



AGENDA  
Jefferson County Planning Commission  
Tuesday, May 9, 2017, 7:00 PM

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

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

1. Approval of Meeting minutes:
  - April 11, 2017.
2. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
3. Request for postponement.
4. **Public Workshop** for a Concept Plan (File# S17-05) for the H & G Contracting, LLC Property. The applicant is requesting approval for a proposed 10,640 sq. ft. retail building (proposed Dollar General) with associated parking on a total proposed 2.4 acre +/- lot (comprised of a 1.85 acre +/- portion of the 3.85 acre Parcel 23 and a 0.5 acre +/- portion of the 3.83 acre Parcel 32.2 -- to be merged). The property is located at 7174 Martinsburg Pike and is designated as Tax District: Shepherdstown (09); Tax Map: 7; portion of Parcels 23 and 32.2. Zoned: General Commercial and Residential Growth.

**There is no public comment for the remaining items.**

5. Discussion and review of Historic Landmarks Commission's proposed draft amendment to the Jefferson County Zoning and Land Development Ordinance to improve historic and cultural resource protections based on the recommendations of the Envisions Jefferson 2035 Comprehensive Plan for the purpose of scheduling a public hearing.
6. Reports from Legal Counsel and legal advice to the Planning Commission.
  - a) Active Litigation:
    - Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session.
7. Planners Memo.
8. President's Report.
9. Actionable Correspondence.
10. Non-Actionable Correspondence.

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

Planning Commission meeting are retained as part of the official record. Feel free to submit your comments to office of the Departments of Planning and Zoning.

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

**DRAFT**

Jefferson County Planning Commission  
April 11, 2017

The Jefferson County Planning Commission met on April 11, 2017 with the following Commission members present: Gary Phalen, Wade Louthan, Steve Stolipher, Vice President; Donnie Fisher, President; Ron Thomas, Peter Onoszko, and Ray Bruning. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders County Engineer; Nathan Cochran, Assistant Prosecuting Attorney; and Rhonda Greenholtz, Planning Clerk.

Mr. J. Ware and Mr. Gene Taylor were absent with prior notification.

Mr. Fisher called the meeting to order at 7:00 PM.

1. New Planning Commission members Mr. Ron Thomas and Mr. Ray Bruning were welcomed. Introduction to new members were made by current members and staff.
2. Approval of the minutes from the following Planning Commission Meeting
  - March 28, 2017The minutes were approved with no objections.
3. Citizen Communications. None.
4. Request for postponement. None.
5. A Public Workshop was held for a Concept Plan for Grace Baptist Church by applicant Trustees of the Grace Baptist Church (File#S17-03). The applicant is proposing a 2 Phase Church Project. Phase 1 is to consist of a 6000 SF Church building on well and septic with a proposed gravel surface parking lot. Phase II will consist of the replacement of the western most parking area with a second 6000 SF Church building. The property is designated as Tax District: Middleway (07); Tax Map: 2; Parcel 2.6. Zoned: Rural; Size: 3.91 ac.

Ms. Jennifer Brockman gave an overview of the Public Workshop process and explained that this project is classified as a Minor Site Development. This next step after the acceptance of the Concept Plan is to submit a Site Plan which will be processed administratively. This project is located at the old Walls Nursery site on Charles Town Road (WV 115) near the Berkeley County line.

Ms. Lisa McCauley, Allegheny Surveys, Representative for the applicant presented the project. Ms. McCauley was present to answer any questions regarding the Concept Plan. Pastor Bush with the Grace Baptist Church was also present to answer any questions. Ms. McCauley spoke that the summary submitted speaks for itself. The full build-out of the site is shown on the Concept Plan. The construction will be phased as the Church will not be building both of the buildings at the same time. Each building is 6,000 sq. ft. The plan includes infrastructure consisting of parking and septic. The stormwater management pond is existing and will be slightly modified to meet the current requirements. There will be a

landscape buffer along the western property line, street trees along WV 115, and unscreened buffer along the other property lines to the north.

Ms. Jennifer Brockman gave an overview of responses received from outside agencies regarding the Concept Plan.

- The Office of GIS noted that once the second building is constructed the 50' access easement will be required to be named as this will be the third addressable structure.
- The Jefferson County Historic Landmarks Commission provided information that there are no cataloged County Resources on this property therefore there are no objections.
- The West Virginia Department of Highways (WVDOH) has responded that they had received the plan and will comment at the Site Plan stage to determine if a traffic study is required. The Subdivision Regulations now defer this determination to the WVDOH.
- At this time, no other outside agencies have responded.

Ms. Brockman stated that this plan is in conformance with the Envision Jefferson County 2035 Comprehensive Plan and the Zoning and Land Development Ordinance. Staff therefore recommends approval of the Concept Plan.

The next step for this project is the submittal of a Site Plan which is administratively reviewed and approved.

Mr. Donnie Fisher opened up the floor to Public Comment. No Public Comment was made.

Mr. Fisher closed the floor to Public Comment.

Mr. Fisher made a motion to approve the Concept Plan. Mr. Wade Louthan seconded the motion which passed unanimously.

6. **Public Workshop** for a Concept Plan for Colonial Hills Phase 3A (File#17-06) by applicant KE Colonial, LLC (Formerly Mark-Colonial Hills, LLC). The applicant is proposing 61 Townhouse Units, open space and storm water management areas and the construction of associated utilities. The property is designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcel 10. Zoned: Residential Growth; Size: a 7.92 acre+/- portion of the 27.15 acre parcel.

Mr. Steve Stolipher recused himself from this item citing conflict of interest.

Ms. Brockman presented an overview of the project. This project originally processed under the old Subdivision Ordinance and has an approved Community Impact Statement (CIS) to develop this areas as apartments. The CIS was amended to change the apartments to townhouses at this location. The previously approved and amended CIS has expired and therefore Phase 3A of the Colonial Hills development is required to start over. This Concept

Plan is for Phase 3A only. The original Phase 3 which includes single family lots and the future lot for the apartments/townhouse and two commercial lots has been final platted, recorded, and bonded. The Residential Growth zoning designation allows for the requested 61 townhouse units.

Ms. Brockman also gave an overview of the Public Workshop process and explained that this project is classified as a Major Subdivision. This next step for this project after the acceptance of the Concept Plan is to submit a Preliminary Plat which will require a Public Hearing before the Planning Commission after it has been reviewed administratively and staff has deemed it complete.

Ryan Perks, Gordon, Representative for the applicant spoke. The owner, Mr. Rick Fink, was also present. The balance of Phase 3 consists of 34 single family lots and has two access points to Potomac Farms Drive (Alternate 45), one of which connects to the existing Lowe Drive. To the east of the proposed Phase 3A site is the home of the future Shepherdstown Public Library which will access from the internal subdivision road known as Lowe Drive. An agreement has been entered into with the Library to share the stormwater management facilities. Portions of the quantity control will be on the Phase 3A site while the other portion will be on the Library site. This will cut down on infrastructure costs and also free up some space on both sites. The owner of Colonial Hills Phase 3A will build Lowe Drive from Potomac Farms Drive through Phase 3 so that the Library can construct their site as well as provide access to the townhome subdivision.

Ms. Brockman clarified that the stormwater management for Phase 3A is master planned as part of Phase 3. Some of the stormwater management shown is already designed and is part of the bonded portion of Phase 3 but will be slightly modified with this Concept Plan. An amendment will be made to Phase 3 while Phase 3A is being processed.

Ms. Jennifer Brockman gave an overview of responses received from outside agencies regarding the Concept Plan.

- WVDEP (West Virginia Department of the Environment) responded and had no outstanding concerns.
- The Office of GIS' biggest concern is the timing in the completion of Lowe Drive so that they can assure safe and timely response for emergency services. The Office of GIS encourages the connection be completed sooner rather than later in the project.
- The Jefferson County Historic Landmarks Commission wanted to encourage the petitioner to propose unit design variety within the project to maintain compatibility with Shepherdstown and the surrounding area.
- The Jefferson County Sheriff's office provided comments that emergency services will be provided.
- The WVDOH has amended the current entrance permit to increase to the 61 townhomes and is valid until the end of the year.

The project is in conformance with the standards in the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations with the exception of one

outstanding comment, which is that townhouse developments require two entrances. This plan shows only one entrance off of Lowe Drive. The applicant and staff will work together to determine if a waiver is required or if the design needs to be modified.

Mr. Fisher inquired to whom is responsible for making the connection to Lowe Drive.

Mr. Perks stated that the connection of Lowe Drive to the existing portion at the Library site is part of the original Phase 3 construction plan.

Ms. Brockman asked Mr. Perks if this road construction is part of Phase 3A.

Mr. Perks responded that it is not part of this Phase.

Mr. Fisher opened the floor up to public comment. No public comment was made.

Mr. Fisher closed the floor to public comment.

Mr. Peter Onoszko asked to see the aerial photograph of the site and commented that there appears to be potential connectivity leading onto the existing Potomac Farms Drive.

Mr. Perks explained that the applicant believes that the proposed design meets the required two entrances to the Phase 3A section because the townhouse development will be able to utilize Lowe Drive to the west to connect to Potomac Farms Drive and to utilize the extension of Lowe Drive to the east which goes past the Clarion Hotel to WV 480.

Mr. Gary Phalen made a motion to approve the proposed Concept Plan. Mr. Ron Thomas seconded the motion. A vote was taken which passed unanimously.

7. **Public Hearing** was held for a waiver to allow a two (2) lot Nonresidential Subdivision (File#PCW17-01) to advance to Final Plat stage and process as a Minor Subdivision (Section 20.201B). The applicant is requesting to be able to create an approximate 1.5 acre parcel and a 2.25 acre parcel to market and sell to a commercial entity. The property is designated as Tax District: Shepherdstown (09); Tax Map: 7; Parcel 23. Zoned: General Commercial; Size: 4.01acre.

