



AGENDA
Jefferson County Planning Commission
Tuesday, September 12, 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.

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

1. Approval of Meeting minutes:
 - August 8, 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.

There is no public comment for the following items.

4. **Review and Discussion** on the summary of the status of the implementation of the recommendations of *Envision Jefferson 2035 Comprehensive Plan* to the Planning Commission to be forwarded to the County Commission as an addendum to the Annual Report (possible speakers representing various Departments).
5. **Review and Action** by the Planning Commission to recommend approval of the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA 16-02, to the County Commission. The text amendment, in accordance with WV Code §8A-7-13 proposes revisions and additions to multiple sections of the Zoning Ordinance including Section 2.2, Terms Defined; Section 3.4 Boards and Commissions; Section 4.6, Distance requirements; Section 4.14 Historic Preservation; Section 5.10, Village (V) District; Section 8.19, Adaptive Reuse of Historic Structures; Section 10.4, Signs Requiring a Zoning Permit and Appendix C: Principal Permitted and Conditional Uses Table.
6. **Review and Discussion** by the Planning Commission on the proposed text amendments to the Jefferson County Subdivision and Land Development Regulations, File# STA16-01, for the purpose of scheduling a Public Hearing. The text amendment, in accordance with WV Code § 8A-4-5 proposes revisions and additions to multiple sections of the Subdivision and Land Development Regulations including Section 20.106, Adjustment of Lot Boundaries; Division 20.200, types of development; Section 20.201, Minor Subdivisions; Section 20.202, Major Subdivisions; Section 20.203, Minor Site Development; and Appendix A, Section 1.4, Final Plat; and Section 1.5, Recordation of Final Plats for Minor and Major Subdivisions.

7. 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.
8. Planners Memo
9. President's Report.
10. Actionable Correspondence.
11. Non-Actionable Correspondence.
 - 2017-08-15 Corporation of Shepherdstown regarding the development of Special Design Area guidelines along the Route 45 corridor west of town.

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 Planning and Zoning.

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

Draft

Jefferson County Planning Commission
August 8, 2017

The Jefferson County Planning Commission met on August 8, 2017 with the following Commission members present: Jack Hefestay, Wade Louthan, Secretary; J Ware, Donnie Fisher, President; Peter Onoszko, and Ray Bruning. Staff members present included Jennifer Brockman, County Planner; Nathan Cochran, Assistant Prosecuting Attorney; Alex Beaulieu, Zoning Administrator and Rhonda Greenholtz, Planning Clerk

Mr. Steve Stolipher, Mr. Gene Taylor, and Mr. Ron Thomas were absent with prior notification.

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

1. Approval of the minutes from the following Planning Commission Meeting
July 11, 2017. The minutes were approved with no objections.

2. Citizen Communications.

Mr. Than Hitt, Planning Commission member for the Town of Shepherdstown spoke on Agenda Item 5C as there is no Public Comment for that Agenda item. Mr. Hitt expressed that a draft of guidelines for the Shepherdstown Special Design Area (SDA) should be a priority of this Planning Commission as this was a key component of the Envision Jefferson 2035 County Comprehensive Plan. He also asked that this be completed before the approval of any projects within the SDA limits.

3. Request for postponement. None.

4. **Review and Discussion** on the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA 16-02. The text amendment, in accordance with WV Code §8A-7-13 proposes revisions and additions to multiple sections of the Zoning Ordinance including Section 2.2, Terms Defined; Section 3.4 Boards and Commissions; Section 4.6, Distance requirements; Section 4.14 Historic Preservation; Section 5.10, Village (V) District; Section 8.19, Adaptive Reuse of Historic Structures; Section 10.4, Signs Requiring a Zoning Permit and Appendix C: Principal Permitted and Conditional Uses Table.

Ms. Alex Beaulieu presented a matrix of the comments received at a Public Hearing held on July 11, 2017 along with an explanation of the proposed changes in each section of the draft amendment to the Planning Commission. Discussions ensued on the rights of the land owners, protection radii, the construction of new structures on properties deemed historical and any tax incentives that may benefit property owners.

The Planning Commission members approved the proposed changes and asked that a clean copy be presented to them at the next Planning Commission meeting for further review and approval prior to recommending this amendment to the County Commission.

5. **Review and Approval** of the Planning Commission's FY 2017 Annual Report to the County Commission per WV Code §8A-2-11. The Planning Commission is required by State Code to make an annual report to the appropriate governing body concerning the operation of the planning commission and the status of planning within its jurisdiction.

- a) The Annual Report of Planning Commission, Board of Zoning Appeals and Office of Planning and Zoning staff activities during FY2017, including graphic depicting FY15-FY17 activities was presented by Ms. Brockman for approval and recommendation by the Planning Commission to be forwarded to the County Commission for their approval.
- b) A summary of the status of the implementation of the recommendations of *Envision Jefferson 2035 Comprehensive Plan* was presented to the Planning Commission for inclusion with the Annual Report to the County Commission.

Ms. Brockman provided a status on the implementation of the Envision Jefferson 2035 Comprehensive Plan. She suggested that the presentation of this item to the County Commission be delayed pending contact with the various entities involved with the implementation of the Plan relative to their division provides input.

- c) Ms. Brockman responded to the request by the County Commission for the Planning Commission to initiate a draft development of standards for the Shepherdstown Route 45 Corridor Special Design Area (SDA) stating that this will become a priority after the current amendments being worked on have received approval.

Mr. Peter Onoszko stated that the Mayor of Shepherdstown approached the County Commission to discuss the Memorandum of Understanding (MOU). There were legal reasons why the MOU could not be consummated.

The County Commission is requesting the Planning Commission prioritize the drafting of these guidelines. The Planning Commission suggested that the interested representatives of Shepherdstown provide input to the County regarding their concerns related to this special design area and that the Planning Commission could utilize this input for the development of standards for the Route 45 SDA. The Planning Commission directed County Staff to work with the Town of Shepherdstown staff to initiate a discussion that would lead to the guidance of the development of SDA guidelines.

Mr. Peter Onoszko made a motion to approve the Annual Report and forward it to the County Commission separately from the other items listed above for approval with a few minor edits.

A secondary motion was made by Mr. Onoszko that the presentation of the summary of the implementation of the Envision Jefferson 2035 Comprehensive Plan be sent to the County Commission for approval as an addition at a later date.

Mr. J Ware seconded the motions. Votes were taken which carried unanimously

6. Planning Commissioner Training Video

A Video on “Signage” was to be shown to meet a portion of training hours recommended by the County Commission. This item has been postponed. A fourth Tuesday meeting will be held in September or October to fulfill this requirement.

7. 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 there are no new reports on this case.

