



AGENDA  
Jefferson County Planning Commission  
Tuesday, March 13, 2018 7:00 PM

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

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

1. Approval of Meeting minutes:
  - February 13, 2018
2. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
3. Request for postponement.
4. **Public Hearing:** Request by applicant Maurice Gladhill (PCV#18-01) for a Variance from Section 8.2.c.8 of the 1979 Subdivision Ordinance for a reduction from the required .5 slope to .27 for the Aspen Greens Phase IA Subdivision. The property is designated as Tax District: Charles Town (02); Tax Map: 4; Parcel 19; Zone: Rural; Size (Phase 1A): 17.1 acres.
5. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA17-01. The text amendment, in accordance with WV Code 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 10 Provisions for Signs. The primary purpose of this amendment is to create provisions to allow electronic signs in Jefferson County. The amendment also includes reorganization of existing text for clarification.

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

6. Review of County Commission's recommended revisions to the proposed text amendment ZTA16-02 pertaining to Historic Preservation and standards for the Village District for consistency with the Comprehensive Plan. Discussion/Action.
7. Reports from Legal Counsel and legal advice to the Planning Commission.
8. Planners Memo
9. President's Report.
10. Actionable Correspondence.
11. Non-Actionable Correspondence;

**DRAFT**

Jefferson County Planning Commission  
February 13, 2018

The Jefferson County Planning Commission met on February 13, 2018 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Wade Louthan, Secretary; Peter Onoszko, County Commission Liaison; Jack Hefestay, Ron Thomas, J Ware, and Ray Bruning. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Alex Beaulieu, Zoning Administrator; Nathan Cochran, Assistant Prosecuting Attorney; and Rhonda Greenholtz, Planning Clerk.

Mr. Gene Taylor was absent with prior notification.

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

1. The minutes from the January 9, 2018 meetings were approved with no objections.
2. Citizen Communications. None
3. Request for postponement. None
4. A Public workshop was held by the Planning Commission for applicant Larry & Donna Boyd for a Concept Plan approval for a proposed 8 Lot Major Subdivision cluster development to be known as Ancient Oaks Estates (PC File# 17-20) to be located on the North side of Middleway Pike west of Willingham Road. The property is zoned Rural and consists of 43.63 acres and requires a minimum of 23.02 acres of greenspace for a cluster development (based on 1988 acreage of 46.040 acres). The subdivision is proposed to include seven (7) single family detached residential cluster lots with a 27.935 acre residue/greenspace.

Ms. Jennifer Brockman provided an overview of the location of the property.

Mr. Mike Roberts, Roberts Land Surveying, surveyor of record for this project spoke. The applicant is proposing 7 - two (2) acre lots with a single cul-de-sac street fronting onto Middleway Pike. The residue parcel is currently improved as a horse farming enterprise and has several stables and outbuildings and an existing single family home. This residue/greenspace parcel will access Willingham Road via the current driveway. Letters were sent out to the various review agencies. A few comments were received from some of these agencies. Stormwater management will be provided on the residue parcel through an easement area.

Ms. Brockman presented the staff report. Soil classifications and Zoning were addressed as part of the Cluster provision in the Zoning Ordinance to ensure that the development does not take place on prime farm land. The Subdivision Regulations require that all lots access off an internal subdivision road. A waiver will need to be applied for to allow the residue/greenspace lot to continue to access off of Willingham Road which may done with the submittal of the Preliminary Plat or prior to that submittal. This is the only outstanding concern staff currently

has with the project. Comments received from outside agencies have been included in the packet.

Mr. Roberts indicated that approval has been received from the addressing department regarding the street names.

Mr. Fisher asked what the acreage of the residue would be.

Mr. Roberts responded that it would be 27.935 acres.

Ms. Brockman wanted to clarify that the stormwater management easement area must be above and beyond the required 50% (23.02 acres). The proposed greenspace will include an additional 1.265 acres for a proposed stormwater management drainage area to be located along the secondary Willingham Road.

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

Mr. Fisher closed the floor to public comment.

Mr. Steve Stolipher made a motion to accept the Concept Plan as submitted.

Mr. Wade Louthan seconded the motion. A vote was taken which carried unanimously.

5. A Public Hearing was held for a request by applicant Robert Adkins (PCW#18-01) for a waiver from Section 20.201A (2) that requires all subdivision lots created through the Minor Subdivision Process to have motor vehicle access to a road right-of-way via a 50' access easement which extends from the subdivided lots to the existing road right-of-way.