Ms. Brockman stated two errors were found in the staff report.

- The proposal is to create two lots -- approximately 1.5 acres and 2.5 acre (not 2.25 acres) for a total of approximately 4 acres.
- The Zoning designation for this property is General Commercial. This property was rezoned from Residential Growth to General Commercial in 2015 which is in conformance with the new Envision Jefferson 2035 Comprehensive Plan.

Ms. Brockman apologized for not catching those errors earlier.

Ms. Brockman provided a brief overview of the request. Historically there were no provisions in the Regulations for a commercial property to process as a Minor Subdivision. She briefly explained the Minor Subdivision process to the new members. The Regulations currently allow a nonresidential development to process as a minor subdivision only if it is located in an approved industrial park or existing major non-residential subdivision. Because this property is currently undeveloped, it would be required to process as a Major Subdivision.

The applicant is requesting a waiver from this provision and to be allowed to process under the Minor Subdivision process, which means it would be administratively approved other than this meeting. Typically a major subdivision process requires a Preliminary Plat be submitted showing all the construction documents (roads, water, sewer, stormwater management, etc.). This property is proposed to have onsite well and septic and the stormwater management. No off-site infrastructure is proposed. An entrance will be shared by the two lots off of WV 45 and will require WVDOH approval. If approval of this waiver is granted by the Planning Commission, the Final Plat will be administratively approved. However, as they are commercial lots, a Concept Plan and, potentially, a Site Plan will come before this body for approval for each lot. Staff has no issues with the concept or this waiver due to the fact that there is no off-site infrastructure; however, if the Planning Commission approves this request, staff asks that the access easement be recorded on the Final Plat or at the same time, to make it clear that access is being provided.

Mr. Mike Shepp, representative for the applicant spoke. Mr. Paul Raco, consultant for the applicant was also present. Mr. Shepp stated that the Preliminary Plat is intended to address design and construction elements of the subdivision process. There are no design elements for the subdivision of this property as all infrastructure will be on site. It has the same requirements as the Minor Subdivision. WVDOH entrance permit as well as Health Department approval will be required. The Concept Plan for the proposed lots is scheduled to be heard at the May 9, 2017 Planning Commission meeting.

Mr. Donnie Fisher asked if the applicant would be willing to record the access easement with the Final Plat per the Staff recommendation.

Mr. Shepp agreed that the access easement will be recorded with the Final Plat.

Mr. Gary Phalen asked for confirmation that the proposed use is permitted in the General Commercial zoning category.

Ms. Brockman confirmed that this property was included in the Shepherdstown Urban Growth Boundary as part of the Envision Jefferson 2035 Comprehensive Plan. This property was rezoned after the adoption of the Comprehensive Plan.

Mr. Paul Raco clarified that the exact final size of the proposed 1.5 acre lot will be determined after the Concept Plan is presented at the May 9, 2017 Planning Commission meeting to ensure there is adequate area to meet all of the Subdivision Regulation

requirements. A Concept Plan is required for any commercial development greater than 5,000 sq. ft. Following approval of the Concept Plan, the Site Plan will be administratively reviewed and approved. Mr. Shepp stated that the stormwater management and other specific design elements will be included on the Site Plan.

Mr. Fisher opened the floor to Public Comment. He reminded citizens that comments are to address the Waiver to advance to Final Plat only. Future uses and the Concept Plan will not be addressed at this meeting.

Mr. Jeff Hertrick, Resident of Venice Way, spoke. Mr. Hertrick presented pictures of the adjoining property road access. Currently only two households use Venice Way. There is a potential of over a hundred homes to be built in the area. Mr. Hertick is concerned with future traffic and the location of the proposed easement and opposes the granting of this waiver.

Mr. Martin Herbert, Springs of Shepherdstown resident, spoke. Mr. Herbert believes the re-zoning of this property did not occur properly and was not in the Envision Jefferson 2035 Comprehensive plan initially. Mr. Herbert is concerned with the lack of transparency as granting this waiver would allow this project to process administratively. He asked that the Planning Commission members consider that by doing this, the citizens would not be able to voice their concerns. He also is opposed to the granting of the waiver.

Mr. Doug Horner, Heatherfield resident, spoke. The entrance to the Heatherfield subdivision is approximately 40-50 yards west of the proposed entrance. The potential impact on wetlands should be considered. Site distance is of concern as it currently is obstructed by vegetation to the west and feels it is a very unsafe location. Traffic is frequently heavy and Mr. Horner concurs with the past two speakers, as this is primarily a residential area and encourages the Planning Commission to vote against it.

Mr. Fred Gates, Gates Associated and owner of an adjoining property, spoke. There is approximately 278 acres that has had the access to WV 45 improved. The entrance was built specifically for this access. Mr. Gates believes the information was coyly presented and incomplete. He does understand that the waiver is the only item to be addressed at this meeting. Mr. Gates showed the entrances that the WVDOT required for access to the property owned by him. The construction of another entrance and any road improvements are of concern to him and suggested that the site be accessed internally from the existing entrance.

Ms. Brockman informed the commission that written comments had been received and are a part of their package.

Mr. Shepp was given an opportunity to rebut citizen comments. The public hearing item at this meeting related to the requested waiver to advance to final Plat, not the Site Plan. No engineering is proposed as a part of this subdivision. Mr. Shepp stated he does not know if the property owner intends to develop the Residential Growth land to the south of this

property or how it would be accessed. There was no lack of transparency in the rezoning of the property. The opportunity was previously had for the public to state their concerns. The WVDOH is the determining authority on the entrance. Mr. Raco stated that he has reached out to the WVDOH and they will comment when the Site Plan has been submitted to their office. The WDOH and Health Department approvals will be required at that stage.

Mr. Shepp stated that the Concept Plan will be presented at the Planning Commission meeting to be held on May 9, 2017 and encourages the public to voice their concerns at that time.

Ms. Brockman stated that the Concept Plan will lead to the Site Plan which will include construction documents.

Mr. Wade Louthan asked if the Planning Commission would be notified if the applicant stepped outside of the Minor Subdivision criteria. Ms. Brockman confirmed that this would happen and noted that if the road is constructed back to the Residential Growth zoning, it would be required to process as a major subdivision.

Mr. Phalen restated that there is an opportunity for public input into the Concept Plan at the May 9, 2017 Planning Commission meeting.

Ms. Brockman explained the reason for the order of the applications related to the waiver and the Concept Plan.

Mr. Fisher restated that the approval of the entrance is deferred to the WVDOH as they are the approving authority.

Ms. Brockman stated that the acreage on the lots are approximate and dependent on Health Department requirements for the septic system, the well location and the entrance permit approval.

Mr. Steven Stolipher made a motion to approve the waiver to process as a Minor Subdivision with the condition that the easement be recorded with this subdivision.

Mr. Phalen seconded the motion which passed unanimously.

8. Reports from Legal Counsel and legal advice to the Planning Commission.

a) Active Litigation:

- Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session.

Mr. Cochran stated no new reports on this case.

Minutes  
Planning Commission  
March 28, 2017

9. Planners Memo.

- The LESA/Cluster Amendment was approved on March 16, 2017 and is in effect.
- The extension of vested properties by SB 595 was approved by the County Commission until July 1, 2020.
- A Public Hearing was held by the County Commission regarding the Rezoning of Middleway Market and it was left open until April 6, 2017 at which time it was approved.
- An update on the amendments to the Zoning Ordinance and Subdivision Regulations was given.

10. President's Report. None

11. Actionable Correspondence. None

12. Non-Actionable Correspondence. None

The next Planning Commission will be held on May 9, 2017

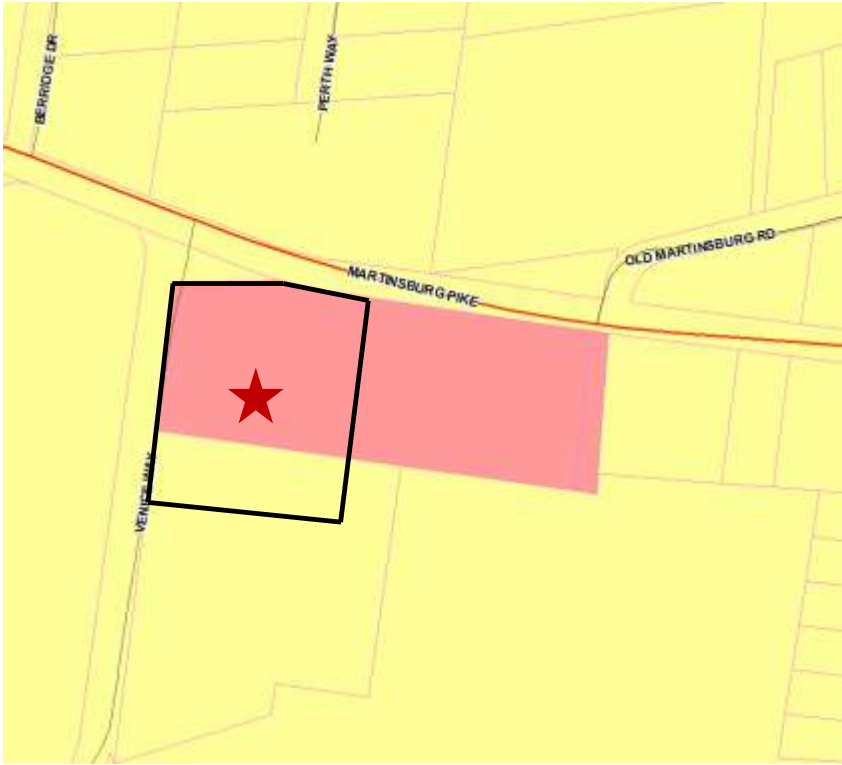
Mr. Fisher motioned to adjourn the meeting at 7:55 PM with no objections.