8. Planners Memo.

- Ms. Brockman informed the Planning Commission that Planning and Engineering staff are currently working on amendments to the Jefferson County Subdivision and Land Development Regulations. Edits to the subdivision regulations are being made in part by recommendations that were submitted at a roundtable meeting that was held on July 25, 2017 with surveyors and engineers. A more substantial edit that involves the restructuring of the Regulations is currently being drafted as well. The Zoning staff is currently working on the drafting of Landscape and Sign Ordinances.
- Upcoming PC meeting

Next Regular Meeting: September 12, 2017

9. President’s Report. None

10. Actionable Correspondence. None

- Non-Actionable Correspondence. 2017-07-26, Cindy Jo Feeser RE: ZTA16-02

Mr. Fisher motioned to adjourn the meeting at 8:33 PM with no objections.



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV25414

www.jeffersoncountywv.org

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

MEMO

TO: Planning Commission

FROM: Alexandra Beaulieu, Zoning Administrator

DATE: 09-12-17

RE: Follow up to 08-08-17 PC Discussion regarding ZTA16-02, Historic Preservation

On August 8, 2017 the Planning Commission reviewed public comments received for ZTA16-02 and the proposed revisions Staff made in response to public comment.

Attached is the draft text amendment reflecting the changes discussed on August 8, 2017.

Additionally, Staff recommends the following edit which was not discussed on August 8, 2017:

- Page 4 –
 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; and Federally recognized Civil War Battlefields; ~~and National Register Eligible properties.~~ These properties retain a high level of original condition and integrity.

Attachments:

- ZTA16-02, Historic Preservation text amendment reflecting revisions from 08-08-17

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.~~

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 – A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Historic Landmark - A site, building, structure, or object designated as a "Landmark" either on a national, state or local register.

Historic Landmarks Commission – A five member commission, appointed by the Jefferson County Commission. Powers, 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.

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, which may include 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.

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, which may include 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.

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.

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.

Protection Radius – The area surrounding a historic site or historic resource not exceeding the boundary lines of the property. The size of the protection radius is governed by Section 4.6G of this Ordinance.

Article 3: ADMINISTRATION AND ENFORCEMENT

Section 3.4 Boards and Commissions

(D) Historic Landmarks Commission

1. A five member commission, appointed by the Jefferson County Commission. Powers, 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.
2. Review applications for Concept Plans as they relate to protection of identified Jefferson County Historic Resources in accordance with the Subdivision Regulations.
3. Make recommendation to the County Commission concerning pPlanning and Zoning issues as they relate to the protection of identified Jefferson County Historic Resources.
4. The Jefferson County Historic Landmarks Commission does not have the authority to nominate or designate a historic structure or site for inclusion on the National Register without the property owner's consent and does not have the authority to create a Historic District per WV State Code. §8-26A.

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.

4. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.
- B. Commercial uses are subject to this subsection, unless otherwise specified in this Ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this Section shall be located at least 75 feet from:
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.

The purpose of the protection radius is to preserve the historic character and allow future development that is consistent with the character of the historic site. The protection radius applies to properties with a historic structure or designated as a historic site when a non-residential development or development for a major residential subdivision is proposed. Adaptive reuse of a historic structure shall comply with Section 8.19 and Appendix C of this Ordinance.

a. Protection Radius

1. **National Register structures and properties and historic sites** shall be subject to a 300-foot protection radius, as measured from the center of the site or structure(s).
2. **National Register eligible structures** shall be subject to a 200-foot protection radius, as measured from the center of the structure(s).

b. Uses permitted within the Protection Radius. Within any area located inside a designated protection radius, Residential Uses as permitted in Appendix C, barns, and accessory structures as defined by this Ordinance 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 historic buildings and historic sites and recognizes the Jefferson County Historic Landmarks Commission's Classification of Historic Resources in Jefferson County.

All historic resources in Jefferson County are classified by their Category of Importance. All sites and structures were surveyed by the Jefferson County Historic Landmarks Commission up through 1957 and classified Category I through IV. 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. The countywide inventory of historic resources is updated semi-annually.

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.^{5, 7, 23, 27}

3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores 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.^{23, 26, 32}
4. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.^{7, 27}

Section 5.9 Reserved²³

Section 5.10 Village (V) District^{8, 23, 32}

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.

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

A. Principal Permitted Uses

1. Residential Land Uses

- a. Refer to Appendix A for site development standards. If applicable, reduced building setbacks may be permitted in accordance with Article 9.

2. Existing Structures

- a. Building setbacks, parking and drive aisle setbacks, distance requirements, and landscape buffers are not required when a proposed land use is to be located within an existing structure.
- b. When additional parking for an existing structure is required, a Site Plan shall be submitted. Setbacks shall be as required in Section 5.10A.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. At the time of the planting, vegetation shall be at least six (6) feet in height. No structures, vehicular parking, or stored material shall be permitted within the side and rear yard buffers.
- c. As a separate variance, in conformance with Section 6.2 of this Ordinance, the Board of Zoning Appeals shall have the discretion to waive a site plan based on the adequacy and number of existing parking spaces.

3. New structures and expansions to existing structures

- a. All new non-residential structures and expansions to existing structures shall comply with site development standards as required by this Ordinance and process a Site Plan in accordance with the Subdivision Regulations.

B. ~~and~~ Conditional Uses²³

- ~~2. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.~~²⁷

1. 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.^{27, 32}

~~1.2.~~ Existing Structures

- a. Parking, Building Setbacks, Landscaping, and Signage shall be addressed as part of the Conditional Use Permit application. The reduced setback requirements cited in Section 5.10A.2(a) and (b) shall apply. In lieu of the standard variance process, any proposed deviation from the required parking, building setbacks, landscaping, and signage 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. As a separate variance, in conformance with Section 6.2 of this Ordinance, the Board of Zoning Appeals shall have the discretion to waive a site plan based on the adequacy and number of existing parking spaces.

~~2.3.~~ New structures and expansions to existing structures

- a. All new non-residential structures and expansions to existing structures shall comply with site development standards as required by this Ordinance and process a Site Plan in accordance with the Subdivision Regulations.

~~B. Setbacks²⁷~~

~~1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. The BZA may consider setback variances based on other structures existing in the neighborhood.^{23, 32}~~

~~2. Existing Structures²⁷~~

- ~~a. The side and rear yard setbacks are 6' for an existing structure to be used for a land use as provided in 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. ~~Non-residential Commercial~~ uses shall not cause any odor, dust, smoke, vibration, noise, or electromagnetic interference, which can be detected at or beyond the property line., in accordance with Article 8.

