

ZONING AND DEVELOPMENT REVIEW ORDINANCE  
JEFFERSON COUNTY, WEST VIRGINIA

ADOPTED JULY 7, 1988

AS AMENDED

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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.
- (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, do not include the incorporated areas.

## 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, laesa, 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

#### 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.

#### 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".

Area, Land	Land area refers to new land area, exclusive of streets and other public space.
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)
Board	The Jefferson County Board of Appeals.
& Buffer	An area on a property defined by a distance from the property line or other specifically defined 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, 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.

& Condominium

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.

\$ Cottage Industry

An occupation at a residential premises anywhere except the Residential Growth District and existing residential subdivisions; with a limited number of employees, accessory structures and with specified setbacks. See Article 4A for standards.

Development

The subdivision of land; construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, installation of a sign; and any mining, landfill or land disturbance, such as grading, paving and excavation.

Development Review System

A numerical rating system designed to assess a particular site's development potential based on soils and amenity criteria cited within this Ordinance.

^ Dwelling Unit

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, and containing independent cooking and sleeping facilities.

are constructed above ground. Essential utility equipment is recognized in two categories: 1) local serving; and 2) non-local or transmission through the County. This term does not apply to water and sewer systems, the activities of which are regulated in whole or in part by any one or more of the following State agencies: The Public Service Commission of West Virginia, Department of Environmental Protection or Department of Health of West Virginia.

Expanded Use

The further development of a developed site.

Flood-prone Area

Areas subject to the one hundred (100) year flood as determined by the Flood 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.

Frontage, Street

All property on the side of a street between two intersecting streets (crossing or ending), or if the street is deadend, then all the property abutting on one side between an intersecting street and the deadend of the street.

Glare

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

Group Residential Facility

A dwelling owned or leased by a governmental or non-profit organization and used to house a group of persons not necessarily related by blood. The parent agency or institution has the administrative, supervisory and service responsibility for the group home.

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	The side or sides of an interior or through lot which abut a street; in a corner lot both sides abutting the streets forming the corner shall be considered front lots. Front lot lines shall be measured from the Road Improvement Easement where one exists.
& Lot Line, Side	Any lot line other than a front lot line or a rear lot line. In a corner lot there must be at least one 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.
^ Massage Parlor	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.
Mobile Home	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

Nonconforming Use	A use of a building or of land lawfully existing at the time this Ordinance becomes effective and which does not conform with the use regulations of the district in which it is located. Any new lines of division within a subdivision of a parcel that is a nonconforming use shall meet the regulations of this Ordinance.
Nursing or Retirement Homes	This term includes rest homes, nursing homes, convalescent homes for children and homes providing chronic and convalescent care.
Open Space	Land within a proposed development site excluding areas devoted to buildings, structures, roadways and parking.
Plat	A scaled, graphic drawing of a land subdivision project prepared according to the provisions of 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	A professionally prepared drawing of a proposed subdivision which is not a record plat but which contains detailed information concerning the proposed development.
Principal Permitted Use	The primary or predominant use of any site.
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 and numbered on the most recent General Highway Map published by the West Virginia Department of Highways.
+Residential	Any detached or attached structure that is used for permanent living quarters and has kitchen facilities.

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, 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 Interior, Department of Fish and Wildlife Management.
Standard Industrial Classification	A multi-digit code utilized by the federal Executive Office of Management and Budget to classify establishments by type of activity in which they are engaged.
Staff	Those persons employed by the Commission or Board, whether under direct employment or by contractual agreement.
^ Standard Details	These are minimum acceptable details approved by the County Engineer for use in preliminary plats, site plans, and related improvement plans. Said approval does not

ARTICLE 3. ADMINISTRATION AND ENFORCEMENT

Section 3.1 Administration

- & (a) The provisions of this Ordinance will be administered by the Jefferson County Planning and Zoning Commission. With enactment of the Ordinance, the County Commission shall designate a Zoning Administrator to be under the direct supervision of the Planning and Zoning Commission.
- (b) An appeal to this Ordinance, however, may be made to the Jefferson County Board of Appeals subject to the provisions of Article 8, Chapter 24, Subsection 59, of the West Virginia Code, as amended.
- \* (c) The Jefferson County Planning and Zoning Commission shall evaluate all Development Review applications and approve or deny issuance of a conditional use permit.
- (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) 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 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.
- (b) 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 Planning and Zoning Commission.
- (c) 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.