## STAFF REPORT

Jefferson County Planning Commission

May 9, 2017

Item # 4 **Public Workshop:** Concept Plan (File# S17-05) for the construction of a 10,640 sq. ft. retail building (proposed Dollar General) with associated parking on a total proposed 2.4 acre lot +/- (comprised of a 1.85 acre +/- portion of the 3.85 acre Parcel 23 and a 0.5 acre +/- portion of the 3.83 acre Parcel 32.2 -- to be merged).

APPLICANT:	H & G Contracting, LLC
OWNER:	Same as above
DEVELOPER:	Team Development
CONSULTANT:	P.J. Raco Consulting, LLC
PROPERTY LOCATION:	The property is located at 7174 Martinsburg Pike (Route 45), east of Venice Way
LEGAL DESCRIPTION (Approximate proposed boundary) & ZONING DISTRICT	<p style="text-align: center;">District: Middleway (09); Map: 7 Parcels 23 and 32.2 Size: 3.85 Ac. and 3.83 Ac. respectively Zoning District: General Commercial (GC) &amp; Residential Growth (RG)</p> 
SURROUNDING PROPERTIES	Zoning Map Designation North: Residential Growth    South: Residential Growth East: General Commercial    West: Residential Growth
PROPOSED ACTIVITY	Construction of 10,640 sq. ft. retail store (Dollar General) with associated parking.
PREVIOUS APPROVALS	
ZONING MAP AMENDMENT	09/17/15: Z15-02 County Commission approved request to rezone property from Residential Growth (RG) to General Commercial (GC).

# STAFF REPORT

## Jefferson County Planning Commission

May 9, 2017

PLANNING COMMISSION VARIANCES/WAIVERS	04/11/17: PCW17-01 Planning Commission approved request to advance to Final Plat stage using the Minor Subdivision process.
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### Introduction and Summary of Request

The applicant is proposing the construction of a 10,640 sq. ft. retail building (proposed Dollar General) with associated parking on a lot to be created which will consist of 2.4 acre lot +/- . This new lot will be created by a minor subdivision of Parcel 23 and a merger with a portion of Parcel 32.2. The portion of this newly created lot that is now a part of Parcel 23 is zoned General Commercial and the portion of this lot that is now a part of Parcel 32.2 is zoned Residential Growth. No portion of the commercial activity will occur on the residentially zoned portion of the lot. The portion of Parcel 32.2 that is being merged will provide the 75 foot distance requirement from a lot in the Residential Growth district as required by Section 4.6B of the Zoning Ordinance.

The property is located on the south side of Martinsburg Pike (WV 45) between Shepherdstown and Berkeley County. Both properties created by the subdivision will be served by well and septic and will share an access off WV 45.

### Background of Property

The County Commission approved a request to rezone Parcels 23 and 32.1 from Residential Growth (RG) to General Commercial (GC) in September 2015. The applicant is proposing to divide the existing Parcel 23 into two commercial lots with a shared access off WV 45. The applicant received approval to allow this division to advance to the Final Plat stage using the Minor Subdivision process. The western lot created by this subdivision portion will also be merged with a 0.5 ac +/- portion of Parcel 32.2 to provide an adequate buffer from a lot in the Residential Growth district.

### Site Plan Category

The site development associated with this Concept Plan is governed by the Subdivision Regulations. Section 20.203 requires developments with “buildings, both new and additions to existing, where all new structures or new additions to structures located on a parcel total more than 5,000 square feet and less than 250,000 square feet of gross floor area (GFA)” to process a Concept Plan with a public workshop and then process administratively as a Minor Site Development. Additionally, the Subdivision and Land Development Regulations further defines Minor Site Developments as “those proposals that do not require the development of new infrastructure or the extension of existing off-tract infrastructure.”

### Staff Determination of Application Sufficiency and Concept Plan Completeness Review

In accordance with the current Subdivision Regulations, the Concept Plan process incorporates a sufficiency and completeness review in a single step. Upon second submission and review of the applicant’s Concept Plan, Staff found the submitted plan “sufficient” (i.e. meeting all requirements of Section 24.106 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the proposed retail building application, are provided below:

## STAFF REPORT

Jefferson County Planning Commission

May 9, 2017

	<b>Description</b>	<b>Status</b>
<b>1. General Location</b>	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
<b>2. Concept Plan</b>	In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan &amp; Plat Standards</i> .	Provided
<b>3. Zoning Information</b>	<ul style="list-style-type: none"> <li>a) Zoning District in which the proposed development is located.</li> <li>b) Density calculations.</li> <li>c) Site resource map</li> <li>d) Use designation for all adjoin and confronting parcels</li> </ul>	Provided
<b>4. Proposal Description</b>	A written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided in Concept Plan application
<b>5. Traffic Impact Data</b>	<ul style="list-style-type: none"> <li>a) Average Daily Trip (ADT) figures for the adjoining or accessible State road.</li> <li>b) Trip generation figures</li> <li>c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan.</li> <li>d) "Highway Problem Areas" according to the current Comprehensive Plan that falls within a one-mile radius of the project.</li> </ul>	Provided in Concept Plan application
<b>6. Traffic Study</b>	A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the Site Plan.	Input from DOH will be required at the Site Plan stage
<b>7. Agency Reviews</b>	The applicant shall distribute the concept plan to all reviewing agencies found in Section 23.203 and 23.204 no later than 7 days after the review.	Letters to required agencies provided; see below
<b>D. Department</b>	<p>The Department review shall include the following:</p> <ul style="list-style-type: none"> <li>1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in a Site Plan submittal.</li> <li>2. Staff opinion as to whether the plan meets the Site Plan criteria of these Regulations. The Department</li> </ul>	Staff determined that the proposed Concept Plan has met the requirements of the Zoning Ordinance and

## STAFF REPORT

Jefferson County Planning Commission

May 9, 2017

	shall review the Concept Plan for modifications that would improve the plan.	the Subdivision Regulations
<b>E./F. WVDOH</b>	WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study is needed, parameters shall be provided. The review shall indicate whether a traffic impact study will be required based on analysis required in Section 24.106.B.5.	WVDOH will determine if a Traffic Study is required; if so, this is required at the Site Plan stage.
<b>G. Public Service</b>	The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.	This project will be served by on-site septic and well.
<b>H. Recommended Conditions</b>	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	See below

### Concept Plan Review

#### 1. External Agency Reviews

Comments have been received from the following agencies (see attached):

- Jefferson County Historic Landmarks Commission's (JCHLC) comments are attached and they have no objections or comments in the proposed project.
- Office of Sheriff and Treasurer of Jefferson County comments are attached.
- Corporation of Shepherdstown sent a letter confirming that public water and sewer are not proposed to be extended to this property at this time.

As of this date, no other agency review comments have been received.

#### 2. Staff Recommendation related to Concept Plan

The Subdivision Regulations state that unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff is required to accept or deny the concept plan as complete. Upon accepting the application as complete, Planning staff is required to place it on the next possible Planning Commission agenda as a public workshop, which is advertised at least fourteen (14) days in advance of the meeting and posted on the property.

**The Office of Planning and Zoning Staff finds the Concept Plan for the proposed 10,640 sq. ft. retail building (proposed Dollar General) with associated parking to be "complete" based on the information provided related to the criteria above.**

Based on the Subdivision Regulations, noted above, the site plan will process as a Minor Site Development.

## STAFF REPORT

Jefferson County Planning Commission

May 9, 2017

### 3. Planning Commission Direction

The Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan before complete engineering design and cost are incurred. The Subdivision and Land Development Regulations outline the procedure:

1. The applicant makes a short presentation.
2. Staff explains outside agency comments and whether the plan can meet the standards of the Zoning Ordinance.
3. Public comment is solicited.

Following the applicant's presentation, staff's explanation, and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under Concept Plan Direction outlined in the Subdivision Regulations. The Planning Commission has the option of providing this direction at the same meeting during which the Concept Plan public workshop takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public workshop is closed.

Section 24.108 of the Subdivision and Land Development Regulations outlines the direction to be provided to the applicant during a Minor Site Plan Concept Plan review:

“The Planning Commission shall direct the preparation of a Site Plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.”

It should be noted that the direction provided to the applicant in the Minor Site Plan Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to the Subdivision and Land Development Regulations or the Zoning and Land Development Ordinance in the second year shall be applicable.



April 24, 2017

Mr. Paul Raco  
P.J. Raco Consulting, LLC  
P.O. Box 548  
Charles Town, West Virginia 25414

Re: Jefferson County Concept Plan Submittal  
Dollar General

Dear Mr. Raco,

I have reviewed the Concept Plan for the Dollar General, dated March 24, 2017, and submitted to the JCHLC April 2017 by P.J. Raco Consulting of Charles Town, West Virginia. The submittal documents outline the proposed site plan and topography of the proposed commercial development on State Route 45 in Jefferson County, WV.

A Category III County Historic Resource is in proximity of the project site, directly north of the parcel, across Route 45. There are no cataloged County Historic Resources from the 2007 JCHLC survey located on the development parcel described in these submittal documents.

The JCHLC to has no objections to the proposed Dollar General Concept Plan since there are no listed County Historic Resources on the development parcel and the proposed development does not extend beyond the current parcel boundaries.

If you have any questions or need additional information, please feel free to contact me.

A handwritten signature in blue ink, appearing to read "S. Lambert".