D. Proposed uses in a recognized historic district shall obtain approval from the Historic Landmarks Commission and/or other appropriate state or federal agency prior to processing.²³

E. There will be no outdoor storage of equipment, materials or other stock.

~~F.~~

~~Other Requirements²³~~

1. ~~With the exception of setback requirements as specified in this section, Commercial and Light Industrial uses are subject to the requirements of Section 5.6E and the requirements for such standards in Article 8.~~

Section 8.15 Accessory Dwelling Unit

property as the principal dwelling unit and cannot be bought or sold separately unless subdivided in accordance with the Subdivision Regulations and the Zoning Ordinance. The owner of the accessory dwelling unit is the owner of the principal dwelling unit. The property owner or immediate family member must occupy either the principal dwelling unit or the accessory dwelling unit. Such accessory dwelling unit is permitted only if it meets one of the following criteria:³²

- A. An “In-Law Suite” is an accessory dwelling unit for the purpose of housing a relative of the property owner and must be clearly subordinate to the principal dwelling unit and meet all of the following criteria:³²
 - (a) Secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet, gross floor area;³²
 - (b) For a detached accessory dwelling unit, must be located on a property of at least two acres;³²
 - (c) Limited to use by a relative*;³²
 - (d) Sufficient parking available; and³²
 - (e) Approved by the Health Department.³²

**Related by blood, marriage, or adoption. Should relative no longer require the use of the [Accessory Dwelling Unit ADU](#), the property owner may apply for a Special Exception before the Board of Zoning Appeals to allow for rental to non-relatives. The principal dwelling unit or accessory dwelling unit must be occupied by the property owner or immediate family member.³²*

- B. An “Accessory Agricultural Dwelling Unit” for agricultural purposes is defined as a dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building and meets all of the following criteria:³²
 - (a) is secondary in size to the principal dwelling unit, limited in size to a maximum of 1,700 heated square feet, gross floor area;³²
 - (b) is located on a property for which the primary use is an agricultural use as defined by this ordinance;
 - (c) is located on a property of at least ten acres in area;
 - (d) is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property; and
 - (e) is approved by the Health Department.³²

One of each type of Accessory Dwelling Unit as defined in this section may be permitted administratively for each property meeting the criteria of Section 8.15 on the effective date of this Amendment. Additional units may be permitted by Special Exception [in accordance with Section 6.5](#); ~~which may be approved by the Board of Zoning Appeals following a public hearing. Such public hearing shall be conducted according to the requirements of Section 6.1C; may be continued according to the requirements of Section 6.1D; and is subject to the notification requirements of Section 6.1B. These additional units designed for occupancy by relatives or by farmworkers or caretakers may be approved based on the Board’s evaluation of the size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood.~~³²

RVs are prohibited as Accessory Dwelling Units.³²

Section 8.16 Reserved³²

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 a proposed multi-family dwelling or non-residential use for the building seeking adaptive reuse.

1. **Historic Landmarks Commission Findings.** The Historic Landmarks Commission may visit the property and review the proposed land development plan and use for sites designated as Category I or II. 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 located in such a way that masks parking and air conditioning from general view to protect the character of the historic site but does not hinder view of the historic structure; and
 - e. If the building facade(s) was modified in the past in a manner out of character with the structure, the Historic Landmarks Commission may recommend that the property owner restore the facade(s) to its historic condition; however, it shall be at the property owner's discretion to abide by the recommendation or not.

- 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.²
- B. Any exterior sign or signs pertaining to the use conducted on the premises, and which is either integral with or attached to the principal building, shall have a sum total area of no more than two square feet for each foot in length of the frontage of the building. No sign shall be attached to the side of the building that faces an adjoining residence. ~~All signs placed on a property whose use is permitted through the approval of a Conditional Use Permit are subject to Section 10.4E.~~³²
- 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.^{8, 32}
- 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.^{2, 17, 21, 23, 32}

- 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 Certificate²

All Zoning Certificate applications for signs may be approved by the Zoning Administrator if in conformance with the regulations.^{17, 21, 23}

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 32}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Residential Uses													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
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	<u>CU</u> <u>NP</u>	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	<u>NP</u> <u>*</u>	P	P	NP	<u>CU</u> <u>NP</u>	<u>*Sec. 8.19</u>
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
Home Uses													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
Institutional Uses													
Airport	NP	NP	NP	P	P	NP	NP	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 ²⁹	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	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Institutional Uses Continued													
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
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	
Industrial													
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 ²	NP	NP	NP	NP	NP	CU ²	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	
Industrial Manufacturing & Processing													
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
Adult Uses													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses													
<u>Adaptive Reuse of Historic Structures</u>	<u>CU</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>CU</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>Sec. 8.19</u>
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	<u>P</u> <u>CU</u>	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P CU	
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	
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	P CU	
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	P CU	
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 ³¹	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	P CU	
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	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
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	
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
Agricultural Uses*													
Agricultural Uses as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	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	
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

OC Office / Commercial Mixed-Use

R Rural

RG Residential Growth District

RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

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
 - ¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.
 - ² Approval process is per the Salvage Yard Ordinance.

E.D. **Automatic Extension.**

1. All requirements, for the vesting of property rights contained in an ordinance enacted pursuant to WV Code Section 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat valid under West Virginia law and outstanding as of January 1, 2010, shall be extended as provided in a resolution passed by the County Commission until July 1, 2012, or longer as agreed to by the municipality, county commission or planning commission. The provisions of this subsection also apply to any requirement that a use authorized pursuant to a special exception, special use permit, conditional use permit or other agreement or zoning action be terminated or ended by a certain date or within a certain number of years.
2. Any subdivision or land development plan or plat, whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010, shall remain valid as provided in a resolution passed by the County Commission until July 1, 2012, or such later date provided for by the terms of the Planning Commission or County Commission's local ordinance or for a longer period as agreed to by the Planning Commission or County Commission. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period. *Provided, that* the land development plan or plat has received at least preliminary approval by the Planning Commission or County Commission by March 1, 2010.

Sec. 20.106 Adjustment of Lot Boundaries (Merger Plats)

Elimination of a lot line between two or more contiguous lots under the same ownership may process via a Deed only.

All other adjustments of boundary lines require submission and approval of a Merger Plat and shall be subject to the requirements of Appendix A Section 1.4 of these Regulations, Subsections 1 - 9, 12, 15, 16, 17, 27, 28 and 33 and shall be prepared on either a Legal Size sheet or an 18" x 24" sheet.

Boundary line adjustments shall only require field surveying of any newly created line. If the entirety of both lots cannot be shown at the scale of the plat, provide an inset map that depicts the total boundary of both parcels at a scale acceptable to staff. Source documentation for the unsurveyed lines shall be is noted on the plat; provided, however, that any provisions of the WV Code shall prevail. Any newly created line shall be referenced by a tie line into an existing monument stated in the deed of reference that is being used. The adjustment of boundary lines or the consolidation of lots or portions of lots for the exclusive purpose of increasing land area or adjusting shape shall be approved, provided that the following criteria are met:

A. That access to all lots included on this plat is not adversely affected and is depicted on the plat;

B. ~~;~~ provided That no new lot is created;

C. That ~~and~~ the remaining area of the lot from which the land is taken; satisfies requirements for minimum lot size in the zone district in which it is located. Lot boundary adjustments between non-conforming lots shall be exempt from the minimum lot size criteria unless the lot(s) ~~from which the land is taken is~~ (are) rendered unbuildable.