## 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.

There will be listed in each zoning district a limited number of principal permitted uses and several prohibited uses for all districts listed in Section 4.4. Principal permitted uses are those which are not required to demonstrate their appropriateness within a district and would not be subject to approval by the Development Review System. All other uses, except prohibited uses, will be permitted after demonstrating that such use is compatible with surrounding parcels and will comply with the regulations of this ordinance. Demonstration of compatibility will depend on the numerical value a parcel receives after evaluation by the Development Review System which assesses the productivity of soils and the amenities for development on a particular site and the results of the Compatibility Assessment Meeting. A site will receive a conditional use permit upon demonstrating that the land use in a specific location will comply with the standards of the Development Review System, and this ordinance.

### Section 4.2 Compliance with Ordinance

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

### Section 4.3 Nonconforming Uses

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

- (a) Nonconforming uses may upgrade, repair or make alterations to their facilities. However, expansion of any nonconforming use shall be limited to the lot that exists at the time of adoption of this Ordinance.

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 zones except the industrial/commercial zone. The Development Review System does not supercede this prohibition.
- > (g) No gambling or casino type games 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 Heavy Industrial/Commercial Zone and shall be processed through the Development Review System (Article 6 and 7).

#### 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. Communication towers, however, shall conform to the setback requirements and be surrounded by a fence.

#### 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.

#### Section 4.10 Site Plan Requirements

A site plan shall be submitted for review by the Planning and Zoning Commission for all new commercial, townhouse and multi-family residential, industrial, and institutional land uses in any district and for all major additions or expansions of existing uses as defined in Article 2.

- (a) Site Plans shall be prepared by a registered professional engineer, or registered land surveyor licensed to practice in the State of West Virginia.
- (b) If the proposed use is not listed as a principal permitted use within the zoning district where it is located, the developer must have his proposal evaluated by the Development Review System before Site Plan submittal. Upon approval of a conditional use permit the applicant may proceed with Site Plan submittal.
- (c) In those cases where a Site Plan is required and the developer has received a conditional use permit, a minimum of six (6) copies of the Site Plan shall be submitted to the Jefferson County Planning Office.
- (d) 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.

- (1) Vegetative screening shall comply with Standard Details M-52, M-53 or M-54 depending on the buffer width. At the time of planting the vegetation shall be at least four (4) feet in height.
  - (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.
- (e) In any Commercial, Industrial, Institutional, or Residential development all dumpsters shall be screened from any residences or from the public highway's view.
- (f) All buffer yards shall be maintained by the property owner.
- \$ & (g) All development adjacent to a Sensitive Natural Area shall have a buffer of natural vegetation. Environmental standards contained in Section 5.8(b), 2 through 8, will apply. The buffer shall meet the current Federal standard except as required below:

Wetland Size in acres

<u>Greater Than</u>	<u>Less Than</u>	<u>Buffer width in feet</u>
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

§ Section 4.17 West Virginia Legal Fireworks

Sales of fireworks are only permitted in the commercial zones provided all other restrictions such as subdivision and site plan regulations and setbacks are met.