Sara Lambert  
Commissioner, JCHLC  
P.O. Box 23  
Charles Town, West Virginia 25414  
707-326-6443

cc: Ms. Jennifer Brockman, Jefferson County Planning Department (via email)  
Mr. Martin Burke, JCHLC Chair (via email)



# Office of Sheriff and Treasurer of Jefferson County

Law Enforcement Office  
102 Industrial Blvd  
Kearneysville, WV 25430  
304-728-3205  
Fax: 304-728-3299

Tax Office  
PO Box 9  
Charles Town, WV 25414  
304-728-3220  
Fax: 304-728-4034

*April 6, 2017*

*JC Department of Planning and Zoning  
VIA FACSIMILE and Inner Office Mail  
304-728-8126*

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APR 10 2017

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

*Re: Rt 45 Dollar General*

*Dear Ms. Brockman:*

*This is in response to the request from Mr. Raco with P. J. Raco Consulting LLC that this office furnish you with an account with respect to our ability to respond to calls for service regarding matters of law enforcement and preservation of the peace at the proposed Dollar General located on Route 45 at 7174 Martinsburg Pike west of Shepherdstown in Jefferson County, West Virginia.*

*The Sheriff's Office is charged with the affirmative duty of investigating criminal activity, preserving the peace, and enforcing the law. This duty extends to all corners of the county and to any community, subdivision or a business property without regard to size or location.*

*However, as our community continues to grow, it becomes progressively more difficult to assure timely response due to the significant increase in the number of calls for service with the staffing that is currently being provided to the Sheriff's Office. On occasion, calls for service must be handled on a priority basis where the most-serious, urgent type of events must receive priority in response and other, less serious calls for service, are responded to as quickly as manpower becomes available.*

*The foregoing should not be construed as an expression from this office that we are unable or unwilling to respond to calls for service in a timely manner. Given the resources and level of manpower with which we are obligated to work, our level of service is, and will continue to be responsive, timely, and efficient in carrying out our duties and responsibilities in the areas of law enforcement, criminal investigation and preservation of the peace in the Jefferson County community.*

*Sincerely,*

*Peter H. Dougherty  
Sheriff and Treasurer  
Jefferson County*



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JEFFERSON COUNTY PLANNING  
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**CORPORATION OF SHEPHERDSTOWN**

104 NORTH KING STREET  
P.O. Box 248  
SHEPHERDSTOWN, WEST VIRGINIA 25443-0248  
TEL: (304)876-2312  
FAX: (304) 876-1473

April 11, 2017

Re: Water/Sewer Service

To whom it may concern:

At the present time, there is no Water or Sewer service on the Catrow property located on Rt. 45 (7174 Martinsburg Pike). The closest water main for service is at the Water Tanks and the closest sewer main is at the Maddox Farm Shopping Center.

Any questions can be directed to Frank Welch, Public Works Director of Shepherdstown, at 304-876-3322.

Sincerely,

*Frank Welch*

Frank Welch

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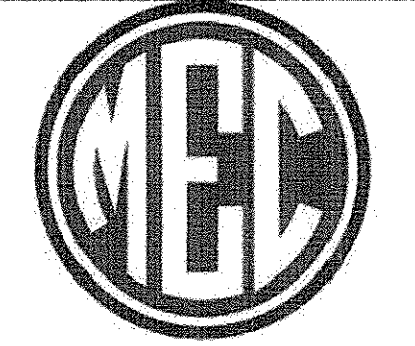
JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

DESCRIPTION/ITE CODE	UNITS	ITE VEHICLE TRIP GENERATION RATES								EXPECTED UNITS	TOTAL GENERATED TRIPS			TOTAL DISTRIBUTION OF GENERATED TRIPS					
		WEEKDAY	AM	PM	PASS-BY	AM IN	AM OUT	PM IN	PM OUT		DAILY	AM HOUR	PM HOUR	AM IN	AM OUT	PASS-BY	PM IN	PM OUT	PASS-BY
FREE-STANDING DISCOUNT STORE #15	KSP <sup>2</sup>	57.24	1.06	4.88	17%	68%	32%	50%	50%	10.60	609	11	53	6	3	2	22	22	9



SITE DATA TABLE	
ZONING:	GC - GENERAL COMMERCIAL
FLOOD ZONE:	FLOOD ZONE "X" PER FEMA FLOOD ZONE MAP NO. 54037C 0047E, DATED DECEMBER 18, 2009
BUILDING SETBACKS:	FRONT: 20 FOOT REAR: 10 FOOT SIDE YARD: 25 FOOT
TOTAL SITE AREA:	102,987± SQ.FT. 2.36± ACRES
PARKING PROVIDED:	REGULAR SPACES: 43 SPACES HANDICAP SPACES: 2 SPACES TOTAL PROVIDED: 45 SPACES

DEVELOPER:  
**Team Development**  
 1234 Del Este Avenue, Suite 802  
 Denham Springs, LA 70726  
 225-243-5000  
 E-mail: team@teamedvlc.com



SEAL:  
**Moore Engineering & Consulting, Inc. (MEC, Inc.)**  
 1551 CR #703  
 Blue Mountain, MS  
 (225)-802-1547  
 e-mail: tjmoore@meinc2013.com



5501 Remington Road  
 Moss Point, MS 39562  
 (228)-990-3062  
 floyd@wdgroup.us

**DOLLAR GENERAL**  
 76' X 140' (10,640 SQ.FT.)  
 PROTOTYPE "A" PLUS  
 MARTINSBURG PIKE  
 (WV STATE ROUTE 45)  
 SHEPHERDSTOWN, WV

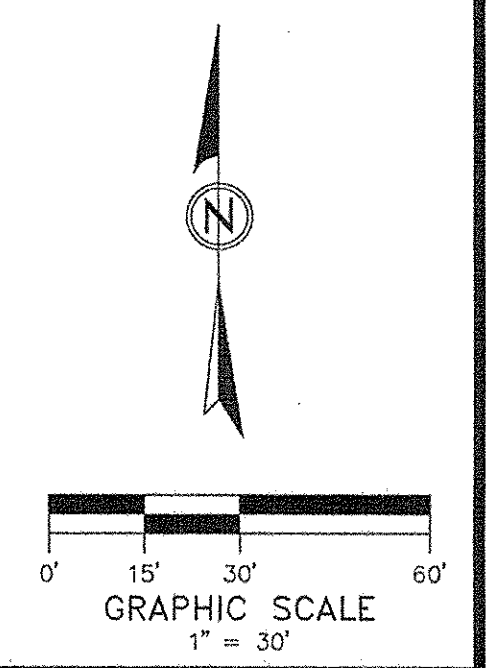
DRAWING DESCRIPTION:  
**CONCEPTUAL SITE PLAN**

REVISIONS		
NO.	DATE	CONTENTS

DATE: \_\_\_\_\_  
 PROJ. NO.: \_\_\_\_\_  
 DWN. BY: \_\_\_\_\_  
 CK'D. BY: \_\_\_\_\_  
 SCALE: \_\_\_\_\_  
 CAD FILE: \_\_\_\_\_  
 SHEET

**C2.0**  
 VERIFY SCALES  
 BAR IS ONE INCH ON ORIGINAL DRAWING  
 IF NOT ONE INCH ON THIS SHEET ADJUST SCALES ACCORDINGLY

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 JEFFERSON COUNTY PLANNING,  
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#S17-05 (CP)



Staff shall advertise the public workshop in a local newspaper of general circulation in the area one time at least 21 days in advances of the meeting and send notice by mail to the adjoining property owners at least 14 days prior to the meeting. The applicant shall post notice on the property at least 14 days in advance of the meeting.

**Sec. 24.107 Minor Site Plan Concept Plan - Workshop<sup>6</sup>**

At the scheduled Planning Commission meeting, the Planning Commission shall hold a public workshop to take public comments, concerns, and input on the proposed Concept Plan. This workshop is intended to provide the developer and the Planning Commission with said public input.

- A. **Plan Presentation.** The developer shall make a short presentation of the plan.
- B. **Agency Comments.** The Staff shall briefly outline agency comments. The Office of Planning and Zoning shall specifically address whether the project can meet the standards of the Zoning Ordinance.
- C. **Public Comment.** The public will be invited to comment. The Planning commission shall direct participants to briefly cite concerns or ask questions of the Planning Commission. The intent of this procedure, like the Department comments, is to inform the developer and Planning Commission with regard to issues that should be addressed in the Site Plan and report such transportation or engineering matters.

**Sec. 24.108 Minor Site Plan Concept Plan – Direction<sup>6</sup>**

After the close of the public workshop, the Planning Commission shall, during their regular meeting or at a specific public meeting within 14 days, provide direction on the Concept Plan. If the Planning Commission decides to postpone action for 14 days, the workshop shall be closed for public comment; however, the applicant or designated representative will be permitted to interact with the Planning Commission at that meeting to answer questions raised during the public comment at the workshop.

- A. **Direction.** The Planning Commission shall direct the preparation of a Site Plan subject to conditions to be addressed in the Site Plan application. The purpose of this review is to guide the developer so that when the Site Plan application is formally reviewed by the Staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.
- B. **Conditions.** In the direction, it is anticipated that there will be numerous conditions from the Department, agencies, and public comment. There may well be public comment that seeks to lower density of the project below that permitted by the Zoning Ordinance, or to deny the project because of concerns outside the scope of the Zoning Ordinance or Subdivision Regulations. The applicant may make proffers to address these concerns, but the Planning Commission may not use them as conditions, unless they are proffered by the applicant.
- C. **Effect.** The direction is to the developer to proceed to prepare a Site Plan (Section 24.122, *Major Site Plan Application – Submission and Completeness Review*). The direction received in the Concept Plan public workshop shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the decision on the Concept Plan direction, then meeting the amended zoning requirements, if adopted, shall be a condition of the direction.