A.D. That the following note shall be included on this plat and in the deed: ~~Properties so merged must clearly state in the deed the following, unless otherwise approved by the County Planner:~~

“The land(s) hereby conveyed is (are) adjacent to and contiguous with that certain parcel of land which is owned by the grantees herein, having been conveyed to them by deed of record in the Clerk’s Office of Jeffersonsaid County in Deed Book _____, Page _____, and this conveyance is made for the purpose of adjusting the boundary line(s) of said presently owned land(s) of the grantees.”

E. Provide acreage table on plat showing beginning acreages, the merged acreages and the final/net acreages for each lot in the following format:

<u>Acreage Table</u>		
	<u>Parcel A</u>	<u>Parcel B</u>
<u>Existing</u>	<u>— AC</u>	<u>— AC</u>
<u>Merger</u>	<u>+ — AC</u>	<u>-- AC</u>
<u>Final Area</u>	<u>— AC</u>	<u>— AC</u>

F. If the merger is occurring within a previously approved subdivision, a note which references the original plat stating “See PB _____ (Plat Book) PG _____ (Page Number), for subdivision notes and restrictions” shall be added.

B-G. _____ New lot lines do not create any setback violations. A note shall be added to the plat to this effect or front, rear and side setbacks shall be designated on the Plat along with any existing structures.

A ~~deed~~ plat shall be required to be recorded with the ~~plat~~ deed and shall include the Plat Book and Page Number of the recorded plat and the note from 20.106 (D) above, clearly label the proposed merged land area.

Sec. 20.107 Conservation Easements

All easements created and approved by the Jefferson County Farmland Protection Board, or any other land, viewshed, wildlife, water, or historic conservation agency or group, for the purpose of preservation shall process a deed with a corresponding exhibit detailing the boundary of the conservation area through the Office of Planning and Zoning prior to recordation. The extinguishment and retention of any development rights shall be detailed in the deed and on the exhibit.

Division 20.200 Types of Development

Unless explicitly stated within the individual sections listed in this Division, all requirements of these Regulations apply to each of the types of development listed below. Appendix A and Appendix B are included as requirements. Each development type shall comply with the requirements of the zone district in which it is located and may be limited by that zone’s restrictions. ~~Any subdivision in the Rural District since October 5, 1988, shall designate maximum density calculations on every plat. (See Zoning Ordinance)~~ Residue parcels from which development rights have been utilized prior to the effective date of these Regulations shall remain as residue parcels. Such parcels shall be limited to the number of development rights to which the parcel was entitled prior to the effective date of these Regulations. Excluded are developments for the purpose of extraction or harvesting of resources and for roads on agricultural land for the purpose of conducting the agricultural operation.

Sec. 20.201 Minor Subdivisions

Minor subdivisions are those that do not require the development of new off-tract infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas, and result in the creation

of five (5) residential lots or less, or two (2) nonresidential lots or less, including the parent parcel or residue, from contiguously owned parcels of record. Such subdivisions are approved by the staff. ~~Standards for approval of a minor subdivision shall be as established in this section.~~ Further subdivision of a parent parcel beyond the maximum ~~five (5)~~ lots allowed to be created via the minor process after October 5, 1988 shall be classified as a ~~Major S~~ubdivision and processed accordingly, unless a waiver is applied for and approved by the Planning Commission. A list of all deed transfers since October 5, 1988 shall be submitted with each plat.

A. Residential.

All minor residential subdivisions shall ~~contain, but are not limited to,~~ conform with the following ~~criteria:~~

1. ~~Lots and Residue Parcel.~~ A minor residential subdivision divides the property into lots and a residue parcel. The subdivision of the lots creates the residue parcel out of the original parcel.
2. ~~Access. In the Rural District, lots having a minimum road frontage of 200 feet may front on an existing road right of way having a width of 50 feet. Shared driveway access may be required. All other lots, regardless of the zoning district, shall have motor vehicle access to a WV DOH road right-of-way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1) via a 50' access easement which extends from the subdivided lots to the existing road right of way and provided that the access easement serves no more than five (5) lots. Said access easement shall not be permitted along any existing property lines. However, in the Rural District, lots having a minimum road frontage of 200 feet may have a single access onto an existing WV DOH right-of-way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1). Shared driveway access on the adjoining property lines may be required if the distance between the driveways is less than 200 feet.~~
3. ~~Water/Well or Sewer/Septic.~~ Potable water and sanitary sewer service shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health or letters of water and sewer availability, as applicable.

B. Family Transfers.

When ~~parent to child or child to parent~~ family transfers are provided for in a specific zoning district, such transfers shall conform with the following: ~~abide by the requirements and standards of minor residential subdivision provisions and the following criteria:~~

- 4-1. The deed shall identify the relationship between the grantor and grantee and document that the recipient has not received a previous family transfer; and
- 5-2. State in the deed and on the plat:

“The lot transferred is to be used for a single-family residence only as long as the lot is not further subdivided. Any further subdivision of the lot shall dissolve the single-family restriction and will place development of the lot under the County land development laws in effect at that time. This lot cannot be transferred again for at least five (5) years; except as another ~~parent to child or child to parent~~ family transfer of land. Any

transfer of this lot within the five (5) year period shall place this lot in violation of the Jefferson County Subdivision and Land Development Regulations.”

3. All lots shall have motor vehicle access to a WV DOH right-of-way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1) via a 50' access easement which serves no more than twelve (12) family transfer lots. However, lots having a minimum road frontage of 200 feet may have a single access on an existing WV DOH right-of-way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1). Shared driveway access on the adjoining property lines may be required if the distance between the driveways is less than 200 feet.
4. Potable water and sanitary sewer service shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health or letters of water and sewer availability, as applicable.
- 6.5. As used in this subsection, the word “transfer”, as it relates to the five year provision, shall not include:
 - a. Deeds to Trustees to secure a debt, except that no foreclosure can be had thereunder except at public auction and this provision must appear in the deed of trust;
 - b. Judicial sales or tax sales;
 - c. Mortgages;
 - d. Deeds of partition under or pursuant to an order of Court;
 - e. Real estate transferred by will or intestacy.
- 7.6. Each individual eligible to receive a family transfer as defined in the Jefferson County Zoning and Land Development Ordinance shall ~~A parent or a child may~~ receive only one such exempt lot within the County after July 19, 1979.
- 8.7. Parents who are married are entitled to only one such family transfer parcel.

