16 - please confirm buffer is what was agreed to

7. Camp sites within 100' of the Potomac or Shenandoah River shall be limited to tent camping.

8. Section 4.13 does not apply to campgrounds, which may be located within 500' of the Potomac and Shenandoah Rivers.

9. Camp sites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.

10. Campgrounds may be served by well and drain fields.

C. Regulatory Approval

1. Campgrounds users must submit a Concept Plan and be approved by the Board of Zoning Appeals-Planning Commission pursuant to a public hearing.

2. Upon approval of the Concept Plan a site plan must be processed in accordance with Jefferson County regulations.

3. All state regulations pertaining to the operation and licensing of a campground must be followed.

APPENDIX C: PRINCIPAL PERMITTED USES TABLE<sup>23,27</sup>

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses Continued</b>													Sec. 8.9
Bail Bond Services	NP	P	P	P	PC	NP	NP	NP	NP	PC	P	NP	
Bank	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Bank with Drive-Through Facility	PC	P	P	P	PC	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	NP	NP	P	P	PC	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PC	Sec. 8.3
Business Equipment Sales and Service	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Building Maintenance Services	PC	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	
Campground	NP PC	P	NP	NP	NP	NP P	NP	P NP	NP	P	P	NP	Sec. 8.16
Car Wash	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	NP	PC	PC	NP	NP	PC	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	PC	P	P	NP	NP	P	P	PC	
Convenience Store	PC	P	P	P	PC	P	NP	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Custom Manufacturing	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
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	NP	NP	NP	P	P	NP	
Florist	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Food Preparation	P	P	P	P	PC	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	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 4.4G
Gas Station, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station, Large	NP	PC	P	P	PC	PC	PC	NP	NP	P	P	NP	
Golf Course	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Grocery Store	P	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	NP	NP	P	P	NP	
Kennel	NP	P	P	P	PC	P	P	NP	NP	P	P	P	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Medical/Dental/Optical Office	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	PC	P	NP	NP	NP	PC	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	PC	P	NP	P	NP	P	P	NP	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Pawn Shop Services	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	

**Comment [JB4]:** Staff comment: Note that the Ordinance currently permits campgrounds in NC (conditionally), GC, PND, RLIC and IC. The Committee was not specific to what zones they recommend that campgrounds should be permitted in but did state verbally that they would like for campgrounds to occur in the Rural zone. Staff has added it as "P" in Rural and changed it to "NP" in NC and PND. It is still listed as "P" in GC, RLIC, and IC.

## ARTICLE 2: DEFINITIONS

### Section 2.2 Terms Defined

<u>Cabin</u>	<u>A temporary or permanent structure for the purposes expressly permitted in Article 8 of the Zoning Ordinance and Division 8 of the Subdivision Regulations. Cabins are intended for temporary occupancy, not permanent residency; and shall not sleep more than 8 people per cabin. Cabins shall not be sold separately from the parent parcel without further processing under the appropriate land use ordinances in effect at that time. This structure shall at least provide a sleeping and bathroom area with appropriate campground health department approval for water and wastewater services and may provide an indoor kitchen/cooking area. Structures shall be built to current applicable Jefferson County Building code with the issuance of a Building Permit. A cabin permitted under the Campground articles of the Jefferson County Ordinances, shall not need to be located on a separate parcel and multiple cabins can be located on the same parcel as the parent parcel.</u>
<u>Camping Cabin</u>	<u>A temporary or permanent structure for the purposes expressly permitted in Article 8 of the Zoning Ordinance and Division 8 of the Subdivision Regulations. A cabin which provides a sleeping area only, requires separate outdoor meal preparation and the use of a common bathhouse. Such cabin may include heating and/or air conditioning. Structures shall be built to current applicable Jefferson County Building code with the issuance of a Building Permit.</u>
<u>Campground<sup>27</sup></u>	<u>An area or premises located on a single lot operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by <del>customers</del> tourists occupying camping units such as trailers, self-propelled campers, tents, cabins and/or lodges. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Section 8.17 of this Ordinance and relevant sections of the Subdivision Regulations.</u>
<u>Camping Units</u>	<u>Individual units designed for temporary occupancy within an approved campground such trailers, self-propelled campers, recreational vehicles, tents, cabins, camping cabins, fifth wheels, pop-up campers, and/or lodges</u>

*Additional definitions that staff recommends need to be added to Article 2 for ZTA15-02  
(for 7/21/16 CC Work Session)*

Campsite	<u>Generally means an area where an individual, family or group can pitch or place a camping unit; a campground may contain many campsites</u>
Campsite Pad	<u>An area within a camp site intended for the exclusive occupancy by a camping unit or units under the control of a camper.</u>
Caretaker Residence	<u>A permanent or temporary residential structure that is secondary or accessory to the primary use of the property for the use of a caretaker or security guard.</u>
RV Park	<u>A recreational vehicle park (RV park) is a campground where privately owned recreational vehicles can stay overnight, or longer, in allotted spaces known as "sites".</u>

Proposed Amendment (STA15-04) to  
Subdivision and Land Development Regulations  
(Effective January 1, 2014)

C

Campground.

An area or premises located on a single lot operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by customers occupying camping units. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Sections 2.2 and 8.17 of the Zoning Ordinance and relevant sections of these Subdivision Regulations.

**Division 7.0 Mobile/Manufactured Home Parks & Campgrounds**

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**Section 7.1 Minimum Requirements and Standards**

- A. The requirements and standards of Division 7.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Mobile/Manufactured home parks ~~and campgrounds~~ are subdivisions with special requirements of their own. The provisions of Division 7.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 7.0, then the requirement of Division 7.0 shall apply.

**Section 7.3 Campground Requirements**

- ~~A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance.~~

**Division 8.0 Campgrounds**

**Section 8.1 Minimum Requirements and Standards**

- A. The requirements and standards of Division 8.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Campgrounds are developments with special requirements of their own. The provisions of Division 8.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 8.0, then the requirement of Division 8.0 shall apply.

**Section 8.2 Campground Requirements**

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance.  
Campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. All campground facilities shall be designed in a manner which meets the following standards:

1. Safe access and egress to state roads (WVDOH, JC Engineering)
2. Storm water quality and quantity control (JC Engineering)
3. Erosion and sediment control (WVDEP, JC Engineering)
4. Zoning Ordinance compliance (JC Planning and Engineering)
5. Wells and drain fields (JC Health Department)
6. Public water and sewer (JC Engineering Department, JC Public Service District, WV Health Department)

If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within this section shall apply. West Virginia Regulations pertaining to Campgrounds apply to all facilities.

B. Dimensional Requirements

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet the setback requirements in Section 8.17 of the Zoning Ordinance.
2. The area of each campsite shall be a minimum of 1,500-1,200 square feet not to include road rights-of-way or road easement.
3. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road easement right-of-way.
4. No more than 15 campsites per acre are permitted.
5. All campsite pads shall be a minimum of 20' apart.
6. Each campsite shall provide an adequate stand-pad for the placement of a camping unit. A campsite pad stand shall be at least 15 feet by 25 feet in size, shall be flat, and shall not exceed a 3 percent slope in any direction.
7. No more than one camping unit shall be placed on or above a campsite.

**Comment [JB1]:** Staff comment: Campgrounds are typically processed as site plans held in single ownership. In such case roads would be in an easement located on the site and not created as a separate dedicated right-of-way. Staff recommends changing this to platted road easement.

- ~~D. A campsite may contain any combination of water, sewerage or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations as determined by the Planning Commission.~~

**Comment [JB2]:** Moved and modified to E2 below

~~C.E.~~ Road and Access Requirements

1. Campground roads that serve have less than 300 vehicle trips per day shall meet the following standards:
  - a. Existing roads may be used to access campsites without meeting road standards.
  - b. May have asphalt or gravel surface.
  - c. 12 foot width with 3 foot pull off areas that allow larger vehicles to pass.
  - d. Maximum slope 15%
  - e. Road section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
  - f. No ditches are required, all drainage from campground roads must be managed to prevent erosion.
2. Campground roads that serve more than 300 vehicle trips per day:
  - a. May have asphalt or gravel surface
  - b. 15 foot minimum width.
  - c. Maximum slope 15%
  - d. Paving section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.

- c. No ditches are required, all drainage from campground roads must be managed to prevent erosion.

~~Main entrance and primary looping roads—as determined by the County Engineer—within a campground, shall be minimum 22 feet wide asphalt paved with shoulders and ditch lines, the same as the asphalt roadway requirements of Appendix B, Section 2.2.C.2.b, Residential Subdivision with more than 12 lots.~~

- ~~F. Roads within a campground that are not main entrance or primary looping roads—as determined by the County Engineer—shall be a minimum of 20 feet wide gravel with shoulders and ditch lines are required, the same as the gravel roadway requirements of Appendix B, Section 2.2.C.2.a, Residential Subdivision with a maximum of 12 lots.~~

D.G. Parking Requirements

1. Campsites accessed by vehicles shall provide one a level parking area at each site.
2. If parking is not provided at the camp site, one space per camp site shall be provided in a common parking area.
3. Public parking shall be provided at the campground office or facilities open to the public in sufficient quantity to serve the users.

~~Convenient off-street parking shall be provided at the rate of 1 space at each campsite; plus 3 additional spaces for each 50 campsites to be located at or near the campground office. Each parking space shall have a minimum dimension of 9 feet by 20 feet. As a minimum, designated parking areas shall be surfaced according to the surfacing requirements for gravel roads. Designated parking areas may not be used for overnight camping or occupancy.~~

E.H. Sanitation

1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations.
2. A campsite may contain any combination of water, sewerage or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations within 500' of all campsites.
3. Each campsite shall be provided with a sanitary, covered garbage can.
4. I.—A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station and one solid waste disposal collection facility.
5. J.—As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed plus 25 percent again to accommodate the tent area (if any), plus capacity to accommodate any public buildings an allowance for a sewerage dump station and a water refill station.

- F.K. All power lines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.

~~L.—Road rights-of-way in a campground shall be a minimum of 50 feet in width.~~

~~M.—One-way roads shall be at least 12 feet in width with 3-foot-wide gravel shoulders. Drainage ditch lines 1-1/2 feet deep shall be provided at a 4:1 slope from the edge of the shoulder, with a 2:1 return slope back to existing grade.~~

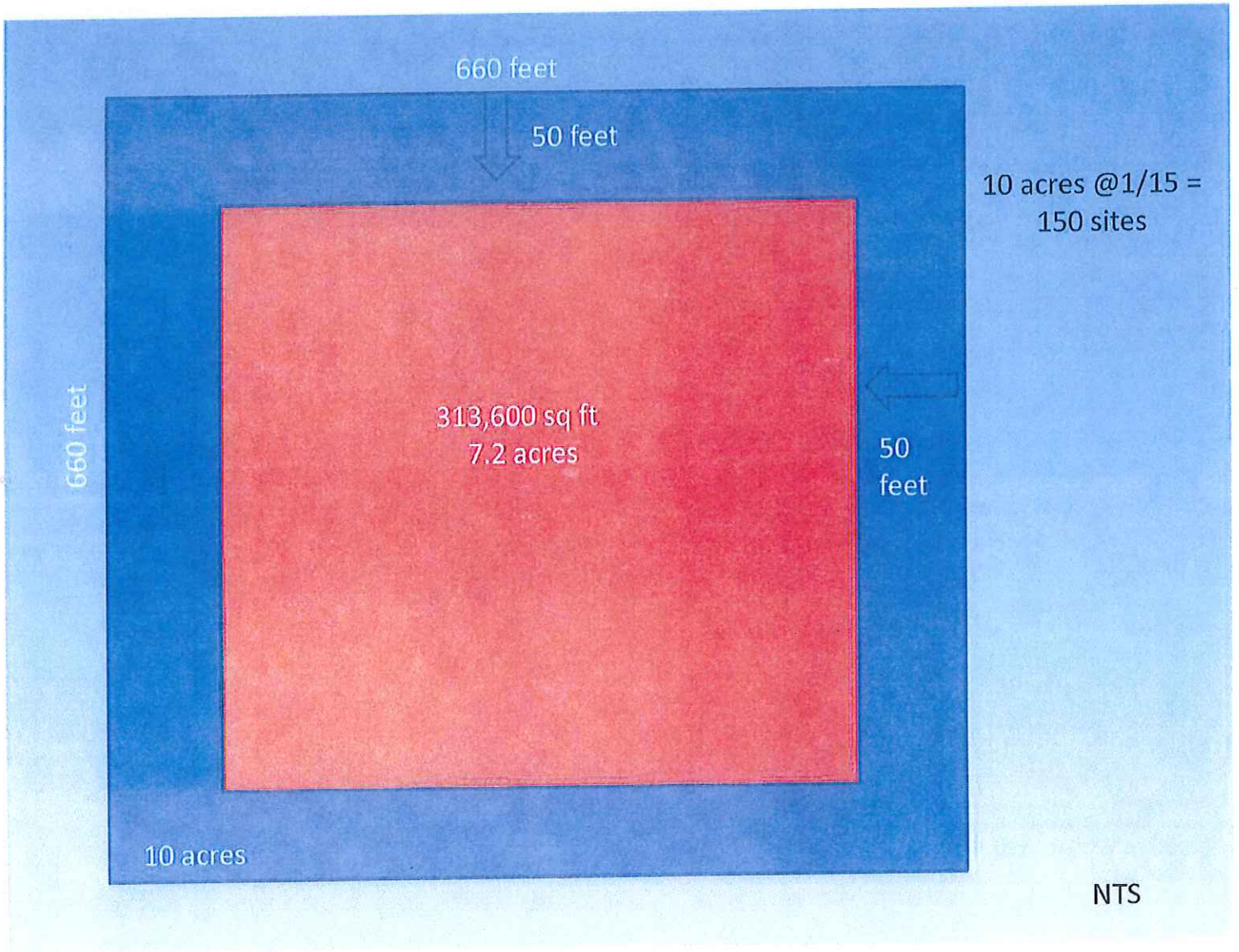
G. Fire Pits (if provided) for campsite must be shown on the site plan. A detail of the fire pit

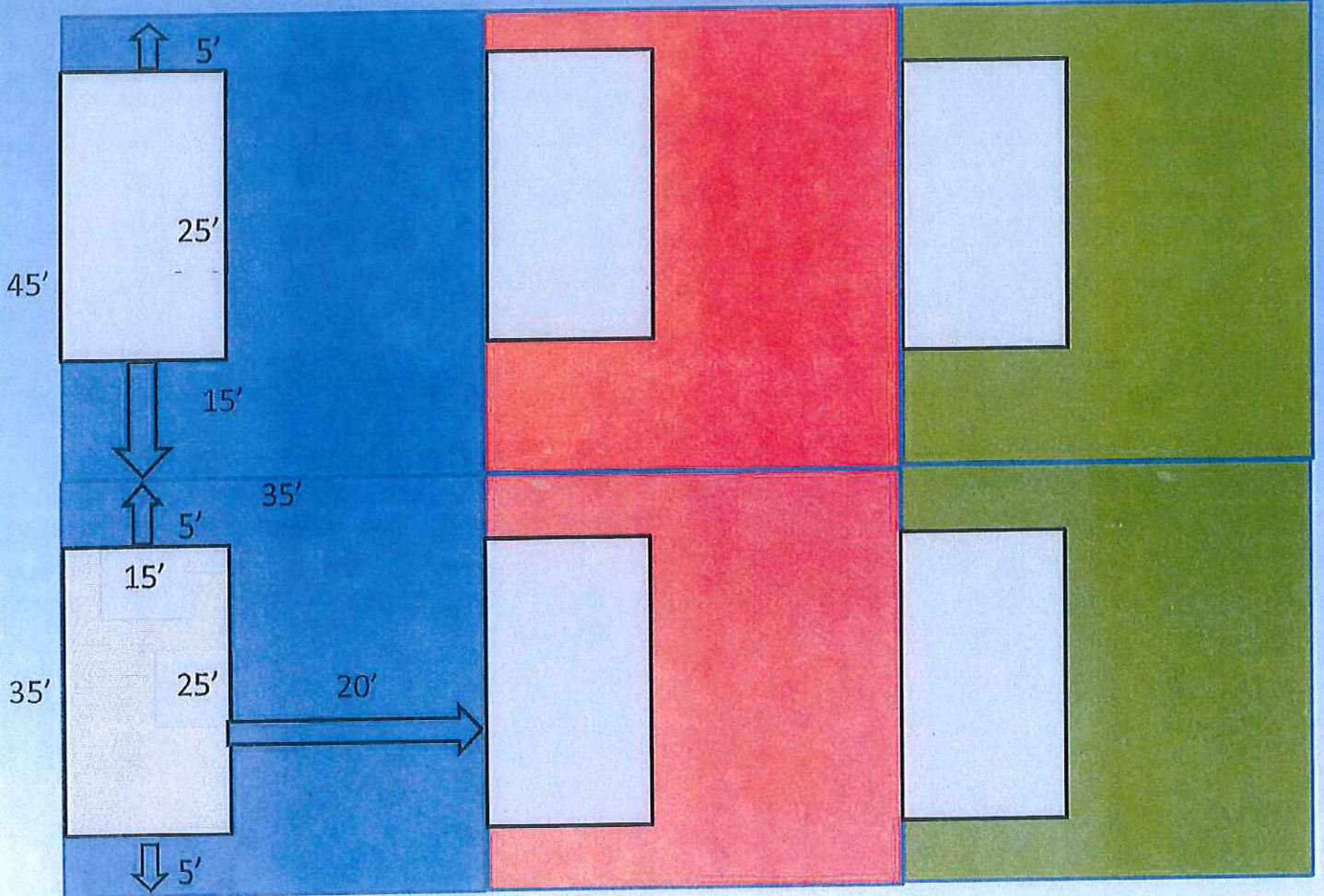
must also be provided.

H. Camping associated with short term, temporary uses, approved by Jefferson County, are not subject to these regulations.

**Campground Text Amendment  
(STA15-04/ZTA15-02)  
Review and possible action**

**7/21/16 County Commission Work Session**

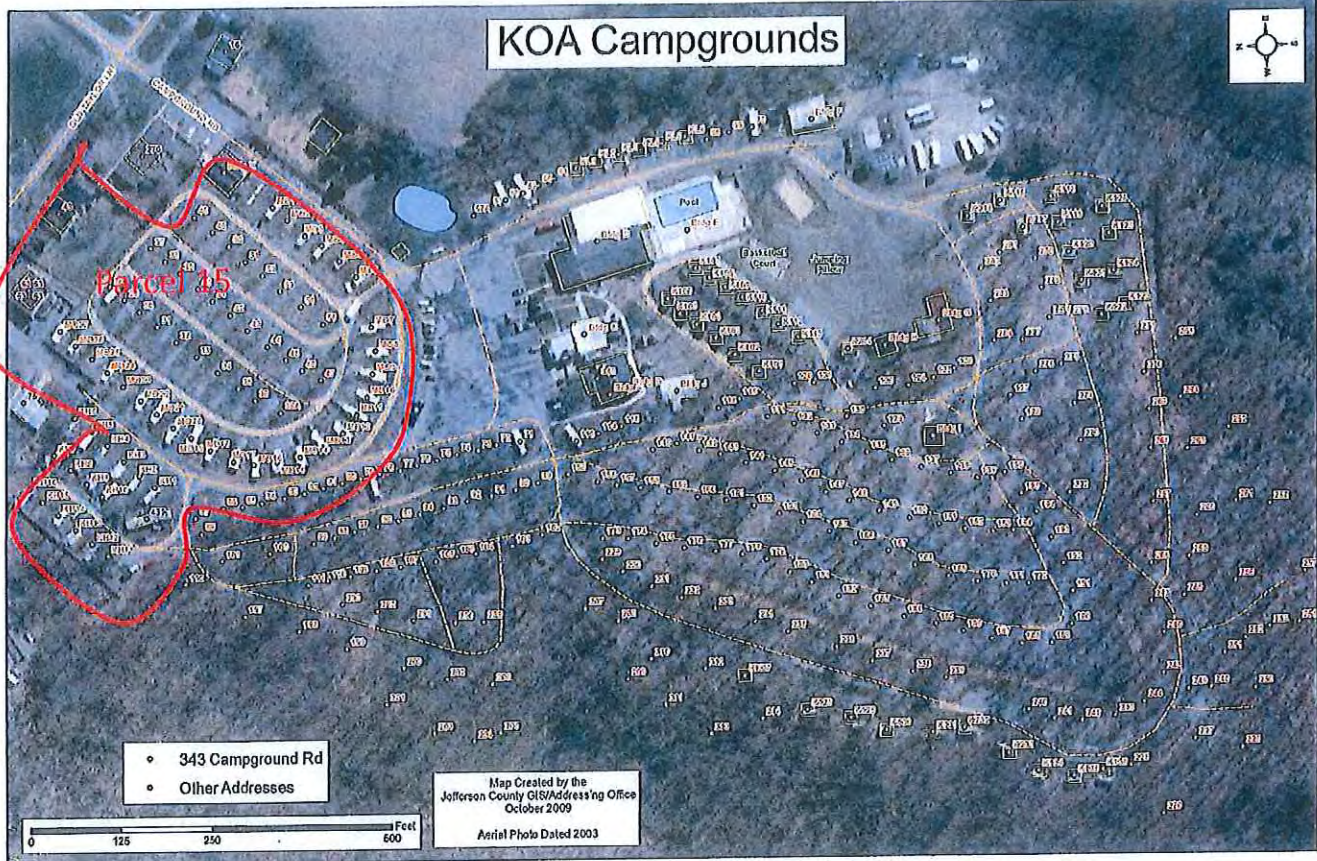




Campsites:  $35' \times 35' = 1,225 \text{ sq ft}$  or  $35' \times 45' = 1,575 \text{ sq ft}$

NTS





Parcel 15 acreage: 4.38 acres  
 Total campsites: 71 sites  
 Average density : 16 sites/acre  
 Average site size: 2,688 sq. ft.

Total acreage: 42.6 acres  
 Total campsites: 309 sites  
 Average density: 7.25 sites/acre  
 Average site size (not incl P15): 5,000 sq.ft.

# Moulton Park

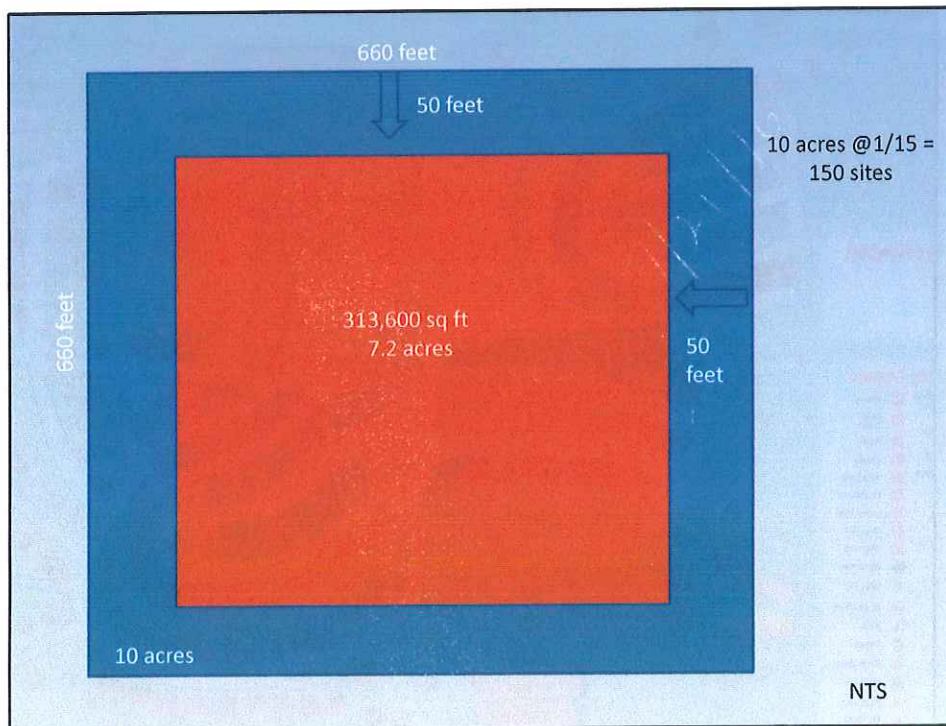


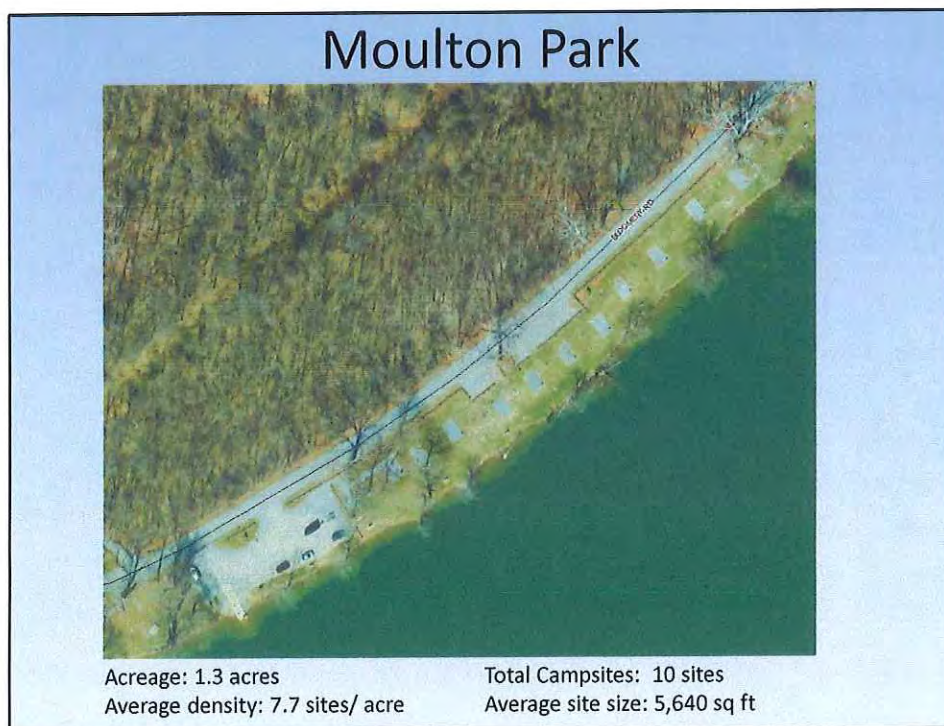
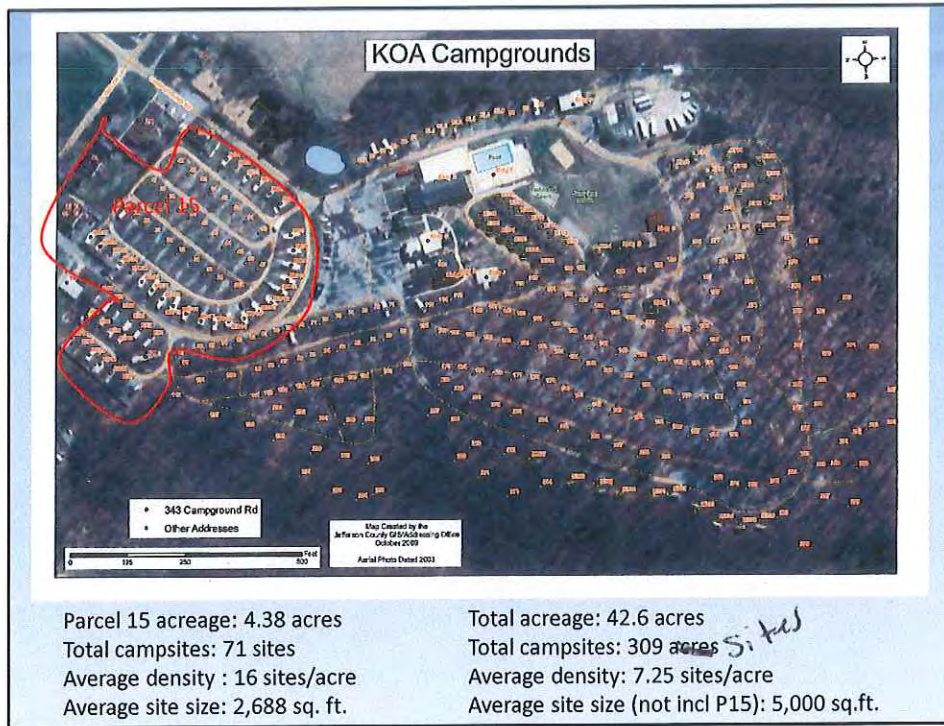
Acreage: 1.3 acres  
Average density: 7.7 sites/ acre

Total Campsites: 10 sites  
Average site size: 5,640 sq ft

# Campground Text Amendment (STA15-04/ZTA15-02) Review and possible action

6/16/16 County Commission Meeting







AGENDA REQUEST FORM  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Jennifer Brockman, Director

Department or Organization: Planning and Zoning

Estimation of amount of time needed for appointment: 15-30 Minutes

Date Requested – 1<sup>st</sup> Choice: ~~July 21, 2016~~ Postponed on 7/21/16 - rescheduled for 9/13/16  
If a specific date is needed, please provide reason for specific date:

Date Requested – 2<sup>nd</sup> Choice:

Subject (Wording to be placed on agenda):

Recommendation from the Planning Commission to the County Commission to amend various sections of the Zoning and Land Development Ordinance to replace the current nontraditional zoning ordinance with a traditional zoning ordinance by eliminating the DRS/LESA CUP Process (Articles 6 and 7) and replace it with a traditional Principal Permitted and Conditional Use process. The proposed text amendment also includes a recommendation to increase the density provisions of the Rural Zoning Cluster Development in Section 5.7; and proposes amending various sections related to rural land use throughout the Ordinance. The purpose of this request is to provide an overview of the recommended amendment and possibly to schedule a public hearing to be held by the County Commission. (File #ZTA16-01)

Please provide the County Commission with a description of your request or presentation, including any background information:

Zoning Text Amendment #ZTA16-01 was initiated by the Planning Commission, at the direction of the County Commission, as the proposed implementation of a key concept throughout the Envision Jefferson 2035 Comprehensive Plan, adopted in February, 2015, which states "This Plan proposes a higher density cluster provision rather than allowing rural residential developments via the Land Evaluation Site Assessment (LESA) system/Conditional Use Permit (CUP) process; and to allow the use of the a more traditional CUP process in the Rural District for non-residential uses which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare." The Planning Commission held work sessions on March, 8, March 24, and April 12, 2016 to review and discuss the proposed draft amendment to the Zoning Ordinance as drafted by Staff. On May 17, 2016 the Planning Commission held a public hearing to receive input on the proposed text amendment. On June 14, 2016 the Planning Commission made their final edits based on public comments received and recommended that the draft amendment be forwarded to the County Commission for consideration and final action.

This text amendment, in accordance with WV Code §8A-7-13, proposes to replace the current nontraditional zoning ordinance with a traditional zoning ordinance. In accordance with this section of the code, the governing body which has adopted or enacted a nontraditional zoning ordinance may replace the nontraditional zoning ordinance with a zoning ordinance by action of the governing body.