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Addendum

Visual Uses Adjoining

Dollar General Concept Plan

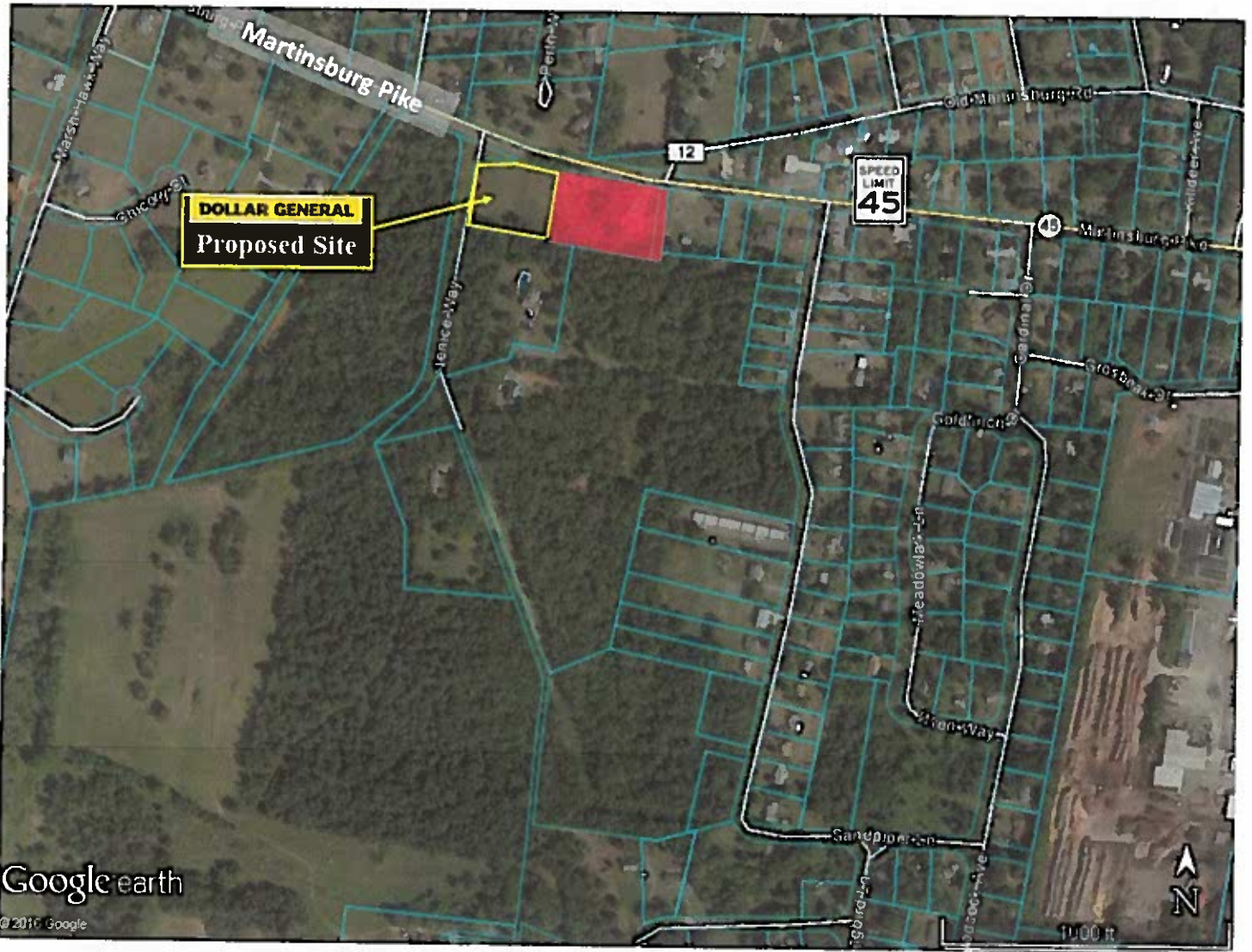
At 45 W of Shepherdstown

PK 41317

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ZONING & ENGINEERING

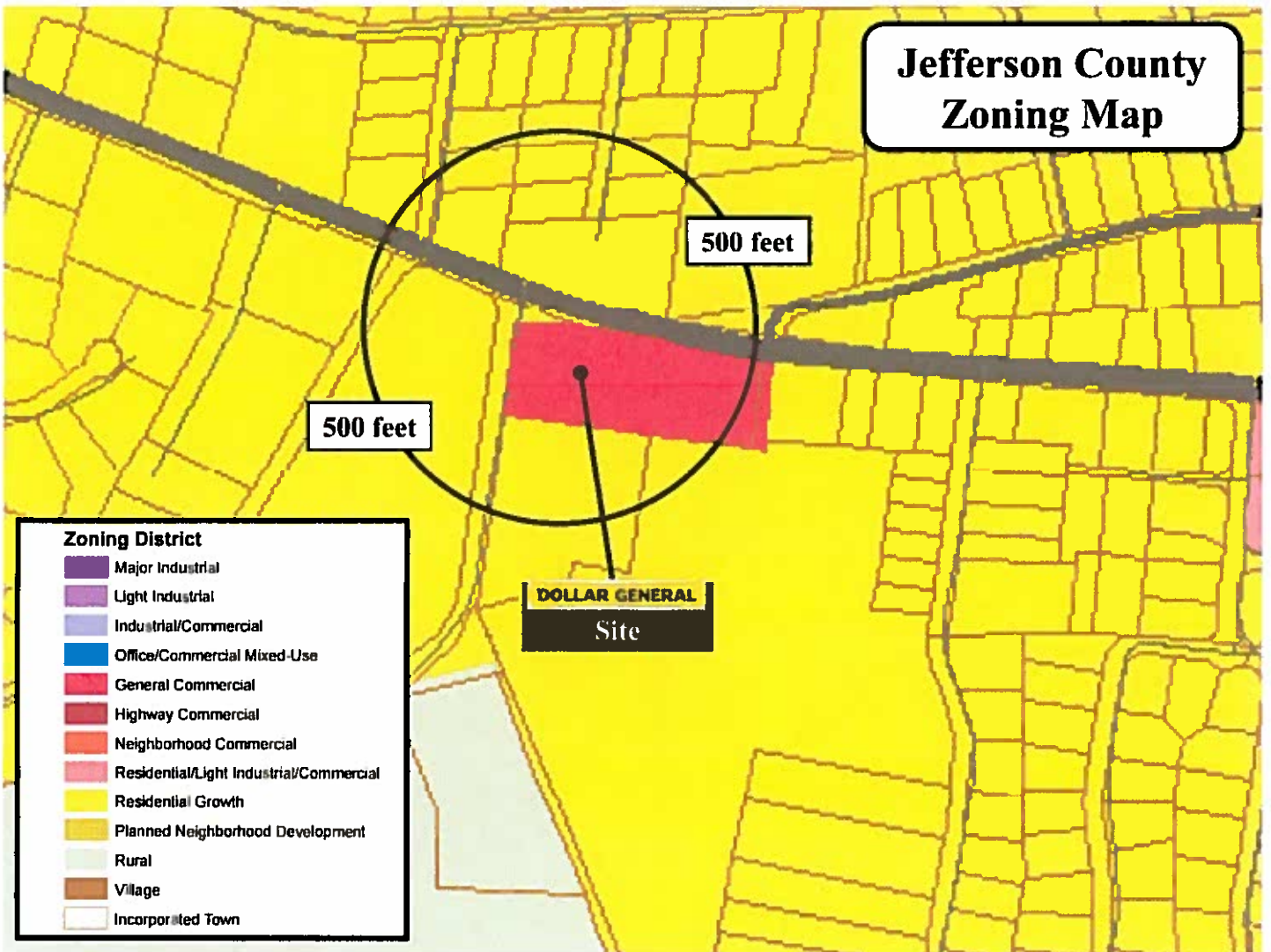


Addendum Adjoining Zoning  
Dollar General Store

1/21 45 W of Shepherdstown

Except for property owned by Catrow (General Commercial)  
TO EAST of site, All property Adjoining  
is Residential Growth District.