B.C. Non-Residential.

The re-subdividing of a lot located in an approved industrial park or existing major non-residential subdivision shall be permitted to follow the minor non-residential subdivision process. When a non-residential ~~land use subdivision is permitted provided for~~ in the Rural Zoning District, such site development may utilize the minor non-residential subdivision provisions provided only one parcel is being subdivided off and only one use will be established on the lot. Additionally, any commercially zoned property may have a one-time exemption to divide off one lot utilizing the minor non-residential provisions providing that no off-site utilities are required and future connections to adjacent lots are provided. All minor non-residential subdivisions shall contain, but are not limited to, the following criteria:

1. **Lots.** A minor non-residential subdivision divides the property into more than one lot.
2. **Access.** All lots shall front on an existing internal subdivision road built to county grade road standards and having a minimum right-of-way width of 50 feet. Lots having direct access to a state road are not permitted to process as a minor, except for those proposals utilizing the non-residential permitted uses in the Rural District.

3. **Water/Well or Sewer/Septic.** Potable water and sewer shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health.

Where, in the judgment of staff, a residential or non-residential proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations, the proposed subdivision shall be classified as a major subdivision. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.

Sec. 20.202 Major Subdivision

A major subdivision, whether residential or non-residential, is any subdivision of land that requires the development of streets (public or private) or easements of access to the lots, or common area and/or includes the creation of more than five residential lots or more than two non-residential lots, that take access to an existing public street and/or requires the development of new off-tract infrastructure or the extension of existing off-tract infrastructure. (See definition of "Major Subdivision.") A subdivision may be classified as major if in the judgment of staff, a proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.

Sec. 20.203 Minor Site Development^{1, 3, 4, & 6}

Minor Site Developments are those proposals that do not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure.

~~If the development requires easements for drainage or other purposes, private roads, or parking, and access to public roads is involved that serve one or more land uses, it is a site development.~~

A. Minor Site Development Determination

Minor ~~S~~ite ~~D~~evelopments ~~are determined using the criteria defined in this Section. proposes one or more of the following:~~ Existing single family structures used as a single family ~~residence~~ structures and existing agricultural structures are not included in the square footage computations ~~below noted in this section; unless, development/redevelopment activity at the site triggers stormwater management policy as described in the Jefferson County Stormwater Management Ordinance.~~

1. Building(s), both new and additions to existing, where new structures or new additions to structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively.
2. Building(s), both new and additions to existing, where all new structures or new additions to structures located on the parcel total more than 5,000 and less than 250,000 square feet gross floor area (GFA) on any site shall:
 - Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.
 - In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.

3. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Section 20.203 Sub-Section (2) does not apply to this provision;
4. Apartment or multi-family development.
 - If apartment or multi-family development project proposes 10 units or more, applicant shall process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.
 - In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.
5. New Wireless Telecommunications Facilities (Cell Towers) shall:
 - Process a concept plan with a public workshop in accordance with Article 4B of the Jefferson County Zoning and Land development Ordinance and all remaining site plan review processes shall be administratively approved.
6. Campgrounds (see Appendix B, Division 8) shall process as a Minor Site Development; except that:
 - Campgrounds proposing more than 10 sites shall process a concept plan with a public workshop in accordance with Article 4B of the Jefferson County Zoning and Land Development Ordinance and all remaining site plan review processes shall be administratively approved.

B. Site Plan Classifications

All Minor Site Developments shall be processed utilizing one of the following Site Plan Classifications. Unless explicitly stated within this Section, all requirements of these Regulations apply to each of the classifications listed below, including the requirements of Appendix A and Appendix B. Minor Site Development ~~may require~~ Stormwater Management Plans and stormwater management activities per the Jefferson County Stormwater Management Ordinance, ~~as identified in A, B, C, and D within this Section.~~

~~Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this section; unless, development/redevelopment activity at the site triggers stormwater management policy as described in the Jefferson County Stormwater Management Ordinance.~~

1. No Site Plan or Stormwater Management Plan Required.

No site plan is required for additions to existing structures or structures ancillary to existing uses on a property, when:

1. The footprint of the addition or the new structure is less than ~~250~~1,200 square feet; and
2. No additional parking is required per Zoning Ordinance standards; and
3. The disturbed area is no more than ~~5,000~~3000 square feet.

2. Limited Site Plan and Stormwater Management Plan Addressing Quantity Only Required.

A site plan limited to basic information needed to address (a) erosion and sediment control, (b) parking requirements for the expanded use, (c) stormwater management (quantity and quality) for the additional impervious area only, (d) handicapped access to the existing and proposed structures and (e) compliance with the Zoning Ordinance, may be used on sites where the structure is:

- 4.1. An addition to an existing structure, or, ancillary to an existing use; and
- 5.2. The footprint does not exceed ~~1600~~ 3,000 square feet or 35% of the existing structure, whichever is smaller.
- 6.3. For a home occupation or cottage industry, the limited site plan standards are applicable if a site plan is required pursuant to the Zoning Ordinance.²

3. Full Site Plan-Required.

Any development which does not meet all of the criteria for a limited ~~or rural~~ site plan shall meet all the requirements of these Regulations ~~and the appendices~~.

C. Site Plan Exception.

~~For site plans located in the rural zone, Rural Site Plan Required Standards may be utilized.⁴ A primary function of the Rural/Agricultural zoning district is to preserve the rural character of the County and the agricultural community. The definition of agricultural allows a number of types of non-residential farming operations to occur in the Rural District. This creates a need to define the manner in which these uses can be permitted in the Rural/Agricultural zone without negatively impacting the rural character area of the land on which it is proposed to be located. While these uses are defined as agricultural, they may have an impact on the farm uses and neighborhoods in which they are located. For this reason,~~

~~All non-residential agricultural uses or principal permitted uses in the Rural District/Zone that require the construction of a structure other than a residence or other than a structure for private agricultural use not intended for public use may utilize this e-Rural-Site Plan Exception Standards. All Minor Site Developments in the Rural District shall be classified per Section 20.203.B.⁴ and Such Rural Site Plan Standards shall ~~shall meet all the requirements of the Site Plan Classification except for the following: follow the submittal and review requirements of a minor site plan with the following exceptions to the submission. The following provisions apply:~~~~

- 7.1. ~~Parking Areas and Access Drives~~. Parking areas and access drive aisles (except for the concrete apron) are not required to be asphalt or concrete paved but shall have at least 6" of stone/gravel and be graded in a manner that ensures water will not pool on the primary parking area. No curbs and gutters will be required provided the development conforms to the requirement of Section 2.

If the development is of a size or nature that requires the provision of handicapped parking spaces, such spaces shall be paved with asphalt or concrete and a similar paved surface accessing the front of the structure from the parking pad shall be required as detailed in Appendix B, Sec. 2.5(G), *Off Street Parking Standards*.