Is this a funding request? Y/N  
If so, how much? \$  
Provide exact financial impact/request:

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

I move to schedule a public hearing on \_\_\_\_\_, 2016 at \_\_ a.m./p.m. to receive input on the proposed redline edits to the Jefferson County Zoning Ordinance (File #ZTA16-01) to amend various sections of the Zoning and Land Development Ordinance to replace the

current nontraditional zoning ordinance with a traditional zoning ordinance by eliminating the DRS/LESA CUP Process (Articles 6 and 7) and replace it with a traditional Principal Permitted and Conditional Use process. The proposed text amendment also includes a recommendation to increase the density provisions of the Rural Zoning Cluster Development in Section 5.7; and proposes amending various sections related to rural land use throughout the Ordinance.

Attach supporting documents for request, or request may be denied.

- Proposed draft amendment to the Zoning Ordinance (ZTA16-01) recommended for approval to the County Commission by the Planning Commission on June 14, 2016.

If not attached, explain:

Is equipment needed?      Projector    Y/N      Internet/Wi Fi    Y/N.      Telephone for conference call    Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

# 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
- (30) Amended by act of the County Commission, Effective

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



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

**Section 1.0 Effective Date**

This Ordinance shall become effective ninety (90) days after the date on which the County Commission acts to adopt it.

**Section 1.1 Purpose**

The purpose of this Ordinance is to:

- A. Protect and encourage the health, safety, and general welfare of the present and future population of Jefferson County.
- B. Help guide the future growth and development of Jefferson County in accordance with the adopted Comprehensive Plan.
- C. Encourage growth and development in areas where sewer, water, schools, and other public facilities are or will soon be available in order to provide services in the most cost effective manner.
- D. Insure that growth and development are both economically and environmentally sound.
- E. Encourage the maintenance of an agricultural base in the County at a level sufficient to insure the continued viability of farming.
- F. Encourage and support commercial, industrial, and agricultural activities while maintaining land use, order and compatibility.
- G. Encourage an improved appearance of Jefferson County with relationship to the use and development of land and structures.
- H. Encourage the conservation of natural resources.
- I. Provide a guide for public action in the orderly and efficient provision of public facilities and services. This includes the extension and improvement of public and private water and sewer services throughout the County based on sound engineering principles and where fiscally feasible.
- J. Provide a guide for private enterprise in developing and building a strong economic community.
- K. Encourage Historic Preservation.

**Section 1.2 Jurisdiction**

These regulations shall apply to all properties within Jefferson County, West Virginia; but shall not include the incorporated areas.<sup>23</sup>

### 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 ~~these~~ 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.<sup>2, 17, 21, 30</sup>
- 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.<sup>30</sup>
- D.F. Any amendment proposed to a previously approved Conditional Use Permit which processed under the Development Review System which utilized the Land Evaluation and Site Assessment and Compatibility Assessment process, shall process in accordance with the Ordinance in place at the time they originally processed; provided, however, that they shall not expand land area upon which the CUP was approved.<sup>30</sup>
- G. 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.<sup>8, 17, 21</sup>

### 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.<sup>23</sup>

### 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.<sup>23</sup>

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.

## ARTICLE 2: DEFINITIONS

### Section 2.1 Definitions

For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. Words used in the present tense include the future, the singular number includes the plural and the plural is the singular. The word “shall” is mandatory and the word “may” is permissive. The words “used for” shall include “arranged for”, “designed for”, “intended for”, “maintained for”, “constructed for”, or “occupied for”. The word “person” shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust or the manager, lease, agent, servant, officer or employee of any of them. The word “land” shall include water surface and land under water.

### Section 2.2 Terms Defined

Abandonment or Abandoned <sup>17, 21</sup>	The relinquishment of property or cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.
Accessory Agricultural Dwelling Unit <sup>26, 30</sup>	An <b>accessory</b> dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building, and is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property.
<u>Accessory Dwelling Unit<sup>30</sup></u>	<u>A secondary dwelling unit that has a separate kitchen, bathroom, and sleeping area, and may be attached to the principal dwelling unit or detached and situated on the same lot as the principal dwelling unit. An accessory dwelling unit is part of the same property as the main home and cannot be bought or sold separately unless subdivided in accordance with the Subdivision Regulations and the Zoning Ordinance. The owner of the accessory dwelling unit is the owner of the principal dwelling unit. The property owner or immediate family member must occupy either the principal dwelling unit or the accessory dwelling unit. An accessory dwelling unit shall meet the definition of an accessory agricultural dwelling unit or an in-law suite as provided in Section 8.15 of this Ordinance.</u>
Accessory Equipment <sup>22</sup>	Any equipment serving or being used in conjunction with a Wireless Telecommunications Facility. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.
Accessory Use	A structure or use which is customarily incidental and subordinate to the principal building or use which is located on the same lot as the principal building. Accessory structures include garages, tool sheds, storage buildings, swimming pools or other similar structures. An accessory structure having any part of a wall in common with a dwelling is

considered part of the main building and must meet those setbacks.

Adaptive Reuse<sup>30</sup>

Adaptive reuse refers to the process of reusing an old site or building for a purpose other than which it was built or designed.

Addition, Major

A major addition shall include those additions which will directly affect the function of the site or those areas surrounding the site. Any substantial change of use classification, alteration of on-site parking requirements, potential adverse impacts of off-site storm water drainage, increased demand for public water and sewerage or additions which will cause the rerouting of traffic circulation shall be considered “major additions”.

Adjacent/Confronting  
Affected Property Owner<sup>7</sup>

The owner of property adjacent to or confronting a proposed development (including the properties across any road, right of way or easement) which will be impacted either positively or negatively by that proposed development. Names and addresses of affected property owners will be taken from current tax records in the Jefferson County Court House.

Adult Arcade<sup>15</sup>

An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Bookstore<sup>15</sup>

An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia that are designed for use in connection with specifies sexual activities.

Adult Cabaret<sup>15</sup>

A nightclub, bar, restaurant, facility, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides or other photographic reproductions of material that is characterized by any emphasis upon the depiction of specified sexual activities or specifies anatomical areas.

Adult Mini Motion  
Picture Theatre<sup>15</sup>

An enclosed building with a capacity for fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as herein defined, for observation by patrons therein. The phrase "used for" in this definition shall mean a regular and substantial course of conduct and not a one-time presentation of such material.

- Adult Sauna<sup>15</sup> A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, using steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas as defined herein.
- Adult Theater<sup>15</sup> A theater, concert hall, auditorium, or similar establishment characterized by activities featuring the exposure of specified anatomical areas or by specified sexual activities.
- Adult Use<sup>7</sup> Uses that are commonly associated with adults only, including but not limited to: bars, lounges, dance clubs, stripping establishments, adult book stores, clubs, adult arcades, adult cabarets, adult motion picture theaters, massage parlors, sexual encounter establishments or other similar businesses.
- Affordable Housing<sup>17, 21</sup> Housing units where the occupant is paying no more than 30 percent of Jefferson County median gross income for housing costs, including taxed and utilities.
- Aggrieved or Aggrieved Person<sup>17, 21</sup> 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<sup>17, 21, 23</sup>

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<sup>30</sup>

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.

Airfield, Private<sup>30</sup>

Any area designed and used for the takeoff and landing of small, private aircraft, having no more than one air strip. A Private Airfield shall be licensed by West Virginia and used primarily by the airport licensee, but may be available for use by others upon specific agreement of the licensee.

Airport<sup>27</sup>

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

Alternative Structure <sup>22</sup>	facilities, aviation instruction facilities, and heliports when part of a larger airport facility. 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.
Amenities	<del>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.</del>
Antenna Array <sup>22</sup>	Two or more antennas that operate as components of a complete antenna suite for a single Wireless Telecommunication Facility.
Antenna, Concealed <sup>22</sup>	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.
Antenna <sup>22</sup>	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.
Appalachian Trail Overlay District <sup>22</sup>	For purposes of the Wireless Telecommunication Facilities Ordinance, the area within one mile of the centerline of the Appalachian Trail.
Appliance Sales <sup>27</sup>	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.
Applicant <sup>23, 30</sup>	Any person seeking to develop land, initiate a land use, obtain approval pursuant to the <u>requirements of this</u> <del>Development Review System</del> Ordinance, or request an appeal from or variance to this Ordinance.
Area, Land	Land area refers to new land area, exclusive of streets and other public space.
Art Gallery or Artist Studio <sup>27</sup>	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.
Automobile parts, supplies and tire stores <sup>27</sup>	Stores that sell new automobile parts, tires, and accessories. This use includes installation of new tires.
Automobile Repair, Sales	The use of a site for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited

and Service <sup>27</sup>	to body, fender, muffler, or upholstery work, oil change and lubrication, painting, and tire service, but excluding dismantling or salvage.
Automobile, light truck and light trailer rentals, Indoor <sup>27</sup>	Rental of automobiles, light trucks, light trailers, and vans, including a rental office but not including parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas. This use is conducted indoors with no outdoor storage of vehicles to be rented.
Automobile, light truck and light trailer rentals, Outdoor <sup>27</sup>	Rental of automobiles, light trucks, light trailers, and vans, including a rental office and incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.
Bail Bond Services <sup>27</sup>	An establishment which provides sureties to procure the release of persons under arrest by becoming financially responsible for their appearance at the time and place designated.
Bank <sup>27</sup>	A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. A bank does not include the Pawn Shop Services land use.
Bank with Drive-Through Facility <sup>27</sup>	A bank that includes provisions for the conduct of banking services directly to the occupants of motor vehicles.
Bar <sup>27</sup>	An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages
Barber/Beauty Shop, Limited <sup>23</sup>	A barber or beauty shop limited to no more than two chairs.
<u>Battlefield<sup>30</sup></u>	<u>There are Federally recognized battlefields in Jefferson County as determined by the Civil War Sites Advisory Commission. For the purpose of this Ordinance, green space includes battlefield core areas.</u>
Bed and Breakfast <sup>23</sup>	A single-family dwelling where lodging is offered for compensation, having no more than seven (7) bedrooms for this purpose, and meeting the requirements for such a use in Article 8 of this Ordinance.
Bicycle Parking Space <sup>27</sup>	A volume of space that can accommodate locked storage of one (1) bicycle at a bicycle rack, i.e. a fixture to which one or more bicycles can be securely locked.
Billboard	A structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located. (See Sign, Outdoor Advertising)
Blue Ridge Line <sup>11</sup>	The common surveyed boundary between Jefferson County, West Virginia and Loudoun County, Virginia.

Board <sup>17, 21</sup>	The Jefferson County Board of Zoning Appeals.
Boarding or Rooming House <sup>24</sup>	A building other than a Hotel, Motel, Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn where lodging is provided for compensation for more than 6 unrelated persons. Meals may or may not be served but are not provided to outside guests. There is one common kitchen facility.
Broadcast Tower <sup>22</sup>	A structure situated on a lot that is intended for transmitting television or AM/FM radio signals.
Buffer <sup>5</sup>	An area on a property defined by a distance from the property line or other specifically designed line such as flood plain, wetland limit or stream bank. Said area is intended to absorb, lessen or neutralize the impacts of one land use from another. The nature of the buffer will depend on the impact(s) being neutralized.
Building	Any structure which is permanently affixed to the land and has one or more floors and a roof. The term building shall include manufactured homes.
Building Line	The line established by law beyond which a building shall not extend as determined by front, side and rear yards, herein.
Building Maintenance Services <sup>27</sup>	An establishment primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.
Building Materials and Supplies <sup>27</sup>	An establishment which sells goods relating to construction which require a large floor area such as lumber, appliances, electrical supplies and plumbing supplies.
Building, Height of	The vertical distance measured from the level of approved street grade opposite the middle of the front of the building to the highest point of the coping of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof.
Business Equipment Sales and Service <sup>27</sup>	An establishment primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.
Campground <sup>27</sup>	An area or premises operated as a commercial enterprise, generally providing space for seasonal accommodations for transient occupancy or use by tourists occupying camping trailers, self-propelled campers, tents, cabins and/or lodges. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance).
Car Wash <sup>27</sup>	A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain

	conveyor, blower, steam-cleaning or similar mechanical device.
Caretaker Residence <sup>23</sup>	An accessory residential structure for the use of a caretaker or security guard
Cell on Wheels “COW” <sup>22</sup>	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 <sup>23, 30</sup>	Any use which is different than the previous use of a building or land, <del>or any change in the North American Industry Classification System (NAICS) code in utilizing the Development Review System.</del>
Church <sup>23</sup>	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 <sup>5, 23, 30</sup>	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> <del>remains within acceptable limits.</del> See Section 5.7 for minimum area per dwelling unit and minimum lot area.
Co-location <sup>10, 22</sup>	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 <sup>17, 21</sup>	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 <sup>27</sup>	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 Service Provider <sup>22</sup>	Persons or entities who operate radio systems requiring an FCC license 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<sup>1</sup> Any wholesale, retail or service business activity established to carry on trade whether or not for profit.
- Commission<sup>17, 21</sup> The Jefferson County Planning Commission.
- Community<sup>30</sup> 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.
- 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<sup>30</sup> A permit issued for a Conditional Use upon approval of the Board of Zoning Appeals which may be subject to conditions or additional requirements ~~completion of the Development Review System which that~~ would allows for the proper integration of a compatible uses ~~into the a~~ community.
- Conditional Use<sup>17, 21, 23, 30</sup> A use included on the Principal Permitted and Conditional Uses Table (Appendix C) ~~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<sup>5</sup> 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<sup>17, 21</sup> 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, parcels, municipal boundaries or county boundaries as contiguous.

Contractor with No Outdoor Storage <sup>27</sup>	Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area other than incidental storage.
Contractor with Outdoor Storage <sup>27</sup>	Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage. This use may include outdoor storage of building materials and heavy equipment such as road graders, dump trucks, cement mixers.
Convenience Store <sup>27</sup>	An establishment, not exceeding 10,000 square feet of gross floor area, engaged in the retail sale, from the premises, of food, beverages and other frequently or recurrently needed items for household use. This land use does not include a gas station.
Convenience Store, Limited <sup>27</sup>	A convenience store not exceeding 1,500 square feet of retail floor, with hours of operation limited to the period between 6:00 A.M. and 11:00 P.M.
Convention Center <sup>27</sup>	A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.
Cottage Industry <sup>8, 24</sup>	An occupation conducted at a residential premises, as described in Article 4A of this Ordinance.
Country Inn <sup>23</sup>	A private residence at least 50 years old that offers sleeping accommodations to lodgers in 30 or fewer rooms for rent. For the purpose of this definition, a lodger means a person who rents a room in a country inn establishment for fewer than 30 consecutive days. The land use may include a restaurant open to the general public as well as to guests.
Cultural Facility <sup>23</sup>	A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest.
Custom Manufacturing <sup>27</sup>	Use of a site for the manufacturing of products that are usually handmade and/or are made in small-scale enclosed workshops, involving the use of hand tools, the use of domestic mechanical equipment, or a kiln. This category also includes incidental direct sale to customers of those goods produced on the site. Examples include clay products, glass blowing, jewelry, leatherworking, custom bookbinding, metalworking, and woodworking.
Day Care Center, Large <sup>23</sup>	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 <sup>23</sup>	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 <sup>22</sup>	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	<del>A numerical rating system designed to assess a particular site's development potential based on soils and amenity criteria cited within this Ordinance.</del>
Discernible <sup>22</sup>	Capable of being distinguished with the eye or mind from its surroundings as a telecommunications tower.
Dormitory <sup>13, 23</sup>	A building used for sleeping accommodations where such building is used accessory to a permitted use of land.
Dry Cleaning and Laundry Facility <sup>27</sup>	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 <sup>27</sup>	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 <sup>7, 23</sup>	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 <sup>23</sup>	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 <sup>23</sup>	A building containing three or more dwelling units, which may include rental or condominium residential units.
Dwelling, Single Family,	A single-family detached dwelling meeting the site development standards for a Dwelling, Single Family, Small Lot (as required by this

Small Lot <sup>27</sup>	Ordinance).
Dwelling, Single Family <sup>23</sup>	A detached building containing not more than one dwelling unit and not occupied by more than one family.
Dwelling, Townhouse	One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.
Dwelling, Two-Family	A building located on one zoning lot containing not more than two dwelling units, arranged one above the other or side by side, and not occupied by more than two families.
Easement	A lawfully acquired right or privilege to use a parcel of land or a portion thereof for a specified purpose. An easement is retained by a person other than the owner of the land parcel.
Electric Vehicle Charging Station <sup>27,30</sup>	A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. <u>Electric Vehicle Charging Stations at single family residences for use by the residents is permitted wherever single family residences are permitted.</u>
Electric Distribution Poles <sup>22</sup>	Metal, wooden or concrete towers and poles used to suspend wires transporting electricity between substations at the terminus of transmission lines and individual customer premises.
Electric Transmission Towers <sup>22</sup>	Metal, wooden or concrete towers and poles used to suspend wires transmitting electricity between generating plants and substations supplying electricity to distribution and feeder lines.
Engineer	A person registered by the State of West Virginia through the Board of Registration of Professional Engineers.
Equestrian Uses <sup>23</sup>	Use of a site for horse riding, training, breeding, stables, or boarding.
Equipment Enclosure <sup>22</sup>	Facilities, equipment enclosure means a building, cabinet or shelter used to house transmitters, receivers and other electronic equipment and accessories.
Equipment Rental, Sales, or Service <sup>27</sup>	The use of a site for the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, or similar heavy equipment, including incidental storage, maintenance, and servicing. This use includes truck dealerships and construction equipment dealerships.
Essential Utilities or Equipment <sup>8, 9, 17, 21</sup>	Underground or overhead electrical, gas, communications not regulated by the federal communications commission, water and sewage systems, including pole structures, towers, wires, lines, mains, drains, sewers, conduits, cable, fire alarm boxes, traffic signals, hydrants, regulating and measuring devices and the structures in which they are housed, and other similar equipment accessories in connection therewith. Essential utility equipment is recognized in three categories:

- 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 <sup>27</sup>	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 <sup>22</sup>	Federal Aviation Administration.
Family <sup>23</sup>	Any of the following cases constitutes a family: <ul style="list-style-type: none"><li>A. An individual; or</li><li>B. Two (2) or more persons related by blood, marriage or adoption, or under approved foster care; or</li><li>C. A group of not more than six (6) unrelated persons living together and sharing living areas in a dwelling unit; or</li><li>D. A group of persons occupying a dwelling unit meeting the definition of a Residential Care Home.</li></ul>
<u>Family Transfer<sup>30</sup></u>	<u>For the purpose of Family Transfers as permitted in Section 5.7 of this Ordinance and in Section 20.201 of the Subdivision and Land Development Regulations, family members shall be defined as persons related by birth, adoption or marriage and shall be limited to parent-to-child, child-to-parent, spouse to spouse, sibling to sibling, grandparent to grandchild and grandchild to grandparent. Unrelated individuals jointly owning property are not eligible to utilize the Family Transfer provisions of this Ordinance. Such transfers shall process in accordance with the minor subdivision provision of the Subdivision and Land Development Regulations.</u>
Farm Brewery <sup>26</sup>	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 <sup>26</sup>	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 <sup>23, 30</sup>	<u>A producer-operated Mmarket for the sale of farm products the majority of which are grown or produced on the producer’s land or farm-on-which the market is located,</u> and products incidental to farm products.
Farm Vacation Enterprise <sup>23</sup>	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 <sup>26</sup>	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<sup>30</sup></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 districts unless a part of an approved Commercial Agricultural Enterprise.</u>
FCC <sup>22</sup>	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 <sup>27</sup>	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 <sup>22</sup>	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 <sup>27</sup>	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 <sup>27</sup>	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<sup>27</sup>

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<sup>27</sup>

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 Course<sup>27</sup>

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 User<sup>22</sup>

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<sup>30</sup>

Land required to be set aside under Section 5.7 Cluster Provisions, for the purpose of retaining 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 an accessory agricultural dwelling unit (if it meets the qualifications), and may be in private ownership or a homeowner's association.

Grocery Store<sup>27</sup>

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.

Grooming Services,  
Animal<sup>30</sup>

Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. Such use may be considered accessory to a Kennel or Veterinary Clinic, and may be included in a Shopping Center.

Gross Floor Area <sup>27</sup>	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 Facility <sup>23</sup>	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.
Group Residential Home <sup>23</sup>	A building owned or leased by developmentally disabled or behaviorally disabled persons for purposes of establishing a personal residence, and complying with all applicable requirements of the state of West Virginia. 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.
Harpers Ferry Overlay District <sup>22</sup>	For purposes of regulating Wireless Telecommunication Facilities, an area bounded on the north by a line running west from the Potomac River shore to and along Engle Switch Road to its intersection with Route 230; thence south along Route 230 to its intersection with the CSX Railroad Valley Line; thence south along said railroad to Milepost 4 on the railroad at its intersection with Millville Road; thence east from that point to and across the Shenandoah River to a point 1000 feet distant on the eastern shore of the said Shenandoah River; then following a line 1000 feet inland from that opposite shore of the Shenandoah River to its confluence with the Potomac River; then along a line 1000 feet inland from the Potomac river shore running east to the Virginia state line; thence north to the Potomac River shore; thence west along the shore of the Potomac River to the point of origin. This district excludes the area within the jurisdictional boundaries of the town of Harpers Ferry and the town of Bolivar.
Heavy Industrial Use <sup>27</sup>	Manufacturing or other enterprises with significant external effects including but not limited to noise, dust, glare, odors or vibrations, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. This use also includes those land uses characterized by heavy trucking activity or extensive warehousing.
Helipad <sup>27</sup>	A facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.

Heliport <sup>27</sup>	An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.
<u>Historic Landmarks Commission</u> <sup>30</sup>	<u>Membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Historic Landmarks Commission and Chapter 8, Article 26A of the West Virginia Code.</u>
Historic Resource <sup>22</sup>	A site, structure, area, or district possessing historic importance as defined by the U.S. Department of Interior, West Virginia State Historic Preservation Office, Jefferson County Historic Landmarks Commission, or other governmental agency.
Historic Site/ Property	Any lot, parcel, historic structure, or designated area which has been listed on the West Virginia or the National Register of Historic Places.
Home Occupation, Level 1 <sup>8, 24</sup>	An occupation conducted in a residential premises, as described in Article 4A of this Ordinance.
Home Occupation, Level 2 <sup>8, 24</sup>	An occupation conducted in a residential premises, as described in Article 4A of this Ordinance.
Horse Racing Facility <sup>27</sup>	A facility licensed by the State of West Virginia to offer, for public viewing and amusement, on-site horse racing events with on-site related wagering thereupon. This use can also include the conduct of other occasional special events. In addition to the race course and spectator areas, this use also includes accessory uses (including but not limited to eateries, off-street parking structures, public, community or private utilities, exhibits, and shops). This use may also include the provision of resident employee and guest lodging services for both humans and animals incidental to the visit or stay on the site. This use may also include veterinary care for animals kept or visiting the site.
Hotel/Motel <sup>27</sup>	A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn (as defined in this Ordinance). A hotel/motel may include a restaurant, bar, personal and retail services, and entertainment as accessory uses.
Hunting, Shooting, Archery and Fishing Clubs, Public or Private <sup>23</sup>	Land owned by an organized group of persons formed as a club that is used for hunting, fishing, shooting, archery and similar types of passive recreation.
Impervious Surface	Any structure, material, or surface which reduces and prevents absorption of storm water into the earth.
Improvements	Modifications to land which increase its value or utility. Improvements include, but are not limited to, buildings and structures, road grading, road surfacing, landscaping, curbs, gutters, storm sewers and drains, sidewalks, street signs, modifications to watercourses, water supply facilities, sewage

disposal facilities, and park and recreation equipment.

In-Law Suite<sup>30</sup>

An accessory dwelling unit that is incidental and subordinate to the principal dwelling unit for the purpose of housing a relative of the property owner.

Institutional Use<sup>17, 21, 23</sup>

A non-profit, public or quasi-public use, such as a religious facility, library, public or private school, hospital, or government owned, operated, or supported facility or land use for public purpose.

Kenel<sup>23,27</sup>

The boarding, breeding, raising, ~~grooming~~, or training of more than six dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain or as part of the operations of a not-for-profit organization.

Land Surveyor

A person registered by the State of West Virginia through the Board of Examiners of Land Surveyors.

Lattice Tower<sup>9, 22</sup>

A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

Light Industrial<sup>1, 23</sup>

Any industry that does not use a significant amount of water except for domestic purposes. Industrial uses that do not create noise, odors, smoke and objectionable nuisances or hazards. Any uses listed in Section 5.6B (as amended) are not considered light industrial.

Lot

A tract of land area meeting local development standards which is intended for building development whether immediate or future.

Lot Area

The total horizontal area included within the rear, side and front lot or proposed street lines of the lot.

Lot Line, Front<sup>5, 23</sup>

The side or sides of an interior or through lot which abut a street. Front lot lines shall be measured from the Road Improvement Easement where one exists. For a property with a rear yard adjacent to a right-of-way designated as an alley, a rear yard setback shall apply.

Lot Line, Side<sup>5, 23</sup>

Any lot line other than a front lot line or rear lot line.

Lot of Record

A written or graphic description of a lot that is on record in the office of the Clerk of the County Commission of Jefferson County at the adoption of this Ordinance.

Lot, Corner<sup>23</sup>

A lot abutting on two intersecting streets. Both sides abutting the streets forming the corner shall be considered front lot lines unless otherwise specified in this Ordinance, with the exception of corner lots that front on a private or public road on one edge and an access easement serving 5 lots or fewer on one edge. For such lots, a front yard setback for the principal structure applies to the edge of the lot that fronts on a private or public road and a side yard setback for a principal structure applies to the edge of the lot that fronts on the access easement. A corner lot must have at least

one rear lot line.

Manufactured Housing<sup>23</sup> A factory-built, single-family structure, which is manufactured or constructed under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. For the purpose of this title, a manufactured home shall be considered the same as any site-built, single-family detached dwelling.

Manufacturing, Heavy<sup>27</sup> An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibrations beyond its property line. A land use that generates significant noise, odor, vibration, illumination, or particulate matter that has the potential to adversely affect adjacent land uses, or requires a significant amount of on-site hazardous chemical storage, shall be classified under this land use.

Manufacturing, Limited<sup>27</sup> The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. This category includes welding services.

Massage Parlor<sup>7</sup> 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, Small<sup>23</sup> A medical, dental, or optical office limited to two practitioners.

Medical/Dental/  
Optical Office<sup>27</sup> 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<sup>30</sup>

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 Sales<sup>27</sup>

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 Home<sup>23</sup>

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<sup>23</sup>

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<sup>9,22</sup>

A support structure constructed of a self-supporting hollow metal tube securely anchored to a foundation.

Motor Vehicle<sup>17,21</sup>

Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or other public ways.

Movie Theater<sup>27</sup>

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 <sup>5</sup>	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 <sup>5</sup>	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.
<u>Nature Center and Preserve</u> <sup>30</sup>	<u>A land use providing environmental and conservation education for adults and youth.</u>
Neighborhood <sup>17, 21</sup>	An area generally confined to a one-mile radius from the perimeter of a proposed development.
Nightclub <sup>27</sup>	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> <sup>30</sup>	<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 <sup>30</sup>	A <del>land use of a building or of land that</del> lawfully existed <del>ing</del> at the time this Ordinance be <del>came</del> omes effective and which does not conform with the use regulations of the district in which it is located. <del>Any new lines of division within a subdivision of a parcel that is a noneonforming use shall meet the regulations of this Ordinance.</del>
<u>Nonconforming Structure</u> <sup>30</sup>	<u>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.</u>
Non-Residential <sup>17, 21</sup>	A commercial, industrial, or institutional use.
<u>North American Industry Classification System (NAICS)</u> <sup>23</sup>	<del>A system to classify business establishments according to type of economic activity.</del>
Nursing or Retirement Home	This term includes rest homes, nursing homes, convalescent homes for children and homes providing chronic and convalescent care.

Open Space <sup>30</sup>	<p><del>Land within a proposed development site excluding areas devoted to buildings, structures, roadways and parking.</del></p> <p><u>Land area to be left undeveloped as part of a natural resource preservation, recreation, bufferyards, or other open space provision of the Subdivision Regulations. Open space excludes areas in lots, street right-of-ways, or parking. Private open space is designed 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.</u></p>
Parking, Commercial Offsite Accessory <sup>27</sup>	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 Services <sup>27</sup>	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.
PCS <sup>22</sup>	Personal Communication Services.
Performing Arts Theater <sup>27</sup>	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 Services <sup>27</sup>	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.
Plat <sup>23</sup>	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 Plat<sup>23</sup> 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.
- Preschool<sup>23</sup> 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 Provider<sup>22</sup> 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 Use<sup>23, 30</sup> 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 Use<sup>23</sup> The primary or predominant use of any site.
- Printing and Publishing<sup>27</sup> 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 other printed matter.
- Private Business User<sup>22</sup> Persons or entities which operate radio facilities (including microwave) requiring an FCC license solely for intra-company communications and who do not employ those facilities to offer fixed or mobile wireless communication services, or point-to-point microwave links for commercial wireline communication services, to third parties for compensation.
- Professional Office<sup>27</sup> A building used primarily for offices for administrative, executive, professional, research, or similar organizations; and for real estate, advertising, and insurance agencies and similar firms. No merchandise is sold on the premises. An office building may include ancillary services for employees, such as a restaurant or coffee shop. This land use does not include a Medical/Dental/Optical Office.