PLK 4/13/17

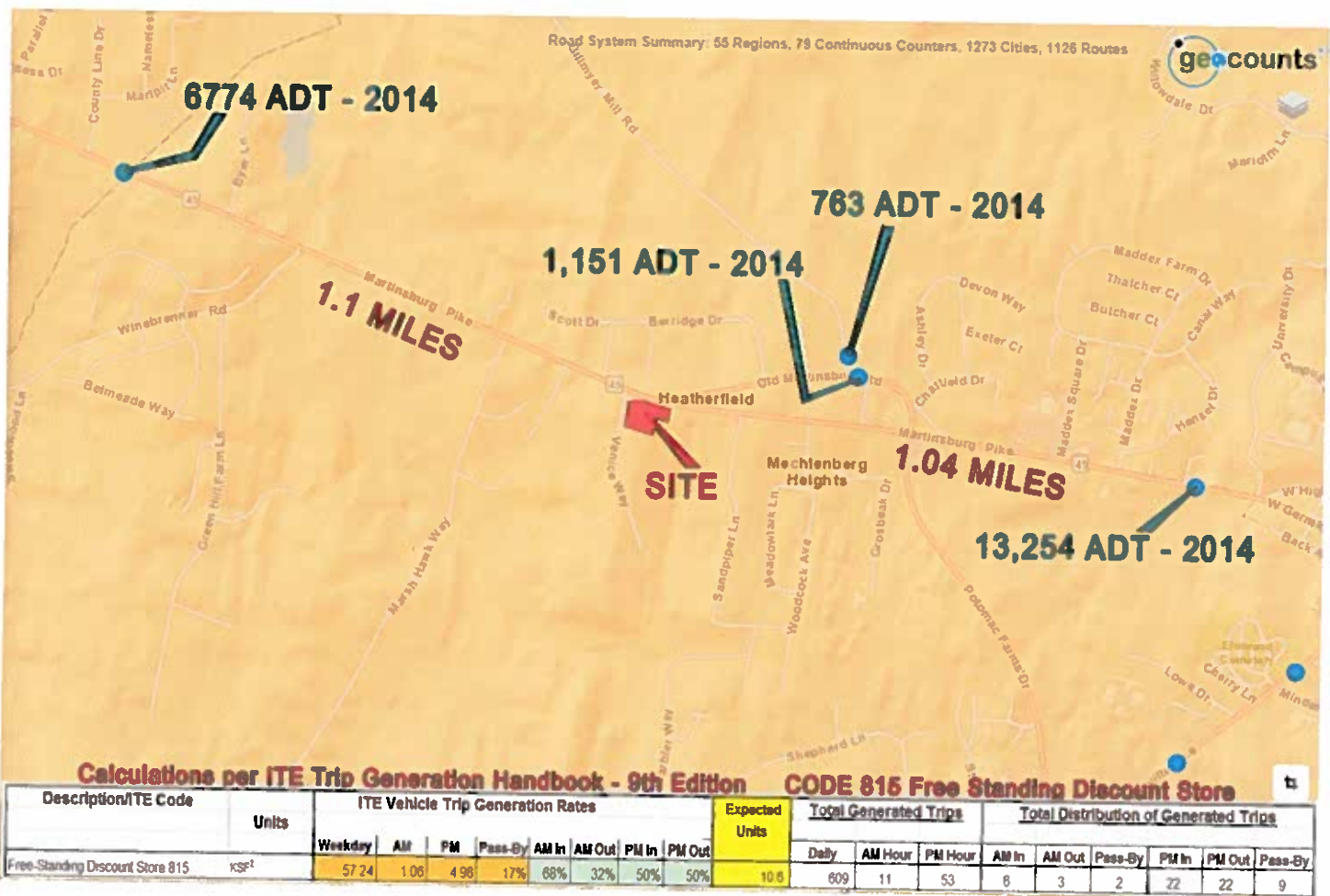


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JEFFERSON COUNTY PLANNING,  
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Addendum  
 Dollar General Store  
 Rt 45 W of Shepherds town  
 Previously Provided MAP of ADT  
 And TRIP Generation  
 ASK 4/13/17



TRAFFIC COUNTS PER WV DEPT OF TRANSPORTATION  
[http://www.transportation.wv.gov/highways/programplanning/preliminary\\_engineering/traffic\\_analysis/Pages/default.aspx](http://www.transportation.wv.gov/highways/programplanning/preliminary_engineering/traffic_analysis/Pages/default.aspx)

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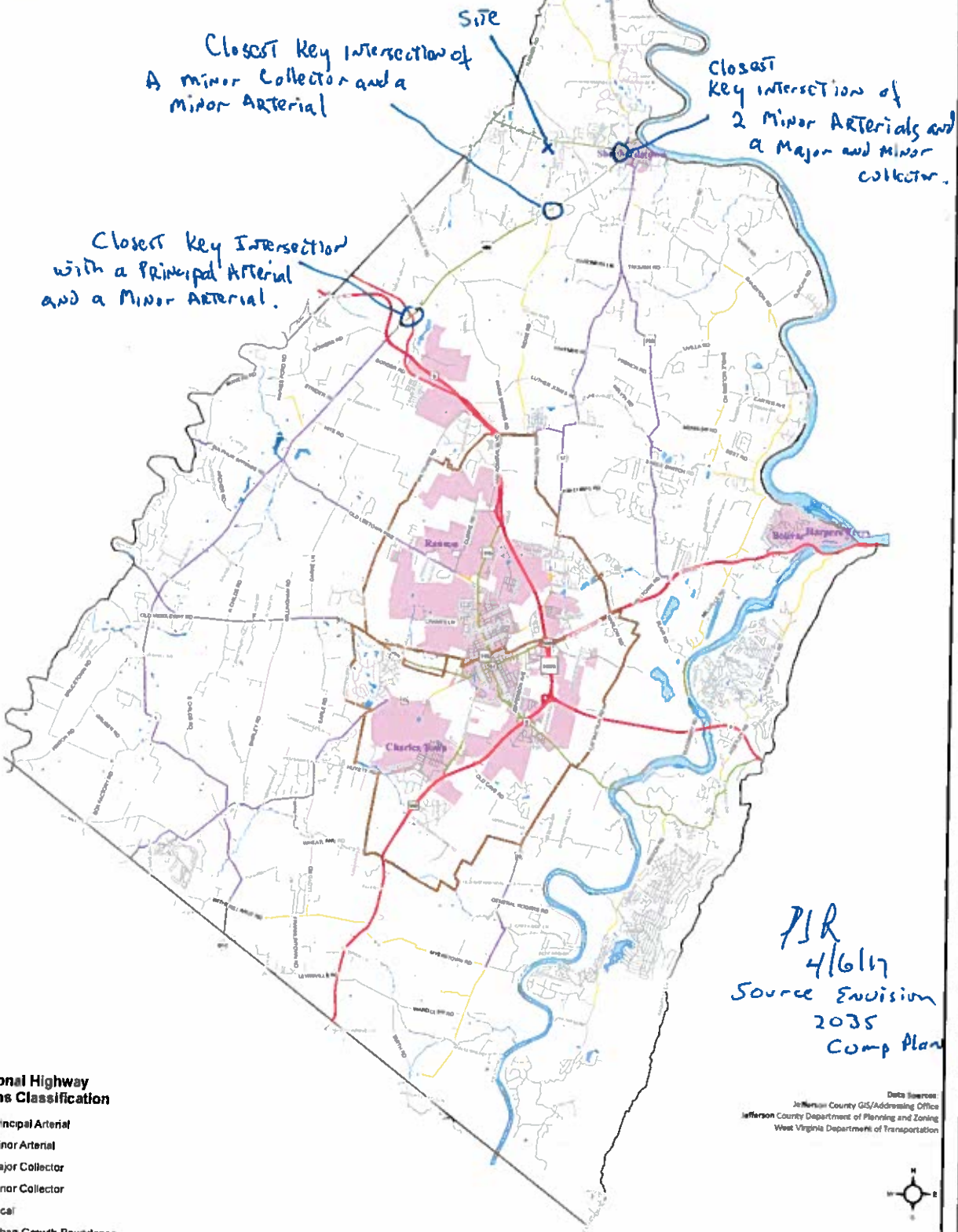
APR 13 2017

JEFFERSON COUNTY PLANNING,  
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Address: Dollar General RT 45 Concept Plan  
Key Intersection Map.

PSR 4/13/17



**Functional Highway Systems Classification**

- Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Local
- Urban Growth Boundaries
- Towns

PSR  
4/16/17  
Source Envision  
2035  
Comp Plan

Data Source:  
Jefferson County GIS/Addressing Office  
Jefferson County Department of Planning and Zoning  
West Virginia Department of Transportation



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**Roadway Classification Map  
Envision Jefferson 2035**

APR 13 2017

JEFFERSON COUNTY PLANNING,  
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Highway Problem Areas within 1 mile of SITE

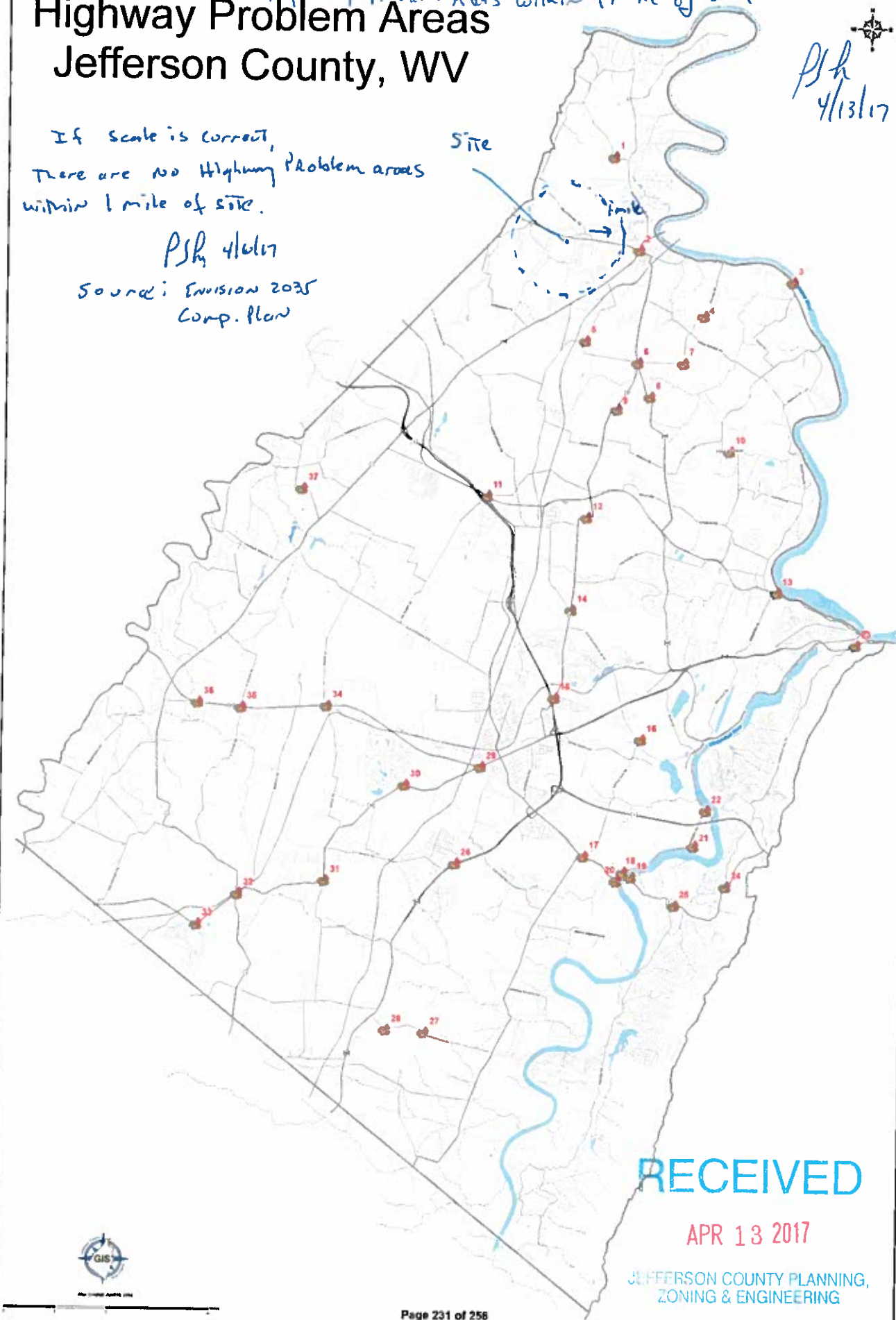
# Highway Problem Areas Jefferson County, WV