- 8.2. Rural Storm Drainage and Management. Development which is proposed in the Rural/Agricultural zoning district which wishes to take advantage of this Exception e-Rural Site Plan Standards ~~are is~~ required to utilize Low Impact Development (LID) techniques and provide stormwater management (quantity and quality) for the additional impervious area

~~only to minimize the impact of impervious surfaces and retain the rural character of the area. These techniques are identified in the Jefferson County Stormwater Management Ordinance. Total square footage will be applied and calculated for the non-residential structure(s) that will be open for public use.~~

Where, in the judgment of staff, a proposal does not meet the intent of this ~~Exception rural site plan provision~~ or the intent of these Regulations, ~~this exception may not be utilized~~ proposal shall be classified as a limited or full site plan. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.

Sec. 20.204 Major Site Development

Major site developments are those proposals that require the development of new infrastructure or the extension of off-tract infrastructure or where the proposal does not meet the definition of a minor site development. This covers the development of one or more parcels of land where there is no subdivision into separate lots. If the development requires easements for drainage or other purposes, private roads, or parking, and access to public roads is involved that serve one or more land uses, it is a site development. Excluded are developments for the purpose of extraction or harvesting of resources and for roads on agricultural land for the purpose of conducting the agricultural operation. Re-subdivision or adjustments of lot lines are also excluded. Major site development shall adhere to ~~F~~full ~~S~~site ~~P~~plan requirements in all proposals.³

Division 20.300 General Review Standards

Two types of review occur when a subdivision plat or site plan is proposed, a zoning review and a review of the actual subdivision plat or site plan. Section 20.301 covers the zoning review. Sections 20.302 and 20.303 cover the subdivision plat and site plan review.

Sec. 20.301 Zoning Review

- A. **General.** A zoning review shall be conducted concurrently with the review of an application for a subdivision plat or site plan. A review shall be provided at each phase of the process. Subdivision plats or site plans that do not meet the zoning standards shall not be approved. Conversely, no subdivision plat shall be denied on the basis of zoning if the Zoning Administrator has decided (or the Board of Zoning Appeals has decided on appeal) that the proposed development complies with the Zoning Ordinance.
- B. **Responsibility.** The zoning review is a function of Staff under provisions of the Zoning Ordinance. Any appeal of Staff's decision shall be heard by the Board of Zoning Appeals.
- C. **Report to Planning Commission.** Staff shall submit a report to the Planning Commission along with the agenda for each meeting at which a subdivision plat or site plan is to be discussed. The report shall contain a final decision as to whether the subdivision plat or site plan meets the standards of the Zoning Ordinance.

Sec. 20.302 Subdivision Plat General Review Standards⁴

- A. **General.** This section sets forth the design review criteria and the body charged with making the determination. Stormwater Management Plans may be required for inclusion based upon applicability standards defined in the Jefferson County Stormwater Management Ordinance. In conducting a review, the staff shall make a report and recommendations on design, and the Planning Commission shall make a decision, based on the following:

326. The following table listing waivers approved by the Jefferson County Planning Commission and variances approved by the Jefferson County Board of Zoning Appeals shall be placed on the Preliminary Plat, Site Plan or Final Plat cover sheet, as applicable. If no waivers or variances are granted, then a statement of “None granted,” shall be placed in the table:

Jefferson County – Complete List of Waivers/Variances (Table 1.2-2)			
Ordinance	Section of Ordinance	Description of Waiver or Variance	Date Granted

33. The Preliminary Plat and/or Site Plan shall be sealed, signed and dated by the Engineer of Record and the Surveyor of Record, as may be applicable, in accordance with state law.

B. Plat/Plan Changes.

In the event conditions are encountered during construction which make the approved Preliminary Plat and/or Site Plan impractical or excessively costly, field changes may be proposed in writing, by the developer through the developer’s design consultant, to the County Engineer. The County Engineer will review the proposed changes to determine whether or not the change is major and subject to Planning Commission action. In either case, the Engineer and staff will determine the technical acceptability of the proposed changes. Where said changes are minor, technically acceptable and in accord with the Ordinances the Engineer and staff may grant a field change. Modified plans, with changes shown as “redline revisions,” shall be signed and sealed by the engineer or surveyor of record, as applicable, and filed with the Planning Commission office. If the redline would affect the Final Plat, refer to Section 24.202A regarding the Plat Amendment process.

Sec. 1.4 Final Plat⁴

The Final Plat shall be drawn or reproduced on Mylar for recordation. The plat shall be drawn at a scale of one inch (1") equals one hundred feet (100') or larger and shall be eighteen inches (18") by twenty-four (24") in size. More than one sheet may be used provided all sheets are indexed on the cover sheet.

The Final Plat is the plat for recordation of the lots created by the subdivision. The Final Plat shall show or be accompanied by:

1. A ½ inch border along all sides except the left side (an 18" side) which shall have a 1-3/4 inch border for binding; however, a ½" border can be used for the cover page. All text and symbols shall be a minimum of 1/10 of an inch tall on paper.
2. A title block in the lower right corner to include:
 - a. The Official name of the subdivision by which it is to be recorded.
 - b. The names: “Jefferson County, West Virginia.”

- c. Tax District, Tax Map Number and Parcel Number.
 - d. Deed book number and page number.
 - e. Property Owner's name, address and telephone number.
 - f. Developer's name, address and telephone number.
 - g. Engineer and Surveyor of record's name, address and telephone number.
 - h. Sheet index on cover sheet if more than one sheet.
 - i. State the year of the Zoning Ordinance and Subdivision Regulations and the amendment date that applies to the project.
3. Tic Marks/SPCS WV North NAD83
 4. North arrow, graphic scale and date.
 - ~~54.~~ A small scale inset map showing the location of the subdivision in the County. The map shall be 1" = 2,000' scale, or other scale approved by the County Engineer.
 - ~~65.~~ If applicable, a small scale inset map showing the general location of the subdivision section relative to other sections of the same subdivision.
 - ~~76.~~ For the Final Plat, the subdivision perimeter boundary described by bearings and distances. The perimeter boundary shall be established by a network of traverse control having a relative error of closure of 1:7500 or better and a note to this effect shall be placed on the plat. All perimeter corners shall be permanently marked and in place.