Prohibited Use	A use that is not permitted.
Public Highway	Any highway or road in Jefferson County which is part of the Federal or West Virginia public highway system and which is so identified by and numbered on the most recent General Highway Map published by the West Virginia Department of Highways.
Public Safety Facility <sup>23</sup>	Facilities that provide health and safety services to the general public including, but not limited to fire stations, police stations, and emergency medicine or ambulance stations or facilities.
Publicly Owned Facility <sup>23</sup>	Use of a site for government operations or activities, and not otherwise defined as a public safety facility; school, elementary or secondary; school, university or college; school, vocational or professional; hospital; cultural facility; or essential utility equipment.
Recycling Drop-Off Center <sup>27</sup>	A building or site used for a drop-off location for temporary storage of recyclable, recoverable or <del>reusable</del> reusable materials such as paper, cardboard, glass, metal, plastic, batteries and motor oil. Processing of materials is limited to separation. This land use is intended for household or consumer use rather than commercial or industrial use.
Research and Development <sup>13</sup>	Research, development and testing laboratories that do not involve the mass manufacture, fabrication, processing or sale of products.
Residential Care Home <sup>23</sup>	The use of a site for the provision of a family-based facility in a single-family dwelling unit providing 24 hour care in a protected living arrangement with not more than two supervisory personnel and not more than six residents who are suffering from mobility, orthopedic, visual, speech, or hearing impairments, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, cognitive disability, autism, emotional illness, or similar conditions.
Residential <sup>1</sup>	Any detached or attached structure that is used for permanent living quarters and has kitchen facilities.
Restaurant <sup>27</sup>	A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building. A restaurant may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the uses Bar or Nightclub.
Restaurant, Fast Food <sup>27</sup>	Any establishment whose principal business is the sale of foods and/or beverages in ready-to-consume individual servings, for consumption either inside or outside the restaurant building or for carry-out. Customer orders and/or service may be by means of a window or walk-up counter. A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles is classified as a Restaurant, Fast Food, Drive-Through. This use may include the incidental sale of

	alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the uses Bar or Nightclub.
Restaurant, Fast Food, Drive Through <sup>27</sup>	A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles.
Restaurant, Fast Food, Limited <sup>23</sup>	Takeout pizza/sandwich shops not exceeding 600 square feet.
Restaurant, Limited <sup>23</sup>	A food service establishment not exceeding 2,000 square feet and where the primary mode of food distribution is by server.
Retail Food Store, Limited <sup>23</sup>	A retail food store not exceeding 1,500 square feet of retail floor space.
Retail Sales and Services, General <sup>27</sup>	A commercial facility engaged in the indoor sale or rental, with incidental service, of goods or merchandise to the general public for personal or household consumption, or providing retail services or entertainment to the general public. Typical retail sales uses include department stores, apparel stores, discount retail stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; food, pharmaceutical products, cards, books, tobacco products, cosmetics, and specialty items; flowers, plants, pets and pet supplies, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and similar items; cameras, photography services, household electronic equipment, video and music products, sporting equipment, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). Typical service-related uses include eating and drinking establishments; finance, real estate and insurance; amusement and recreational services or establishments such as bowling alleys and miniature golf courses; health, educational and social services. This use does not include Retail Store, Large, and does not include any other use specifically classified in another definition herein.
Retail Sales, Limited <sup>27</sup>	Establishments of up to 10,000 square feet of gross floor area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service; building materials and/or supplies, sales, or rental. Typical uses include sale of consumer goods or art or craft objects, flower shops, gift shops, boutiques, and book stores. This use does not include Convenience Store, and does not include any other use specifically classified in another definition herein.
Retail Store, Large <sup>27</sup>	A retail sales establishment with any commercial retail uses or a combination of such commercial retail uses comprised of greater than 100,000 square feet of gross floor area. In calculating gross floor area, ancillary outdoor storage or merchandise display areas are included. For

the purpose of determining the applicability of the 100,000 square feet of floor area, the aggregate square footage is included for all adjacent buildings operated by one company. A Retail Store, Large that sells to members only or that also offers merchandise at wholesale is included in this definition. Stores which would not otherwise be classified as a Retail Store, Large that are connected by common walls as part of a shopping center with shared parking facilities are not included in this definition. If a shopping center includes a store which meets the definition of Retail Store, Large, the entire shopping center shall be treated as a Retail Store, Large for the purposes of applicable ordinances.

- Right-of-Way A right which grants passage across or through a property. A right-of-way is also the (usually dimensioned) path along which the right of passage is granted.
- Road A prepared surface within a right-of-way which is intended for vehicular use. Road does not include shoulders.
- Rural Reception/  
Event Facility<sup>26</sup> A facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events in the Rural, Village, Residential Growth and Residential-Light Industrial-Commercial Districts (permitted by Special Exception). Such events are limited to events that involve extended families and friends such as weddings, wedding receptions, birthday events, anniversary events, reunion events and/or family gatherings. No events that involve charging admission or are solely performance events are permitted under this provision.
- Rural Reception/Event  
Facility, Small<sup>26</sup> A Rural Reception/Event Facility in the Rural District 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.
- School, University or  
College<sup>23</sup> An educational institution that offers specialized instruction in any of several fields of study and/or in a number of professions or occupations and is authorized to confer various degrees such as the bachelor's degree. Education uses may include a variety of uses such as classroom buildings, administrative offices, sports facilities, student housing, research facilities and other related uses operated by the governing board of the institution within the campus or on adjoining lots. The land use category "School, Vocational or Professional" is not included within this definition.
- School, Vocational or  
Professional<sup>27</sup> A specialized or accredited instructional establishment that provides on-site training or education in business, commercial, and/or trade skills. This use includes a community college that primarily provides daytime services to commuter students.
- Seasonal Use<sup>5</sup> A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons.
- Sensitive Natural Area<sup>5</sup> An area of wetlands, stream or river banks and forest which exists as a habitat supporting rare or endangered species or which has been dedicated perpetually to environmental preservation by easement, covenant or other legal instrument or which is otherwise protected for environmental

	purposes by State or Federal statute.
Setback Line <sup>23</sup>	That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed. For attached dwelling unit types (duplex, multi-family, townhouse, two-family, and similar residential uses) no setback between attached dwelling units is required.
Sexual Paraphernalia Store <sup>15</sup>	Any retail store specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on depicting or describing specific sexual activities or used in connection with specified sexual activities.
Shipping and Mailing Services <sup>27</sup>	Retail sales or business service establishment to facilitate the transmittal and receipt of letter, bulk and packaging mail. This use does not include major processing of mail or packages or bulk mailing distribution centers, and does not include facilities owned or operated by governmental agencies such as the United States Postal Service.
Shooting Range, Indoor <sup>27</sup>	A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure. The operations and design and design of an outdoor shooting range meet all applicable National Rifle Association standards.
Shooting Range, Outdoor <sup>27</sup>	The use of land for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of target practice, sport shooting, military/law enforcement training, mock war games, or temporary competitions. The operations and design and design of an outdoor shooting range meet all applicable National Rifle Association standards, and the range must shall the setback and minimum acreage standards for Hunting, Shooting, and Fishing Clubs as established in this Ordinance. This land use does not include Hunting, Shooting, Archery and Fishing Clubs and general hunting.
Shopping Center <sup>27, 30</sup>	A group of retail and/or other commercial establishments that is planned, constructed and managed as a total entity <u>on a single lot with common parking facilities that uses or leases separate areas of space to retail or service oriented businesses.</u>
Shopping Center <sup>7</sup>	<del>A commercial facility on a single lot with common parking facilities that uses or leases separate areas of space to retail or service oriented businesses.</del>
Shrub, Evergreen	A low growing, usually several stemmed, woody plant which has foliage that remains green and functional through more than one growing season.
Sign	Any object, device display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures,

	designs, symbols, fixtures, colors, illumination or projected images.
Sign, Animated	A sign with action or motion, flashing lights, or color change requiring electrical energy, electronic, or manufactured sources of supply, but not including wind actuated elements such as flags, banners, or pennants.
Sign, Business	A sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where the sign is located.
Sign, Freestanding	A sign supported by a permanent structure, other than a building, that is affixed to the earth and placed on the same parcel of land on which the business or service advertised by the sign is located.
Sign, Vehicle <sup>23</sup>	A sign or advertising device which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose of providing advertisements of products and services or directing people to a business or service or other activity on or off the premises or public right-of-way where such vehicle sign is located. This does not include identification signs on vehicles which are moved regularly and used in the normal, day-to-day operation of the business.
Sign, Outdoor Advertising	A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located. This term shall include billboards.
Soil Value	A relative numeric value assigned to soil groups based on the group's potential for agricultural production.
Species, Rare or Endangered	Any species listed with the West Virginia Department of Natural Resources Heritage Program Species List or by the U.S. Department of the Interior, Department of Fish and Wildlife Management.
Specified Anatomical Area <sup>15</sup>	As used herein specified anatomical areas means and includes any of the following: A. Less than completely and opaquely covered human genitals, public region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or B. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.
Specified Sexual Activities <sup>15</sup>	As herein, specific sexual activities means and includes any of the following: A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; Masturbation, actual or simulated; or C. Excretory functions, when such activities are a part of or in connection with any of the activities set forth in the following definitions: Adult Use; Adult Arcade; Adult Bookstore; Adult

Cabaret; Adult Mini Motion Picture; Adult Sauna; Adult Theater; Massage Parlor; Sexual Encounter Establishment; and, Sexual Paraphernalia Store.

Staff <sup>17, 21, 23</sup>	Personnel employed in the Departments of Planning, Zoning, and Engineering.
Standard Details <sup>7, 23</sup>	Minimum acceptable details approved by the County Engineer for use in preliminary plats, site plans, and related improvement plans. Said approval does not relieve the subdivider, the design consultant, or the builder of the responsibility for structural adequacy and sound construction.
Storage, Commercial <sup>27</sup>	An enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for storage of their household goods or personal property.
Street <sup>23</sup>	(See Road)
Support Structure <sup>22</sup>	A structure designed to support Wireless Telecommunication Facilities including, but not limited to, monopoles, lattice towers, utility poles and other freestanding self-supporting structures.
Telecommunication <sup>9</sup>	The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means electrical or electromagnetic systems.
Tower Base <sup>22</sup>	The foundation, usually concrete, on which a telecommunication tower is situated. For measurement calculations, the tower base is the actual or geometric center of the tower. For structures lacking a foundation the tower base is the ground elevation of the structure.
Tower Height <sup>22</sup>	The vertical distance measured from the tower base to the highest point on a telecommunication tower, including any antennas or other equipment affixed thereto, but excluding any lightning protection rods extending above the tower and attached equipment.
Tower Site <sup>22</sup>	The land area (including any associated easement areas) that contains, or will contain, any proposed telecommunication tower, related equipment enclosures and other improvements; together with any tower fall zone.
Urban Growth Boundary <sup>23</sup>	A site-specific line, delineated on the Jefferson County Zoning Map or a written description in the Jefferson County Zoning and Land Development Ordinance identifying an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area.

Use <sup>7</sup>	An activity that constitutes a legal employment of a land parcel or lot exclusive of ancillary parking and drives.
Utility Poles <sup>22</sup>	Metal, wooden or concrete poles used to suspend wires or cables for electric, telephone or television cable services.
Variance <sup>17, 21, 23</sup>	A variance is a deviation from the minimum standards of the Zoning and Land Development Ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classification of a parcel of land.
Vehicle Storage <sup>27</sup>	The use of a site for long term storage for vehicles. This use includes storage of vehicles towed from private parking areas and impound yards, but excludes dismantling or salvage.
Vehicle <sup>17, 21</sup>	A means of carrying or transporting something.
Vehicular Miles <sup>17, 21</sup>	Distance by motor vehicle between two points utilizing public highways.
Visible <sup>22</sup>	Capable of being seen by the unaided eye in the daylight.
Vocational and/or Training Facility for Adults <sup>23</sup>	A specialized or accredited instructional establishment that provides on-site training or education in business, commercial, and/or trade skills. The land use is conducted in a campus setting, and may include classroom buildings, dormitories, cafeterias, gymnasiums (whose use is limited to the students, participants and instructors at said school or training facility), and administrative buildings. Incidental instructional services in conjunction with another primary use shall not be considered a Vocational and/or Training Facility for Adults. This use does not include School, University or College. In the Rural District, the use must be conducted in a campus setting.
Warehousing and Distribution, General <sup>27</sup>	Use of a site for the storage of goods, sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. This use includes major distribution centers, frozen food lockers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities. Facilities may be characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors.
Warehousing and Distribution, Limited <sup>27</sup>	Use of a site for the small scale storage of goods, and sale of goods to other businesses for resale. Wholesale and warehouse areas are no more than 50,000 square feet in area and operate during conventional business hours. Outdoor storage is limited to an area of 1,000 square feet. This use does not include major distribution centers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities, or a use described as a Storage, Commercial facility.
Wetland <sup>5</sup>	An area that is inundated or saturated by surface water or ground-water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted

for life in saturated soil conditions, commonly known as hydrophytic vegetation. The substrata is predominantly hydric soil.

Wireless  
Telecommunication  
Facility, Co-Located<sup>22</sup>

(See Co-location.)

Wireless  
Telecommunication  
Facility, Temporary<sup>22</sup>

A vehicle-mounted or portable wireless telecommunication facility including portable towers, antennas, equipment enclosures, generators and associated electronics, cabling, wiring and hardware. Such a facility may include, but is not limited to, "cell on wheels" mobile equipment.

Wireless  
Telecommunication  
Tower, Speculative<sup>22</sup>

A Wireless Telecommunications Tower developed without binding commitments from one or more FCC licensees to utilize the tower within six (6) months of issuance of a certificate of occupancy for the Tower.

Wireless  
Telecommunication  
Tower<sup>9</sup>

A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

Wireless  
Telecommunication  
Antenna<sup>9</sup>

The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless  
Telecommunication  
Equipment Shelter<sup>9</sup>

The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless  
Telecommunication  
Facility, Concealed<sup>22</sup>

A wireless telecommunication facility with all antennas camouflaged to match or complement the color and architectural treatment of the surface of an existing structure upon which they are mounted; or which have all facility components concealed behind a façade or parapet wall, or inside a 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<sup>9, 22</sup>

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.

Woodland Preservation  
Buffer<sup>30</sup>

A specified area delineated on an approved site plan or subdivision preliminary/final plat for the sole purpose of preserving existing vegetation and to prevent the cutting, clearing, and removal of healthy, viable trees and ground cover. The removal of dead, dying, and/or diseased trees and ground cover within the buffer may be permitted provided documentation of the proposed removal is approved by the Department.

Zoning Ordinance,  
Map Amendment<sup>25</sup>

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 Amendment<sup>25,30</sup>

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.

## 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.<sup>5,17,21</sup>
- 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.<sup>17, 21</sup>
- 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.<sup>2, 17, 21, 30</sup>
- 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:<sup>23</sup>
  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.<sup>30</sup> ~~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.<sup>17, 21, 23</sup>
- 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.<sup>17, 21</sup>
- 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.<sup>17, 21, 23</sup>
- 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.<sup>17, 21, 23</sup>
- 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.<sup>17,21</sup>
- 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.<sup>17,21,23</sup>
- 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.<sup>17,21</sup>
- 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.<sup>5,17,21</sup>
- 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:<sup>17,21,23</sup>
  - 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 Commissions<sup>23</sup>

### 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.<sup>2</sup>
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.<sup>5, 17, 21</sup>
    - 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.<sup>5, 8, 17, 21</sup>
    - 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.<sup>23</sup>
  - 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.<sup>17, 21</sup>
- 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.~~<sup>2, 30</sup>
- 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 existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare.
    - iii. 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.
    - iv. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance.
    - v. Operations in connection with the use shall be in conformance with Section 8.9 of this Ordinance.
  - 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.<sup>17, 21</sup>

~~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.<sup>2, 17, 21</sup>

~~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.<sup>14, 17</sup>

## 2. Planning Commission<sup>23</sup>

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 Commission<sup>23</sup>

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 areas 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.~~<sup>23</sup> 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.<sup>30</sup>

### 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.<sup>30</sup>

### 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:<sup>7, 30</sup>

- A. Nonconforming ~~uses~~ structures may be upgraded or repaired, or alterations made to the ~~use's~~ facilities.<sup>7, 23, 30</sup> ~~However, expansion of any nonconforming use shall be limited to the lot that existed at the time of adoption of this Ordinance.~~<sup>7, 23</sup>
- B. Repair includes the following: replacement of same size (<sup>+/-</sup>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.<sup>7, 23</sup> 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.<sup>7, 23, 30</sup>
- 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.<sup>5, 17, 21</sup>
- 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.<sup>7, 17, 21</sup>
- 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.<sup>7, 8, 12, 17, 21, 23, 30</sup>
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.<sup>8</sup>
- 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.<sup>7</sup>
- G. Section 4.3 is subject to Chapter 8A of the West Virginia Code, as Amended.<sup>17, 21, 23</sup>
- 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.<sup>8, 23</sup>
- 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.<sup>12, 17, 21, 23</sup> This provision will not apply to existing residential dwelling units.<sup>30</sup>
- 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.<sup>13</sup>

#### 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.<sup>5, 27, 30</sup>
- 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 ~~process through the Development Review System (Article 6 and 7).~~<sup>6, 23, 27, 30</sup>  
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.<sup>23, 27, 30</sup>
- 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.<sup>5, 23</sup>
- 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.<sup>8, 23, 27</sup>
- J. Vehicle signs left parked or standing on a public right-of-way, public property or private property.<sup>12</sup>
- 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.<sup>23, 27</sup>  
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.<sup>15, 16, 27</sup>
- L. Salvage yards unless established in accordance with the Jefferson County Salvage Yard Ordinance.<sup>23</sup>
- 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.~~<sup>23, 27, 30</sup>
- 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.<sup>27</sup>

#### 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:<sup>27</sup>
1. Any lot in the Residential Growth District;<sup>27</sup>
  2. A dwelling, school, church or institution for human care not located on the same lot as the said use or buildings;<sup>1</sup>
  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:<sup>7,27</sup>
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.<sup>23</sup>
- 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.<sup>27</sup>
- D. Housing for farm animals ~~Barns and feeding pens shall~~ must be set back a minimum of 50' from all property lines; excluding chicken coops which may be set back 25' from all property lines if no roosters are housed there.<sup>30</sup> ~~75' from a residential district, a lot with a residential use, a church, a school, or an institution for human care.~~
- E. Structure used to store manure shall comply with distance requirements specified in 4.6A.
- C.F. All portions of a kennel land use must be buffered pursuant to Article 4 and set back at least 300' ~~500'~~ from any other property that contains a residence. If the adjacent use is a commercial use, setbacks shall conform with commercial setbacks in Appendix B.<sup>30</sup> ~~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.<sup>7,22</sup>

#### **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.

#### **Section 4.9 Traffic Visibility Across Corner Lots**

On any corner in all districts, there shall be no obstruction to traffic visibility within thirty-five (35) feet of the intersection of the two (2) street property lines of the corner lot. Site plan and subdivision applications must comply with the Intersection Design requirements of the Subdivision and Land Development Regulations.<sup>23</sup>

#### **Section 4.10 Site Plan Requirements**

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.<sup>23, 26</sup>
- B. Site plan submittal is not required for single-family or two-family dwelling units unless planned as part of a multi-unit or mixed use development plan.
- C. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.<sup>23</sup>
- D. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.<sup>10, 17, 21, 23</sup>

#### **Section 4.11 Landscaping, Screening and Buffer Yard Requirements**

Buffer yard requirements are as shown in Appendix A and B of this Ordinance, and are summarized in this section.<sup>27</sup>

##### **A. Commercial Development<sup>27</sup>**

1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a fifty (50) foot or greater unscreened green space buffer or a fifteen (15) foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
2. All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard landscape buffers.<sup>5</sup>

##### **B. Industrial Development<sup>27</sup>**

1. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have an unscreened buffer yard of no less than two hundred (200) feet. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard.
2. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half ( $\frac{1}{2}$ ) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.<sup>3, 7</sup>

3. All industrial development adjacent to any use shall have 20' screened side and rear landscape buffers.
- C. Multi-family Development<sup>27</sup>
  1. All multi-family adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have, along common property lines, screened green space buffers as follows:
    - a. Front and rear: a minimum of 15'
    - b. Side: a minimum of 12'
- D. In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.
- E. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.
  1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.<sup>7, 23, 27, 28</sup>  
 However, any development where a 10 foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met:<sup>27, 28</sup>
    - a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every fifty (50) linear feet; at least every other tree shall be an evergreen;
    - b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every fifty (50) linear feet; and
    - c. Three (3) shrubs per each twenty five (25) feet along the property line, round upward.
    - d. These requirements shall be required on both sides of a property line for adjoining properties.
    - e. A 10 foot landscape area on the property unless shared parking is proposed. In the event shared parking is proposed, the required property line planting would be in addition to other plantings.<sup>7, 23, 26</sup>
  2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.
  3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
  4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.
- F. In any Commercial, Industrial, Institutional, or Residential development, all dumpsters shall be screened from any residences or from view of a public highway.<sup>23</sup>
- G. All buffer yards shall be maintained by the property owner.
- H. All development adjacent to a Sensitive Natural Area shall have a buffer of natural vegetation. Environmental standards contained in Section 8.9A, 1 through 7, will apply. The buffer shall meet the current Federal standard except as required in Table 4.11 -1 below:<sup>23</sup>

**Table 4.11 -1 Wetland Size in Acres<sup>5, 8, 23</sup>**

Greater Than	Less Than	Buffer Width in Feet
0.05	0.10	30
0.10	0.16	35

0.15	0.21	40
0.20	0.26	50
0.25	0.31	55
0.30	0.36	60
0.35	0.41	65
0.40	0.46	70
0.45	0.51	75
0.50	0.66	80
0.65	0.81	85
0.80	0.96	90
0.95	1.21	95
1.20	--	100

- I. All required landscape plans shall contain the following elements:<sup>7</sup>
  1. Deciduous street trees for shade and aesthetics, planted at the following average spacing:<sup>23</sup>
    - a. Site with street frontage of up to 200 feet: 1 tree per 50 feet.
    - b. Site with street frontage exceeding 200 feet: The greater of 4 trees or 1 tree per 100 feet.
  2. Evergreen buffer planting, as required, for full screening.
  3. Parking lot and internal drive plantings (mix of evergreen and deciduous) for partial screening and limited shade.
  4. Structure plants for aesthetics and limited shade.
  5. Schedule of plants including common name, scientific name, minimum size (height, caliper, etc.) quantity and specific limitation notes.
- J. Required landscape buffers for a non-residential use are indicated in Appendix B.<sup>27</sup>

**Section 4.12 Design Standards for Multi-Family Developments<sup>23</sup>**

- A. Common open space shall be oriented to the interior of the development and shall consist of land suitable for passive and active recreational use. No more than 50 percent of land dedicated to recreational use shall be within the 100 year Floodplain.
- B. Impervious surface coverage for interior streets, parking areas, and residential structures shall not exceed fifty (50) percent of the gross land area.
- C. Tot lot or play areas shall be centrally located in areas convenient to residential buildings and at least twenty-five (25) feet from any street right-of-way.

**Section 4.13 Development Adjacent to the Potomac and Shenandoah Rivers<sup>23</sup>**

- A. Any development, other than residential development, that takes place after the adoption of this Ordinance must maintain a five hundred (500) foot buffer strip from the existing banks of the Potomac and Shenandoah Rivers.



## **ARTICLE 4A: HOME OCCUPATIONS AND COTTAGE INDUSTRIES<sup>8,24</sup>**

### **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).<sup>12</sup>
- 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 accessing the right-of-way or easement within 1,000 feet (along the right-of-way or easement) of the property line. The applicant shall provide proof of the mailing to Staff.<sup>30</sup> ~~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.<sup>17, 21, 24</sup>

## ARTICLE 4B: WIRELESS TELECOMMUNICATION FACILITIES<sup>10, 22</sup>

### Section 4B.1 Purpose and Legislative Intent

The purpose of Article 4B, Wireless Telecommunication Facilities, is to balance the needs of residents of and visitors to Jefferson County for reliable access to wireless telecommunication networks and services with the community's desire to preserve the County's rural, historic and agricultural character and the quality of its residential neighborhoods.

To accomplish these objectives and to ensure that the placement, construction or modification of wireless telecommunication facilities complies with the provisions of the Telecommunications Act of 1996 and other Federal laws, and is consistent with Jefferson County's land use policies and Comprehensive Plan, this Article is intended to regulate the construction, placement and operation of wireless telecommunication facilities within Jefferson County. When any provision of this article is in conflict with any provision of the Jefferson County Zoning Ordinance or the Jefferson County Subdivision and Land Development Regulations, the stricter regulation shall apply.

This Article establishes parameters for the siting of Wireless Telecommunication Facilities. It is Jefferson County's intent to:

- A. Ensure access to reliable and robust wireless communications services throughout Jefferson County consistent with the aforementioned objectives;
- B. Encourage the use of existing structures such as buildings, water towers, silos, church steeples, monopoles, lattice towers, utility poles, electric distribution and transmission structures and other existing structures for the co-location of Wireless Telecommunication Facilities;
- C. Encourage the location of new Wireless Telecommunication towers in non-residential areas, with taller towers limited to the Industrial-Commercial zoning district;
- D. Minimize the number of new Wireless Telecommunication Towers that would otherwise need to be constructed by providing incentives for the use of existing structures;
- E. Encourage the location of new Wireless Telecommunication Towers, to the greatest extent possible, in areas where the adverse impact on the community will be minimal; and by encouraging the use of camouflage or concealment to create structures such as silos, faux trees and flagpoles that mimic elements that typically are found on Jefferson County's agricultural landscape and that appear in scale and context with their surroundings;
- F. Minimize or mitigate the potential adverse visual effects associated with the construction of Wireless Telecommunication Towers through the implementation of reasonable design, landscaping and construction practices;
- G. Ensure public health, safety, welfare, and convenience; and
- H. Conform to Federal and State laws that allow certain antennas to be exempt from local regulations.

### Section 4B.2 Classification of Wireless Telecommunication Facilities<sup>30</sup> and Development Review Process

For purposes of administering this Article, Wireless Telecommunication Facilities (hereafter "Facilities" or "Facility") shall be classified as follows:

- A. Exempt Facilities as specified in Section 4B.3
- B. Concealed Wireless Telecommunication Facilities
- C. Co-located Wireless Telecommunication Facilities
- D. Temporary Wireless Telecommunication Facilities

#### **E. Wireless Telecommunication Towers**

Exempt Facilities are allowed by right. Prior to the issuance of a Zoning Certificate, all other types of new Wireless Telecommunications Facilities listed above require approval of a Minor Site Plan as described in the Jefferson County Subdivision and Land Development Regulations and also meeting the submittal and design requirements of this Article. Additionally, Wireless Telecommunication Towers shall require submittal of a Concept Plan and a public hearing to allow for an analysis of demonstration of need, neighborhood compatibility, impact on cultural and historic resources, and visual mitigation.

Within ten (10) days of receiving a Concept Plan application for a Facility the Department shall notify the applicant in writing (1) that the application is sufficient or (2) the particular information needed as required by the provisions of this Article and the Jefferson County Subdivision and Land Development Regulations, to constitute a sufficient application. Once the additional information is received and the application is found to be sufficient, the Department shall notify the applicant of that finding.

#### **Section 4B.3 Exempt Facilities Allowed by Right**

This section covers antennas other than those associated with commercial wireless telecommunication facilities, such as facilities associated with governmental users, television and radio broadcast facilities, and private business users requiring an antenna support structure of twelve feet or less. Antennas allowed by right subject to special requirements of this section include:

- A. Amateur radio facilities mounted on supporting structures less than 100 feet in height provided however, that commercial wireless providers and private business users may not co-locate antennas on an amateur radio tower irrespective of its height.
- B. Residential antennas for receiving television or AM or FM radio broadcast signals.
- C. Residential or business customer premise antennas for receiving microwave, satellite or broadcast television signals, provided such antennas are less than one meter (39.4 inches) in diameter and are mounted on a support structure less than twelve (12) feet in height.

#### **Section 4B.4 Concealed Wireless Telecommunication Facilities**

Concealed Facilities are permitted in all zoning districts. The Department may issue a Zoning Certificate for a Concealed Facility consistent with the following terms and conditions:

- A. Concealed Facilities are permitted on buildings and alternative structures (other than telecommunication towers).
- B. For purposes of this section antennas mounted on electric transmission towers shall qualify as Concealed Facilities provided that antennas associated with such facilities do not extend more than twenty (20) feet above the top of the supporting structure. Equipment enclosures associated with such facilities may be mounted on the structure, placed underground or on the ground. If placed on the ground, equipment enclosures shall be placed on a concrete pad, metal skid or platform, or other foundation and screened so as to make them unobtrusive.
- C. For purposes of this section antennas mounted on an electric distribution pole, utility or street lighting pole or traffic light pole shall qualify as a Concealed Facility provided antennas associated with such facilities shall not extend more than twenty (20) feet above the top of the existing support structure.
- D. Utility poles may be extended up to twenty (20) feet in height to accommodate antennas for a Concealed Facility.

- E. For any utility pole height increases in the Harpers Ferry Overlay District, the Department shall refer the application to the Jefferson County Historic Landmarks Commission for review and comment before issuing a Zoning Certificate.
- F. Applications for such utility pole height extensions in the Appalachian Trail Overlay District shall be referred by the Department to the Appalachian Trail Conservancy and the National Park Service for review and comment prior to issuance of a Zoning Certificate.
- G. Antennas associated with Concealed Facilities, if flush-mounted on the side of a building or alternative structure, shall be camouflaged to match or complement the color and architectural texture of the surface.
- H. Antennas associated with a Concealed Facility shall not be co-located on a tower or other support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.
- I. Equipment enclosures associated with Concealed Facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or façade which is camouflaged to match or complement the color and architectural treatment of the building. If antennas are placed on a structure other than a building, equipment enclosures associated with the facility may be mounted on the structure or placed underground or at ground level on a concrete pad, metal skid or platform, or other foundation. If placed at ground level, such equipment enclosures shall be screened so as to make them unobtrusive.
- J. All cabling and wiring connecting antennas, equipment enclosures, and other components of Concealed Facilities shall be colored or concealed in a manner that renders them unobtrusive.
- K. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between 8:00 a.m. and 7:00 p.m.
- L. Equipment associated with a Concealed Facility not located in a public right-of-way must meet the setback requirements for the zoning district in which it is located.

#### **Section 4B.5 Co-located Wireless Telecommunication Facilities**

Co-located Wireless Telecommunications Facilities are permitted within all zoning districts. Co-location includes the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure or Concealed Telecommunication Support Structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. The Department may issue a Zoning Certificate for a Co-located Facility consistent with the following terms and conditions:

- A. Antennas associated with a Co-located Facility shall not be co-located on a support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.
- B. Co-located Facilities shall meet the following design standards:
  - I. Antennas associated with a Co-located Facility located on a monopole shall, where practical, be mounted so as to present the smallest possible silhouette, profile or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:
    - a. Antennas within a cylindrical radome matching the diameter of a monopole;
    - b. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.
    - c. Antennas mounted as an array arranged around a platform extending from the monopole.

2. All equipment enclosures and other improvements accessory to a co-located Facility shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure may exceed twelve (12) feet in height.
3. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between the hours of 8:00 a.m. and 7:00 p.m.
4. Equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The Department may require as a condition of approval that the fencing be screened by a landscaped buffer of at least 10 feet in width planted along the entire exterior perimeter of the fence. Such a buffer must contain at least one row of native vegetation and form a continuous screen at least 6 feet in height. All buffer yards shall be maintained by the property owner. It will be the responsibility of the property owner to maintain the buffer yard and to replace any trees or shrubs that die. The landscaping requirements of this section do not apply to an application for co-location on a site with an approved site plan. The Department may waive or modify the fencing requirement upon a determination that doing so will enhance the overall appearance of the facility without any compromise in safety or security.
5. Signage at any ground-based portion of a Co-located Facility site shall conform to FCC and FAA standards. No commercial signage is permitted.
6. Before an application for a Co-located Facility can be processed, a copy of the applicant's FCC license must accompany its application. If FCC licenses for the applicant have been provided to the Jefferson County Department of Planning & Zoning in conjunction with previous wireless facility applications, the applicant may certify that such licenses remain in full force and effect.

#### **Section 4B.6 Temporary Wireless Telecommunication Facilities**

Temporary Facilities are permitted in all zoning districts. The Department may issue a Zoning Certificate for a Temporary Facility consistent with the following terms and conditions:

- A. Temporary Facilities, including but not limited to Cell on Wheels (COW), may be placed at or near the location of an existing, proposed or approved Facilities for periods up to seventy-two (72) hours for equipment or signal propagation testing purposes or, where an existing facility is temporarily unavailable due to scheduled or unscheduled maintenance, without any requirement for a permit. Where scheduled or unscheduled maintenance will extend beyond seventy-two (72) hours, the wireless provider must obtain a Zoning Certificate. The Department may issue such a certificate for up to thirty (30) days upon a showing of good cause by the applicant. Such certificate may be extended for an additional thirty (30) day period if the applicant can demonstrate that extenuating circumstances necessitate an extension.
- B. In the event of a natural disaster, catastrophic event or public emergency that either renders an existing Facility unusable, or creates an urgent need for supplemental capacity to manage the emergency, temporary facilities may be placed in any area as necessary to provide coverage or capacity for longer periods upon the authority of the Director of the Office of Homeland Security and Emergency Management, with notification to the Director of the Planning and Zoning Department.