PSH  
4/13/17

If scale is correct,  
There are no Highway Problem areas  
within 1 mile of site.

PSH 4/6/17

Source: Invision 2035  
Comp. Plan



RECEIVED

APR 13 2017

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING





Addendum

Adjoining Uses

Dollar General Concept Plan

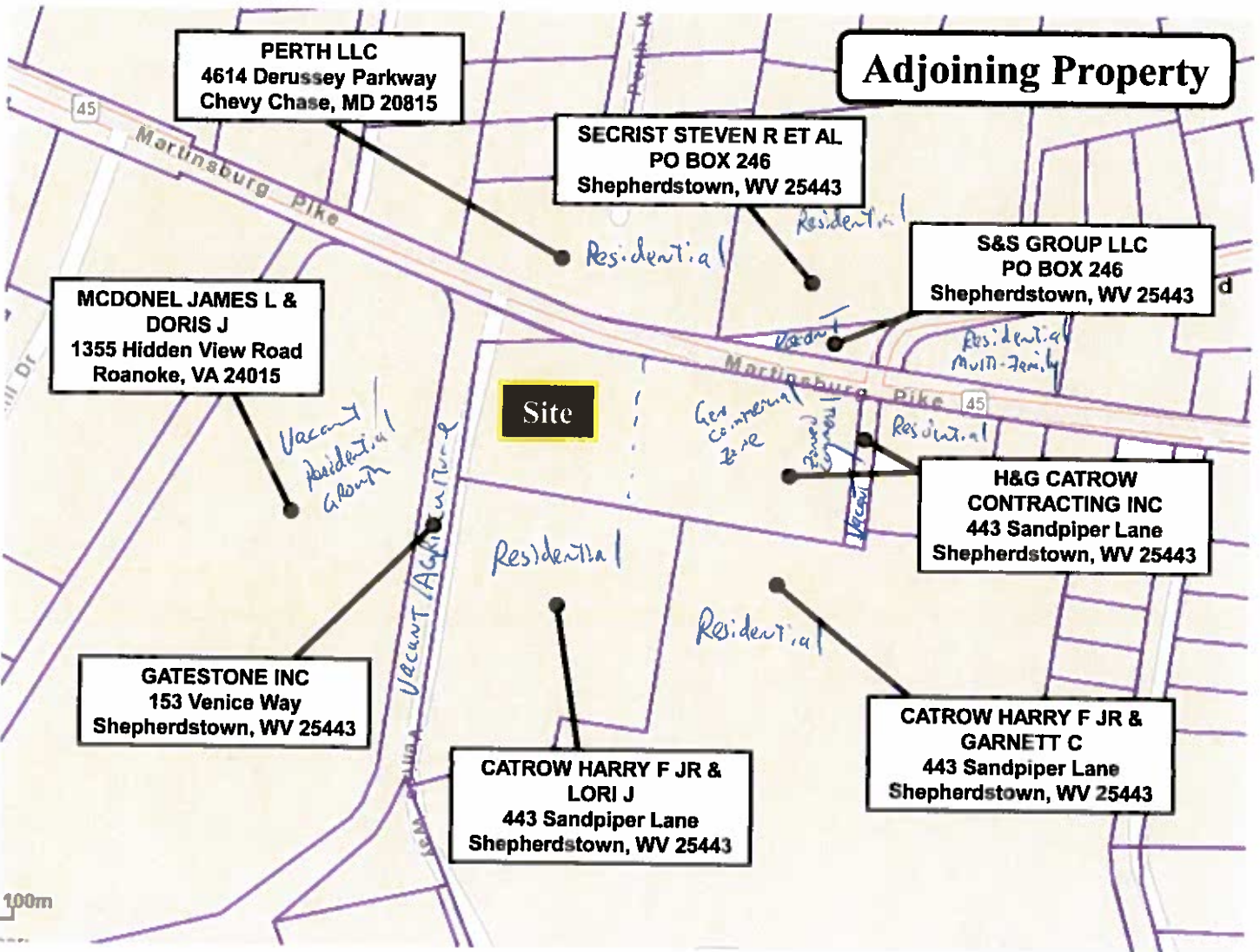
Route 45 W of Shepherdstown

PSK 4/13/17

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APR 13 2017

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING



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JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

**DRAFT**  
**HISTORIC PRESERVATION ORDINANCE**  
**VERSION 10**  
**April 27, 2017**

**Article 2, Section 2.2**

**Adaptive Reuse of Historic Structures** - refers to the process of reusing an old site or building for a purpose other than which it was built or designed for.

**Battlefield** – 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.~~

**Building Code** - The International Building Code, adopted by Jefferson County.

**Contributing Structure** - Buildings, structures, or sites that add to the historical association, architectural quality, or archaeological value of a property or district because (a) they were present during the period of significance and possess historical integrity reflecting their character at the time or potential for yielding historical information; or (b) their potential to qualify independently for the National Register of Historic Places.

**Historic Districts** - Generally a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, objects, or area, which are united by past events or aesthetically by plan or physical development. A district also may be comprised of individual resources which are separated geographically, but are thematically linked by association or history.

**Historic Landmark** - An object, site, building, structure or object designated as a "Landmark" either on a national, state or local register. (Also see definition of Landmark)

**Historic Landmarks Commission** – ~~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.~~ A five-member commission,

appointed by the Jefferson County Commission that advises the County government and general public on matters regarding the preservation of County historic resources. Created by local ordinance and charged with enforcing provisions of local laws governing historic districts and buildings.

**Historic Resource** – ~~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.~~ Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value. The properties may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, engineering works, artifacts or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state, 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** – ~~Any lot, parcel, historic structure, or designated area which has been listed on the West Virginia or the National Register of Historic Places.~~ The location of a significant event, landscape feature, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure that may yield information on history or prehistory, 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 Survey** - A comprehensive survey involving the identification, research and documentation of buildings, sites and structures of any historical, cultural, archaeological or architectural importance.

**Historic Village** - Historic village shall be defined as settlements with at least 20 historic sites or structures as identified by the Jefferson County Historic Landmarks Commission.

**Landmark** - A designated building, district, site, or structure having historical, architectural, or archaeological significance, as defined by the U.S. Department of Interior, West Virginia State Historic Preservation Office, Jefferson County Historic Landmarks Commission, or other governmental agency.

**National Historic Landmark** - Authorized in 1935 and implemented in 1960, are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States.

**National Register of Historic Places** - The National Register of Historic Places is the official list of culturally significant buildings, structures, objects, sites, and districts in the United States. Authorized by the National Historic Preservation Act of 1966. The list is maintained by the U.S. Department of Interior.

**Preservation** – The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project

**Reconstruction** - The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

**Rehabilitation** - The act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

**Restoration** - is defined as the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of

features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

**Secretary of the Interior's Standards for Rehabilitation** – The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

### **Article 3: ADMINISTRATION AND ENFORCEMENT**

#### **Section 3.4 Boards and Commissions**

##### **(D) Historic Landmarks Commission**

1. Powers, membership, terms of office, jurisdiction, and rules of procedure are established in Chapter 8 Article 26A of the West Virginia Code and Bylaws of Jefferson County Historic Landmarks Commission.
2. Review applications for Concept plans, major subdivisions, and waivers from minimum standards as they relate to protection of identified Jefferson County Historic Resources.
3. Review requests for amendments to the County zoning map and may provide input to the Planning Commission.
4. Make recommendation to the County Commission concerning planning and Zoning issues as they relate to protection of identified Jefferson County Historic Resources.

#### **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:
1. Any lot in the Residential Growth District;
  2. A dwelling, school, church or institution for human care not located on the same lot as the said use or buildings;
  3. Any lot which is part of a recorded subdivision.
- ~~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:
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.~~

**G. Historic Resources in all zoning districts.** The level of protection to be afforded to a historic resource is a combination of the importance of the site and the context in which it is found.

**a. Category 1**

1. **National Register structures and properties and historic sites.** A 300-foot protection radius, as measured from the center of the site or structure(s), shall meet the open space protection level for Category I historic resources.
2. **Federally recognized Civil War Battlefields.** The area of maximum protection is the core battlefield with development being discouraged within that boundary area.
3. **Historic Districts including contributing structures.** Area of protection will be the boundaries established in the National Register nomination.