If the survey is based on global positioning system measurements, the relative positional accuracy of the survey measurements shall not be less than that which is specified above.
 - ~~8.~~ ~~Lot boundary lines drawn to scale and dimensioned.~~
 - ~~89.~~ Lot boundary lines drawn to scale, dimensioned, and described by bearings and distances. Lot boundaries shall be established by a network of traverse control having a relative error of closure of 1:7500 or better.
 - ~~94.~~ Show the location and description lot markers and permanent concrete control monuments. The lot markers and permanent concrete control monuments shall be in accordance with state law. Where possible, permanent concrete monuments should be intervisible; at least 750 feet apart; away from future roadwork; and at least 2 per section or block.
 - ~~104.~~ Show and label the building setback lines ~~and note the building setbacks~~ on the plat.
 - ~~112.~~ A number to identify each lot and numbered in logical order.
 - ~~123.~~ A key to all symbols. (Identify monuments and markers according to type and whether "found", "set", or "to be set").
 - ~~134.~~ Existing easements and right-of-ways accurately identified, located, dimensioned and drawn to scale. Provide reference to deed book and page and/or plat book and page whichever applies.
 - ~~145.~~ Proposed easements and right-of-ways (roads, sidewalks, drainage, utilities, etc.)

identified, located, dimensioned and drawn to scale. Roads shall be named. Road names shall be approved by the Jefferson County GIS/Addressing Office.

156. Future easements and right-of-ways that may serve at a future date to connect with adjoining properties.
167. Identification of all current adjoining properties (including properties across any road, right-of-way, or easement) by ownership, tax district, tax map number, parcel number, and deed book and page reference. Departure lines for adjoining properties shall be shown on the plat.
178. Show and identify reservations of land for public or semi-public use, if required.
189. Label and show existing adjoining roads including the right-of-ways widths, road names and route numbers.
1920. Delineate the approximate 100-Year Floodplain and state flood plain zone and firm map number. Show any delineated wetlands that are located on or adjacent to the subdivision or site plan and reference the source of wetland degradation.
204. Area of each lot to the nearest 0.01 acre or to the nearest 100 square feet.
212. Curve data – radius, delta, arc, tangent, chord and chord bearing.
223. A computation of the total tract area and a computation of the land area included in the right-of-ways.
234. Descriptive lines ~~inside the tract boundary~~ existing:
 - Tract boundary - heavy dashed and two dotted lines
 - ~~Lot boundaries – medium solid lines~~
 - Property lines of adjacent tracts - light dashed and two dotted lines
 - Right-of-ways - ~~heavy-light~~ solid lines and two dash lines
 - Restriction lines - ~~medium-light~~ dashed lines
 - Easements and other reserved areas - ~~medium-light~~ dotted lines

Descriptive lines are to be clearly defined in the legend.
2524. Descriptive lines ~~outside the tract boundary~~ proposed:
 - ~~Property lines of adjacent tracts – medium dashed and two dotted lines~~
 - Lot boundaries - ~~light-heavy~~ solid lines
 - Right-of-ways - ~~medium-heavy~~ solid lines and two dash lines
 - Restriction lines - ~~light-heavy~~ dashed lines
 - Easements and other reserved areas - ~~light-heavy~~ dotted lines

Descriptive lines are to be clearly defined in the legend.

(NOTE: Descriptive lines outside the tract boundary are useful for purposes of tract location and orientation. However, such outside lines are not within the scope of the subdivision being platted and should not be given dimensions which might confuse existing descriptions on record).
256. A notation that states:

“The Seller of any lot within this subdivision shall provide the Buyer

with a reasonable opportunity, before settlement, to determine that the lot is suitable for the construction of a septic disposal system. If, before settlement, the Buyer is denied a septic system construction permit by the Jefferson County Health Department, the Buyer may refuse to purchase the lot without penalty.”

~~267.~~ For major subdivisions, a Statement of Acceptance placed on the plat cover sheet signed and dated by the developer/subdivider. The Statement shall read:

“The developer, in signing this plat, agrees to abide by all conditions, terms and specifications provided hereon; and to complete all the improvements required by the preliminary plat.”

For minor subdivisions, a Statement of Acceptance placed on the plat cover sheet, signed and dated by the developer/subdivider/owner. The Statement shall read:

“The developer, in signing this plat, agrees to abide by all conditions, terms and specifications provided hereon.”

~~278.~~ Certification of the Surveyor of Record as to the preparation and accuracy of the plat, along with the Surveyor of Record’s professional seal and signature.

~~289.~~ Note on the plat, the West Virginia Division of Highways (WV DOH) entrance permit number and provide a copy of the approved entrance permit. If a previously approved WV DOH permit exists, provide a copy of the updated WV DOH approval letter and the existing permit and state on the cover sheet the existing permit number and the date of the approval letter.

~~2930.~~ Note on the plat, the West Virginia Bureau of Health and/or Jefferson County Health Department permit numbers for water/well and septic/sanitary sewer systems; and provide a copy of the approved plans and permits.

~~3034.~~ Such other conditions, certificates, affidavits, endorsements, dedications or agreements as may be deemed necessary by the Planning Commission.

~~312.~~ A final list of restrictive covenants and/or the declaration in accordance with the West Virginia Uniform Common Interest Ownership Act shall be submitted with the Final Plat. However, they shall not become part of the Final Plat.

~~323.~~ Signature block placed on the plat cover sheet for the signature of the County Planner and the affixing of the Planning Commission’s seal.

~~334.~~ Provide a list of waivers on the Final Plat cover sheet in accordance with Appendix A, Section ~~1.2.A. 34~~1.3.A.32.

~~35.~~ In the Rural District, all plats shall provide a density calculation and a notation that states one of the following statements:

~~A. “This subdivision, together with past subdivision of this property, has utilized all development potential or lots to which the _____ acre parent parcel is entitled under the terms of the Jefferson County Subdivision Regulations. No additional lots will be permitted subsequent to the approval of this plat of subdivision unless or until such time as the property may be~~

~~rezoned or amendments to the County development regulations may permit additional subdivision.”~~

~~B.A. “To date, this subdivision, together with all past subdivisions of this property, has utilized _____ development rights to which the _____ acre parent parcel is entitled to _____ under the terms of the Jefferson County Subdivision Regulations. _____ additional lots will be permitted subsequent to the approval of this plat of subdivision unless or until such time as the property may be rezoned or amendments to the County development regulations may permit additional subdivision.”~~

- ~~346.~~ Where the adjoining State Road has a right-of-way of less than 50 feet wide, either a fee simple dedication or a road improvement easement will be provided which is a minimum of 25 feet wide measured from the existing centerline of the State road right-of-way.
- ~~35.~~ A note shall be added to the plat detailing the road and common land maintenance agreement for the proposed subdivision. Such note shall state that the road and common land is privately held and shall detail the manner in which the cost and expense of maintaining the private road easement, including snow removal, shall be shared among the lot owners, and shall note that this is not a public responsibility nor the responsibility of Jefferson County WV.
- ~~36.~~ Please add the following note to Minor Plats: The Jefferson County E911 Addressing Ordinance states that any easement or right-of-way legally accessed by 3 or more addressable structures (not lots) shall be named. The GIS/Addressing Office shall coordinate and oversee the naming of the common easement or right-of-way upon construction of the 3rd addressable structure that accesses the previously unnamed easement or right-of-way.
- ~~37.~~ Add a note that states: “All residential and non-residential building lots shall have stabilized construction entrances installed prior to beginning construction on the lot.