Section 4A.1 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 25% of floor area of the dwelling unit.
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
- d. There shall be no sales, other than items handcrafted on the premises, in connection with such home occupation.
- e. Traffic generated by such home occupation must not exceed two (2) business related vehicle visits per day nor more than ten (10) visits per week at the premises. Any need for parking generated by the conduct of such home occupation shall be met off street and other than in a required front yard.
- f. It is clearly incidental and subordinate to the use of the dwelling unit as a residence.
- g. No equipment or process shall be used in such a home occupation which creates offensive manifestations by sight, sound or smell detectable to the normal senses, or electrical interference or vibrations perceptible, outside the dwelling unit.
- h. No business which includes the storage of weapons such as firearms (other than the residents hunting, protection and leisure weapons) shall be permitted. Home occupations do not include; boarding or rooming homes or bed and breakfast establishments.

Section 4A.2 Home Occupation, Level 2

An occupation conducted in a dwelling unit 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 shall be conducted at least in part within the dwelling unit. Said use area shall not exceed one third (1/3) of floor area of the dwelling unit. In addition all cottage industry. Two subordinate structures shall be permitted not exceeding two stories and shall not have a footprint greater than 1000 square feet.
- 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.
- e. No more than twelve (12) business-related vehicle visits per day nor more than sixty (6) visits per week at the premises, including delivery vehicles, but excluding employee commuting, shall be permitted. Any need for parking generated by the conduct of such cottage industry shall be met off street and other than within the required front yard setback.
- f. No evidence in the appearance of the property or other visible manifestation of the conduct of cottage industry activity shall be visible from the public way, other than a non-illuminated sign.
- g. No equipment or process shall be used in such a cottage industry establishment which creates offensive manifestations by sight, sound or smell detectable to the normal senses at any property line, or which creates electrical interference or vibrations perceptible, at any property line.
- h. No business which includes the storage of weapons such as firearms (other than the residents hunting, protection and leisure weapons) shall be permitted. Home businesses do not include; boarding or rooming homes or bed and breakfast establishments.

ARTICLE 5. DISTRICT ESTABLISHMENT; ZONING MAPS;  
DISTRICT BOUNDARIES; DISTRICT REGULATIONS

Section 5.1 Establishment of Districts

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:

R-G	Residential/Growth District
I-C	Industrial/Commercial District
R-A	Rural/Agricultural District
+R-L-C	Residential/Light Industrial/Commercial District

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 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.

Section 5.4 Residential-Growth District

The Residential-Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages commercial growth 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 Uses

- (1) Single family detached dwelling units
- (2) Duplexes
- (3) Townhouses
- (4) Multi-family dwelling units
- (5) Mobile Home Parks (Subject to Section 10.1; Jefferson County Subdivision Ordinance)

**SECTION 5.4B RESIDENTIAL/GROWTH DISTRICT  
HEIGHT AND YARD REQUIREMENTS**

Development Type	Minimum Lot Area (MLA)		Required Yards	Maximum Building Height*
	Area per Dwelling Unit (ADU)	ADU**		
81. Single family detached dwelling	Public/Central water and sewer	6,000 sq. ft. ADU**	25 ft. front	40 ft.
	Public/Central water or sewer	10,000 sq. ft. MLA	12 ft. side	
	No Public/Central water or sewer	20,000 sq. ft. MLA	20 ft. rear	
82. Duplex dwelling unit	Public/Central water and sewer	3,200 sq. ft. MLA	25 ft. front	40 ft.
	Public/Central water and sewer	7,500 sq. ft. ADU	25 ft. front (exterior only)	
	Public/Central water or sewer	10,000 sq. ft.	30 ft. rear	
83. Townhouse	Public/Central water and sewer	1,400 sq. ft. MLA	25 ft. front	40 ft.
		3,500 sq. ft. ADU	12 ft. side (exterior only)	
84. Multi-family dwelling	Public/Central water and sewer	20,000 sq. ft. MLA	25 ft. front	40 ft.
		2,000 sq. ft. ADU	12 ft. side (exterior only)	
85. Condominium	Public/Central water and sewer	20,000 sq. ft. area for the parcel containing the condominium	25 ft. front	40 ft.
		2,000 sq. ft. minimum area per condominium unit	12 ft. side (exterior only)	
			30 ft. rear	

\* Subject to Section 9.2

NOTE: All detached accessory structures under 144 square feet in size - 6' setback.  
 \*\* 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.