Ms. Brockman provided an overview of the project. This 124.29 acre property is split zoned. A portion of this property lies in the Residential Growth (RG) Zoning District, while the other portion lies in the Residential /Light Industrial/Commercial (RLIC) District. The applicant is proposing to process a Minor Subdivision in the RG zone to subdivide the tenant house from the existing farm on its own lot and is requesting that each lot be permitted to utilize the existing driveways. The Subdivision Regulations require that lots created through the Minor Subdivision process shall have access to a road right-of-way via a shared 50' access easement. There is an exception for lots with 200' of frontage in the Rural zone but it does not apply in the RG zone. The applicant is requesting to utilize the existing driveways.

Mr. Gary Frey, Project Surveyor spoke. The applicant is requesting to divide off the tenant house that has existed for approximately 50 years with its own access off of Shepherdstown Pike. The existing farmhouse would like to continue to use the existing driveway further north off of Shepherdstown Pike as it has in the past.

Ms. Brockman stated that a letter from the WVDOH would be required stating that they have no issues with the two separate entrances.

Mr. Fisher opened the floor up to Public comment.

Mr. David Tabb, Resident. Mr. Tabb resides close to the property. He spoke in opposition to the request stating that a 50' or 60' easement should be required to allow for future development on this large piece of property.

Mr. Fisher closed the floor to Public comment.

Ms. Brockman reiterated that this request is to divide one lot only off the parent parcel. Any future development of this property will have to adhere to the Subdivision Regulations in place at that time. This waiver request is for this lot only. If the portion to be subdivided off had been in the Rural Zoning designation, this configuration could have been approved administratively.

Mr. Stolipher made a motion to approve the waiver as presented pending approval from the WV DOH.

Mr. Wade Louthan seconded the motion. A vote was taken which carried unanimously.

6. A Public Hearing was held for a request by applicant TeMa USA (PC File#PCW18-02) for a waiver from Section 20.402D which requires no permanent encroachments, structures, fences, or landscaping within an easement area. The applicant proposes asphalt paving over an existing sanitary sewer easement.

Mr. Stolipher and Mr. Peter Onoszko recused themselves from this item citing conflict of interest as they are both members of the Jefferson County Development Authority Board of Directors.

Ms. Brockman provided a brief overview of the property. A Concept Plan is not required for any property located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. A Site plan has been submitted for review. An existing sanitary sewer is located on the property which the applicant is proposing to pave over.

Mr. Justin Nester, Design Concepts, representative for the applicant, stated that TeMa USA is a manufacturer of building products and provided an overview of the project. A sanitary sewer exists under a portion of Lot 21 which is the location that TeMa, USA is requesting to pave over for additional parking.

Ms. Brockman stated that a letter had just been received from the Jefferson County Public Service District (PSD) granting TeMA USA permission to install pavement within the existing sanitary easement located on lots 21 & 22 of the Burr Industrial Park, provided that all manholes and clean outs shall be raised to the finished grade to allow future access for maintenance.

Mr. Fisher opened the floor to Public comment.

No Public comment was made.

Mr. Fisher closed the floor to Public comment.

Mr. Fisher made a motion to approve the request as written.

Mr. Ray Bruning seconded the motion. A vote was taken which carried unanimously.

7. The Planning Commission reviewed a petition for a Zoning Map Amendment by property owner Summit Point Ventures, LLC (File # Z18-01) for a property located at 500 Motorsports Park Circle in Summit Point to determine if the request is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Ms. Brockman stated that this petition has been presented to the County Commission for the purpose of scheduling a Public Hearing and was referred back to the Planning Commission to determine if the request is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. She also provided an overview of the request and a history of the property and its uses. The race track predated zoning and was designated specifically in the Zoning Ordinance as a Non-Conforming use and given certain rights of expansion. Several mergers and lot line adjustments have occurred on the property.

Ms. Brockman further explained how various uses were created on the property relative to automotive research and development and for training purposes. Staff finds that this request is not in conformance with the *Envision Jefferson 2035 Comprehensive Plan* as no public water and sewer are available to the site, it is not located within a Preferred Growth Area, and is not designated as future commercial on the Future Land Use Guide. The Planning Commissions role is to recommend to the County Commission if the request is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. This item will be heard at a County Commission Public Hearing scheduled for March 15, 2018 at 7:00 PM.

Mr. Chad Wallen, Gordon, Representative for the applicant spoke. StaSis, which was an automotive research and development company, divided this lot from the SPARC property and constructed the site in 2014. Mr. Wallen stated that one of the reasons why the applicant believes the request is in conformance with the *Envision Jefferson 2035 Comprehensive Plan* is that a property does not have to be in a Preferred Growth Area to be considered for rezoning. Other factors play into a rezoning, such as economic well-being for the County. He also stated that this is one of the largest existing commercial areas in the whole county. The possibility of this property reverting back to Agricultural is highly unlikely. When the original Site Plan was submitted, it provided commercial setbacks and well and septic to be self-sustaining. Commercial uses exist in the area. The *2035 Comp Plan* tried to address these anomalies. The rezoning to General Commercial would improve the marketability of the site.