Sec. 1.5 Recordation of Final Plats for Minor or Major Subdivisions

The applicant shall ~~have 180 days after approval to file and~~ record the Final Plat in accordance with W.Va. Code § 39-1-13 and Section 24.104 of these Regulations for Minor Subdivisions and 24.118 of these Regulations for Major Subdivisions. The approval shall be become void if the time frames in these Sections are not complied with.

~~it is not filed within the 180-day period. The following documents shall be submitted to the Office of Planning and Zoning:~~

- ~~1. One (1) Mylar copy of the Final Plat suitable for recordation and acceptable to the Clerk of Jefferson County;~~
- ~~2. Three (3) paper copies of the Final Plat;~~
- ~~3. One (1) digital copy of the Final Plat compatible with the Jefferson County GIS, as specified by the Jefferson County GIS Office requirements; and~~
- ~~4. One (1) digital and one (1) paper copy of any deed restrictions/covenants in a~~

~~form suitable to the Department.~~

~~(For recordation requirements for Minor Subdivision Final Plats, see Section 24.104(E);
Recordation.)~~

Sec. 1.6 Bonding

All bonding and securities for such bonding (bonding shall be a minimum amount of 115% of the cost of all improvements) shall be submitted and approved during this time period. Satisfactory bonding and surety shall be submitted, approved and in place prior to recordation of the final plat. Bonding shall be provided in accordance with the County Commission of Jefferson County's bonding policy.

The developer/subdivider shall submit an itemized estimate of the costs for completing all improvements shown on the Preliminary Plat/Plan and/or Site Plan. The estimate shall be prepared by the engineer of record. The estimate shall be in a format specified by the Chief County Engineer.

For additional site work required due to plat or plan changes approved under Appendix A, Section 1.32.B, *Plat/Plan Changes*, additional bonding shall be provided as determined by the County Engineer.

DRAFT -- 10/12/2016

Appendix B – Engineering Standards

Division 1.0 General Engineering Requirements

Sec. 1.1 Minimum Engineering Requirements & Standards

These requirements and standards are considered minimums and are not intended to discourage the use of higher standards by developers and subdividers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.

These requirements and standards also apply to Condominium and Non-residential Subdivision and/or site development unless otherwise superseded by requirements and standards specific to those types of development.⁴

Sec. 1.2 Surveys

- A. The Preliminary Plat and Final Plat for a subdivision shall be prepared and certified as to preparation and accuracy by a West Virginia licensed surveyor or engineer.
- B. Permanent monuments shall be of the type specified by the Rules and Regulations of the West Virginia Board of Professional Surveyors; W.Va. Code Sections 23-5-7 and 3-1-17; or a greater standard as specified by the County Engineer/staff.
- C. All permanent lot corner markers not susceptible to destruction by subdivision improvements shall be in place prior to the conveyance of individual lots. All other lot corners shall be in place prior to the final release of the construction bond. Lot corners will consist of 36" long by 5/8" diameter sections of steel rod suitable for magnetic detection; and/or shall be in accordance with state law. Certification of such shall be provided by a West Virginia licensed land surveyor.
- D. Bearings (or Azimuths) shall be dimensioned to the nearest 0.5 minute, distances to the nearest .01 foot and areas to the nearest .01 acre or 100 square feet.
- E. New sections of any subdivision on record at the time these Regulations was adopted may use directional references that align with the directional references of the recorded subdivision.
- F. Any subdivision resulting in a residue of greater than 25 acres is not required to have a survey of the entire existing boundary of the residue. If the entirety of the residue cannot be shown at the scale of the plat, provide an inset map that depicts the subdivision within the existing boundary at a scale acceptable to staff.

Sec. 1.3 Construction Plans and Specifications

- A. All construction plans and specifications submitted shall be acceptable to the County Engineer and shall be used to evaluate progress during construction. The Chief County Engineer shall have the authority to establish standard construction details and specifications.
- B. Changes or revisions in construction plans and specifications shall not be made unless first approved by the County Engineer and/or other agencies, as applicable.
Minor changes may be submitted as marked-up "redline revisions" to the construction



Jefferson County, West Virginia

Office of Planning and Zoning
116 East Washington Street, 2nd Floor
Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org
Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228
Fax: (304) 728-8126

Planner's Memorandum Planning Commission Meeting September 12, 2017

- 1) **Upcoming Zoning Ordinance and Subdivision Regulation Amendments**
 - a) **Landscape Standards**
 - Stakeholder meeting with staff held – draft amendment in progress.
 - b) **Signage**
 - Various amendments including animated vs digital signs to be addressed; sign industry may need early input.
 - c) **Parking Standards**
 - d) **Subdivision Regulations Amendments**
 - Staff overview of outreach meeting with surveying community regarding proposed minor amendments (STA 16-01) related to sections requiring frequent interpretations and issues, including but not limited to processing mergers/lot line adjustments; contents of minor subdivisions, etc. held on July 25, 2017 -- draft forwarded to Planning Commission 9/12/17 to schedule Public Hearing
 - Staff initiated effort on larger amendment including reorganization of Sub Reg. sections
- 2) **Annual Planning Commission Training**
 - a) Training on Signage Laws tentatively set for 9/26/17.
- 3) **Upcoming PC meeting**
 - a) Next Regular Meeting: October 10, 2017.



CORPORATION OF SHEPHERDSTOWN

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

Jefferson County WV Planning Commission
c/o Rhonda Greenholtz, Planning Clerk
116 East Washington Street, Suite 200
P. O. Box 716
Charles Town, WV 25414

August 10, 2017

Dear Commissioners,

On behalf of the Shepherdstown Planning Commission (PC), I would like to thank you for considering the Corporation of Shepherdstown's request for the development of Special Design Area (SDA) guidelines along the Route 45 corridor west of town. At the August 8, 2017 Jefferson County PC meeting, the Commission agreed to recognize the need for SDA guidelines in this area and urged the Jefferson County planning staff to work with the Corporation of Shepherdstown's planning staff to develop such guidelines.

We look forward to this opportunity to work with the County in planning for future growth within the town's Growth Management Boundary and subsequently protecting the gateways to our community.

Sincerely,

Arthur J. Auxer, III
Mayor

Corporation of Shepherdstown WV
304-876-2605

cc. ✓ Charles F. Printz, Jr., Bowles Rice Attorneys
Jennifer M. Brockman, Jefferson County Planner
Jane M. Tabb, Vice President – County Commission
Patsy Noland, County Commissioner
Josh Compton, County Commissioner
Caleb Wayne Hudson, County Commissioner
Peter Onoszko, President – County Commission

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