- C. Permits may be issued by the Department for up to one week for temporary facilities needed in conjunction with scheduled special events at specific locales that are likely to generate a need for additional capacity at the event which is expected to exceed existing installed capacity.
- D. Fees for permits for Temporary Facilities shall be in accordance with the Department of Planning and Zoning schedule of fees and charges.

#### **Section 4B.7 Wireless Telecommunication Towers**

Wireless Telecommunication Towers (hereafter “Tower” or “Towers”) are permitted in all zoning districts subject to the provisions of this section. The provisions of this section apply to an application for a new Tower, as well as for a major modification to an existing Facility or Support Structure that results in a substantial change to the facility or structure, including but not limited to a height extension of more than twenty (20) feet or ten percent (10%) of the current height of a facility or structure, whichever is greater, and/or replacement of the structure.

This section is not applicable to co-location of a new antenna array on an existing structure.

##### **A. Site Plan Required**

A minor site plan shall be required for all new Towers, as well as for Major Modifications to an existing Facility or Support Structure resulting in a substantial change to the Facility or Structure. In addition to the site plan review requirements of the Subdivision and Land Development Regulations, the site plan shall include all elements of a Concept Plan as established in Subsection B, and shall address conditions established by the Planning Commission in its review of the Concept Plan.

##### **B. Concept Plan Submittal and Public Hearing Required**

In addition to the requirements for a minor site plan, a proposed Tower shall require the submittal of a Concept Plan, subject to the following requirements:

1. Required elements for a Wireless Telecommunications Tower Concept Plan shall be the same as for a site plan as established in the Subdivision and Land Development Regulations, Appendix A, Section 1.3A, with the exception of Subsections 1.3A.20-22, 24-29, 31-35.
2. The following additional elements must be submitted:
  - a. Outside dimensions, use, and setbacks of all existing and proposed buildings, structures, towers, antennas, utility lines, driveways, and parking areas.
  - b. Height of the proposed tower measured from ground level at the center of the proposed structure, and height comparison to any nearby buildings or trees, or other applicable structures and natural landforms part of the site’s background and foreground landscape.
  - c. Elevations and Cross-Section: Display topography with all proposed facilities including tower, equipment shelter and existing buildings.
  - d. Number, size and location of proposed and existing antennas; number of co-locations possible.
  - e. Method of camouflage (if any).
  - f. Locations of known historic structures.
  - g. A description of the anticipated construction and installation schedule.
  - h. Documentation verifying compliance with applicable Federal Communications Commission (FCC) standards and requirements to provide the proposed services.
  - i. Narrative addressing the design criteria of this section.
  - j. Dates, address list, and notice for Balloon Test.
  - k. Balloon Test exhibits as required in Subsection G of this Section.
  - l. Propagation maps as required in Subsection F of this Section.

- m. Any other relevant information.
  - n. Additional application requirements of Subsection H of this Section.
3. Submittal and review of a Concept Plan shall follow the review process and timeline established in Section 24.119 – 24.122 of the Subdivision and Land Development Regulations, with the following exceptions:
- a. The application shall be exempt from Section 24.120A, Agency Reviews, and Section 24.120D, WVDOH, except as otherwise provided in this Subsection.
  - b. Following the Department’s determination of the sufficiency of a Concept Plan application:
    - i. The Department shall notify the Jefferson County Historic Landmarks Commission of an application filing.
    - ii. The Applicant shall provide a copy of the completed Concept Plan application to the Appalachian Trail Conservancy and the National Park Service, if required by the Cultural and Historic Resources Review standards of this Section.
  - c. The Concept Plan shall be reviewed at a public hearing conducted at a scheduled Planning Commission meeting. The scope of this public hearing shall include a demonstration of need as required under this Article, neighborhood compatibility, impact on cultural and historic resources, visual mitigation, the submittal and design criteria of this Article, and the compatibility of the facility proposal with the Comprehensive Plan, as well as any relevant information presented by any person that addresses the purpose and intent of this Article. The Planning Commission shall review the proposed Tower for compliance with the standards in this Article and, if applicable, provide conditions relevant to the scope of the public hearing and/or unique characteristics of the proposed development site, to be addressed in the Department’s approval of the site plan.
  - d. Before the Department may approve a site plan for a Tower, the Planning Commission must find, by a majority vote, that the Concept Plan application complies with this Article, and that the application is consistent with the Comprehensive Plan.
- C. Retention of Consultants
- The Department may elect to retain outside consultants or professional services to review a Concept Plan or site plan application for a Tower and to make recommendations on relevant issues including, but not limited to, verification of the applicant’s compliance with the provisions of this Article, analysis of alternatives, conditions of approval, and compliance with State and Federal rules and regulations at the applicant’s expense. Fees charged to the applicant shall not exceed the actual cost of services rendered.
- D. Applicant’s Burden of Proof
- The applicant for a site plan for any Tower bears the burden of demonstrating by substantial evidence in a written record that a *bona fide* need exists for the proposed structure at its proposed height and location-as required in Subsection F, “Demonstration of Need”, and that it has met all submittal and design criteria in this Article.
- E. Proof of Eligibility
- Speculative Towers are prohibited. Before an application for a Tower can be processed, a copy of the applicant’s FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the Tower within six (6) months of issuance of a certificate of occupancy for the Tower. Such demonstration shall include submittal of an affidavit by the FCC licensee(s), and a copy of each wireless provider’s FCC license. If such FCC licenses have been provided to the

Department in conjunction with previous tower applications, the applicant may certify that such licenses remain in full force and effect.

F. Demonstration of Need

As part of its application submission for a Concept Plan and for a site plan the applicant shall be required to submit propagation maps demonstrating a technical need for its proposed Tower and justifying the height of its antennas on the structure. One propagation map shall depict existing coverage without the proposed site and another depicting coverage with the proposed site. Such maps shall identify all adjacent sites whether existing, approved or proposed, and each map shall be accompanied by an engineer's affidavit attesting to the parameters or variables used to create the map. Such propagation studies shall be submitted in both hard copy and in electronic format to facilitate information sharing, inclusion on the county's web site and to otherwise maximize public awareness.

G. Balloon Test

1. An applicant shall conduct a balloon or crane test to simulate the maximum height of the proposed Tower. Following the test, the applicant shall submit color photo simulations showing the proposed structure as it would appear viewed from the closest residential property or properties and from adjacent roadways. Photographs should be taken from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and from up to five significant structures or locations identified by the Department. A map shall be supplied identifying the location of each photo. Before and after photo exhibits will be presented.
2. Notice of the dates and times of such tests shall be mailed to all property owners within a one-quarter mile (1320 feet radius) from the proposed location, in addition to the Historic Landmarks Commission at least ten (10) days prior to such tests. The applicant shall utilize address and owner information on file at the Jefferson County Assessor's Office. Such notices shall designate a primary date and an alternate date in case of inclement weather. Notices shall state that there is an application to the Planning Commission for a Wireless Telecommunication Tower on the property and provide the file number. The Department shall review and approve the sufficiency of the notice and the list of addresses prior to mailing. An affidavit of mailing accompanied by a list of recipients and addresses shall be included in the application file.
3. Such notice shall also be published in the legal advertisements section of a newspaper of general circulation in Jefferson County at least ten (10) days prior to such tests. Such notices shall designate a primary date and an alternate date in case of inclement weather. The newspaper's affidavit of publication shall be submitted as part of the application file.
4. In the event the applicant seeks to increase the height of the proposed Tower, or move its location more than one hundred (100) feet laterally, from that stated in its original notices, additional notice shall be required to be given consistent with the above requirements.

H. Preferred Structures and Locations Policy

1. Co-location Encouraged. Prior to the approval of the construction of a new Tower, it is the policy of Jefferson County to encourage co-location of wireless facilities in the following locations:
  - a. Co-location of antennas on existing electric transmission towers.
  - b. Co-location and the use of existing or approved towers, buildings or alternative structures such as buildings, water towers, silos, church steeples, and utility poles more than fifty (50) feet in height within a one-quarter mile radius of a proposed Tower, where appropriate.
2. Preferred Support Structures. In light of Jefferson County's agricultural, and increasingly residential character, it is the policy of Jefferson County that for Facilities located outside the Industrial-Commercial zoning district, support structures for antennas are desired in the following descending order of preference:
  - a. Silos
  - b. Other Alternative Structures
  - c. Monopoles
  - d. Lattice Towers

3. Preferred Locations. For new Towers, it is the policy of Jefferson County to encourage use of the following facilities or locations, in descending order of priority:
  - a. The Industrial - Commercial District
  - b. Non-residential areas screened by existing vegetation and located outside of the Industrial-Commercial District
4. Application Requirements. In furtherance of the Preferred Structures and Locations Policy in this Article, the following provisions shall apply to an application for a site plan for a Tower:
  - a. The application must demonstrate that the proposed Tower is designed structurally, electrically, mechanically and in all other respects to accommodate additional wireless users unless the applicant demonstrates that structure height, topography, or other factors render this requirement unfeasible. An application must include an affidavit from the tower owner affirming that, subject to exceptions for structure height, topography, or other factors which make co-location unfeasible, the Tower is available for co-location.
  - b. A site plan for a Tower shall not be approved if an electric transmission tower with capacity of 230 kV or less is located above, or within twenty-five (25) feet below, the ground elevation of, and within a one quarter mile radius laterally, of a proposed Tower, unless the applicant can demonstrate that:
    - i. Sufficient easements or other interests in real property cannot be obtained to accommodate the Facility on the electric transmission tower;
    - ii. The electric utility owning the electric transmission tower is unwilling to allow its use for wireless facilities;
    - iii. Reasonable terms, rates, or conditions cannot be negotiated with the electric utility;
    - iv. The location of the Tower will not allow the applicant to meet coverage or capacity requirements; or
    - v. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon existing or approved towers.
  - c. Where suitable electric transmission towers are not available for co-location of antennas, a site plan for a Tower located outside the Industrial-Commercial zoning district shall not be approved unless the applicant demonstrates that the equipment planned for the proposed Tower cannot be accommodated on existing or approved towers, buildings, silos or other alternative structures more than fifty (50) feet in height within a one-quarter mile radius of the proposed Tower due to one or more of the following reasons:
    - i. The planned equipment would exceed the structural capacity of the existing or approved tower, building or alternative structures, as documented by a qualified and licensed professional engineer, and the existing or approved tower, building or structure cannot be reinforced modified or replaced to accommodate planned or functionally equivalent equipment at a reasonable cost;
    - ii. Existing and approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably, as documented by a qualified and licensed professional engineer;
    - iii. Reasonable terms, rates, or conditions cannot be negotiated with the owner of the structure and/or property;
    - iv. The location of the structure will not allow the applicant to meet coverage or capacity requirements; or
    - v. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon existing or approved towers, buildings or alternative structures.

- d. Antennas associated with an application for a Facility may not be co-located on a tower or other support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.

I. Cultural and Historic Resources Review

- 1. In addition to the notification requirements of this Section, an application for a Tower shall comply with the following:
  - a. An application for a proposed Tower within the Harpers Ferry Overlay District shall be provided, by the applicant, to the National Park Service for review and comment, and the applicant will provide the Department an affidavit certifying delivery.
  - b. An application for a proposed Tower located within one mile of the Appalachian Trail shall be provided, by the applicant, to the Appalachian Trail Conservancy and the National Park Service for review and comment, and the applicant will provide the Department an affidavit certifying delivery.

J. Design Criteria

Wireless Telecommunication Towers shall comply with the following design criteria:

1. Antenna Mounting Preferences

Antennas associated with a Tower shall, where practical, be mounted so as to present the smallest possible silhouette, profile or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:

- a. Antennas within a cylindrical radome matching the diameter of a monopole.
- b. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the Tower.
- c. Antennas mounted as an array arranged around a platform extending from the monopole.

2. Height Restrictions

- a. Towers in the Industrial-Commercial zoning district shall not exceed 199 feet. Towers in all other zoning districts shall not exceed 100 feet. If a silo is used for a support structure for antennas, the height of the silo shall not exceed 120 feet.
- b. Antennas may extend up to twenty (20) feet above the height of existing electric transmission towers if such height extensions are preferable to placement of a new Tower.

3. Fall Zone

- a. With the exception of silos, Towers shall be set back from all property lines a distance equal to 110% of tower height measured from the base of the structure to its highest point. Additional easements may be acquired on adjacent properties to meet the fall zone requirement.
- b. No residential dwellings may be located in the fall zone on either the primary parcel or in any easement area on adjacent parcels.

4. Signage

Signage at any ground-based portion of a Facility site shall conform to FCC and FAA standards. No commercial signage is permitted.

5. Lighting & Marking

Towers shall not be lighted or marked unless required by the FCC or by the FAA.

6. Electrical Supply

Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between the hours of 8:00 a.m. and 7:00 p.m.

7. Fencing

Towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The Planning Commission may require as a condition of approval that the fencing be screened by a landscaped buffer of at least 10 feet in width planted along the entire exterior perimeter of the fence. Such a buffer must contain at least one row of native vegetation and form a continuous screen at least 6 feet in height at planting. All buffer yards shall be maintained by the property owner. It will be the responsibility of the property owner to maintain the buffer yard and to replace any trees or shrubs that die.

The Planning Commission may waive or modify the fencing requirement upon a determination that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

8. Tower Color

Towers shall have a flat gray or galvanized finish unless the Planning Commission determines that another color scheme would be a preferable alternative to address visual mitigation and such scheme is consistent with FCC and FAA standards for antenna structure marking.

**Section 4B.8 Maintenance & Removal Bonds**

Prior to issuance of a Zoning Certificate, each applicant for a Facility shall be required to execute a standard Maintenance / Removal agreement binding the applicant and its successors and assigns to properly maintain the exterior appearance of, and to ultimately remove such facilities, upon abandonment or cessation of operations. The applicant shall be required to post a bond for this purpose in accordance with the Department of Planning & Zoning schedule of fees and charges. The applicant shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the Maintenance/Removal agreement have been satisfied. Private business users operating a single Facility at their principal place of business and Governmental Users are exempt from this bond requirement.

**Section 4B.9 Abandonment & Removal**

- A. Any Facility or Support Structure that is not operated for a period of twelve (12) consecutive months may be referred to the Property Safety Enforcement Agency Board for a determination of the structural soundness of the Facility or Structure.
- B. If a structure is determined to be unsound, it will be considered abandoned.
- C. The owner or operator of any Facility or Support Structure shall remove the Facility pursuant to the requirements of the Jefferson County Property Safety Ordinance.

**ARTICLE 5: DISTRICT ESTABLISHMENT; ZONING MAPS; DISTRICT BOUNDARIES;  
DISTRICT REGULATIONS**

**Section 5.1 Establishment of Districts<sup>1</sup>**

For the purpose of this Ordinance, all land within the County, exclusive of the incorporated towns, is hereby designated as one of the following zoning districts:

RG	Residential Growth District
I-C	Industrial-Commercial District
R	Rural (Agricultural) District
R-LI-C	Residential-Light Industrial-Commercial District
V	Village District <sup>23</sup>
NC	Neighborhood Commercial <sup>27</sup>
GC	General Commercial <sup>27</sup>
HC	Highway Commercial <sup>27</sup>
LI	Light Industrial <sup>27</sup>
MI	Major Industrial <sup>27</sup>
PND	Planned Neighborhood Development <sup>27</sup>
OC	Office / Commercial Mixed-Use <sup>27</sup>

**Section 5.2 Boundaries of Districts**

Unless otherwise indicated on the zoning district maps, the boundary lines of the districts shall follow lot lines, centerlines of streets, alleys, corporate limit lines, or centerlines of waterways as existing at the time of the adoption of this Ordinance.

**Section 5.3 District Maps**

The districts shall be of the size and shape shown on the Jefferson County Zoning Maps and shall hereby be made a part of this ordinance. A copy of the said maps shall be signed by the County Commissioners upon the adoption of these regulations and recorded within the Courthouse.

The Jefferson County zoning layer is parcel-based, maintained in a Geographic Information System (GIS), and shall be the basis for the County's official zoning map. Within 30 days of final County Commission action on a zoning map amendment, GIS/Addressing staff will update the digital zoning layer and make the new data available online.<sup>23</sup>

On an annual basis, in December, and within 30 days of final County Commission action on a zoning map amendment, a new zoning map will be printed which includes the most up to date base layer data, all approved zoning designations since the last printed map, and an effective date, certified by the President of the County Commission, filed with the County Clerk's office, and a copy provided to the Planning Commission. This annual map update shall not require a public hearing and such certification shall occur administratively.<sup>23</sup>

## Section 5.4 Residential Growth (RG) District<sup>30</sup>

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.<sup>30</sup> ~~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<sup>23,27</sup>
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.<sup>27</sup>
  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.~~<sup>27,30</sup>
- 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.<sup>23,27</sup>
  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.<sup>5,23,27</sup>
  3. All detached accessory structures under 144 square feet in size shall have a setback of 6'.<sup>27</sup>
- C. Commercial Services in Residential Developments<sup>23</sup>
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.~~<sup>5</sup>
- D. Standards for Commercial ~~or Light Industrial~~ Uses<sup>23,30</sup>
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<sup>30</sup>

- b. Will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5</sup>
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 Reserved<sup>23</sup>**

**Section 5.6 Industrial - Commercial (IC) District<sup>23,30</sup>**

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 Uses<sup>23,30</sup>
  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.<sup>27,30</sup>
  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.<sup>27,30</sup>
- 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.<sup>30</sup>
  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)<sup>23</sup>
  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)<sup>23</sup>
- 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.<sup>5, 23, 27</sup>
  2. Compliance with Section 4.11 and Section 8.9A(1-9)<sup>7, 23</sup>
  3. Distance Requirements
    - a. Commercial shall comply with Section 4.6B
    - b. Industrial shall comply with Section 4.6A<sup>7, 23</sup>
- 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.<sup>23</sup>
- F. Additional Commercial and Industrial Design Standards<sup>27</sup>
1. Commercial Design Standards<sup>23, 27</sup>
    - 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.<sup>27</sup>
    - 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.<sup>23</sup>
    - b. Adequate provision shall be made for storage and collection of refuse, subject to Section 4.11F.<sup>27</sup>
    - 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) District<sup>23, 30</sup>

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.<sup>8, 23, 30</sup>

### A. Principal Permitted and Conditional Uses<sup>23, 27, 30</sup>

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.<sup>27, 30</sup>
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.<sup>27, 30</sup>

B. Minimum Lot Area, Lot Width and Yard Requirements<sup>23</sup>

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.<sup>27</sup>
2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.<sup>23</sup>
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.<sup>23</sup>

C. Height Regulations

No structure shall exceed ~~forty five~~<sup>thirty five</sup> (45~~35~~) feet in height except as provided in Section 9.2.<sup>30</sup>

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.<sup>8</sup> The density rights for any rural development shall be based on the parcel of record as of October 5, 1988 utilizing the following alternatives:<sup>30</sup>

1. A property owner may create one (1) lot for every fifteen (15) acres with a minimum lot size of three (3) acres.<sup>17, 21</sup>
  - 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.<sup>30</sup> ~~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.<sup>17, 21</sup>
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.<sup>30</sup>
    - 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.<sup>17, 21, 23, 30</sup>
      - (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.<sup>30</sup> ~~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. A note to this effect shall be placed on all cluster subdivision plats.<sup>30</sup>

(c) For every additional 5% preservation, the following scale may be utilized:<sup>30</sup>

<u>50% green space</u>	<u>1 lot per 5 acres</u>
<u>55% green space</u>	<u>1 lot per 4.5 acres</u>
<u>60% green space</u>	<u>1 lot per 4 acres</u>
<u>65% green space</u>	<u>1 lot per 3.5 acres</u>
<u>70% green space</u>	<u>1 lot per 3 acres</u>
<u>75% green space</u>	<u>1 lot per 2.5 acres</u>

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.<sup>30</sup>

iii.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.<sup>17, 21</sup>

(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.<sup>23</sup>

(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.<sup>17, 21</sup>

(e) ~~Maximum lot size shall be 3 acres.~~<sup>17, 21</sup>

iii.iv. Procedures<sup>23</sup>

(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.<sup>17, 21, 23</sup>

(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.~~<sup>30</sup>

(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 Plan:<sup>30</sup>

- (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 Concept Plan 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 Concept Plan. 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”.<sup>23</sup>

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, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. 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.<sup>30</sup>
- 3.4. Subdivisions involving transfers of land between family members known as “Family Transfers” as defined in Article 2. ~~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~~ Family Transfers are not entitled to further subdivide except as another family transfer.~~parent to child or child to parent transfer.~~<sup>30</sup>
- 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) District<sup>1,30</sup>

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.<sup>23</sup>

### A. Principal Permitted and Conditional Uses<sup>23, 27, 30</sup>

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.<sup>27, 30</sup>

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.~~<sup>27,30</sup>

B. Standards<sup>23</sup>

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.<sup>23,27</sup>
3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.<sup>27</sup>

C. Site Development Standards<sup>23,27</sup>

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.<sup>27</sup>
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.<sup>5,7,23,27</sup>
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.~~<sup>23,26,30</sup> This requirement shall not apply to a building located within a shopping center shown on an approved site plan.<sup>23,26,30</sup>
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.<sup>7,27</sup>

Section 5.9 Reserved<sup>23</sup>

Section 5.10 Village (V) District<sup>8,23,30</sup>

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries. This district is generally intended to be served with public or private water and sewer facilities based on proposed lot sizes.

A. Principal Permitted and Conditional Uses<sup>23,30</sup>

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.<sup>27,30</sup>

B. Conditional Uses<sup>23,27</sup>

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.~~<sup>27,30</sup>

- B. Setbacks<sup>27</sup>
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.<sup>23, 30</sup>
  2. Existing Structures<sup>27</sup>
    - 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.<sup>23</sup>
- 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.<sup>23, 30</sup>
- G. Other Requirements<sup>23</sup>
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) District<sup>27, 30</sup>

- 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.<sup>30</sup>
  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.<sup>30</sup> ~~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) District<sup>27, 30</sup>

- 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.<sup>30</sup>
  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.<sup>30</sup> ~~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) District<sup>27, 30</sup>

- 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.<sup>30</sup>
  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.<sup>30</sup> ~~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) District<sup>27,30</sup>

- 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.<sup>30</sup>
  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.~~<sup>30</sup>
- 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) District<sup>27,30</sup>

- 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.<sup>30</sup>
  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.~~<sup>30</sup>
- 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) District<sup>27, 30</sup>**

- 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.<sup>30</sup>
  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.<sup>30</sup>
  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.~~<sup>30</sup>

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 District<sup>27,30</sup>

- 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.<sup>30</sup>
  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.~~<sup>30</sup>
- 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~~<sup>30</sup> 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.<sup>14, 17, 21, 23</sup>~~

~~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:<sup>27</sup>~~
  - ~~1. The development proposal is located within the Residential Growth District or the Industrial Commercial District; or<sup>27</sup>~~
  - ~~2. The proposed land use will be completely contained:<sup>27</sup>~~
    - ~~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:<sup>27</sup>~~
    - ~~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	Cc	5
DsB	De	1
DsC	De	9
DsD	De	9
DsE	De	9
DyB	Du	4
DyC	Du	5
DyD	Du	3
DyE	Du	7
EgB	Ec	7
EgC	Ec	10
EgD	Ec	10
Fa	Fa	10
Fk	Fu	10
HbB	Ha	2
HbC	Ha	4
HcC	Ha	3
HeB	Ha	4
HeC	Ha	4
HgE	Ha	6
HrB	Ha	6
HrC	Ha	6
Hy	He	10
La	La	6
Ln	Li	6
MhA	M	9
MoB	M	7
MxC	M	8
MxD	M	4
OaB	O	4
OaC	O	3
		4

X

The points for the soils assessment are computed as follows:<sup>5</sup>

- 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).<sup>5</sup>

**Table 6.3 – 2 List of Soil Groups and Relative Values<sup>23</sup>**

<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.<sup>1, 17, 21, 23</sup>

## Section 6.4 — Amenities Assessment<sup>17, 21</sup>

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 Site<sup>4</sup>

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>Acre</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 Development<sup>7</sup>

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.<sup>23</sup>

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.<sup>23</sup>

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.<sup>23</sup>

**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 Schools<sup>4</sup>**

<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 Adequacy<sup>4</sup>**

<u>Road Type</u>	<u>Residential Project Points</u>	<u>Nonresidential Project Points</u>
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**

<u>Distance to Fire</u>	<u>Points</u>	<u>Distance to Ambulance</u>	<u>Points</u>
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 Assessment<sup>27</sup>**

- 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.<sup>14, 17, 21</sup>
- 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.<sup>17, 21</sup>

ARTICLE 7: ~~RESERVED~~<sup>30</sup> ~~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.~~<sup>23</sup>

~~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.~~<sup>23</sup>

~~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.~~<sup>23</sup>
- ~~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 System~~<sup>23</sup>
  - ~~3. Compatibility Assessment Meeting~~
  - ~~4. Public hearings~~
  - ~~5. Board of Zoning Appeals decision on the issuance or denial of the Conditional Use Permit~~<sup>2,23</sup>

~~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.~~<sup>1,2,7,17,21,23</sup>
- ~~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.~~<sup>23</sup>

~~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.<sup>23</sup>~~

~~G. The Zoning Administrator shall determine if the sketch plan and support data are adequate.<sup>8, 17, 21, 23</sup>~~

### ~~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.<sup>23</sup>~~
- ~~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.<sup>1,23</sup>~~
- ~~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.<sup>23</sup>~~

### ~~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.<sup>23</sup>~~
- ~~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.<sup>17,21</sup>~~
- ~~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.<sup>17,21,23</sup>~~

- ~~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.<sup>1, 17, 21, 23</sup>~~
- ~~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.<sup>2, 17, 21, 23</sup>~~
- ~~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.<sup>2, 17, 21, 23</sup>~~
- ~~G. A Conditional Use Permit shall be valid for the time period identified in Section 3.2G of this Ordinance.<sup>23</sup>~~

#### **Section 7.7 — Public Hearings for Development Review System<sup>23</sup>**

- ~~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.<sup>1, 17, 21</sup>~~
- ~~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.<sup>17, 21</sup>~~
- ~~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.<sup>17, 21</sup>~~

**ARTICLE 8: SUPPLEMENTAL USE REGULATIONS<sup>23</sup>**

Unless otherwise noted, the standards of Article 8 are intended to apply to the land uses referenced in the following sections. Should the standards found in this Article conflict with those found in this Ordinance or the Jefferson County Subdivision and Land Development Regulations, the standards of this Article shall apply. The standards found in this Article are not inclusive. Additional standards may be located within the County's other Ordinances and Regulations.<sup>30</sup>

**Section 8.1 Adult Use Requirements<sup>16, 23</sup>**

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.<sup>27</sup>
- 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 Pens<sup>23, 30</sup>**

~~Barns~~ Housing for farm animals and feeding pens shall ~~must~~ be set back a minimum of 50' from all property lines; excluding chicken coops which may be set back 25' from all property lines if no roosters are housed there. ~~75' from a residential district, a lot with a residential use, a church, a school, or an institution for human care.~~

Structures used to store manure shall comply with distance requirements specified in 4.6A.<sup>30</sup>

**Section 8.3 Bed and Breakfast<sup>23</sup>**

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 Kennels<sup>23</sup>

All portions of a Kennel land use must be buffered pursuant to Article 4 and set back at least ~~300~~500 feet from any other property that contains a residence. If the adjacent use is a commercial use, setbacks shall conform with commercial setbacks in Appendix B. ~~Kennels cannot be located within a Planning Commission approved major residential subdivision.~~<sup>15, 30</sup>

### Section 8.5 Farm Brewery, Farm Winery, or Farm Distillery<sup>23, 26</sup>

- A. All structures associated with the operation of a farm brewery, farm winery, or farm distillery may not exceed 20,000 square feet.<sup>26</sup>
- B. No sale of alcohol for onsite consumption is permitted unless licensed as a private club by the state of West Virginia or unless otherwise permitted by state law.<sup>26, 30</sup>
- C. The use may include facilities for fermenting, processing, bottling, packaging, and storage of products produced on-premises<sup>26</sup>
- D. Permitted accessory uses include the following:<sup>26</sup>
  1. Incidental tastings of products produced on-premises.
  2. Incidental food sales associated with tastings, not including a restaurant; provided, however, that a restaurant may be permitted through the conditional use permit process.<sup>30</sup>
  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.<sup>26</sup>
- F. Production limits are as follows:<sup>26</sup>
  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.<sup>26</sup>

### Section 8.6 Farm and Farmers' Markets<sup>23, 30</sup>

- 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~~ twenty five feet (~~50~~25') from the street right-of-way must be maintained, and off street parking must be provided.<sup>30</sup>
- 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.<sup>30</sup>

### **Section 8.7 Jails and Prisons<sup>23</sup>**

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.~~<sup>5, 30</sup>

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

- 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 Clubs<sup>23</sup>**

- 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.<sup>20</sup>
  - 4. Shooting ranges for use of members and guests of members.
- B. Standards for Hunting, Shooting and Fishing Clubs<sup>20</sup>
  - 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 Clubs<sup>20</sup>
  - 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 Uses<sup>23</sup>**

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)
Commercial Uses	70 dB(A)	60 dB(A)
Light Industrial Uses adjacent to noise source	85 dB(A)	80 dB(A)

The following sources of noise are exempt:

- a. Transportation vehicles not under the control of the industrial use.
- b. Occasionally used safety signals, warning devices and emergency pressure relief valves.
- c. Temporary construction activity between 7:00 a.m. and 7:00 p.m.

2. Odor

No operation shall result in the creation of odors of such intensity and character as to be detrimental to the health and welfare or the public or which interferes with the comfort of the public. Odor thresholds shall be in accordance with ASTM d139-57 “Standard Method for Measurement of Odor in Atmospheres (Dilution Method)” or its equivalent. Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the state line, measured either at ground level or habitable elevation.

3. Smoke

No smoke, dust, fumes, or particulate matter shall be perceptible at any lot line. Further, the regulations and standards governing the control of air pollution shall be the same as those adopted by the State of West Virginia.

For the purpose of grading the density or equivalent capacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used.

The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.

The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues or other opening or any process, operation, or activity except solid waste incinerators within the boundaries of any lot, will not exceed the levels set forth below.

Particulate matter emission from materials or products subject to becoming wind borne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles or bulk material such as coal, sand, cinders, slag, sulfur, etc.

4. Ambient Air Quality Standard

Particulate Matter

Suspended

Annual Arithmetic Mean ug/m 65

24-hour Maximum b, ug/m 140

Settleable

Annual Arithmetic Average, mg/cm/ /month 0.35  
Monthly Maximum 0.7

5. Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration-measuring equipment.

6. Glare and Heat

No direct or sky-reflected glare, whether from floodlights or from high temperature processes, such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. There shall be no emission or transmission of heat or heated air so as to be discernable at the lot line.