- (3) Petroleum products refining or storage above ground in tanks; provided, that all state and federal laws, as well as National Fire Underwriters Codes, are adhered
- (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

(c) Height Regulations

No structure shall exceed seventy-five (75) feet in height except as provided in Section 9.2.

& (d) Yard Requirements as follows: (These yard requirements are also for an approved commercial or industrial use proposed for any other zone.)

- (1) Front yard building setback
  - Commercial sites - 25 feet
  - Industrial sites - 50 feet
- (2) Side yard building setback
  - Commercial sites greater than 1.5 acres - 50 feet
  - Commercial sites 1.5 acres and smaller - 25 feet
  - Industrial sites - 50 feet
- (3) Rear yard building setback
  - Commercial sites greater than 1.5 acres - 50 feet
  - Commercial sites 1.5 acres and smaller - 25 feet
  - Industrial sites - 50 feet
- (4) Parking, Driveway and Internal Access Drive Front Setbacks
  - Commercial sites greater than 1.5 acres - 15 feet
  - Commercial sites 1.5 acres and smaller - 15 feet
  - Industrial sites - 25 feet
- (5) Parking, Driveway and Internal Access Drive Side and Rear Setbacks
  - Commercial sites greater than 1.5 acres - 10 feet
  - Commercial sites 1.5 acres and smaller\* - 4 feet
  - Industrial sites\* - 25 feet

\* Driveways and Internal Access Drives Only  
Parking must abide by buffer requirements.
- (6) Compliance with Sections 4.11 and 5.8.b. 2-10

& Section 5.6(h) Design Standards For Jails, Prisons and/or Penal Institutions

- (a) All jails shall have direct access to a primary road as defined by the Jefferson County Comprehensive Plan.
  - 1. 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 or prison or penal institution.
- (c) SETBACKS
  - 1. Front - 1,000 Feet
  - 2. Sides - 1,500 Feet
  - 3. Rear - 1,500 Feet

- (17) Bed and Breakfasts (no more than 2 bedrooms) subject to Section 9.8.
- (18) Publicly owned facilities
- (19) Two family dwellings provided one unit is owner occupied

(b) Minimum Lot Area, Lot Width and Yard Requirements

& Minimum lot sizes, lot width, and yard requirements are as follows for principal permitted uses. For any residential use that complies with the Development Review System, the setbacks and lot shall be as outlined in Article 5.4(b).

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Depth</u>	<u>Rear Yard Depth</u>
Dwellings	40,000 sq.ft.	100	40	15	50
Churches	2 acres	200	50	50	50
Schools, Grades K-4	10 acres+	500	100	100	100
Schools, Grades 5-8	20 acres+	500	100	100	100
Schools, Grades 9-12	30 acres+	500	100	100	100
Hospitals	10 acres	500	100	100	100
Other permitted uses	40,000 sq.ft.	100	40	50	50

+ 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.

(c) Height Regulations

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

\$ (d) Maximum Number of Lots Allowed

All parcels of land that were on record as of October 5, 1988 are entitled to subdivide for single family detached residences based on Subsections 5.7(d)1, 5.7(d)2 or 5.7(d)3 below. A property owner may use a combination of these subsections, provided that the number of lots are prorated by density.

1. A property owner may create one (1) lot for every ten (10) acres with a minimum lot size of three (3) acres.
  - a. Acreage shall be computed using existing acreage 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.