**b. Category II**

1. **National Register eligible structures and properties, Jefferson County Landmarks, contributing structures, and historic sites.** A 200-foot protection radius, as measured from the center of the site or structure(s), shall meet the open space protection level for Category II historic resources.

- c. Uses within the Protection Radius.** Within any area located inside a designated protection radius, accessory structures including barns, garages, sheds, or workshops may be constructed.

## **Section 4.14: HISTORIC PRESERVATION**

The purpose of this section is to:

1. Promote the general welfare by protecting the integrity of historic resources in Jefferson County;
2. Establish a clear process by which proposed changes affecting historic resources are reviewed by the Jefferson County Historic Landmarks Commission and Jefferson County Planning Commission;
3. Mitigate negative effects of proposed land use changes on historic resources;
4. Encourage the continued use of historic resources and facilitate their appropriate reuse;

5. Tailor protective measures to those clearly delineated historic resources worthy of preservation;
6. Encourage the preservation of historic settings, rural landscapes, and battlefields;
7. Discourage the unnecessary demolition of historic resources; and
8. Minimize development in core battlefields.

This Ordinance encourages the preservation of buildings and sites in accordance with the Jefferson County Historic Landmarks Commission's Classification of Historic Resources, which sets forth a classification system for Historic Sites, Historic Districts, Battlefields, and Structures in Jefferson County.

All historic resources in Jefferson County are classified by their Category of Importance, as determined by the Jefferson County Historic Landmarks Commission. All sites and structures were surveyed up through 1957 and are classified Category I through IV. The countywide inventory of historic resources is updated semi-annually. The list of inventoried resources and their assigned Category of Importance is available through the Historic Landmarks Commission's website and on the Office of Planning and Zoning website.

All inventoried historic resources are assigned a Category of Importance, used to determine the level of protection afforded that resource. The levels are as follows:

1. **Category I.** These are the most important historic resources in Jefferson County. This category includes; individually listed National Register structures and properties; Historic Districts including their contributing structures; Federally recognized Civil War Battlefields; and National Register eligible properties. These properties retain a high level of original condition and integrity.
2. **Category II.** These resources are classified as important. This category includes Jefferson County Landmarks, historic resources that may be National Register eligible, and other Civil War battle sites. Resources in this Category may have been altered or changed to such a degree that they no longer retain the same level of integrity as the original condition.
3. **Category III.** These resources have moderate importance.
4. **Category IV.** These are resources that are at least 50 years old, have little or no significance, but are listed on the Landmarks Commission's inventory.

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 shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use in accordance with Section 6.3 of this Ordinance. This requirement shall not apply to a building located within a shopping center shown on an approved site plan.<sup>23, 26, 32</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, 32</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</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 the review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>27, 32</sup>
  - a. **Parking, Setbacks, Landscaping, and Signage should be addressed as part of the Conditional Use Permit application. In lieu of the standard variance process, any proposed deviation from the standards set forth in this Ordinance shall be included in the Conditional Use Permit application and reviewed for approval by the Board of Zoning Appeals.**

### 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. The BZA may consider setback variances based on other structures existing in the neighborhood.<sup>23, 32</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 ~~Appendix C this Article~~. **No front yard setback, parking and drive aisle setback, distance requirement, or buffer is required for existing structures.**
  - b. **When additional parking for an existing structure is required, a Site Plan shall be submitted. Additional parking shall be located to the rear of the building. Setbacks shall be as required in Section 5.10B.2(a) with the exception that a four (4) foot screened buffer shall be required along the side and rear property lines. The screening may be either vegetative (existing or planted) or opaque fencing and may be placed anywhere within the four (4) foot buffer. No structures, vehicular parking, or stored materials shall be permitted within the side and rear yard buffers.**

- 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. All new commercial structures shall comply with site plan requirements.
- 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, 32</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>32</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 in accordance with Section 6.3 of this Ordinance.<sup>32</sup>
  - 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

## **Section 8.19 Adaptive Reuse of Historic Structures on the Historic Landmarks Commission Inventory**

### **A. Adaptive Reuse of Historic Structures**

The intent of this Section is to provide moderating regulations to permit a historic building to be used in a manner that protects neighbors while ensuring the protection of a historic resource that adds character to the community. The Historic Landmarks Commission shall make recommendations to the Office of Planning and Zoning on the suitability of the use for the building seeking adaptive reuse. The following are the requirements that must be met before permitting the moderation of the use standards:

1. **Historic Landmarks Commission Findings.** The Historic Landmarks Commission shall visit the property and review the proposed land development plan and use. The Commission's recommendation to the Zoning Administrator shall include the following findings:
  - a. The suitability of the proposed use is compatible with the historic structure; and
  - b. Any modifications to the building's façade is consistent and compatible with the building's architecture, style, and massing; and
  - c. That proposed parking and other activities are suitably located so as to preserve the character of the structure and its historical setting; and
  - d. That landscaping is consistent with the building and accessory uses, such as parking, and provides continued views of the historic structure while masking parking, air conditioning, or other elements from general view, which would distract from the building and its setting; and
  - e. If the building facade(s) was modified in the past in a manner out of character with the structure, that the facade(s) is restored to its historic condition.

- F. A sign not exceeding 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 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 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 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 are subject to Section 10.4E.~~<sup>32</sup>
- C. Individual business or industrial establishments may erect a freestanding business sign, provided the lot frontage is at least 40 feet. The freestanding sign shall be located in such a manner that no part of the supporting structure is less than 25 feet from the street right-of-way, and that no part of the sign is closer than five 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 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 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, 32</sup>
- D. All outdoor advertising signs shall be spaced in such a manner that in an Industrial District there shall be a minimum of 300 feet between signs, and in the Rural District, where permitted, such signs shall be located in such a manner that there shall be 1,000 feet between signs. This shall be subject to Section 10.4E.
- E. All signs accessory to a land use subject to the approval of a Conditional Use Permit shall be proposed within the Conditional Use Permit application and assessed by the Board of Zoning Appeals at the required Public Hearing. Such signs shall be maintained at least 1,000 feet between signs. Consideration of the placement of such signs with less than 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 300 feet. Any ~~variance deviation~~ from ~~theis~~ standards in Section 10.4 shall require consideration and

approval by the Board of Zoning Appeals as part of the Conditional Use Permit application in accordance with Section 6.3.<sup>2, 17, 21, 23, 32</sup>



- F. No outdoor advertising sign shall be placed closer than 300 feet to an intersection on a dual or proposed dual highway or within 100 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 300 feet.
  - 2. Placement of a billboard must be in a location that is within 800 feet of an existing business.
  - 3. There shall be a minimum of 1000 feet between billboards.
  - 4. A billboard shall be no closer than 500 feet from a church, school, or cemetery.

### **Section 10.5 Zoning Certificate<sup>2</sup>**

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

**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 32</sup>**

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
<u>Adaptive Reuse of Historic Structures</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>Sec. 8.19</u>
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	NP	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Multi-Family	CU	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	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	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	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church	P	P	P	P	CU	P	P	P	P	P	NP	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility <sup>29</sup>	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
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	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
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	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Institutional Uses Continued</b>													
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	
<b>Industrial</b>													
Heavy Equipment Repair	NP	NP	CU	CU	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	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	P	P	NP	
Manufacturing, Limited	NP	P	P	P	P	PC	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	CU <sup>2</sup>	NP	NP	NP	NP	NP	CU <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>													
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	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	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>													
<u>Adaptive Reuse of Historic Structures</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>Sec. 8.19</u>
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P		
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P		

ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	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>
<b>Commercial Uses Continued</b>													<b>Sec. 8.9</b>
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	NP	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	NP	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	NP	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	NP	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	<b>P</b> <b>CU</b>	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	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	CU	CU	P	P	<b>P</b> <b>CU</b>	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	NP	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	NP	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	NP	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	CU	P	P	NP	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	NP	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	NP	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	NP	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	NP	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	PC	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	NP	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	NP	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	NP	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	<b>P</b> <b>CU</b>	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	NP	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	NP	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	NP	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	NP	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	NP	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	NP	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	NP	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	NP	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	NP	

Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	NP	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	NP	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	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>
<b>Commercial Uses Continued</b>													<b>Sec. 8.9</b>
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	NP	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Fast Food, Drive-Through	NP	P	P	P	CU	CU	P	CU	CU	CU	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	NP	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	NP	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	NP	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	NP	
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	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	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	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	
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	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	CU	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 Uses                   |      |  |
| NP  | Not Permitted Uses               |      |  |

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)

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

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

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



# Jefferson County, West Virginia

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## Planner's Memorandum Planning Commission Meeting May 9, 2017

### 1) Outstanding Zoning Ordinance and Subdivision Regulation Amendments

#### a) Mass Events Ordinance (ZTA 14-02):

- CC Public Hearing postponed until Summer 2016 – no action to date

### 2) Upcoming Zoning Ordinance and Subdivision Regulation Amendments

#### a) Historic Resource Demolition and Adaptive Reuse

- JCHLC working with staff on proposed language

#### b) Landscape Standards

- Stakeholder meeting with staff held – draft amendment in progress

#### c) Signage

- Including animated vs digital signs to be addressed; sign industry may need early input

#### d) Parking Standards

#### e) Subdivision Regulations Amendments

- Staff initiating amendments related to sections requiring frequent interpretations and issues, including but not limited to processing mergers/lot line adjustments; contents of minor subdivisions, etc.

### 3) Annual Planning Commission Training

- a) The County Commission requires the Planning Commission to have two hours of topical training each year. The last training was held in 2015 on the topic of "Aging in Place Planning's Role and Responsibilities". Staff will have possible topics to discuss at the meeting.

### 4) Upcoming PC meeting

- a) Next Regular Meeting: June 13, 2017