7. Toxic Matter

The ambient air quality standards for the State of West Virginia shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the State, the release of such materials shall be in accordance with the fractional quantities permitted below, of those toxic materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists.

Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hours sampling period.

The release of airborne toxic matter will not exceed one-thirteenth of the threshold limit value across lot lines.

Such materials shall include but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry derivatives; pyrotechnics and fireworks such as acetylates, tetrazoles, and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) per cent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

The storage, utilization or manufacture of materials or products which decompose by detonation is prohibited.

8. Fire Hazards

The storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system.

The total capacity of flammable liquids and gasses shall not exceed those quantities permitted in the following Table for each of the industrial districts:

<u>CAPACITY</u>	<u>STORAGE</u>
Liquids	60,000 gallons
Gasses	
- Above ground	150,000 SCF
- Below ground	300,000 SCF

SCF - Standard Cubic Feet at sixty (60) degrees Fahrenheit and 29.92 inches Mercury.<sup>1</sup>

The following setback requirements will apply to the location of any container which holds flammable liquids or gasses:

Container Setback from Lot Lines

Water Capacity per Container (Gallons)	Containers		Between Above Ground Containers (Feet)
	Underground (Feet)	Above Ground Containers (Feet)	
0 to 2,000	25	25	3
2,000 to 30,000	50	50	5
30,000 to 60,000	50	75	
In excess of 60,000	75	100	¼ the sum of diameters of adjacent containers

9. Frontage Road

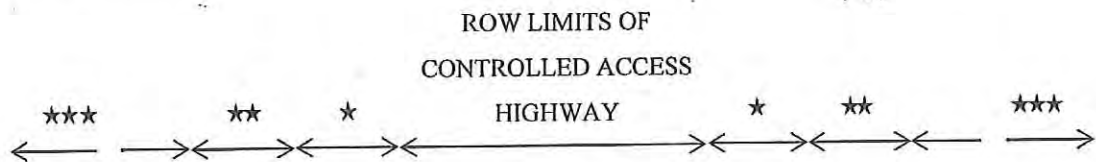
Easements or fee simple dedications will be provided along all limited access highways at the site plan or subdivision phases. Said easement/dedication shall not exceed 60 feet in width. The width may vary but must be adequate for extension, continuation or establishment of a minimum 20' wide paved frontage road.

10. Landscape Buffer

All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this Ordinance.<sup>27</sup>

A fifty (50) foot wide landscape buffer strip will be provided along all limited access highways. Said buffer shall be adjacent to the frontage road. In the case where existing roads not adjacent to controlled access highway serve as frontage road the landscape buffer may be placed against the highway right-of-way.

All front setbacks (building and parking lot) are to be measured from the landscape buffer. (See diagram)



- \* Maximum 60' easement or dedication for frontage road
- \*\* 50' landscaped buffer strip
- \*\*\* Setbacks

This provision shall also apply to any ramps or access roads connecting to a controlled access highway within ½ mile of a controlled access highway.<sup>5</sup>

**Section 8.10 Model Homes/Sales Offices<sup>23</sup>**

Model homes with a staffed sales office for sales exclusively within the residential subdivision in which they are located are permitted provided that they are contained on the first lot on either or both sides of any road/right-of-way that enters the subdivision; provided also that they are so designated on the preliminary and final plats during the subdivision process.

Model homes with a staffed sales office in any other location within the subdivision must be approved or denied by the Board of Zoning Appeals after a public hearing advertised for 15 days.<sup>17, 21</sup>

Model homes without staffed sales offices are permitted internally within the subdivision.<sup>12</sup>

### Section 8.11 Petroleum Products Refining or Storage<sup>23</sup>

Petroleum refining or storage (above ground in tanks) requires adherence to all state and federal laws, as well as National Fire Underwriters Codes.

### Section 8.12 West Virginia Legal Fireworks<sup>23</sup>

Sales of fireworks are permitted in the Industrial-Commercial, Residential-Light Industrial-Commercial, General 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.<sup>8, 27</sup>

### Section 8.13 Dormitory<sup>23</sup>

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 Facility<sup>26</sup>

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).<sup>30</sup>

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.<sup>30</sup>

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.<sup>30</sup> ~~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.<sup>30</sup>

### **Section 8.15 Accessory ~~Agricultural~~ Dwelling Unit**<sup>26,30</sup>

An Accessory Dwelling Unit is defined as a secondary dwelling unit that has a separate kitchen, bathroom, and sleeping area, and may be attached to the principal dwelling unit or detached and situated on the same lot as the principal dwelling unit. An accessory dwelling unit is part of the same property as the principal dwelling unit and cannot be bought or sold separately unless subdivided in accordance with the Subdivision Regulations and the Zoning Ordinance. The owner of the accessory dwelling unit is the owner of the principal dwelling unit. The property owner or immediate family member must occupy either the principal dwelling unit or the accessory dwelling unit. Such accessory dwelling unit is permitted only if it meets one of the following criteria:<sup>30</sup>

- A. An “In-Law Suite” is an accessory dwelling unit for the purpose of housing a relative of the property owner and must be clearly subordinate to the principal dwelling unit and meet all of the following criteria:<sup>30</sup>
- (a) Secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet, gross floor area;<sup>30</sup>
  - (b) For a detached accessory dwelling unit, must be located on a property of at least 2 acres;<sup>30</sup>
  - (c) Limited to use by a relative\*;<sup>30</sup>
  - (d) Sufficient parking available; and<sup>30</sup>
  - (e) Approved by the Health Department.<sup>30</sup>

\*Related by blood, marriage, or adoption. Should relative no longer require the use of the ADU, the property owner may apply for a Special Exception before the Board of Zoning Appeals to allow for rental to non-relatives. The principal dwelling unit or accessory dwelling unit must be occupied by the property owner or immediate family member.<sup>30</sup>

- B. An “Accessory Agricultural Dwelling Unit” for agricultural purposes is 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:<sup>30</sup>
- (a) is secondary in size to the principal dwelling unit, limited in size to a maximum of 1,700 heated square feet, gross floor area;<sup>30</sup>
  - (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; and;
  - (e) is approved by the Health Department.<sup>30</sup>

One of each type of Accessory Dwelling Unit as defined in this section 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 relatives or 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.<sup>30</sup>

RVs are prohibited as Accessory Dwelling Units.<sup>30</sup>

### Section 8.16 Reserved<sup>30</sup>

### Section 8.17 Reserved<sup>30</sup>

### Section 8.18 Nature Center and Preserve<sup>30</sup>

This land use is defined in Section 2.2. The purpose of this land use is to include conserved and protected habitat, wildlife sanctuaries, and may also include passive outdoor recreational features such as wildlife observation platforms and feeding stations or plots, interpretative displays, trails and walkways, outdoor research stations, and environmental study support. This land use may include related improvements or structures for visitor and student education, outdoor and nature training; and associated office, education, and operational space. This land use may also include accessory uses that facilitate active education such as day camps, classes, and other supporting events as determined to be accessory by the Zoning Administrator.

#### A. General Standards to operate a Nature Center and Preserve:

The land use must operate on a minimum of 10 acres, which may be comprised of contiguous parcels. Single ownership is not required provided the land use is operated by a nonprofit organization, a stewardship, or a local, State, or Federal agency. Structures, parking, and other accessory uses are permitted to cross interior property lines of said contiguous parcels.

This land use may process utilizing the Rural Site Plan standards found in Section 20.203(D) of the Jefferson County Subdivision and Land Development Regulations, in any zoning district in which it is permitted.

#### B. Setback Standards to operate a Nature Center and Preserve:

Enclosed structures over 250 square feet that are solely for the purpose of housing animals shall be setback 50 feet.

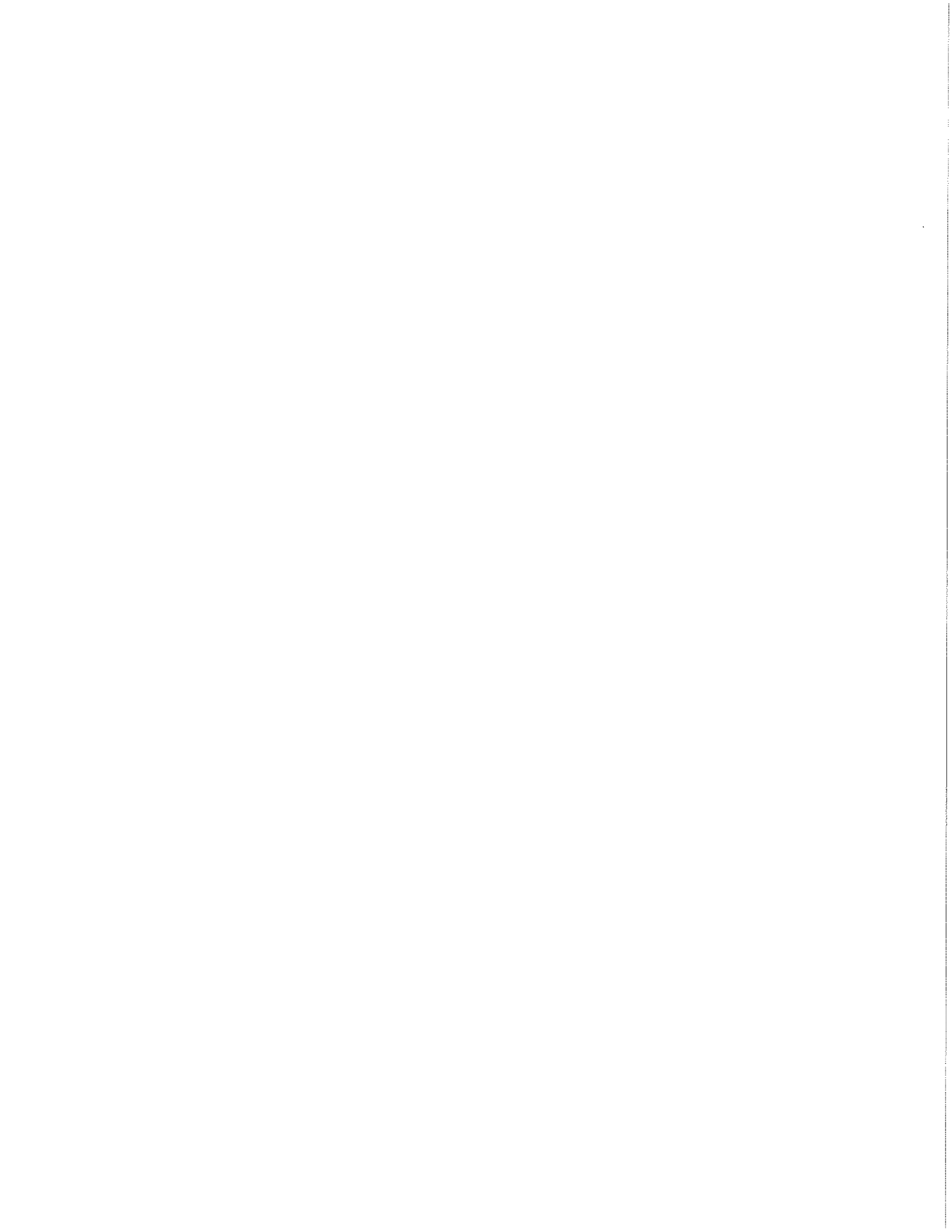
All structures and motorized trails shall meet commercial setbacks of 25 feet with the exception that accessory structures under 250 square feet that are associated with the maintenance of the land use shall be setback 10 feet.

All non-motorized trails and non-amplified outdoor activity areas shall meet a minimum 10 foot setback. Motorized vehicles associated with the maintenance of the land use are permitted within the non-motorized trails.

#### C. Landscaping Standards to operate a Nature Center and Preserve:

In lieu of this Ordinance's landscaping standards, a 10 foot woodland preservation buffer shall be required along the perimeter of the land use. This 10 foot buffer is not required along the





interior property lines of the land use. There shall be no clearing or cutting within the buffer with the exception of removing dead, dying, and/or diseased trees. The woodland preservation buffer may be used for passive recreation such as pedestrian, bike, or equestrian trails provided that:

- (a) No trees, shrubs, hedges, or walls are removed.
- (b) Not more than 20 percent of the width of the buffer is impervious surface.
- (c) The total width of the buffer area is maintained.

D. Noise Standards to operate a Nature Center and Preserve:

This land use is restricted to the noise standards of Section 8.9A.1 of this Ordinance. The Residential Growth District measurement shall apply when the use is adjacent to a lot that contains a residence, or is zoned Rural or Residential Growth.

Section 8.19 Adaptive Reuse of Existing Structures<sup>30</sup>

[PLACE HOLDER]



## **ARTICLE 9: EXCEPTIONS**

### **Section 9.1 General**

The regulations specified in this ordinance shall be subject to the following exceptions, modifications and interpretations.

### **Section 9.2 Building Height Limitations**

Building height limitations shall not apply for public utilities, agricultural uses, communication poles and towers, chimneys, steeples, water tanks, electric generating plants, electric transforming or switching equipment, flagpoles, fire or observation towers, monuments, or to tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building, hospitals, schools, colleges and public buildings. Commercial wireless communications facilities shall comply with Article 4B.<sup>7, 10, 22</sup>

### **Section 9.3 Lot Area Modification**

In any district where a single-family dwelling is permitted, a dwelling may be erected on any lot or parcel of record, despite the fact that the lot or parcel does not meet the minimum area requirements of this Ordinance, provided:

- A. The lot or parcel was lawfully created in compliance with the applicable subdivision regulations in effect at the time the lot was created; and<sup>23</sup>
- B. Health Department regulations can be met.

### **Section 9.4 Setback Modifications**

- A. Where the average setback line of at least two (2) existing buildings on lots which are on the same side of the street or road within two hundred (200) feet of the lot in question is less than the minimum setback prescribed by this ordinance, the minimum setback line shall be the average setback line of all buildings within two hundred (200) feet of the proposed building. However, in no case shall the setback line be less than thirty-five (35) feet from the centerline of any abutting road or street.
- B. A structure may be located on a common side or rear lot line of contiguous property owned by the same entity. Provided, however, that the structure shall only be a single family dwelling or an accessory structure. Also provided, however, that the contiguous lots shall be treated as one lot for all purposes by the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations.<sup>5, 23</sup>
- C. Subdivision signs, school bus shelters and/or mailboxes do not have to comply with setback restrictions provided they are shown and approved on the preliminary or final plat in the subdivision process. In subdivisions approved prior to this amendment, subdivision signs, school bus shelters and/or mailboxes can be built as shown on the plat or be replaced in the same general location.<sup>12, 23</sup>

### Section 9.5 Projections Into Yards<sup>8</sup>

- A. Projections such as bay windows, chimneys, entrances, uncovered porches, balconies, and caves may extend into any required yard not more than four (4) feet; provided that such projections are not over ten (10) feet in width. All roof overhangs may extend into any required yard not more than two (2) feet; provided that the primary structure is located entirely within the appropriate setback.<sup>23</sup>
- B. Fences and walls over six (6) feet in height shall meet building lines and yard requirements. A building permit is required before construction. Fences and walls six (6) feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.<sup>23</sup>
- C. In the Residential - Light Industrial - Commercial District and Residential Growth 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 (in addition to associated stairs or concrete slabs located beneath the deck) 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.

### Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding one hundred fifty (150) square feet, shall be five (5) feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.

### Section 9.7 Other Exceptions<sup>3</sup>

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:<sup>23</sup>

#### Residential Growth District<sup>23</sup>

##### Single Family Residences

Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

Rural Agricultural and Industrial Commercial

Single Family Residences

Over 2 acres --	40' front, 15' side and 50' rear
40,000 sq. ft. to 2 acres --	25' front, 12' side and 12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front, 10' side and 12' rear
under 30,000 sq. ft. --	20' front, 8' side and 12' rear

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.

**Section 9.8 Seasonal Uses<sup>5,7</sup>**

Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing. Newspaper notification requirements of Section 3.4A.3.b apply. Seasonal uses cannot be approved for longer than one year at a time.<sup>17, 21, 23</sup>



## **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.<sup>2, 17, 21, 23</sup>
- 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 the 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.<sup>2</sup>
- 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 are subject to Section 10.4E.<sup>30</sup>
- 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.<sup>8, 30</sup>
- 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.<sup>2, 17, 21, 23, 30</sup>

- 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 Uses<sup>26, 30</sup>

- 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.<sup>17, 21</sup>
  - 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.~~

**Section 10.6 Zoning Certificate<sup>2</sup>**

All Zoning Certificate applications for signs may be approved by the Departments of Planning and Zoning if in conformance with the regulations.<sup>17, 21, 23</sup>

**ARTICLE 11: OFF-STREET PARKING STANDARDS<sup>23</sup>**

**Section 11.1 Non-Residential Parking Standards**

- A. To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.<sup>23</sup>

Spaces shall be required per use and are as follows:<sup>5</sup>

Ambulance Facility	2 spaces per ambulance
Auto Sales and Service	1 space per 300 square feet of gross floor space
Auto Service Station	2 spaces per service bay; plus, 1 space per employee
Bank, Financial Institution <sup>23</sup>	1 space per 200 square feet of floor space; plus, 5 queuing spaces for each drive-up teller
Bowling Lanes	5 spaces per bowling lane
Church	1 space for each 5 persons for which seating is provided in the sanctuary
Commercial Retail Sales Less than 2,000 square foot floor space	1 space per 150 square feet retail floor space
Commercial Retail Low customer turn over, large indoor display, e.g. carpet, furniture or appliance sales	1 space per 500 square feet retail floor space
Community Center, Cultural Facility <sup>23</sup>	1 space per 400 square feet floor space
Private Club, Lodge	1 space for each 2 persons for which seating or lodging is provided
Educational (Schools)	1 space per employee; ample student and visitor parking
Fire Station	10 spaces minimum
Hospital <sup>23</sup>	1.5 spaces for each bed; plus, 1 space for every employee
Hotel, Resort	1 space per guest room; plus, 1 space per 5 employees

Manufacturing Plant	1 space per employee on maximum working shift
Medical or Dental Offices/Clinic	5 spaces per 1000 square feet of gross floor space
Mortuary or Funeral Parlor <sup>23</sup>	1 space per 150 square feet of floor area devoted to viewing and 1 space per vehicle used in activity; plus, 1 space per each two employees; with a minimum of 20 spaces
Motel, Tourist Home	1 space per guest room or suite
Nursing Home	1 space per 400 square feet floor space
Office Building	1 space per 300 square feet floor space
Professional Building Other than Medical	2 spaces per 300 square feet floor space
Recreational Establishment <sup>23</sup> Other than theaters, swimming pools and bowling lanes	1 space per 80 square feet of floor space and/or as determined by extent of outdoor use
Restaurant, Tavern, Lounge, Nightclub	1 space per 50 square feet customer floor space
Shopping Center <sup>23</sup> Retail greater than 2,000 square feet of floor space	5.5 spaces per 1,000 square feet floor space
Swimming Pool	1 space for every 7 persons permitted at any one time
Theater, Auditorium, Stadium	1 space per every 2 seats
Transportation Terminal	1 space per main shift employee
Warehouse or Wholesale Establishment	1 space per main shift employee; plus, 2 spaces per wholesale establishment

- B. Parking requirements for uses not listed in 11.1A may be either approved or established by the Departments of Planning and Zoning on a case-by-case basis. Justification for said requirements must be documented.<sup>8, 17, 21, 23</sup>
- C. Upon request, on a case by case basis, the Zoning Administrator may administratively waive permanent off-street automobile parking and loading requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis, and require less than 30 spaces. The applicant must provide an exhibit that demonstrates that the parking will occur on usable ground, shows the location of the parking, and identifies how handicapped accessibility (if applicable) will be addressed.<sup>26</sup>

**Section 11.2 Residential Parking Standards<sup>2</sup>**

To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.<sup>23</sup>

Spaces shall be required per residential uses as follows:

<u>Type of Residences</u>	<u>Parking Requirements</u>
Single Family Detached	Driveway Only
Single Family Attached (Duplex or Two-Family)	Driveway Only <sup>23</sup>
Single Family Attached (Townhouse)	See the Jefferson County Subdivision and Land Development Regulations, Appendix B, Division 5.0 <sup>23</sup>
Multi-Family	See the Jefferson County Subdivision and Land Development Regulations, Appendix B, Division 6.0 <sup>23</sup>



## **ARTICLE 12: MAP AND TEXT AMENDMENTS**

### **Section 12.1 Purpose**

- A. These regulations, restrictions, provisions, and the boundaries of districts provided herein may from time to time be amended, modified, or repealed by the County Commission. Any person, individual, board, commission or bureau of the County may petition the County Commission for such change.
- B. The County Commission shall refer any amendment or alteration of this Ordinance to the Planning Commission for analysis, study, report, and recommendations regarding compatibility with the Comprehensive Plan as well as consideration as to whether a Conditional Use Permit (CUP) or other process may be a more appropriate process.<sup>17, 21, 23, 25</sup>

### **Section 12.2 Procedure for Amendment by County Commission<sup>1,25</sup>**

- A. After the enactment of the Zoning Ordinance, the governing body of the County may amend the Zoning Ordinance without holding an election.<sup>17, 21</sup>
- B. Before amending the Zoning Ordinance text or map, the governing body, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-8 et seq of the West Virginia State Code, as amended.<sup>17, 21, 25</sup>
- C. All amendments to the Zoning Ordinance Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.
  1. Public Notice of the Public Hearing for a Zoning Map amendment before the Planning Commission requires the following:
    - a. A legal advertisement describing the location and identification of the subject parcel for which the zoning is proposed to be changes, including the current tax district, map and parcel number, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation;
    - b. Any property affected by the proposed zoning map amendment shall be posted not less than 20 and not more than 28 days prior to the Public Hearing. The posting shall state the time, date, and location of such hearing, as well as, what new zone is being requested on the property; and<sup>26</sup>
    - c. All property owners adjoining the property proposed to be rezoned shall be noticed by first class mail not less than 20 and not more than 28 days prior to the Public Hearing. The adjoining letters shall be mailed by the Department staff and shall state the time, date, and location of such hearing, as well as, what new zone is being requested on this particular property. The letter shall also describe the location and identification of the subject parcel proposed to be rezoned, including the current tax district, map and parcel number.<sup>26</sup>
  2. Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.
- D. All amendments to the Zoning Ordinance Text require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended text amendments require a Public Hearing before the County Commission prior to a final determination.

1. Public Notice of the Public Hearing for a Zoning Text Amendment before the Planning Commission requires the following:
  - a. A legal advertisement describing the Sections of the Ordinance proposed to be revised, with a summary of the revision(s), and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation.
2. Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.

### **Section 12.3 Procedure for Map Amendment by Petition<sup>25</sup>**

#### **A. Map Amendments by Landowners**

The procedure for processing a map amendment petition initiated by the owners of fifty percent or more of the real property to which the petition relates shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

The procedure for processing a map amendment petition to change the zoning map designation of a property to the Planned Neighborhood Development district shall also include the applicable requirements of Article 5.<sup>27</sup>

Petitions for a map amendment initiated by landowners shall be submitted to the Planning Commission and shall contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4B
5. Tract size
6. Discussion on:
  - a. Comprehensive Plan compatibility of the proposed change.
  - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.<sup>17, 21, 27</sup>
7. A petition for a map amendment to change the zoning designation for a property to the Planned Neighborhood Development (PND) district shall include a Preliminary PND Plan for the subject property. The submittal review process for a Preliminary PND Plan is described in Article 5 of this Ordinance.<sup>27</sup>

Planning Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission meeting. A complete petition, and related fees, shall be submitted to the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, the Departments of Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for the purpose of setting the public hearing date.

Notice of the Planning's Public Hearing shall be in accordance with Section 12.2 of this Ordinance. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forward to the County Commission within four weeks of final Planning Commission action.

B. Map Amendments by the Planning Commission

The procedure for processing a formal map amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended. Petitions for a map amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for filing on the same date. On such petitions a map amendment shall be clearly labeled as “§8A-7-9 Petition” in the heading and contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4B
5. Tract size
6. Discussion on:
  - a. Comprehensive Plan compatibility of the proposed change.
  - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.<sup>17, 21</sup>

The County Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date of the meeting at which the petition is presented to the County Commission. The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

The Planning Commission may opt to proceed on a proposed map amendment by informal written request for action to the County Commission by submitting the same information required above styled as a “Request for Action” rather than as a “Petition.”

**Section 12.4 Procedure for Initiating a Zoning Ordinance Text Amendment<sup>25</sup>**

A. Text Amendments by Those Other Than County or Planning Commission

As WV Code §8A allows only the Planning Commission to file a formal petition for a Zoning Ordinance text amendment, the procedure for processing a Zoning Ordinance text amendment initiated by any person, board, commission or bureau of Jefferson County shall be by a written request to the County Commission at a regular meeting. The request and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

Any request for a text amendment shall include the proposed text in context with the adopted Zoning Ordinance text and shall include a statement as to why such proposal is consistent with the adopted Comprehensive Plan.

The County Commission may refer the proposed amendment to the Historical Landmarks Commission or other appropriate body for comment and shall refer the proposed amendment to the Planning Commission in accordance with §8A-7-8(b) et seq of the West Virginia State Code, as amended, to provide advice on the consistency with the Comprehensive Plan. If the County Commission decides to consider the request, a Public Hearing would be required in order to amend the Zoning Ordinance. The Planning Commission may hold a hearing regarding the request as well in order to make an informed recommendation to the County Commission.

B. Text Amendments by Those Other Than County or Planning Commission (Alternate Process)

Any person or any board, commission or bureau of Jefferson County may submit a proposed Zoning Ordinance text amendment to the Planning Commission for consideration within its work plan at a regular Planning Commission meeting. Such a request must be submitted in writing to the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the request will be presented. Any request for a text amendment shall include the proposed text in context with the adopted Zoning Ordinance text and shall include a statement as to why such proposal is consistent with the adopted Comprehensive Plan.

The Planning Commission, with the advice of staff, can determine if and when to under-take such a request in light of other work plan tasks and development review activities are currently under consideration. If the Planning Commission decides to consider the request, a Public Hearing would be required and the Planning Commission would need to determine if the request is consistent with the Comprehensive Plan in accordance with §8A-7-8(b) et seq of the West Virginia State Code, as amended. The Planning Commission would then make a recommendation regarding the potential text amendment to the County Commission who would also be required to hold a Public Hearing.

C. Text Amendments by the Planning Commission

If the Planning Commission determines that a text amendment to the Zoning Ordinance is required in accordance with its work plan, for the purpose of improving or clarifying the ordinance, or for consistency with adopted policies, the Planning Commission will develop a draft of the proposed amendment, receive public input, conduct a Public Hearing in accordance with Section 12.2D, and make a recommendation for action to the County Commission through a regular agenda request process. Any such amendment proposal will include the background and reasoning of the proposed amendment as well as a discussion of consistency with the adopted Comprehensive Plan.

With its recommendation, the Planning Commission will request that the County Commission schedule a workshop, if necessary, and a Public Hearing at dates to be determined by the County Commission to receive comment and take action on the proposed amendment.

D. Text Amendments by the Planning Commission by Petition

The Planning Commission may alternatively submit a text amendment by petition to the County Commission. The procedure for processing a formal text amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

Petitions for a text amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for filing on the same date. Such petitions for a text amendment shall be clearly labeled as “§8A-7-9 Petition” in the heading and contain the following information:

1. Substantiation for the request;
2. Notation that said text amendment applies county-wide;
3. Discussion on why such proposal is consistent with the adopted Comprehensive Plan.

The County Commission is required to set a public hearing on the proposed Zoning Text amendment within 60 days of the date upon which the petition is presented to the County Commission at a County Commission meeting. The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

**APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27,30</sup>**

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	12 side 15 front 15 rear	12 side 15 front 15 rear
		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	"	"	"	"	"	N/A	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	N/A	N/A
Public/Central water and sewer		1,400	3,500	N/A	40	25	12**	15	30			
Multi-Family Dwelling (See also Section 4.12)	Public/Central water and sewer	2,000	2,000	N/A	40	25	12**	15	30	N/A	N/A	
	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	‡	12			
Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	30,000 sq. ft. to 40,000 sq. ft.	N/A	N/A	N/A	40	20	10	‡	12	N/A	N/A	
	Under 30,000 sq. ft.	N/A	N/A	N/A	40	20	8	‡	12			
Rural (See also Sec. 5.7)	Dwellings	Over 40,000 sq. ft.	40,000	N/A	100	35.15	40	15	‡	50	N/A	N/A
		Over 2 acres	N/A	N/A	N/A	35.15	40	15	‡	50		
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	40,000 sq. ft. to 2 acres	N/A	N/A	N/A	35.15	25	12	‡	12		
	30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	35.15	20	10	‡	12			
	Under 30,000 sq. ft.	N/A	N/A	N/A	35.15	20	8	‡	12			
Cluster Subdivision	See Residential Growth											
Residential use that complies with the Development Review System	See Residential Growth											
Village	See Residential Growth											
Residential-Light	See Residential Growth†											
Industrial-Commercial	See Residential Growth											
Industrial-Commercial	See Rural setbacks for lots not previously stipulated by the Planning Commission.											
Neighborhood Commercial	See Residential Growth											
General Commercial	See Residential Growth											
Highway Commercial	N/A											
Light Industrial	N/A											
Major Industrial	N/A											
Office / Commercial Mixed Use	See Residential Growth											
Planned Neighborhood Development	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.

† 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.