- a. The lot layout (scale no smaller than one (1) inch equals one hundred (100) feet) including building restriction lines and appropriate dimensions
  - b. Street layout
  - c. Vicinity map (scale no smaller than one (1) inch equals two thousand (2000) feet) showing the tract(s) and total acreage included within the plan
  - d. Topography with minimum ten-foot contours (USGS Topo, interpretation is permitted for concept plan)
  - e. Development rights table indicating acreages and development rights, both standard and cluster, for each tract and the total
  - f. Soils data for the cluster area and the remaining farmland
- d. The Planning Staff will review the cluster plan, prepare a report and submit it to the Planning Commission within thirty (30) days of original submittal.
  - e. The Planning Commission will have final approval over the location layout of the proposed clustering of lots. The Planning Commission shall consider the following when reviewing concept plans:
    - 1. Soils: The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses.
    - 2. Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
  - f. Concept plan approval shall become null and void at the end of one year from the date of approval unless a Community Impact Statement is submitted.

Section 5.8(b) Standards

1. WATER USE LIMITS

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. 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.L. 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.

3. 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 lot line, measured either at ground level or habitable elevation.

4. 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.

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 nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as acetylides, 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	
Gases - Above ground	150,000 SCF+
Below Ground	300,000 SCF+

+ SCF - Standard Cubic Feet at sixty (60) degrees Fahrenheit and 29.92 inches Mercury

## 11. OTHER REGULATIONS

All sections of this ordinance applying to the residential growth district with the exception of Section 5.4 (a) will apply to residential uses in this District.

^ & All commercial uses must conform with the commercial design standards and yard requirements cited in Sections 5.6(d)1-6 and 4.6(b). All industrial uses must conform with the Industrial Design Standards and yard requirements cited in Sections 5.6(d)1-6 and 4.6(a). Either use must be in compliance with the site plan requirements. In addition, it must be demonstrated at Community Impact Statement, or Site Plan Phase 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.

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 Neighborhood Compatibility Process pursuant to Article 7, Section 7.6 inclusive.

^ Proposed uses in this zone do not have to comply with the distance requirements in Sections 4.6(a-b) if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.

### \* Section 5.9 Site Plans

Site plans are required for all uses, subject to Section 4.10.

### \$ Section 5.10 Village District

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

#### a. Principal permitted uses

1. Single family dwellings
2. Duplexes
3. Two family dwellings
4. Home Occupations

#### b. Conditional Uses

1. The following uses may be approved after being evaluated by the Development Review System (Article 7, Sections 7.3 through 7.8 inclusive). The LESA point system would not apply.

## ARTICLE 6. 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 sites 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 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 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. A score of more than 60 points may be evaluated by the Board of Appeals before it can be advanced to the Compatibility Assessment Meeting Stage.

### Section 6.3 The Soils Assessment

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.

<u>Map Symbol</u>	<u>Soil Series</u>	<u>Agriculture Value Group</u>
HfC	Hagerstown & Frederick	4
HgB	Hagerstown & Frederick	6
HgC	Hagerstown & Frederick	6
HgD	Hagerstown & Frederick	8
HhC3	Hagerstown & Frederick	5
HlC3	Hagerstown & Frederick	9
HlD3	Hagerstown & Frederick	10
Hn	Huntington	2
Ho	Huntington	1
LaC	Laidig	5
LaD	Laidig	7
LbC	Laidig	9
LbD	Laidig	9
Lf	Landes	2
Ln	Lindside	3
Lo	Lindside	3
Ma	Marl	10
Me	Melvin	6
MhB	Monongahela	3
Qu	Quarries	10
SrF	Steep	10
WeC3	Weikert	9
WeD3	Weikert	10
WeF	Weikert	10

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

1. Determine the area of each soil type on the property according to the map symbols.
2. Multiply the soil type areas times the Relative Value for the soil type taken from the List of Soil Groups and Relative Values.
3. Sum the products of the multiplication of Area times Relative Value to obtain a total for the property.
4. Divide the total of the multiplication products by the Total Area of the property to obtain the Weighted Relative Value.
5. 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.+

This criterion reflects the importance of preserving large blocks of land as a primary goal of agriculture preservation, therefore, acreage shall be contiguous. For nonresidential projects, the points are doubled: (12), (10), (8), (6), (4), (2), (0).

<u>ACREAGE</u>	<u>POINTS</u>
200 or more acres	6 (12)
100-200 acres	5 (10)
75-100 acres	4 (8)
50-75 acres	3 (6)
25-50 acres	2 (4)
11-25 acres	1 (1)
10 acres or less	0 (0)

(b) Adjacent Development (10 points)

This criterion assesses a combination of the percentage of land in actual agricultural use (including timber or pasture land) and percentage of adjacent land that does not indicate that there is development pressure. Intense development pressure includes more than a 5 lot subdivision and commercial or industrial uses. An average of the two will yield a percentage of land adjacent to the property that is either farmed or not intensely developed.

<u>PERCENT OF LAND</u>	<u>POINTS</u>
86-100	10
76-85	8
61-75	6
51-60	4
41-50	2
26-40	1
0-25	0

(c) Distance to Growth Corridor (6 points)

The distance to the growth corridor relates to the distance of the subject parcel to the boundaries of the Residential-Growth District adopted within this ordinance.

<u>DISTANCE</u>	<u>POINTS</u>
Greater than one mile	6
Greater than .75 mile	4
Greater than .50 mile	2
Greater than .25 mile	1
Less than .25 mile	0

(d) Comprehensive Plan Compatibility (8 points)

This criterion shall determine whether site development is supportive or has a negative impact on the following elements of the Comprehensive Plan: Proximity of the site to the Highway Problem Areas (4 points), Compatibility of site development with designated parks, historical and recreational areas (2 points), and land use policies and recommendations (2 points).

AVAILABILITY

POINTS

\$ Existing Public Water is Available or public water will be built to the site	0
Central Water is Proposed	3
Private Well/Wells must be Utilized	11

(g) Public Sewer Availability (11 points)

This criterion assesses the availability of existing public sewer service with available capacity that is approved by the County Health Department and/or Public Service District to the site at the time of the development proposal application. If there is no public sewer service available, a central sewer system or private sewer disposal system can be used. The value for a proposed central sewer system is assigned to a development application recognizing that the system with adequate capacity to serve the development will be approved by the Public Service District, County Health Department and the Department of Natural Resources before preliminary plat or site plan approval occurs.

If neither a public or central sewer system can be utilized, assign the point value for a private sewer disposal system.

AVAILABILITY

POINTS

\$ Existing Public Sewer Service is available or public sewer will be built to the site	0
Central Sewer Service is Proposed	3
Private Sewer Disposal System must be Utilized	11

% (h) Roadway Adequacy (6 points)

Point values for this criterion are assigned based on the designation of the adopted Highway Classification system. Section 6.4(d) evaluates the operational proximity of the site to designated highway problem areas. For nonresidential projects the points are doubled to; (12), (6), (0).

DESIGNATION

POINTS

Local Service	6	(12)
Secondary	3	(6)
Primary	0	(0)

(i) Emergency Service Availability (5 points)

The purpose of this criterion is to assess the distance of potential site development to emergency services: fire department (2.5 points) and ambulance service (2.5 points).

## ARTICLE 7. 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. Uses that are permitted within a Zoning district may be submitted with an application for a Site Plan subject to Section 4.10.

### Section 7.2 Zoning District Principal Permitted Uses

- (a) All uses listed as principal permitted uses within a zoning district shall be developed subject to adopted Subdivision and Site Plan regulations.

### Section 7.3 General Development Review System Requirements

- (a) If a developer's proposal is not listed as a principal permitted use in a zoning district, he must submit a Development Review System application for his project subject to the requirements of Section 7.4.
- (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) Planning and Zoning Staff Evaluation of the Development Review System
  - (3) Compatibility Assessment Meeting
  - (4) Public hearings
  - \* (5) Planning and Zoning Commission's Decision on the issuance or denial of the Conditional Use Permit
  - \* (6) Board of Appeal's decision on any appeal processed

### 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 Jefferson County Planning Staff. 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

- (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) Effected 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 structure 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 zoning fees must be paid.