*ZTA16-01 LESA/Cluster Amendments – draft reflecting PC recommended edits from 06-14-16 & 07-12-16  
For CC Meeting 07-21-16*

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 28</sup>

Zoning District	Development Type <sup>o</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks			Parking/Drive Aisle Setbacks <sup>4</sup>			Distance If Sec. 4.6 applies	Buffers (Sec. 4.11) (Screened / Unscreened)								
						Front	Side	Rear	Front	Side	Rear		Front, Side, Rear	Commercial Use			Industrial Use				
														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			N/A	10(S)	10(S)	N/A	10(S)	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25	25 <sup>o</sup> (or 35' if adjacent to industrial use)		15	10	10	75	Medium Buffer Detail No. M-53			N/A	10(S)	10(S)	N/A	10(S)	10(S)
	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			25(S)	20(S)	20(S)	N/A	20(S)	20(S)
Residential-Light Industrial-Commercial Rural	Commercial or Industrial	N/A	N/A	60 75	80%	See Industrial - Commercial District															
	Churches	2 acres	200	35-45	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	35-45	N/A	100						N/A	N/A			N/A	N/A	N/A	N/A	N/A	N/A
	Hospitals	10 acres	500	35-45	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	35-45	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 <sup>1</sup>	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 <sup>c</sup>	10 <sup>c</sup>	See Industrial - Commercial District			25	See Industrial - Commercial District								
General Commercial	Commercial	N/A	N/A	60-75	80%	20	10	25	See Industrial - Commercial District												
Highway Commercial	Commercial	N/A	N/A	60-75	80%	25	25	25	See Industrial - Commercial District												
Light Industrial	Commercial or Industrial	N/A	N/A	60-75	80%	25	25	25	See Industrial - Commercial District												
Major Industrial	Commercial	N/A	N/A	75	90%	25	10	50	See Industrial - Commercial District												
	Industrial	3 acres***	N/A	75	90%	25	50	50	See Industrial - Commercial District												
Office / Commercial Mixed Use	Commercial	N/A	N/A	60-75	80%	15 min 25 max	10 <sup>c</sup>	10 <sup>c</sup>	See General Commercial District.												
Planned Neighborhood Development	Commercial	3 acres	Note: Planning Commission may amend development standards for developments in the PHD 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]
- o 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.
- o 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.
- ε 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 TABLE<sup>23,30</sup>

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>													
<u>Accessory Agricultural Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 8.15</u>
Dwelling, Single Family	<u>P</u> <u>NP</u>	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	<u>P</u> <u>NP</u>	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	
<u>In-Law Suite</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>Sec. 8.15</u>
<u>Mixed Use Building</u>	<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>P</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>PG</u>	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
<b>Home Uses</b>													
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
<b>Institutional Uses</b>													
Airport	NP	NP	NP	P	P	NP	NP	<u>CU</u> <u>NP</u>	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>PG</u>	NP	
<u>Airfield, Private/Helipad,</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CU</u>	<u>NP</u>	<u>CU</u>	<u>CU</u>	<u>NP</u>	
Church	P	P	P	P	<u>CU</u> <u>PG</u>	P	P	P	P	P	NP	P	
Convention Center	NP	P	P	P	<u>CU</u> <u>PG</u>	P	P	NP	NP	P	<u>CU</u> <u>PG</u>	NP	
Cultural Facility <sup>29</sup>	P	P	P	P	<u>CU</u> <u>PG</u>	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	<u>CU</u> <u>PG</u>	P	P	NP	P	P	P	<u>CU</u> <u>PG</u>	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	NP	NP	P	P	<u>CU</u> <u>PG</u>	
Elementary or Secondary School	P	P	<u>CU</u> <u>PG</u>	<u>CU</u> <u>PG</u>	NP	P	P	P	P	P	NP	<u>CU</u> <u>NP</u>	
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>PG</u>	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	<u>CU</u> <u>PG</u>	P	P	P	NP	P	
Heliport	NP	<u>CU</u> <u>PG</u>	<u>CU</u> <u>PG</u>	P	P	<u>CU</u> <u>PG</u>	<u>CU</u> <u>PG</u>	NP	NP	<u>CU</u> <u>PG</u>	<u>CU</u> <u>PG</u>	NP	
Hospital	NP	P	P	P	<u>CU</u> <u>PG</u>	P	P	P	P	P	NP	NP	
<u>Nature Center and Preserve</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>P</u>	

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<b>Institutional Uses Continued</b>													
Nursing or Retirement Home	<u>CU</u> <u>PG</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>CU</u> <u>PG</u>	
Preschool	P	P	<u>CU</u> <u>PG</u>	<u>CU</u> <u>PG</u>	<u>CU</u> <u>PG</u>	P	P	P	P	P	NP	<u>CU</u> <u>NP</u>	
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>PG</u>	
Recycling Drop-Off Center	<u>CU</u> <u>PG</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>PG</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	
<b>Industrial</b>													<b>Sec. 8.9</b>
Heavy Equipment Repair	NP	NP	<u>CU</u> <u>PG</u>	<u>CU</u> <u>PG</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
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	<del>NP</del> <b>**</b>	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	<u>CU</u> <u>PG</u>	P	NP	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	
Manufacturing, Limited	NP	P	P	P	P	<u>CU</u> <u>PG</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>PG</u> <sup>2</sup>	NP	NP	NP	NP	NP	<u>CU</u> <u>PG</u> <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	<u>CU</u> <u>PG</u>	<u>CU</u> <u>PG</u>	P	P	NP	NP	<u>CU</u> <u>NP</u>	NP	<u>CU</u> <u>PG</u>	P	NP	
Shooting Range, Outdoor	NP	NP	NP	<u>CU</u> <u>PG</u>	<u>CU</u> <u>PG</u>	NP	NP	<u>CU</u> <u>NP</u>	NP	NP	<u>CU</u> <u>PG</u>	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	<u>CU</u> <u>P</u>	NP	NP	<u>CU</u> <u>NP</u>	NP	NP	<u>CU</u> <u>PG</u>	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	<u>CU</u> <u>PG</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>PG</u>	P	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	<u>CU</u> <u>PG</u>	P	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>													<b>Sec. 8.9</b>
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	

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<b>Industrial Manufacturing &amp; Processing Continued</b>													Sec. 8.9
Commercial Sawmills	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	
<b>Land Use</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>MI</b>	<b>PND<sup>1</sup></b>	<b>OC</b>	<b>R</b>	<b>RG</b>	<b>RLIC</b>	<b>IC</b>	<b>V</b>	<b>Additional Standards</b>
Explosive manufacture or storage	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	
Jails and Prisons	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	
Petroleum products refining or storage	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	NP	Sec. 8.11
<b>Adult Uses</b>													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	<u>CU</u> <u>PG</u>	<u>CU</u> <u>PG</u>	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses<sup>***</sup></b>													<b>Sec. 8.9</b>
Antique Shop	P	P	P	P	NP	P	NP	<u>CU</u> <u>NP</u>	NP	P	P	<u>CU</u> <u>PG</u>	
Appliance Sales	NP	P	P	P	<u>CU</u> <u>PG</u>	P	NP	NP	NP	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	NP	P	P	<u>CU</u> <u>PG</u>	
ATM	P	P	P	P	NP	P	P	NP	NP	P	P	<u>CU</u> <u>PG</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	
Bail Bond Services	NP	P	P	P	<u>CU</u> <u>PG</u>	NP	NP	NP	NP	<u>CU</u> <u>PG</u>	P	NP	
Bank	P	P	P	P	<u>CU</u> <u>PG</u>	P	P	NP	NP	P	P	<u>CU</u> <u>PG</u>	
Bank with Drive-Through Facility	<u>CU</u> <u>PG</u>	P	P	P	<u>CU</u> <u>PG</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>PG</u>	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	NP	<u>P</u> <u>NP</u>	NP	<u>CU</u> <u>PG</u>	Sec. 8.3
Business Equipment Sales and Service	<u>CU</u> <u>PG</u>	P	P	P	<u>CU</u> <u>PG</u>	P	P	NP	NP	P	P	NP	

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<b>Commercial Uses Continued<sup>§§</sup></b>													<b>Sec. 8.9</b>
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 <sup>1</sup>	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	
<i>Commercial Uses [use unintentionally excluded from table during editing process in 2014]</i>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>**</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<b>Sec. 8.9</b>
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	<u>CU</u> <u>NP</u>	NP	<u>CU</u> <u>PC</u>	P	<u>CU</u> <u>NP</u>	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>CU</u> <u>PC</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	<u>CU</u> <u>NP</u>	NP	P	P	NP	
Gas Station, Large	NP	<u>CU</u> <u>PC</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>	<u>CU</u> <u>NP</u>	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

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<b>Commercial Uses Continued**</b>													<b>Sec. 8.9</b>
Medical/Dental/Optical Office, Small	P	P	P	P	<u>CU</u> <u>PG</u>	P	P	<u>CU</u> <u>NP</u>	NP	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	<u>CU</u> <u>PG</u>	P	P	NP	NP	P	P	NP	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	<u>CU</u> <u>PG</u>	P	NP	NP	NP	<u>CU</u> <u>PG</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>CU</u> <u>PG</u>	P	<u>CU</u> <u>NP</u>	P	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>NP</u>	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Pawn Shop Services	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Personal Services	P	P	P	P	<u>CU</u> <u>PG</u>	P	P	<u>CU</u> <u>NP</u>	NP	P	P	<u>CU</u> <u>PG</u>	
Professional Office	P	P	P	P	<u>CU</u> <u>PG</u>	P	P	<u>CU</u> <u>NP</u>	NP	P	P	<u>CU</u> <u>PG</u>	
Restaurant, Fast Food, Limited	P	P	P	P	<u>CU</u> <u>PG</u>	P	P	<u>CU</u> <u>NP</u>	NP	P	P	<u>PG</u> <u>CU</u>	
Restaurant, Fast Food	<u>CU</u> <u>PG</u>	P	P	P	<u>CU</u> <u>PG</u>	P	P	NP	NP	<u>CUPG</u>	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Fast Food, Drive-Through	NP	P	P	P	<u>CU</u> <u>PG</u>	<u>PG</u> <u>CU</u>	P	NP	NP	<u>PGCU</u>	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Limited	P	P	P	P	<u>CU</u> <u>PG</u>	P	P	<u>CU</u> <u>NP</u>	NP	P	P	<u>CU</u> <u>PG</u>	
Restaurant	P	P	P	P	<u>CU</u> <u>PG</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>PG</u>	P	<u>CU</u> <u>PG</u>	NP	<u>PG</u> <u>CU</u>	NP	NP	NP	<u>PGCU</u>	<u>PG</u> <u>CU</u>	NP	
Shipping and Mailing Services	P	P	P	P	<u>PG</u> <u>CU</u>	P	P	NP	NP	P	P	NP	
Storage, Commercial	NP	P	P	P	<u>CU</u> <u>PG</u>	P	NP	NP	NP	P	P	NP	
Veterinary Services	P	P	P	P	<u>CU</u> <u>PG</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
<b>Agricultural Uses*</b>													
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>NP</u>	<u>P</u>	<u>NP</u>	<u>CU</u>	<u>Sec. 8.6</u>

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Agricultural Uses Continued*</b>													
Feed and/or Farm Supply Center	<del>PC</del> CU	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	
<b>Accessory Uses</b>													
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** CU **Conditional Uses Permitted Conditionally** (subject to requirements of district and/or other requirements of this Ordinance)

**U** ~~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.

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

<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Roger Goodwin

Department or Organization: Jefferson County Department of Engineering, Planning, Zoning, GIS/Address, and Impact Fees

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **September 13, 2016**  
*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): Continued discussion of the Engineering, Planning, Zoning and GIS/Addressing Department Restructuring Plan - Discussion/Action

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N NO  
If so, how much? \$  
Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.  
If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:  
Email address: Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable



AGENDA REQUEST FORM  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **Nikki Painter**

Department or Organization: **Elections – County Clerk**

Estimation of amount of time needed for appointment: **10 mins**

Date Requested – 1<sup>st</sup> Choice: **Sept 15, 2016**

*If a specific date is needed, please provide reason for specific date:* **Poll Workers must be approved by Sept 20, 2016.**

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

**Poll Worker & Alternate Approval**

**Modify the Limit for Election Budget Expenditures for the Current County Clerk**

**Election Update**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? **Y/N**

If so, how much? **\$**

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

**To approve the poll workers and alternates as presented**

**To approve spending more than 50% of the election budget by the end of the calendar year.**

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed?      Projector **Y/N**      Internet/Wi Fi **Y/N**      Telephone for conference call **Y/N**

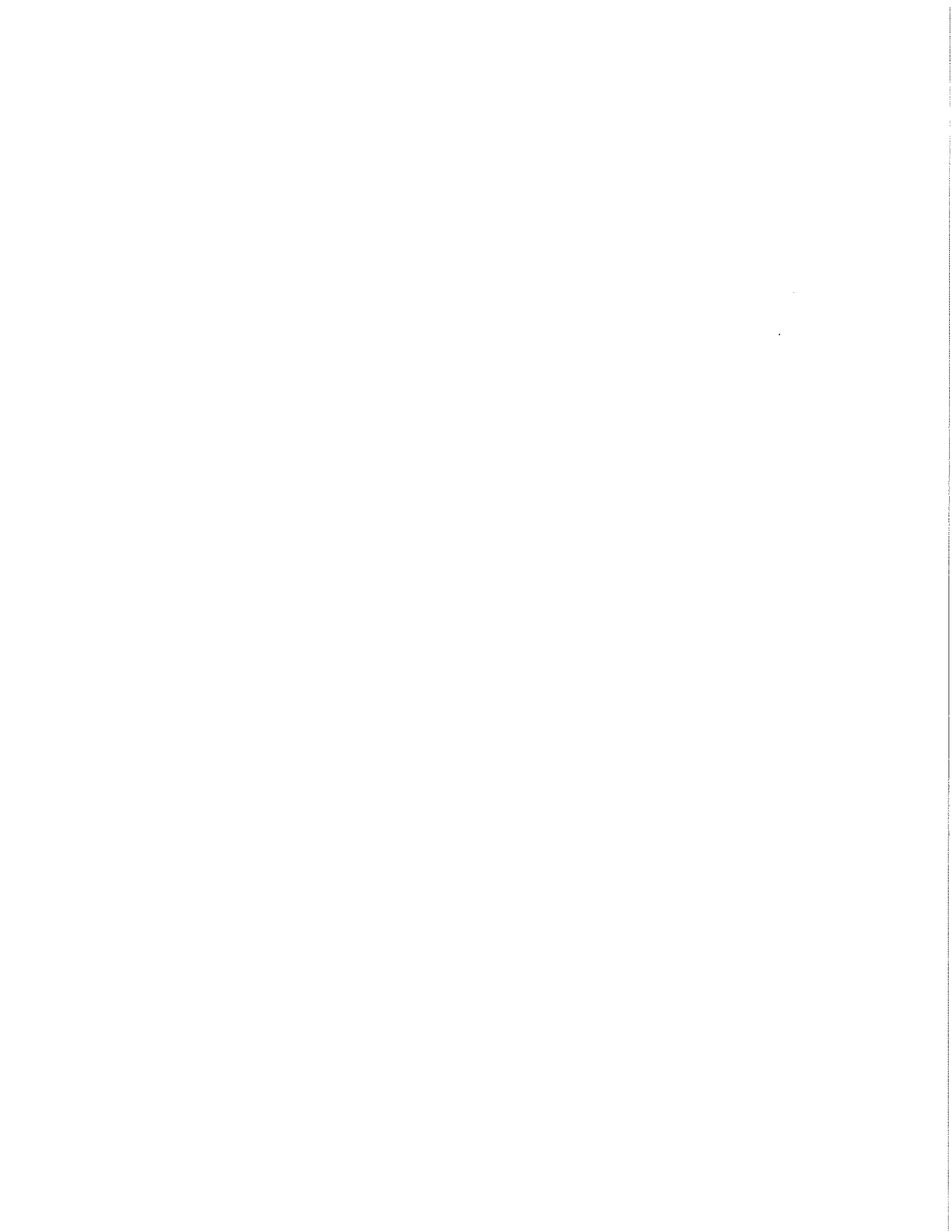
Contact information:

Email address:

Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

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# Dem - 2016 General

Name	Phone #	Address	Notes	Party
<b>Charles Town District</b>				
<b>Precinct #2 Wright Denny Elementary</b>				
<b>Poll Commissioner</b>				
Violet Lowery	725-2604	566 Eagle Ave Charles Town		Dem
<b>Supply Clerk</b>				
Jean Roberts	725-7435	404 S Charles St Charles Town		Dem
<b>Poll Clerk</b>				
Ruth McDaniel	725-2128	546 Eagle Ave Charles Town		Dem
<b>Precinct #3 Charles Town Baptist Church</b>				
<b>Poll Commissioner</b>				
Devona Snyder	725-7874	110 Cooke St Ranson		Dem
<b>Poll Clerk</b>				
Orville Thompson	728-6734	540 Brooke St Charles Town		Dem
<b>Precinct #4A Fellowship Bible Church</b>				
<b>Poll Commissioner</b>				
Janet Jeffries	725-4094	432 S Lawrence St Charles Town		Dem
<b>Supply Clerk</b>				
Vivian Henry	725-4600	302 S George St Ranson		Dem
<b>Poll Clerk</b>				
Karla Eister	283-0368	PO Box 577 Charles Town		Dem
<b>Precinct #4B Fellowship Bible Church</b>				
<b>Poll Commissioner</b>				
Mary Ella Cogle	725-7184	857 Mt Hammond Ln Charles Town		Dem
<b>Poll Clerk</b>				
Dottie Ott	886-0431	1510 Flowing Springs Rd Charles Town		Dem

<b><i>Precinct #6 Senior Center</i></b>			
<b><u>Poll Commissioner</u></b>			
Dorothy Myers	725-5487	804 Morison St Charles Town	Dem
<b><u>Supply Clerk</u></b>			
Gary Henry	725-4600	302 S George St Ranson	Dem
<b><u>Poll Clerk</u></b>			
Peggy Turner	725-5792	709 Morison St Charles Town	Dem
<b><i>Precinct #7 Ranson Elementary School</i></b>			
<b><u>Poll Commissioner</u></b>			
Susie Nicodemus	725-0097	131 Grace St Kearneysville	Dem
<b><u>Poll Clerk</u></b>			
Shirley Henry	725-8631	PO Box 263 Charles Town	Dem
<b><i>Precinct #12 Jefferson High School</i></b>			
<b><u>Poll Commissioner</u></b>			
Janice Blackford	725-1293	155 Riparian Ln Ranson	Dem
<b><u>Supply Clerk</u></b>			
Richard Blue		3767 Flowing Springs Rd Shen Jct	Dem
<b><u>Poll Clerk</u></b>			
			Dem

<b>Harpers Ferry District</b>			
<i>Precinct #13 CW Shipley Elementary</i>			
<b><u>Poll Commissioner</u></b>			
Peggy Freeman	535-6597	175 Cheney Ave Harpers Ferry	Dem
<b><u>Poll Clerk</u></b>			
Linda Housden	535-2478	57 Fort Hill Rd Harpers Ferry	Dem
<i>Precinct #14 Camp Hill Wesley Church</i>			
<b><u>Poll Commissioner</u></b>			
Susanne Koenig	725-2927	329 Greenwood Rd Harpers Ferry	Dem
<b><u>Supply Clerk</u></b>			
Jim Eddy	535-8282	263 Mara Rose Ln Harpers Ferry	Dem
<b><u>Poll Clerk</u></b>			
Pat Humphreys	885-0192	377 Pointfield Dr Harpers Ferry	Dem
<i>Precinct #15 Harpers Ferry Middle School</i>			
<b><u>Poll Commissioner</u></b>			
Judy Carroll	725-1963	214 Veronica Ct Charles Town	Dem
<b><u>Supply Clerk</u></b>			
Paul Wilt	283-3474	103 N Reymann St Ranson	Dem
<b><u>Poll Clerk</u></b>			
Catherine Smallwood	728-3958	PO Box 157 Ranson	Dem
<i>Precinct #16 Oakland Methodist Church</i>			
<b><u>Poll Commissioner</u></b>			
Inez Ridgeway	676-3811	60 Ridgeway Ln Harpers Ferry	Dem
<b><u>Poll Clerk</u></b>			
Debbie Gravatt	876-6212	505 Engle Moler Rd Harpers Ferry	Dem
<i>Precinct #17 Blue Ridge Mountain Fire Hall</i>			
<b><u>Poll Commissioner</u></b>			
Sunshine Drummond	304-839-3232	408 E 6th Ave Ranson	Dem
<b><u>Poll Clerk</u></b>			
Bobbi Blok	725-2488	341 Wren Ln Harpers Ferry	Dem

<b><i>Precinct #21A Blue Ridge Elementary School</i></b>			
<b><u>Poll Commissioner</u></b>			
Barbara Smith	725-6307	PO Box 165 Ranson	Dem
<b><u>Supply Clerk</u></b>			
Devon Engle	886-2588	79 Mountaineer Ct Charles Town	Dem
<b><u>Poll Clerk</u></b>			
Judy Ott	676-5617	89 Cottonntail Dr Ranson	Dem
<b><i>Precinct #21B Blue Ridge Elementary School</i></b>			
<b><u>Poll Commissioner</u></b>			
David Engle	304-270-0165	79 Mountaineer Ct Charles Town	Dem
<b><u>Poll Clerk</u></b>			
Patricia Blevins	725-2234	920 General Rogers Rd Charles Town	Dem

<b>Kabletown District</b>			
<i>Precinct #19 Charles Town Middle School</i>			
<b><u>Poll Commissioner</u></b>			
Wanda Hughes	725-3243	23 Georgia Ave Charles Town	Dem
<b><u>Poll Clerk</u></b>			
Loretta Jones	304-279-3736	333 Pembroke Way Charles Town	Dem
<b>Precinct #20 Kabletown Methodist Church</b>			
<b><u>Poll Commissioner</u></b>			
James Griffith	725-2536	PO Box 482 Charles Town	Dem
<b><u>Supply Clerk</u></b>			
Robert Graf	728-2829	2054 Kabletown Rd Charles Town	Dem
<b><u>Poll Clerk</u></b>			
Carolyn Wright	725-7999	276 Hawthornedale Rd Charles Town	Dem
<b>Precinct #22 Summit Point Baptist Church</b>			
<b><u>Poll Commissioner</u></b>			
Elizabeth Stagner	725-7777	1453 Shirley Rd Summit Point	Dem
<b><u>Poll Clerk</u></b>			
Gerald Dost	724-0066	156 Brookline Dr Charles Town	Dem
<b>Precinct #23A Country Day School</b>			
<b><u>Poll Commissioner</u></b>			
Vickie Drummond	283-8239	408 E 6th Ave Ranson	Dem
<b><u>Poll Clerk</u></b>			
Derba Durst	725-6794	6546 Middleway Pike Kearneysville	Dem
<b>Precinct #23B Country Day School</b>			
<b><u>Poll Commissioner</u></b>			
David White	279-3100	102 Lindsey Dr Charles Town	Dem
<b><u>Supply Clerk</u></b>			
Nora Drish	725-5256	3190 Summit Point Rd Summit Point	Dem
<b><u>Poll Clerk</u></b>			
Peter Fricke	728-6400	154 East St Kearneysville	Dem

<b>Precinct #24 Washington High School</b>				
<b><u>Poll Commissioner</u></b>				
Louis Brunswick	725-7892	66 Pigtail Ln	Kearneysville	Dem
<b><u>Supply Clerk</u></b>				
Jennifer Cogle	433-1067	47 Jefferson Village Dr	Ranson	Dem
<b><u>Poll Clerk</u></b>				
Roger Dailey	724-7901	863 Pheasant Hill Rd	Summit Point	Dem

**Middleway District****Precinct #25A South Jefferson Elementary****Poll Commissioner**

Nancy Jo Upwright	725-9229	12260 Leetown Rd Kearneysville	Dem
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**Supply Clerk**

Mary (Rosie) Ring	725-8045	277 King St Kearneysville	Dem
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**Poll Clerk**

Gewndolyn Twyman	724-2044	2507 Lewisville Rd Summit Point	Dem
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**Precinct #25B South Jefferson Elementary****Poll Commissioner**

Charles Henry	725-8631	PO Box 263 Charles Town	Dem
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**Poll Clerk**

Joyce Pifer	725-3678	7417 Queen St Kearneysville	Dem
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**Precinct #26 Leetown Methodist Church****Poll Commissioner**

William Carroll Jr	725-1963	214 Veronica Ct Charles Town	Dem
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**Poll Clerk**

Deborah Longo	283-3411	146 Paddock Pl Charles Town	Dem
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**Precinct #27 North Jefferson Elementary School****Poll Commissioner**

Barbara Branson	876-2903	PO Box 907 Shepherdstown	Dem
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**Poll Clerk**

Kathy Walls	304-279-3618	519 Van Clevesville Rd Kearneysville	Dem
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**Precinct #28 First Baptist Church****Poll Commissioner**

Juliane Ford	725-6135	293 Westwoods Ln Charles Town	Dem
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**Supply Clerk**

Sharon Hall	725-9318	221 Northwinds Dr Charles Town	Dem
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**Poll Clerk**

Leslie Newman	304-261-3337	250 Barksdale Dr Charles Town	Dem
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<b>Precinct #29 TA Lowery Elementary School</b>				
<b><u>Poll Commissioner</u></b>				
Judi Brunswick	725-7892	66 Pigtail Ln Kearneysville		Dem
<b><u>Poll Clerk</u></b>				
Rebecca Stokes	725-4098	180 Dianne Ct Charles Town		Dem

**Shepherdstown District****Precinct #31 Covenant Baptist Church****Poll Commissioner**

Antoinette Ringgold	304-218-4629	105 Limited Dr Ranson	Dem
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**Supply Clerk**

Anita Fleshman	876-1865	5388 Shepherdstown Pike Shen Jct	Dem
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**Poll Clerk**

Sandra Moffett	301-351-3359	46 Brighton Pl Charles Town	Dem
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**Precinct #32 Bethel United Methodist Church****Poll Commissioner**

Velma Greene	304-270-6726	15 Wheat Field Terrace Harpers Ferry	Dem
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**Poll Clerk**

Kimberly Hamilton	304-671-2498	PO Box 35 Bakerton	Dem
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**Precinct #33 Trinity Episcopal Church****Poll Commissioner**

John Thompson	728-8278	492 Thumper Dr Ranson	Dem
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**Supply Clerk**

Amy Silver	304-283-7807	PO Box 285 Charles Town	Dem
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**Poll Clerk**

Delores Allen	724-6072	PO Box 141 Kearneysville	Dem
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**Precinct #34 Shepherdstown Elementary School****Poll Commissioner**

BG Turner	725-4346	7933 Summit Point Rd Charles Town	Dem
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**Supply Clerk**

Locke Wysong	671-2341	PO Box 772 Charles Town	Dem
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**Poll Clerk**

Lora Moffett	304-886-2776	46 Brighton Pl Charles Town	Dem
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<b><i>Precinct #35A Shepherdstown Fire Hall</i></b>			
<b><u>Poll Commissioner</u></b>			
Harold Stewart	725-7164	9029 Charles Town Rd Charles Town	Dem
<b><u>Poll Clerk</u></b>			
Margaret Housden	876-0686	466 Ridge Rd Shenandoah Jct	Dem
<b><i>Precinct #35B Shepherdstown Fire Hall</i></b>			
<b><u>Poll Commissioner</u></b>			
Patrick Coyle	728-7365	1208 Wide Horizon Blvd Kearneysville	Dem
<b><u>Supply Clerk</u></b>			
Elizabeth Coyle	728-7365	1208 Wide Horizon Blvd Kearneysville	Dem
<b><u>Poll Clerk</u></b>			
Pedro Gonzalez	304-971-8169	63 Monumental Dr Charles Town	Dem

**Democrat Alternates- 2016 General**

<b>Name</b>	<b>Phone</b>	<b>Address</b>	<b>Comments</b>
Darla Treat Courtney	725-1645	503 W Washington St Charles Town	Has worked in several elections
Shirley Painter	728-4383	520 S George St Apt D9 Charles Town	Commissioner only: worked before
Catherine Dinges	728-7607	194 Euclid Ave Charles Town	Never Worked
Dorothy Dyke		PO Box 38 Ranson	Supply Clerk Experience
Jennifer Schultz	304-268-0495	185 McGuire Circle Harpers Ferry	Supply Clerk Experience
Kenneth Fanelli	304-839-7114	1316 Destrier St Ranson	
Mike Jenkins	725-4232	4290 Chestnut Hill Rd Harpers Ferry	Has worked in several elections
Nancy Schaffer	304-410-5907	PO Box 1130 Charles Town	
Kelli Tiong	304-995-6338	22 Colonial Dr Charles Town	Supply Clerk Experience
Teresa Forsyth	725-5326	28 Mopsy Ct Ranson	Supply Clerk Experience
Dorothy Sager	725-4439	38 Brookline Cir Charles Town	
Jill Plotner	304-676-0720	PO Box 163 Ranson	
Linda Whittington	304-725-5085	120 S Mildred St Charles Town	
Deborah Royalty	728-0191	199 Brannon Ln Charles Town	Supply Clerk Experience
Reed Flinn (Ind)	304-719-5828	PO Box 164 Charles Town	Worked in Berkeley County
Lorena Nathan (Ind)	760-443-9220	85 Campbell Dr Charles Town	
Renee Smith (Ind)	304-279-5549	143 Ranson Estates Cir, Ranson	Has worked in several elections
Rick Moffett (Ind)	304-283-6505	46 Brighton Pl Charles Town	Has worked in several elections
Rose Capriotti (Ind)	301-346-3922	99 Mineral Springs Rd Ranson	
Adam Capriotti (Ind)	304-346-3924	99 Mineral Springs Rd Ranson	
Caroline Hayden (Ind)	540-535-6564	108 Marie Dr Charles Town	
Glynis R. Wilson	304-283-7916	44 Barbary Ct Charles Town, WV 25414	
Kit McGinness (Dem)	(304) 728-3506	99 Quarterhorse Place, Charles Town, WV 25414	
Lawton Rogers (Dem)	(304) 728-3506	99 Quarterhorse Place, Charles Town, WV 25414	
Jennifer Baltzell (Dem)	(703) 365-9879	127 Old Mill Rd, Harpers Ferry, WV 25425	

Republican Poll Workers: 2016 General

Name	Telephone #'s	Address	Notes	Party
<b>Charles Town District</b>				
<i>Precinct #2 Wright Denny Elementary</i>				
<b><u>Poll Commissioner #1</u></b>				
Stella Robinson	725-6363	631 Eagle Avenue Charles Town		Rep
<b><u>Poll Clerk #2</u></b>				
Christopher Goodell	304-820-5657	164 Berridge Dr. Shepherdstown		Rep
<i>Precinct #3 Charles Town Baptist Church</i>				
<b><u>Poll Commissioner #1</u></b>				
Sharon Sather	728-4831	66 Cypress Point Dr Charles Town		Rep
<b><u>Supply Commissioner</u></b>				
Bob Trainor	724-7033	774 Crosswinds Court Charles Town		Rep
<b><u>Poll Clerk #2</u></b>				
Cynthia Trainor	724-7033	774 Crosswinds Court Charles Town		Rep
<i>Precinct #4A Fellowship Bible Church</i>				
<b><u>Poll Commissioner #1</u></b>				
Frank Stanley	725-7505	181 Nansefield Dr Harpers Ferry		Rep
<b><u>Poll Clerk #2</u></b>				
William McMahon	304-283-5570	160 Zachary Taylor St Harpers Ferry		Rep
<i>Precinct #4B Fellowship Bible Church</i>				
<b><u>Poll Commissioner #1</u></b>				
Brian Higgs	304-579-5033	53 Beekman Place Charles Town		Rep
<b><u>Supply Commissioner</u></b>				
Curt Compton	725-6492	206 Pheasant Hill Rd Summit Point		Rep
<b><u>Poll Clerk #2</u></b>				
Andrea Compton	540-686-5888	206 Pheasant Hill Rd Summit Point		Rep
<i>Precinct #6 Senior Center</i>				
<b><u>Poll Commissioner #1</u></b>				
Richard Raymond	724-7391	17 Brookline Drive Charles Town		Rep
<b><u>Poll Clerk #2</u></b>				
Angela Hoffman	725-2295	4 Bedford Dr Charles Town		Rep
<i>Precinct #7 Ranson Elementary School</i>				
<b><u>Poll Commissioner #1</u></b>				
Phyllis Fludine	301-514-6858	137 Barrel Horse Dr Charles Town		Rep
<b><u>Supply Commissioner</u></b>				
Todd Baldau	301-536-8797	182 Coventry Ln Harpers Ferry		Non
<b><u>Poll Clerk #2</u></b>				
Charlotte Davis	728-8507	48 Cornell Drive Kearneysville		Rep
<i>Precinct #12 Jefferson High School</i>				
<b><u>Poll Commissioner #1</u></b>				
Peggy Nicodemus	876-3555	109 Paint Horse Road Harpers Ferry		Rep