- § (g) The Zoning Administrator shall determine if the sketch plan and support data are adequate. Once the Zoning Administrator places the advertisement in the paper, any interested party has thirty days to appeal the inadequacies of the sketch plan and/or support data to the Zoning Board of Appeals.

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 of this Ordinance and all other applicable sections of the Zoning Ordinance and other pertinent ordinances governing development in the County.
- + (b) After staff review and the collection of fees, the staff will notify the adjacent and confronting property owners of the date, time, and place of the Compatibility Assessment Meeting by registered mail and the applicant will post the property with a sign prepared by the staff which states the requested proposal and the date, time and place of the Compatibility Assessment Meeting.

- (3) 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 State Police;
  - (4) Present and future transportation patterns in the area;
  - (5) Consistency with land use plans and regulations of incorporated municipalities immediately adjacent to the proposed development;
  - (6) Any variance which is known to be required at the time of submittal;
  - (7) The relationship of the proposed change to the adopted Comprehensive Plan; and
  - (8) All items submitted with the application
- (c) The Planning and Zoning Staff shall monitor and record the meeting. A time limit, as referred in Section 7.7c may be imposed if there are a large number of persons to speak at a particular meeting. The Staff may comment on the proposed development's conformance to applicable State, Federal and Local codes but shall primarily monitor and record pertinent issues and concerns.
- + (d) The Staff shall prepare it's report of the developer's proposal, the agreed upon conditions, and any other pertinent data and will advertise for a public hearing of the Planning and Zoning Commission. The Board of Appeals or its representatives may attend this hearing. A public hearing in conformance with Section 7.7 will be conducted on the application no less than 15 days but no more than 45 days from the date of the Compatibility Assessment Meeting. The Staff report to be presented at the Public Hearing will be available to the general public seven (7) days prior to the advertised hearing.
- + (e) The public hearing will be conducted by the Planning and Zoning Commission. The Board of Appeals, or its representative may be present. 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. The hearing will be subject to Section 7.7c; however, speakers shall be limited to resolution of issues which could not be resolved at the Compatibility Assessment Meeting.

- (e) The property subject to the hearing shall be posted at least 15 days before the date of the hearing.  
(Conditional use permits are subject to Section 7.5b.)
- (f) The Board of Appeals shall make a decision no more than 30 days after the public hearing, or after the Planning Commissions recommendations on conditional use permits.

Section 7.8 Board of Appeals Approval of Conditional Use Permit

- (a) The Board of 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 8, Article 24 of the West Virginia Code, as amended.
- (b) The Board of Zoning Appeals shall:
  - \* (1) Hear and decide appeals regarding the Planning and Zoning Commission's issuance or denial of a Conditional Use Permit.
  - (2) 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.
  - (3) Authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions, the enforcement of the provisions of this Ordinance will result in unwarranted hardship and injustice and which will most nearly accomplish the purpose and intent of the regulations of the Zoning Ordinance.
  - (4) In exercising its power and authority, the Board of 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, decisions or determination as ought to be made.
  - (5) Meetings of the Board of Appeals shall be held at such time that the Board determines appropriate.
  - (6) Provided, however, nothing in this Section shall be construed as permitting the Board of Appeals to exercise any power or refrain from the performance of any duty not authorized or directed by the provisions of Chapter 8, Article 24, Section 55 of the West Virginia Code of 1931, as amended, which provision of the Code is hereby incorporated herein by reference.

Section 8.3 Public Hearing

- (a) The Board following action in Section 8.2, shall hold such hearing. At the hearing, any party may appear and be heard in person or by agent or attorney.
- (b) The Board shall render its determination on the application no more than thirty (30) days following the public hearing by registered mail. Any party aggrieved by a decision of the Board may appeal to the circuit court of Jefferson County within thirty (30) days of the Board's decision. The Court may affirm, reverse, vacate, or modify the decision subject to the appeal.

Section 8.4 Postponement of the Hearing

- (a) Requests for postponement of a scheduled hearing shall be filed in writing with the Planning and Zoning Commission, or their designed representative, not less than ten (10) days prior to the date of hearing, and shall be accompanied by a fee sufficient to pay the cost of advertising the postponement and the rescheduled hearing. The granting of such requests shall be at the discretion of the Board of Appeals.
- (b) Requests for postponement filed later than ten (10) days prior to the date of the scheduled hearing shall be placed in writing and shall be at the discretion of the Chairman of the Board of Appeals based on cases of extreme hardship. Requirement of fees cited in Section 8.4a shall prevail.
- (c) The Board may, upon its own initiative, postpone a scheduled hearing at any time. Such hearing shall be rescheduled within thirty (30) days.
- (d) For no reason, shall more than three (3) postponements over a period of ninety (90) days be allowed.

Section 8.5 Continuance of Hearing

- (a) 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.

§ Section 9.5 Projections Into Yards

- (a) Projections such as bay windows, chimneys, entrances, uncovered porches, balconies, and eaves may extend into any required yard not more than four (4) feet; provided that such projections are not over ten (10) feet in length. 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.
- (b) Fences and walls over six (6) feet in height shall meet building lines and yard requirements. An Improvement Location 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.

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

For all lots that were approved with setbacks by the Planning (and Zoning) 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 that did not have them stipulated previously by the Jefferson County Planning (and Zoning) Commission as a part of the subdivision process:

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 and Zoning Commission, shall be located in the right-of-way of any road or on any slope or drainage easement for such road.
- (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.

- (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.
- (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 governed by the Development Review System is subject to Section 10.4(e).

§ (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 governed by the Development Review System are subject to Section 10.4(e). Structures which have more than one use shall be required to use a pylon sign. One is permitted on each street frontage.

- (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 Agricultural District, where permitted, such signs shall be located in such a manner that there shall be one thousand (1,000) feet between signs. This section shall be subject to Section 10.4(e).

ARTICLE 11. OFF-STREET PARKING STANDARDS

Section 11.1 Non-Residential Parking Standards

- (a) To decrease congestion in the streets, permanent offstreet automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses, increased in size by 20 percent or more after adoption of these regulations.

Spaces shall be required per use and are as follows:

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.
& Banks, Financial Institution	1 space per 200 sq. ft. of floor space plus 5 reservoir spaces for each drive-up teller.
Bowling Lanes	5 spaces per bowling lane.
Churches	1 space for each 5 persons for which seating is provided in the sanctuary.
& Commercial Retail Sales (Less than 2,000 sq. ft. 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 of floor space.
Community Center, Library, Museum	1 space per 400 sq. ft. 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 Stations	10 spaces minimum.
& Hospitals	1.5 for each bed plus one for every employee.

§ (b) Parking requirements for uses not listed in 11.1(a) may be either approved or established by the Staff on a case-by-case basis. Justification for said requirements must be documented.

Section 11.2 Internal Circulation, Entrance and Parking Requirements

(a) All site plans for non-residential development are subject to the provisions and regulations for internal circulation, entrance requirements, and parking space and lane requirements referenced in Article 11 of the Jefferson County Subdivision Ordinance.

\* Section 11.3 - Residential Parking Standards

(a) To decrease congestion in the streets, permanent offstreet automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses, increased in size by 20 percent or more after adoption of these regulations.

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)	Driveway only
Single family attached (townhouses)	See Section 8.3(c)7. of Subdivision Ordinance
Multi-family apartments	See Section 9.3 of Subdivision Ordinance

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.