Republican Poll Workers: 2016 General

**Poll Clerk #2**

Kathleen Mooney                      304-553-3431    34 Cottontail Dr Ranson                      Rep

**Harpers Ferry District**

***Precinct #13 CW Shipley Elementary***

**Poll Commissioner #1**

John Fludine                      216-645-3001    137 Barrel Horse Dr Charles Town                      Rep

**Supply Commissioner**

Cheryl Huff                      725-4989                      743 Chickamauga Dr Charles Town                      Rep

**Poll Clerk #2**

Susan Keisler                      717-688-2692    68 Surrey Dr Harpers Ferry                      Rep

***Precinct #14 Camp Hill Wesley Church***

**Poll Commissioner #1**

Deb Spatola                      728-4472                      413 Red Bird Lane Harpers Ferry                      Rep

**Poll Clerk #2**

Michael Buscher                      582-8725                      PO Box 1081 Harpers Ferry                      Rep

***Precinct #15 Harpers Ferry Middle School***

**Poll Commissioner #1**

Betsy Dungan                      304-616-2573    228 Prospect Ave. Harpers Ferry                      Rep

**Poll Clerk #2**

Helen Campanella                      535-1515                      15 Spruce Street Harpers Ferry                      Rep

***Precinct #16 Oakland Methodist Church***

**Poll Commissioner #1**

Randolph Ridgeway                      304-820-9167    60 Ridgeway Ln Harpers Ferry                      Rep

**Supply Commissioner**

Lisa Dasch                      304-820-9512                                                                                     Rep

**Poll Clerk #2**

Monte Ridgeway                      728-7669                      24 Ridgeway Ln Harpers Ferry                      Rep

***Precinct #17 Blue Ridge Mountain Fire Hall***

**Poll Commissioner #1**

Wayne Thompson                      728-8639                      272 Woodcutters Ln Harpers Ferry                      Rep

**Supply Commissioner**

Steve Crowe                      304-582-7555    2582 Chestnut Hill Road Harpers Ferry                      Rep

**Poll Clerk #2**

Charles Hoffman                      725-2295                      4 Bedford Dr Charles Town                      Rep

***Precinct #21A Blue Ridge Elementary School***

**Poll Commissioner #1**

Alicia Rickard                      703-220-8048    93 Clems Drive Ranson                      Rep

**Poll Clerk #2**

Sharon Segreti                      304-725-4215    263 Eagles Nest Lane Harpers Ferry                      Rep

***Precinct #21B Blue Ridge Elementary School***

Republican Poll Workers: 2016 General

**Poll Commissioner #1**

Chris Kipp 304-886-4251 PO Box 45 Shenandoah Junction Rep

**Supply Commissioner**

Karen Olden 304-261-3665 267 Huckleberry Lane Harpers Ferry Rep

**Poll Clerk #2**

Karla Wells 725-4409 16221 Charles Town Rd Charles Town Rep

**Kabletown District**

***Precinct #19 Charles Town Middle School***

**Poll Commissioner #1**

Judith Cromwell 304-728-8827 Rep

**Supply Commissioner**

Marty Freeman 725-0470 PO Box 945 Charles Town Rep

**Poll Clerk #2**

Lou Percy 304-728-8827 Rep

***Precinct #20 Kabletown Methodist Church***

**Poll Commissioner #1**

Ginny Hoffman 725-2295 4 Bedford Dr Charles Town Rep

**Poll Clerk #2**

Katie Hoffman 725-2295 4 Bedford Dr Charles Town Rep

***Precinct #22 Summit Point Baptist Church***

**Poll Commissioner #1**

Doug Parsons 703-728-4091 PO Box 55 Rippon Rep

**Supply Commissioner**

Cricket Morgan 725-6670 PO Box 130 Rippon Rep

**Poll Clerk #2**

Bruce Terris 304-279-5752 Rep

***Precinct #23A Country Day School***

**Poll Commissioner #1**

Jerry Sather 728-4831 66 Cypress Point Dr Charles Town Rep

**Supply Commissioner**

Deirdre Catterton 703-431-1940 159 Eastland Dr Charles Town Rep

**Poll Clerk #2**

Karen Phillips 571-283-1063 76 Cirrus Way Kearneysville Rep

***Precinct #23B Country Day School***

**Poll Commissioner #1**

Kelly Poplar 728-0468 282 Independence Ln Summit Point Rep

**Poll Clerk #2**

Martin Durst 725-6794 6546 Middleway Pike Kearneysville Rep

***Precinct #24 Washington High School***

**Poll Commissioner #1**

Trixie Carter 676-1471 19459 Charles Town Road Harpers Ferry Rep

Republican Poll Workers: 2016 General

**Poll Clerk #2**  
 Mason Carter                      671-1471                      19459 Charles Town Road Harpers Ferry                      Rep

**Middleway District**

***Precinct #25A South Jefferson Elementary***

**Poll Commissioner #1**  
 Joan L. Hough                      725-5025                      12771 Leetown Road Kearneysville                      Rep

**Poll Clerk #2**  
 Marsha Gardner                      725-1586                      259 King St   Kearneysville                      Rep

***Precinct #25B South Jefferson Elementary***

**Poll Commissioner #1**  
 Tracey Rissler                      725-2476                      616 Unita Farm Lane Charles Town                      Rep

**Supply Commissioner**  
 Amy Flint                      724-6870                      91 Oakmont Drive Charles Town                      Rep

**Poll Clerk #2**  
 Barbara Sullivan                      876-6774                      3658 Bakerton Road Harpers Ferry                      Rep

***Precinct #26 Leetown Methodist Church***

**Poll Commissioner #1**  
 Steven Davis                      728-8507                      48 Cornell Drive Kearneysville                      Rep

**Supply Commissioner**  
 Pamela Carroll                      304-433-7991                      53 Beekman Place Charles Town                      Rep

**Poll Clerk #2**  
 Jean Garretson                      876-7114                      69 Ashley Dr Shepherdstown                      Rep

***Precinct #27 North Jefferson Elementary School***

**Poll Commissioner #1**  
 Shauna Leaton                      304-283-7682                      PO Box 147 Shenandoah Jct                      Rep

**Supply Commissioner**  
 Justin Leaton                      304-279-8566                      PO Box 147 Shenandoah Jct                      Rep

**Poll Clerk #2**  
 Robyn Painter                      728-8210                      PO Box 4 Kearneysville                      Rep

***Precinct #28 First Baptist Church***

**Poll Commissioner #1**  
 Jack Hefestay                      304-728-0269                      46 Sundance Lane Kearneysville                      Rep

**Poll Clerk #2**  
 Jayme Metzgar                                                                                                          Rep

***Precinct #29 TA Lowery Elementary School***

**Poll Commissioner #1**  
 Beverly Raines                      283-6290                      125 East View Ct Charles Town                      Rep

**Supply Commissioner**  
 Matt Donnelly                                                                                                          Rep

**Poll Clerk #2**  
 Giordana Baker                      728-2091                      94 Tiffany Court Harpers Ferry                      Rep

Republican Poll Workers: 2016 General

**Shepherdstown District**

***Precinct #31 Covenant Baptist Church***

**Poll Commissioner #1**

Richard Gibson                      876-6926                      246 Rabbits Rest Ln Shepherdstown                      Rep

**Poll Clerk #2**

Tyler Gibson                      876-6926                      243 Rabbits Rest Ln Shepherdstown                      Rep

***Precinct #32 Bethel United Methodist Church***

**Poll Commissioner #1**

Tyler Hamilton                      304-671-8223                      PO Box 35 Bakerton                      Rep

**Supply Commissioner**

John Shoedel                      910-797-5700                      303 Carriage Dr Harpers Ferry                      Rep

**Poll Clerk #2**

Tiffany Hamilton                      304-671-8997                      PO Box 35 Bakerton                      Rep

***Precinct #33 Trinity Episcopal Church***

**Poll Commissioner #1**

Bruce Kressin                      304-270-6978                      87 Appaloosa Way Charles Town                      Rep

**Poll Clerk #2**

Karen Kressin                      304-270-6978                      87 Appaloosa Way Charles Town                      Rep

***Precinct #34 Shepherdstown Elementary School***

**Poll Commissioner #1**

Mike Cenate                      728-6120                      138 Scottie Drive Charles Town                      Rep

**Poll Clerk #2**

Tracey Cenate                      728-6120                      138 Scottie Drive Charles Town                      Rep

***Precinct #35A Shepherdstown Fire Hall***

**Poll Commissioner #1**

Trevor Craker                      703-999-4073                      1435 Engle Moler Road Harpers Ferry                      Rep

**Supply Commissioner**

Tara Morgan                      671-1585                      PO Box 1142 Shepherdstown                      Rep

**Poll Clerk #2**

George Moxley                      725-6857                      56 Starlight Lane Harpers Ferry                      Rep

***Precinct #35B Shepherdstown Fire Hall***

**Poll Commissioner #1**

Carol Gibson                      876-6926                      243 Rabbits Rest Ln Shepherdstown                      Rep

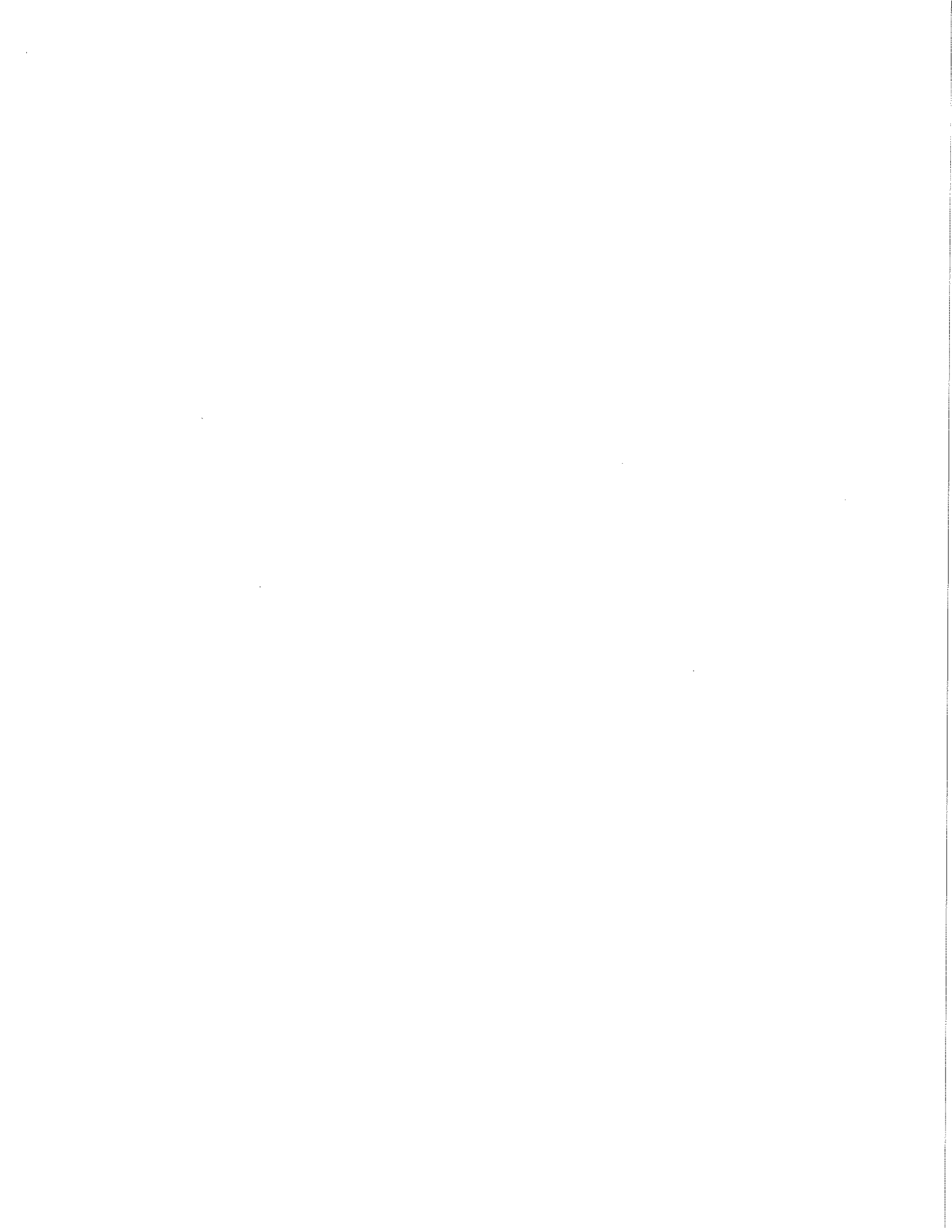
**Poll Clerk #2**

Barbara Yano                      724-5338                      468 Ira Way Kearneysville                      Rep

Republican Poll Workers: 2016 General

Alternates:

Robin Carper	725-4522	
William Poe	724-7445	
Stephen Blevins	725-4522	
William Lukenbill		16221 Charles Town Rd. Charles Town
Shirley Harris	804-413-1460	
Lisa White	304-995-5133	
Russell Patrick		
Tracy Ball		
Mindy Maye	304-279-8566	83 Tall Oak Dr. Apt. 1 Charles Town
Tim Waggoner	304-886-0776	
Roxanne Augustin	443-766-0074	
Patricia Hannin	843-706-7053	86 Teakwood Ct Harpers Ferry
Ernest Hannin	843-706-7053	86 Teakwood Ct Harpers Ferry



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Michelle Gordon, Finance Director

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **September 15, 2016**  
*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

- Transfer of \$400,000 from Investment Account to Capital Outlay Checking Account

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N NO

If so, how much? \$N/A

Provide exact financial impact/request: N/A

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

- Motion to transfer \$400,000 from BCT ICS Account ending in 575 to BB&T Capital Outlay Checking Account ending in 9739.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector  Y  N NO Internet/Wi Fi  Y  N NO Telephone for conference call  Y  N NO

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



## JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 Fax: (304) 725-7916

Web: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

PRESIDENT

*Patricia A. Noland*

VICE PRESIDENT

*Walt Pellish*

COMMISSIONER

*Dale Manuel*

COMMISSIONER

*Peter Onoszko*

COMMISSIONER

*Jane Tabb*

To: Jefferson County Commission

From: Michelle Gordon, Finance Director

Date: September 8, 2016

Subject: Transfer

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To cover upcoming projects that will require funding from the Capital Outlay Fund, a cash transfer is needed. A check will need to be approved from Bank of Charles Town ICS account 43575 in the amount of \$400,000 for deposit into BB&T Capital Outlay Checking Account 5175579739.

If you have questions, please call me at extension 1008.

County Administrator  
*Stephanie Grove*

Deputy County Administrator  
*Sandy Slusher McDonald*

# Impact Fee Status Report

## August 2016

### Office of Impact Fees

#### Summary

Date Range: Monday 1 through Wednesday 31 August 2016

Report Date: 1 September 2016

Process Number Range: 1600117-1600137

Total Applications: 21

Total Non-Exempt: 20

*Of which:*

Commercial: 1

Residential: 19

*Of which:*

County: 19

Municipal: 1

Total Exempt: 1

*Of which:*

Commercial: 0

Residential: 1

*Of which:*

County: 1

Municipal: 0

Tables 1 through 7 summarize impact fee processing for August 2016. Table 8 represents account totals, pending the transfer of fees collected as shown in Table 1, including General Impact Fee Account (3111776) interest which is listed in Table 2.

**Table 1. Form 100 Tallies**

	Exempt	Commercial	Residential	Total
1 – 31 August 2016	1	1	19	21
Fees collected		\$9.00	\$120,593.00	\$120,602.00
<i>Of which</i>				
School Impact Fee			\$108,300.00	\$108,300.00
Law Enforcement Fee		\$0.00	\$3,059.00	\$3,059.00
Parks & Recreation Fee			\$8,322.00	\$8,322.00
EMS Fee		\$9.00	\$912.00	\$921.00

**Table 2. Financial Data – Office of Impact Fees General Account (3111776)**

Description	Amount
Opening Statement Balance (1 August 2016)	\$57,799.65
August Deposits (1 – 31 August 2016)	\$120,602.00
School July Transactions (withdraws via transfer on 9 August 2016)	(\$51,907.49)
Law July Transactions (withdraws via transfer on 9 August 2016)	(\$1,465.83)
Parks & Rec July Transactions (withdraws via transfer on 9 August 2016)	(\$3,988.92)
EMS July Transactions (withdraws via transfer on 9 August 2016)	(\$437.41)
Interest Earned (31 August 2016)	\$29.99
<b>Ending Statement Balance (31 August 2016)</b>	<b>\$120,631.99</b>
<i>Outstanding Credits (deposits through 1 August 2016)</i>	<i>\$0.00</i>

**Table 3. Financial Data – School Impact Fee Account (3107582)**

Description	Amount
Opening Balance (1 August 2016)	\$2,412,521.85
July Transactions (deposits via transfer on 9 August 2016)	\$51,907.49
Interest Earned (31 August 2016)	\$1,040.85
<b>Ending Balance (31 August 2016)</b>	<b>\$2,465,470.19</b>

**Table 4. Financial Data – Law Enforcement Impact Fee Account (3120120)**

Description	Amount
Opening Balance (1 August 2016)	\$74,658.40
July Transactions (deposits via transfer on 9 August 2016)	\$1,465.83
Interest Earned (31 August 2016)	\$32.16
<b>Ending Balance (31 August 2016)</b>	<b>\$76,156.39</b>

**Table 5. Financial Data – Parks & Recreation Impact Fee Account (3122808)**

Description	Amount
Opening Balance (1 August 2016)	\$67,718.46
July Transactions (deposits via transfer on 9 August 2016)	\$3,988.92
Interest Earned (31 August 2016)	\$30.02
<b>Ending Balance (31 August 2016)</b>	<b>\$71,737.40</b>

**Table 6. Financial Data –EMS Impact Fee Account (3122816)**

Description	Amount
Opening Balance (1 August 2016)	\$91,921.86
July Transactions (deposits via transfer on 9 August 2016)	\$437.41
Interest Earned (31 August 2016)	\$39.18
<b>Ending Balance (31 August 2016)</b>	<b>\$92,398.45</b>

**Table 7. Total Impact Fees as of 1 September 2016/1**

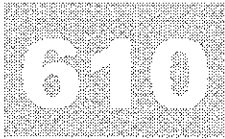
Description	Amount
Office of Impact Fees General Account	\$120,631.99
School Impact Fee Account	\$2,465,470.19
Law Enforcement Fee Account	\$76,156.39
Parks & Recreation Impact Fee Account	\$71,737.40
EMS Impact Fee Account	\$92,398.45
<b>Total Impact Fees</b>	<b>\$2,826,394.42</b>

/1 These values represent both impact fees collected and interest earned. The general account includes the outstanding credits listed in table 2 and outstanding debits, if any, listed in tables 3-6.

**Table 8. Pending September 2016 Fee Transfers /1**

Account	31 August 2016		Account Totals
	Account Totals	Pending Impact Fee Transfers	
School Impact Fee Account	\$2,465,470.19	\$108,326.99	\$2,573,797.18
Law Enforcement Fee Account	\$76,156.39	\$3,059.60	\$79,215.99
Parks & Recreation Impact Fee Account	\$71,737.40	\$8,324.10	\$80,061.50
EMS Impact Fee Account	\$92,398.45	\$921.30	\$93,319.75
<b>Total Impact Fees</b>	<b>\$2,705,762.43</b>	<b>\$120,631.99</b>	<b>\$2,826,394.42</b>

/1 This table represents each of the impact fee category account totals as of 31 August 2016 listed in tables 3 – 6. Pending fee transfer amounts, excluding interest and any outstanding credits, collected in August 2016 are listed in table 1 of the General Account (3111776); these transactions will be processed in September 2016. Any outstanding credits, as listed in table 2, will be added to the next month's Impact Fee transfer amounts.



**Form 100 Transaction Summary**  
**Jefferson County Government – Office of Impact Fees**

*Impact Fee Applications Processed between dates Monday 1 through Wednesday 31 August 2016*

Process Number	Date	Last Name	First Name	Tract District	Dem. Book	Impd. Page	No. Impd. Maps	Rate/Ft	Impact Fee Collected	Date	Category Reason
<b>Example Applications:</b>											
1600124	08/10/2016	Scott	Laurie	04 Harpers Ferry	1089	707	1	5	\$0.00	08/10/2016	Form 200

**Category Count: 1**

**Category Total \$0.00**

<b>Non-Example Applications:</b>											
1600117	08/01/2016	Fry	Roy	02 Charles Town	1102	75	22	5.10	\$6,347.00	08/01/2016	N/A
1600118	08/01/2016	McGaughey	Joel and Shanna	06 Kabletown	1173	54	20A	8	\$6,347.00	08/01/2016	N/A
1600119	08/03/2016	Jagen	Betty Jane &	07 Middleway	1162	433	24	7.5	\$6,347.00	08/03/2016	N/A
1600120	08/05/2016	Dan Ryan		07 Middleway	1172	738	2B	50	\$6,347.00	08/05/2016	N/A
1600121	08/05/2016	Dan Ryan		07 Middleway	1172	738	2B	63	\$6,347.00	08/05/2016	N/A
1600122	08/05/2016	Quigley	Douglas	02 Charles Town	1170	398	23L	71	\$6,347.00	08/05/2016	N/A
1600123	08/09/2016	Keysucker	Corry	09 Shepherdstown	1174	725	13	1.11	\$6,347.00	08/09/2016	N/A
1600125	08/12/2016	Schade	Robert and	06 Kabletown	1095	163	8	13.1	\$6,347.00	08/12/2016	N/A
1600126	08/15/2016	Bagent	David	07 Middleway	1161	256	3	29	\$6,347.00	08/15/2016	N/A
1600127	08/15/2016	Vickers IV	Lawerance	09 Shepherdstown	1125	367	15	2	\$6,347.00	08/15/2016	N/A
1600128	08/16/2016	Weng	Daniel	09 Shepherdstown	1166	705	2	73	\$6,347.00	08/16/2016	N/A
1600129	08/19/2016	DR Acquisitions,		04 Harpers Ferry	1129	541	9D	19	\$6,347.00	08/19/2016	N/A
1600130	08/19/2016	DR Acquisitions,		04 Harpers Ferry	1129	541	9D	20	\$6,347.00	08/19/2016	N/A
1600131	08/23/2016	Propst	Paul	07 Middleway	515	2	17	3	\$6,347.00	08/23/2016	N/A
1600132	08/23/2016	Harris	Alissa	01 Bolivar Corp	948	662	4	114	\$9.00	08/23/2016	N/A
1600133	08/30/2016	Eastland		02 Charles Town	570	347	16	133	\$6,347.00	08/30/2016	N/A
1600134	08/31/2016	Lutman		02 Charles Town	1173	72	20A	50	\$6,347.00	08/31/2016	N/A
1600135	08/31/2016	Lutman		04 Harpers Ferry	1175	665	13B	104	\$6,347.00	08/31/2016	N/A
1600136	08/31/2016	Lutman		04 Harpers Ferry	1175	545	11B	116	\$6,347.00	08/31/2016	N/A
1600137	08/31/2016	Lutman		04 Harpers Ferry	1175	545	13B	114	\$6,347.00	08/31/2016	N/A

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Category Count: 20	Category Total	\$120,602.00
TOTAL APPLICATIONS: 21	Grand Total	\$120,602.00

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JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

**COPY**

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Stephanie Grove, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason  
DATE: Friday, 2 September 2016  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Schools Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Schools Impact Fee Account (Bank of Charles Town account 3107582)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of August 2016.

This transfer consists of two components:

- Impact Fee Process Numbers **1600117** through **1600137**, inclusive. Within this range there were 19 non-exempt impact fee payments. This amounts to **\$108,300.00**.
- Interest earned by the Office of Impact Fees General Account in August 2016 amounts to **\$29.99**, of which **\$26.99** is attributed to fees collected for Schools.

**As per the attached invoice, the total amount of this transfer is \$108,326.99.**

Check # 1056

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 16033  
**Date:** 9/2/2016

**Bill To:**

Office of Impact Fees  
116 East Washington Street  
Suite 100  
Charles Town, WV 25414

**Pay To:**

Sheriff of Jefferson County  
P.O. Box 9  
Charles Town, WV 25414

**P.O. Number**

**Vendor Number**

**Description**

**Amount**

Impact Fee payments collected for month of August 2016 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County School Impact Fees Bank Account (3107582). \$108,300.00

Interest earned by the Office of Impact Fees General Account August 2016. \$26.99

Impact Fee Process Numbers 1600117 through 1600137, inclusive. Within this range, there were 19 non-exempt impact fee payments.

**Total: \$108,326.99**

**Notes/Comments** Transfer of funds into School Impact Fee Account (3107582).

**Check Number:** 1056



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Schools

Check Number 1056

Trace 20160902:34287.04

Date 9/2/2016

Series 1

Recipient Sheriff of Jefferson County

Account 3107582

Amount \$108,300.00

Signature 1 Patsy Noland

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for School Impact Fees Collected in August 2016.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
8/2/2016	1600117	2003-3	11/24/2005	\$5,700.00
8/2/2016	1600118	2003-3	11/24/2005	\$5,700.00
8/15/2016	1600119	2003-3	11/24/2005	\$5,700.00
8/8/2016	1600120	2003-3	11/24/2005	\$5,700.00
8/8/2016	1600121	2003-3	11/24/2005	\$5,700.00
8/8/2016	1600122	2003-3	11/24/2005	\$5,700.00
8/10/2016	1600123	2003-3	11/24/2005	\$5,700.00
8/15/2016	1600125	2003-3	11/24/2005	\$5,700.00
8/16/2016	1600126	2003-3	11/24/2005	\$5,700.00
8/16/2016	1600127	2003-3	11/24/2005	\$5,700.00
8/17/2016	1600128	2003-3	11/24/2005	\$5,700.00
8/22/2016	1600129	2003-3	11/24/2005	\$5,700.00
8/22/2016	1600130	2003-3	11/24/2005	\$5,700.00
8/24/2016	1600131	2003-3	11/24/2005	\$5,700.00
8/24/2016	1600132	2003-3	11/24/2005	\$0.00
8/31/2016	1600133	2003-3	11/24/2005	\$5,700.00
8/31/2016	1600134	2003-3	11/24/2005	\$5,700.00
8/31/2016	1600135	2003-3	11/24/2005	\$5,700.00
8/31/2016	1600136	2003-3	11/24/2005	\$5,700.00
8/31/2016	1600137	2003-3	11/24/2005	\$5,700.00

**Total amount for this withdraw \$108,300.00**

**Total amount for this account \$108,300.00**

**Total amount all accounts \$108,300.00**

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

**COPY**

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Stephanie Grove, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason  
DATE: Friday, 2 September 2016  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Law Enforcement Impact Fee Account (Bank of Charles Town account 3120120)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of August 2016.

This transfer consists of two components:

- Impact Fee Process Numbers 1600117 through 1600137, inclusive. Within this range there were 19 non-exempt impact fee payments. This amounts to **\$3,059.00**.
- Interest earned by the Office of Impact Fees General Account in August 2016 amounts to **\$29.99**, of which **\$0.60** is attributed to fees collected for Law Enforcement.

**As per the attached invoice, the total amount of this transfer is \$3,059.60.**

**Check # 1057**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 16034

**Date:** 9/2/2016

**Bill To:**

Office of Impact Fees  
116 East Washington Street  
Suite 100  
Charles Town, WV 25414

**Pay To:**

Sheriff of Jefferson County  
P.O. Box 9  
Charles Town, WV 25414

**P.O. Number**

**Vendor Number**

**Description**

**Amount**

Impact Fee payments collected for month of August 2016 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Law Enforcement Impact Fees Bank Account (3120120). \$3,059.00

Interest earned by the Office of Impact Fees General Account August 2016. \$0.60

Impact Fee Process Numbers 1600117 through 1600137, inclusive. Within this range, there were 19 non-exempt impact fee payments.

**Total: \$3,059.60**

**Notes/Comments** Transfer of funds into Law Enforcement Impact Fee Account (3120120).

**Check Number:** 1057



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Law Enforcement

Check Number 1057

Trace 20160902:34367.45

Date 9/2/2016 Series 2

Recipient Sheriff of Jefferson County  
Amount \$3,059.00

Account 3120120  
Signature 1 Patsy Noland  
Signature 2 Sheriff Peter Dougherty  
Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for Law Enforcement Impact Fees Collected in August 2016.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
8/2/2016	1600117	2005-1	3/22/2005	\$161.00
8/2/2016	1600118	2005-1	3/22/2005	\$161.00
8/15/2016	1600119	2005-1	3/22/2005	\$161.00
8/8/2016	1600120	2005-1	3/22/2005	\$161.00
8/8/2016	1600121	2005-1	3/22/2005	\$161.00
8/8/2016	1600122	2005-1	3/22/2005	\$161.00
8/10/2016	1600123	2005-1	3/22/2005	\$161.00
8/15/2016	1600125	2005-1	3/22/2005	\$161.00
8/16/2016	1600126	2005-1	3/22/2005	\$161.00
8/16/2016	1600127	2005-1	3/22/2005	\$161.00
8/17/2016	1600128	2005-1	3/22/2005	\$161.00
8/22/2016	1600129	2005-1	3/22/2005	\$161.00
8/22/2016	1600130	2005-1	3/22/2005	\$161.00
8/24/2016	1600131	2005-1	3/22/2005	\$161.00
8/24/2016	1600132	2005-1	3/22/2005	\$0.00
8/31/2016	1600133	2005-1	3/22/2005	\$161.00
8/31/2016	1600134	2005-1	3/22/2005	\$161.00
8/31/2016	1600135	2005-1	3/22/2005	\$161.00
8/31/2016	1600136	2005-1	3/22/2005	\$161.00
8/31/2016	1600137	2005-1	3/22/2005	\$161.00
<b>Total amount for this withdraw</b>				<b>\$3,059.00</b>
<b>Total amount for this account</b>				<b>\$3,059.00</b>
<b>Total amount all accounts</b>				<b>\$3,059.00</b>

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

**COPY**

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Stephanie Grove, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason  
DATE: Friday, 2 September 2016  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks & Recreation Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Parks & Recreation Impact Fee Account (Bank of Charles Town account 3122808)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of August 2016.

This transfer consists of two components:

- Impact Fee Process Numbers **1600117** through **1600137**, inclusive. Within this range there were 19 non-exempt impact fee payments. This amounts to **\$8,322.00**.
- Interest earned by the Office of Impact Fees General Account in August 2016 amounts to **\$29.99**, of which **\$2.10** is attributed to fees collected for Parks & Recreation.

**As per the attached invoice, the total amount of this transfer is \$8,324.10.**

**Check # 1058**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 16035  
**Date:** 9/2/2016

**Bill To:**

Office of Impact Fees  
116 East Washington Street  
Suite 100  
Charles Town, WV 25414

**Pay To:**

Sheriff of Jefferson County  
P.O. Box 9  
Charles Town, WV 25414

**P.O. Number**

**Vendor Number**

**Description**

**Amount**

Impact Fee payments collected for month of August 2016 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Parks & Recreation Impact Fees Bank Account (3122808). \$8,322.00

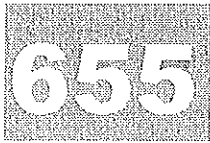
Interest earned by the Office of Impact Fees General Account August 2016. \$2.10

Impact Fee Process Numbers 1600117 through 1600137, inclusive. Within this range, there were 19 non-exempt impact fee payments.

**Total: \$8,324.10**

**Notes/Comments** Transfer of funds into Parks & Recreation Impact Fee Account (3122808).

**Check Number:** 1058



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Parks & Rec

Check Number 1058

Trace 20160902:34412.28

Date 9/2/2016 Series 3

Recipient Sheriff of Jefferson County  
Amount \$8,322.00

Account 3122808  
Signature 1 Patsy Noland  
Signature 2 Sheriff Peter Dougherty  
Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for Parks and Rec Impact Fees Collected in August 2016.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
8/2/2016	1600117	2005-2	5/12/2005	\$438.00
8/2/2016	1600118	2005-2	5/12/2005	\$438.00
8/15/2016	1600119	2005-2	5/12/2005	\$438.00
8/8/2016	1600120	2005-2	5/12/2005	\$438.00
8/8/2016	1600121	2005-2	5/12/2005	\$438.00
8/8/2016	1600122	2005-2	5/12/2005	\$438.00
8/10/2016	1600123	2005-2	5/12/2005	\$438.00
8/15/2016	1600125	2005-2	5/12/2005	\$438.00
8/16/2016	1600126	2005-2	5/12/2005	\$438.00
8/16/2016	1600127	2005-2	5/12/2005	\$438.00
8/17/2016	1600128	2005-2	5/12/2005	\$438.00
8/22/2016	1600129	2005-2	5/12/2005	\$438.00
8/22/2016	1600130	2005-2	5/12/2005	\$438.00
8/24/2016	1600131	2005-2	5/12/2005	\$438.00
8/24/2016	1600132	2005-2	5/12/2005	\$0.00
8/31/2016	1600133	2005-2	5/12/2005	\$438.00
8/31/2016	1600134	2005-2	5/12/2005	\$438.00
8/31/2016	1600135	2005-2	5/12/2005	\$438.00
8/31/2016	1600136	2005-2	5/12/2005	\$438.00
8/31/2016	1600137	2005-2	5/12/2005	\$438.00

**Total amount for this withdraw** \$8,322.00

**Total amount for this account** \$8,322.00

**Total amount all accounts** \$8,322.00

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

**COPY**

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Stephanie Grove, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason  
DATE: Friday, 2 September 2016  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's EMS Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County EMS Impact Fee Account (Bank of Charles Town account 3122816)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of August 2016.

This transfer consists of two components:

- Impact Fee Process Numbers **1600117** through **1600137**, inclusive. Within this range there were 20 non-exempt impact fee payments. This amounts to **\$921.00**.
- Interest earned by the Office of Impact Fees General Account in August 2016 amounts to **\$29.99**, of which **\$0.30** is attributed to fees collected for EMS.

**As per the attached invoice, the total amount of this transfer is \$921.30.**

**Check # 1059**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 16036  
**Date:** 9/2/2016

**Bill To:**

Office of Impact Fees  
116 East Washington Street  
Suite 100  
Charles Town, WV 25414

**Pay To:**

Sheriff of Jefferson County  
P.O. Box 9  
Charles Town, WV 25414

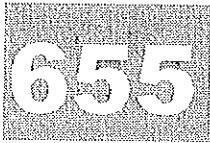
**P.O. Number**

**Vendor Number**

<b>Description</b>	<b>Amount</b>
Impact Fee payments collected for month of August 2016 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County EMS Impact Fees Bank Account (3122816).	\$921.00
Interest earned by the Office of Impact Fees General Account August 2016.	\$0.30
Impact Fee Process Numbers 1600117 through 1600137, inclusive. Within this range, there were 20 non-exempt impact fee payments.	
<b>Total:</b>	<b>\$921.30</b>

**Notes/Comments** Transfer of funds into EMS Impact Fee Account (3122816).

**Check Number:** 1059



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Fire & EMS

Check Number 1059

Trace 20160902:34448.16

Date 9/2/2016 Series 4

Recipient Sheriff of Jefferson County

Account 3122816

Amount \$921.00

Signature 1 Patsy Noland

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for EMS Impact Fees Collected in August 2016.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
8/2/2016	1600117	2005-3	5/12/2005	\$48.00
8/2/2016	1600118	2005-3	5/12/2005	\$48.00
8/15/2016	1600119	2005-3	5/12/2005	\$48.00
8/8/2016	1600120	2005-3	5/12/2005	\$48.00
8/8/2016	1600121	2005-3	5/12/2005	\$48.00
8/8/2016	1600122	2005-3	5/12/2005	\$48.00
8/10/2016	1600123	2005-3	5/12/2005	\$48.00
8/15/2016	1600125	2005-3	5/12/2005	\$48.00
8/16/2016	1600126	2005-3	5/12/2005	\$48.00
8/16/2016	1600127	2005-3	5/12/2005	\$48.00
8/17/2016	1600128	2005-3	5/12/2005	\$48.00
8/22/2016	1600129	2005-3	5/12/2005	\$48.00
8/22/2016	1600130	2005-3	5/12/2005	\$48.00
8/24/2016	1600131	2005-3	5/12/2005	\$48.00
8/24/2016	1600132	2005-3	5/12/2005	\$9.00
8/31/2016	1600133	2005-3	5/12/2005	\$48.00
8/31/2016	1600134	2005-3	5/12/2005	\$48.00
8/31/2016	1600135	2005-3	5/12/2005	\$48.00
8/31/2016	1600136	2005-3	5/12/2005	\$48.00
8/31/2016	1600137	2005-3	5/12/2005	\$48.00
<b>Total amount for this withdraw</b>				\$921.00
<b>Total amount for this account</b>				\$921.00
<b>Total amount all accounts</b>				\$921.00



*The Culture Center*  
1900 Kanawha Blvd., E.  
Charleston, WV 25305-0300

**Randall Reid-Smith, Commissioner**

Phone 304.558.0220 • www.wvculture.org  
Fax 304.558.2779 • TDD 304.558.3562  
EEO/AA Employer

August 24, 2016

Received

SEP 01 2016

Jefferson County Commission

Patsy Noland, President  
Jefferson County Commission  
Jefferson County Courthouse  
100 E Washington Street/ PO Box 250  
Charles Town, WV 25414

Dear Commissioner Noland:

We hereby notify you that the Feagans' Mill - located at 175 Wheatland Road, Charles Town, WV - will be considered by the West Virginia Archives and History Commission for nomination to the National Register of Historic Places. The National Register is the Federal government's official list of historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our Nation's heritage.

Listing of the Feagans' Mill provides recognition of the property's historic importance and assures protective review of Federal projects that might adversely affect the character of the historic property. A state income tax credit is also available to owners of buildings that are rehabilitated. If the property is listed in the National Register, certain Federal investment tax credits for rehabilitation and other provisions may apply.

Listing in the National Register does not mean that limitations will be placed on the properties by the Federal government. Public visitation rights are not required of owners. The Federal government will not attach restrictive covenants to the properties or seek to acquire them.

You are invited to attend the Archives and History Commission meeting at which the nomination will be considered. The Commission will meet at 9:30 a.m. on September 30, 2016. The meeting will take place at the North Bend State Park in Cairo, West Virginia.

Attached please find a notice that explains, in greater detail, the results of listing in the National Register and that describes the rights and procedures by which an owner may comment on or object to listing in the National Register.

Should you have any questions about this nomination before the Archives and History Commission meeting, please contact Mr. Jeffrey S. Smith, National Register Coordinator, at 304.558.0240.

Sincerely,

Susan M. Pierce  
Deputy State Historic Preservation Officer

Enclosures

## **RIGHTS OF OWNERS TO COMMENT AND/OR OBJECT TO LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES**

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing may submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility of the property for listing in the National Register. If the property is then determined to be eligible for listing, although not formally listed, Federal agencies will be required to allow for the Advisory Council on Historic Preservation to have an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If you choose to object to the listing of your property, please submit the notarized objection to Ms. Susan M. Pierce, Deputy State Historic Preservation Officer, West Virginia Division of Culture and History, 1900 Kanawha Boulevard East, Charleston, West Virginia, 25305-0300 by September 30, 2016.

If you wish to comment on the nomination of the property to the National Register, please send your comments to the State Historic Preservation Office before the Archives and History Commission considers this nomination on September 30, 2016. A copy of the nomination and information on the National Register and the Federal tax provisions are available from the above address upon request.

## **FEDERAL RESULTS OF LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES**

**Eligibility for Federal tax provisions:** If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 revises the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984, and as of January 1, 1987, provides for a 20 percent investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15 percent and 20 percent Investment Tax Credits (ITCs) for rehabilitations of older commercial buildings are combined into a single 10 percent ITC for commercial or industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

**Consideration in planning for Federal, federally licensed, and federally assisted projects:**

Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies take into account the effect of an undertaking on any building, structure, site, or district that is listed in or eligible for inclusion in the National Register of Historic Places. Agencies must also afford the Advisory Council on Historic Preservation the opportunity to comment on all projects affecting historic properties listed in or eligible for inclusion in the National Register. For further information, please refer to 36 CFR 800.

**Consideration in issuing a surface coal mining permit:** In accordance with the Surface Mining and Control Act of 1977, there must be consideration of historic values in the decision to issue a surface coal mining permit where coal is located. For further information, please refer to 30 CFR 700 et. seq.

**Qualification for Federal grants for historic preservation where funds are available:** Presently, funding is unavailable.

## STATE RESULTS OF LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

**Eligibility for state tax provisions:** If a property is listed in the National Register, certain state tax provisions may also apply. The 1999 West Virginia legislature approved a state income tax credit for homeowners. The Rehabilitation Investment Tax Credit Program provides a West Virginia state income tax credit for the rehabilitation of historic private residences. This is a 20% state income tax credit which is based on qualified expenditures undertaken as part of the rehabilitation of a historic private residence. The state credit is applied directly against state taxes owed by the owner. This credit is available to private homeowners for approved rehabilitation work on their own residence. This benefit is available to the owner of a private residence that is rehabilitated according to the Secretary of the Interior's Standards for Rehabilitation. The building must be listed in the National Register of Historic Places either individually or as a contributing building in an historic district that is listed in the National Register of Historic Places. It must be listed in the National Register prior to submission of the Historic Preservation Certification Application Request for Certification of Completed Work.

**Consideration in planning for state, state licensed, and state assisted projects:** The Division of Culture and History will review all undertakings permitted, funded, licensed or otherwise assisted, in whole or in part, by the state for the purposes of furthering the duties outlined in W. Va. Code §29-1-8. The review process will be conducted on lands owned or leased by the state, or on private lands where investigation and development rights have been acquired by the state by lease or contract as outlined in W. Va. Code §29-1-8b. Permit approval of activities affecting historic properties listed in the National Register or determined eligible for listing in the National Register will be demonstrated by written letter from the Division of Culture and History upon completion of the review process.

**Qualification for state grants for historic preservation where funds are available:** The West Virginia State Historic Preservation Office administers two grant programs. The Certified Local Government program receives 10% of the state's annual allotment of the Federal Historic Preservation Fund. This program supports survey and planning activities. The second grant fund, the State Historic Preservation Development Grant program, assists with the rehabilitation of properties listed in the National Register of Historic Places. Both programs are matching grants.



## State of West Virginia

**Lisa A. Hopkins**  
State Auditor

Office of the State Auditor  
Local Government Services  
200 West Main Street  
Clarksburg, West Virginia 26301

Toll Free: (877) 982-9148  
Telephone: (304) 627-2415  
Fax: (304) 627-2417  
[www.wvsao.gov](http://www.wvsao.gov)

August 29, 2016

Received

SEP 07 2016

Jefferson County Commission

To: ALL WEST VIRGINIA COUNTY COMMISSIONERS

We recognize that many of our local boards and authorities are unaware of some of the laws, regulations and reporting requirements for which they are responsible. We have decided to provide training to members and staff of the municipal and county boards and authorities. Since we do not know what boards and authorities you have, we are asking you to forward this information to them. To make it easier to attend we are having these seminars at five different locations throughout the state. These seminars are free to attend but we need for everyone to pre-register so we know how many people will be in attendance.

Not only will attendees get the opportunity to meet with us, they will also be able to network with other attendees on issues that may be important to their agency. These training events have been designed to assist boards and authorities with obtaining necessary skills and knowledge for adequate controls and oversight relating to the financial reporting and internal control process. Enclosed you will find the agenda and registration form for these training events.

If you have any questions concerning these seminars, please contact our Local Government Services Staff at 304-627-2415.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ora L. Ash".

Ora L. Ash  
Deputy State Auditor



# 2016 State Auditor's Training Seminar for County and Municipal Boards and Authorities

State Auditor Lisa A. Hopkins, through her Local Government Services Division, is pleased to extend this invitation to the Annual Training Seminars for County and Municipal Boards and Authorities during the months of September, October, and November at various locations throughout West Virginia.

City	Seminar Date	Location	Registration Deadline
Beckley, WV	Thursday, September 29	Holiday Inn & Suites 114 Dry Hill Rd., Beckley	Sept. 22
Martinsburg, WV	Wednesday, October 5	Holiday Inn & Suites 301 Foxcroft Ave., Martinsburg	Sept. 28
So. Charleston, WV	Thursday, October 13	Holiday Inn & Suites 400 Second Ave., South Charleston	October 6
Bridgeport, WV	Thursday, October 27	Best Western 100 Lodgeville Rd., Bridgeport	October 20
Wheeling, WV	Thursday, November 3	Hampton Inn & Suites 35 Bob Wise Dr., Triadelphia	October 27

The registration fee has been waived, however, pre-registration is required.

Although the fee has been waived, we must receive your registration before the deadline in order to have available space as well as food and beverages. Lunch will be provided.

If we do not receive an adequate response for a particular location we may have to cancel the seminar for that location.

Return this registration form no later than the deadline for the specific seminar. Please feel free to make copies of this form for additional attendees. For questions concerning these seminars contact: Ora Ash, (304) 627-2415, ext. 5114 Email: [ora.ash@wvsao.gov](mailto:ora.ash@wvsao.gov)

County and Municipal Boards & Authorities

**FREE TO ATTEND, BUT YOU MUST REGISTER!  
ONE NAME PER FORM PLEASE**

Name: \_\_\_\_\_ Board or Authority: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Position/Title: \_\_\_\_\_

Mail to: Karen Drain, Admin. Support  
Boards & Authorities Training  
200 West Main Street  
Clarksburg, West Virginia 26301

**FAX TO: 304-627-2417**

<input type="checkbox"/> Beckley, September 29	<input type="checkbox"/> Bridgeport, October 27
<input type="checkbox"/> Martinsburg, October 5	<input type="checkbox"/> Wheeling, November 3
<input type="checkbox"/> South Charleston, October 13	

**IMPORTANT:** If unable to attend after registering, please call our office at 304-627-2415 to cancel.



# 2016 State Auditor's Seminar for Municipal and County Boards and Authorities

## AGENDA

---

8:00-9:00AM **Registration**

9:00 AM **Welcome**

Ora L. Ash, Deputy State Auditor, WV State Auditor's Office

9:05 AM **Local Government Purchasing Card Update and Q&A**

Catherine Preston, WV State Auditor's Office

9:15 AM **Internal Controls and Fraud Prevention**

Shellie Humphrey, Budget Finance Specialist, WV State Auditor's Office

10:00 AM **Break**

10:10 AM **Let's Talk About Excess Levies**

Ora L. Ash, Deputy State Auditor, WV State Auditor's Office

11:00 AM **Getting Ready for an Audit**

Tiffany Hess, Budget Finance Specialist, WV State Auditor's Office

12:00 PM **Lunch (provided)**

1:00 PM **Taxable Fringe Benefits and Employee vs. Contract Labor**

Shellie Humphrey, Budget Finance Specialist, WV State Auditor's Office

2:00 PM **Break**

2:10 PM **Budgeting and Who is Responsible**

Ora L. Ash, Deputy State Auditor, WV State Auditor's Office

3:10 PM **Recommended Policies and Procedures**

Shellie Humphrey, Budget Finance Specialist, WV State Auditor's Office

Tiffany Hess, Budget Finance Specialist, WV State Auditor's Office

3:40 PM **General Question and Answer Discussion Among Attendees**

Topics to be determined by Attendees

4:00 **Adjournment**

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

<b>Week Ending Date</b>	<b>FY17 August 27, 2016</b>
<b>To be Deposited on:</b>	September 2, 2016
Amount Played	\$ 58,658,636.05
Amount Won	52,508,320.97
Amount Promo	363,998.00
MWAP Contribution	<u>                  -</u>
<b>Adjusted Gross Terminal Revenue</b>	<u><b>5,786,317.08</b></u>
Administrative Costs @ 4%	231,452.69
Excess Lottery Fund @ 4%	<u>                  -</u>
<b>Net Terminal Revenue</b>	<u><b>5,554,864.39</b></u>
Surcharge @ 10%	-
State Share Excess @ 58% & 10% of 42%	-
Track Share of Capital Reinvestment @ 90% of 42%	<u>                  -</u>
<i>Track Share of Capital Reinvestment @ 96%</i>	-
<i>Track Share of Capital Reinvestment @ 4%</i>	-
<b>Adjusted Net Terminal Revenue</b>	<u><b>5,554,864.39</b></u>
Racetrack @ 46.50% / 42%	2,583,011.94
Lottery Fund @ 30% / 0%	1,666,459.34
Excess Lottery Fund @ 0% / 41%	-
Excess Lottery Fund @ 12.85% / 9.55%	713,800.07
Race Track Purses @ 90% of 7% / 4%	349,956.46
Employee Pension Fund @ 1% / .5%	55,548.64
Greyhound Development @ 90% of .75%	37,495.33
Thoroughbred Development @ 90% of .75%	37,495.33
County/Municipality @ 2%	<u>111,097.28</u>
	<u><b>\$ 5,554,864.39</b></u>

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2017

Charles Town  
 1999 Net Terminal Revenue \$ 45,603,174  
 Benchmark Goal @ 2% \$ 912,063.48

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 7.93%	CHARLES TOWN 39.90%	HARPERS FERRY 2.17%	RANSON 33.68%	SHEPHERDS TOWN 16.32%
2 days ending: 07/02/16	\$ 51,477.36	\$ 51,477.36	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/09/16	125,605.24	125,605.24	-	-	-	-	-	-
07/16/16	107,876.48	107,876.48	-	-	-	-	-	-
07/23/16	107,196.20	107,196.20	-	-	-	-	-	-
07/30/16	111,534.28	111,534.28	-	-	-	-	-	-
08/06/16	110,376.32	110,376.32	-	-	-	-	-	-
08/13/16	101,561.56	101,561.56	-	-	-	-	-	-
08/20/16	115,270.28	115,270.28	-	-	-	-	-	-
08/27/16	111,097.28	96,130.52	14,966.76	1,186.86	5,971.74	324.78	5,040.80	2,442.58
Subtotal	\$ 941,997.00	\$ 927,030.24	\$ 14,966.76	\$ 1,186.86	\$ 5,971.74	\$ 324.78	\$ 5,040.80	\$ 2,442.58

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

**VIDEO LOTTERY REPORT**

FY 2013		FY 2014		FY 2015		FY 2016		FY 2017	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
7/7/2012	161,637.92	7/6/2013	123,196.88	7/5/2014	106,819.12	7/4/2015	89,446.56	7/1-2/2016	51,477.36
7/14/2012	129,458.04	7/13/2013	128,060.40	7/12/2014	111,792.16	7/11/2015	119,132.68	7/9/2016	125,605.24
7/21/2012	130,037.00	7/20/2013	115,128.84	7/19/2014	116,320.32	7/18/2015	112,706.24	7/16/2016	107,876.48
7/28/2012	137,164.44	7/27/2013	123,049.56	7/26/2014	112,502.48	7/25/2015	109,356.88	7/23/2016	107,196.20
8/4/2012	132,931.16	8/3/2013	116,180.80	8/2/2014	117,145.12	8/1/2015	119,089.60	7/30/2016	111,534.28
8/11/2012	134,212.88	8/10/2013	120,078.64	8/9/2014	114,374.60	8/8/2015	115,689.52	8/6/2016	110,378.32
8/18/2012	110,241.90	8/17/2013	124,888.56	8/16/2014	114,105.32	8/15/2015	108,726.48	8/13/2016	101,561.56
8/25/2012	66,209.90	8/24/2013	89,882.12	8/23/2014	116,097.04	8/22/2015	108,922.12	8/20/2016	115,270.28
9/1/2012	67,133.42	8/31/2013	58,913.18	8/30/2014	60,280.02	8/29/2015	73,285.10	8/27/2016	96,130.52
9/8/2012	74,029.40	9/7/2013	97,758.74	9/6/2014	61,420.28	9/5/2015	55,890.76		
9/15/2012	61,838.04	9/14/2013	53,374.22	9/13/2014	51,364.96	9/12/2015	63,273.30		
9/22/2012	56,996.90	9/21/2013	54,277.94	9/20/2014	50,664.54	9/19/2015	54,233.06		
9/29/2012	61,611.40	9/28/2013	54,881.50	9/27/2014	50,127.22	9/26/2015	52,439.60		
10/6/2012	62,715.20	10/5/2013	55,950.74	10/4/2014	53,531.28	10/3/2015	53,104.94		
10/13/2012	60,710.18	10/12/2013	55,837.92	10/11/2014	51,127.00	10/10/2015	50,291.26		
10/20/2012	62,333.08	10/19/2013	61,327.20	10/18/2014	56,414.64	10/17/2015	53,048.80		
10/27/2012	58,073.54	10/26/2013	52,854.06	10/25/2014	49,890.20	10/24/2015	55,418.72		
11/3/2012	56,545.30	11/2/2013	57,543.54	11/1/2014	52,242.34	10/31/2015	57,023.64		
11/10/2012	56,110.96	11/9/2013	54,666.76	11/8/2014	52,819.26	11/7/2015	55,832.08		
11/17/2012	57,432.36	11/16/2013	56,495.96	11/15/2014	51,810.32	11/14/2015	56,012.86		
11/24/2012	65,888.86	11/23/2013	48,628.62	11/22/2014	46,228.62	11/21/2015	50,193.76		
12/1/2012	50,243.34	11/30/2013	59,645.66	11/29/2014	55,593.44	11/28/2015	60,010.98		
12/8/2012	50,770.96	12/7/2013	47,306.24	12/6/2014	46,792.50	12/5/2015	47,767.86		
12/15/2012	47,022.38	12/14/2013	29,229.02	12/13/2014	40,904.98	12/12/2015	42,938.56		
12/22/2012	46,838.96	12/21/2013	44,581.02	12/20/2014	41,600.84	12/19/2015	43,087.16		
12/29/2012	59,697.22	12/28/2013	62,117.14	12/27/2014	58,114.68	12/26/2015	52,835.48		
1/5/2013	71,673.52	1/4/2014	62,963.88	1/3/2015	68,277.28	1/2/2016	74,963.14		
1/12/2013	50,416.30	1/11/2014	37,935.94	1/10/2015	37,099.34	1/9/2016	41,474.24		
1/19/2013	51,211.88	1/18/2014	49,418.64	1/17/2015	43,217.36	1/16/2016	43,455.58		
1/26/2013	46,966.26	1/25/2014	42,720.80	1/24/2015	41,212.80	1/23/2016	25,025.40		
2/2/2013	52,067.92	2/1/2014	47,681.60	1/31/2015	42,783.32	1/30/2016	36,805.26		
2/9/2013	52,222.20	2/8/2014	45,434.52	2/7/2015	47,859.18	2/4/2016	51,695.74		
2/16/2013	64,243.52	2/15/2014	41,076.08	2/14/2015	48,131.08	2/13/2016	44,941.78		
2/23/2013	64,115.70	2/22/2014	61,523.98	2/21/2015	37,610.66	2/20/2016	50,505.40		
3/2/2013	62,602.74	3/1/2014	57,744.78	2/28/2015	56,982.14	2/27/2016	52,426.86		
3/9/2013	59,213.26	3/8/2014	50,439.94	3/7/2015	43,750.42	3/5/2016	53,474.66		
3/16/2013	62,366.36	3/15/2014	54,414.66	3/14/2015	55,096.66	3/12/2016	51,447.02		
3/23/2013	59,841.02	3/22/2014	50,734.62	3/21/2015	53,081.08	3/19/2016	50,356.80		
3/30/2013	57,567.98	3/29/2014	51,174.60	3/28/2015	50,548.88	3/26/2016	52,217.46		
4/6/2013	63,108.84	4/5/2014	55,229.90	4/4/2015	51,713.78	4/2/2016	54,185.88		
4/13/2013	56,849.30	4/12/2014	48,653.18	4/11/2015	51,024.54	4/9/2016	49,690.04		
4/20/2013	55,432.12	4/19/2014	54,469.22	4/18/2015	49,338.10	4/16/2016	49,071.82		
4/27/2013	58,612.74	4/26/2014	51,637.18	4/25/2015	49,656.62	4/23/2016	49,485.78		

5/4/2013	61,102.92	5/3/2014	54,757.72	5/2/2015	54,079.66	4/30/2016	50,872.46
5/11/2013	57,428.70	5/10/2014	51,011.76	5/9/2015	50,062.82	5/7/2016	52,135.22
5/18/2013	61,172.80	5/17/2014	51,148.34	5/16/2015	48,308.08	5/14/2016	51,441.84
5/25/2013	57,131.24	5/24/2014	53,082.60	5/23/2015	47,705.92	5/21/2016	48,392.48
6/1/2013	65,920.66	5/31/2014	62,642.98	5/30/2015	58,258.10	5/28/2016	49,380.84
6/8/2013	55,233.74	6/7/2014	49,517.18	6/6/2015	53,927.82	6/4/2016	58,228.50
6/15/2013	54,067.52	6/14/2014	50,266.50	6/13/2015	50,110.84	6/11/2016	45,053.42
6/22/2013	54,690.28	6/21/2014	48,768.14	6/20/2015	47,109.22	6/18/2016	46,179.18
6/29/2013	55,991.38	6/28/2014	49,250.32	6/27/2015	55,325.14	6/25/2016	47,230.00
6/30/2013	11,509.54	6/30/2014	12,010.70	6/30/2015	16,018.68	6/30/2016	27,584.00

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**3,580,645.18**

**3,261,565.02**

**3,148,372.80**

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**3,167,478.80**

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**927,030.24**

## Table Game Revenue

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July/August, 2010	154,185.68	July, 2011	141,718.01	July, 2012	138,663.64	July, 2013	99,274.36
September, 2010	94,247.84	August, 2011	137,473.92	August, 2012	133,245.83	August, 2013	111,427.75
October, 2010	105,903.60	September, 2011	110,375.25	September, 2012	127,532.40	September, 2013	80,857.74
November, 2010	108,717.67	October, 2011	124,273.94	October, 2012	126,482.02	October, 2013	81,066.09
December, 2010	118,721.11	November, 2011	121,118.87	November, 2012	134,443.93	November, 2013	79,853.94
January, 2011	106,189.21	December, 2011	140,509.93	December, 2012	146,677.92	December, 2013	79,617.31
February, 2011	105,776.45	January, 2012	137,812.68	January, 2013	132,650.35	January, 2014	75,093.81
March, 2011	120,927.10	February, 2012	142,770.01	February, 2013	121,636.62	February, 2014	75,170.90
April, 2011	130,654.61	March, 2012	151,845.46	March, 2013	149,033.62	March, 2014	78,201.51
May, 2011	130,492.02	April, 2012	127,862.26	April, 2013	105,545.23	April, 2014	72,380.72
June, 2011	121,576.41	May, 2012	137,905.13	May, 2013	109,747.38	May, 2014	93,191.89
		June, 2012	129,235.38	June, 2013	104,803.37	June, 2014	72,350.70
<b>Total 2010-2011</b>	<b>1,297,391.70</b>	<b>Total 2011-2012</b>	<b>1,602,900.84</b>	<b>Total 2012-2013</b>	<b>1,530,462.31</b>	<b>Total 2013-2014</b>	<b>998,486.72</b>

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2014	78,639.07	July, 2015	75,674.79	July, 2016	77,234.20
August, 2014	84,726.51	August, 2015	70,064.73		
September, 2014	71,967.51	September, 2015	64,845.44		
October, 2014	66,257.02	October, 2015	68,440.97		
November, 2014	71,046.66	November, 2015	67,488.54		
December, 2014	76,797.24	December, 2015	73,055.05		
January, 2015	73,346.66	January, 2016	67,545.11		
February, 2015	66,262.78	February, 2016	65,518.59		
March, 2015	73,747.70	March, 2016	72,986.23		
April, 2015	76,343.68	April, 2016	68,149.38		
May, 2015	78,424.23	May, 2016	76,415.84		
June, 2015	81,569.83	June, 2016	62,572.11		
<b>Total 2014-2015</b>	<b>899,128.89</b>	<b>Total 2015-2016</b>	<b>832,756.78</b>	<b>Total 2016-2017</b>	<b>77,234.20</b>

**Table Game Revenue Distribution - Jefferson County School Board**

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2011	425,154.03	July, 2012	415,990.92	July, 2013	297,823.08	July, 2014	235,917.21
August, 2011	412,421.76	August, 2012	399,737.49	August, 2013	334,283.25	August, 2014	254,179.53
September, 2011	331,125.75	September, 2012	382,597.20	September, 2013	242,573.22	September, 2014	215,902.53
October, 2011	372,821.82	October, 2012	379,446.06	October, 2013	243,198.27	October, 2014	198,771.06
November, 2011	363,356.61	November, 2012	403,331.79	November, 2013	239,561.82	November, 2014	213,139.98
December, 2011	421,529.79	December, 2012	440,033.75	December, 2013	238,851.93	December, 2014	230,391.72
January, 2012	413,438.04	January, 2013	397,951.05	January, 2014	225,281.43	January, 2015	220,039.98
February, 2012	428,310.03	February, 2013	381,857.07	February, 2014	225,512.70	February, 2015	198,788.34
March, 2012	455,536.38	March, 2013	447,100.86	March, 2014	234,604.53	March, 2015	221,243.10
April, 2012	383,586.78	April, 2013	316,635.69	April, 2014	217,142.18	April, 2015	229,031.04
May, 2012	413,715.39	May, 2013	329,242.14	May, 2014	279,575.67	May, 2015	235,272.69
June, 2012	387,706.12	June, 2013	314,410.11	June, 2014	217,052.10	June, 2015	244,709.49
<b>Total 2011-2012</b>	<b>4,808,702.50</b>	<b>Total 2012-2013</b>	<b>4,608,334.13</b>	<b>Total 2013-2014</b>	<b>2,995,460.18</b>	<b>Total 2014-2015</b>	<b>2,697,386.67</b>

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2015	227,024.37	July, 2016	231,702.60
August, 2015	210,194.19		
September, 2015	194,536.32		
October, 2015	205,322.91		
November, 2015	202,465.62		
December, 2015	219,165.15		
January, 2016	202,635.33		
February, 2016	196,555.77		
March, 2016	218,958.69		
April, 2016	204,448.14		
May, 2016	229,247.52		
June, 2016	187,716.33		
<b>Total 2015-2016</b>	<b>2,498,270.34</b>	<b>Total 2016-2017</b>	<b>231,702.60</b>