Ms. Alex Beaulieu stated the “Non-Conforming” use designation of the property can continue to be utilized for a variety of uses and generally only requires processing a Zoning Certificate. The Board of Zoning Appeals (BZA) can also hear significant changes in non-conforming uses.

Mr. Wallen pointed out that the Zoning is designated as “none” in the Jefferson County Development Authority (JCDA) report.

Mr. Fisher inquired if a Site Plan would be required if the property is rezoned to General Commercial.

Ms. Beaulieu responded that a Site Plan would be required unless the current buildings and parking can be utilized. She also stated that if the property is rezoned the Non-Conforming

Use designation would no longer be valid. If the property is *not* rezoned, then a Conditional Use Permit could be processed in accordance with the uses in Appendix C of the Zoning Ordinance. A CUP is subject to a Public Hearing before the BZA.

Ms. Brockman stated that the Comprehensive Plan does not recommend rezoning areas of the County where public utilities are not available, including recommending delaying rezoning any of the properties located in that area along Rte. 340 South until utilities are available.. Staff believes the request is not consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Mr. Stolipher stated that he respectfully disagrees with Staff's recommendation saying that the property has always been treated as commercial. The rezoning of the property would contribute to the economic well-being of Jefferson County and that the building is existing.

Mr. Stolipher made a motion to recommend to the County Commission that the request is in conformance with the *Envision Jefferson 2035 Comprehensive Plan*.

Mr. J Ware seconded the motion. A vote was taken which carried unanimously.

8. The Commission reviewed Staff's proposed draft amendment to Article 10 of the Zoning Ordinance to allow electronic signs in the County. It was requested to schedule a work session (optional) or Public Hearing (required) on the proposed amendment.

Ms. Beaulieu explained the purpose of the Amendment is the "Terms Defined". They have been moved in the document and are much better explained. The Sections were reorganized for ease of location. Provisions for electronic signs have been added.

Mr. Jack Hefestay made a motion to schedule a Public Hearing on this item at the March 13, 2018 Planning Commission meeting at 7:00 P.M.

Mr. Stolipher seconded the motion. A vote was taken which carried unanimously.

*[Note: The Computer shut down at 8:07 PM to perform updates and the video stopped broadcasting.]*

9. 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. Nathan Cochran stated that this case has been dismissed and no longer needs to appear on the agenda.

10. Planners Memo. Mrs. Brockman presented an overview of the upcoming amendments. The meeting schedule had been revised due to an errors in the "tentative meeting" dates.
11. President's Report. None
12. Actionable Correspondence. None
13. Non-Actionable Correspondence. None

Minutes  
Planning Commission  
February 13, 2018

Mr. Fisher motioned to adjourn the meeting at 8:18 PM with no objections.



Staff Report  
Jefferson County Planning Commission Meeting  
March 13, 2018

Background:

Aspen Greens Subdivision is located northeast of the intersection of Old Country Club Road and Flowing Springs Road. Since this Subdivision began processing before the 2008 Subdivision Regulations were adopted, the Subdivision is being reviewed under the 1979 Subdivision Regulations. This is the first phase of Aspen Greens Subdivision, known as Phase 1A. The applicant is seeking a variance related to their submission of As-Built plans.

# **Engineering Report**

## **Aspen Greens Variance for Pipe Slope 02/13/2018**

### **Request:**

Gates Associated, Inc. for Roderick Planes, LLC, is requesting a variance from the 1979 JEFFERSON COUNTY SUBDIVISION ORDINANCE, Section 8.2C8 Storm Water Drainage and Erosion Control which states:

#### **Section 8.2C8**

Culverts shall be galvanized corrugated metal or equal and shall have a minimum diameter of 15 inches. Equivalent elliptical or arch pipes may be used where vertical restrictions exist. Culverts under subdivision roads shall extend from ditch grade line to ditch grade line at a slope of no less than 0.5 percent and shall be installed with inlet inverts or drop inlet entrances at the ditch grade line. Design for temporary ponding of water above the inlet may be allowed provided the inlet is fitted with a protective cover or grate and provided no personal injury or property damage is likely from such ponding. Outlets shall be protected from scour by riprap aprons or other energy dissipating devices.

The applicant is requesting a variance to decrease the minimum slope of 0.5% to what exist as shown in as-built plan 0.27%+/-.

### **Issues**

- Due to the 15" HDPE pipe being under 0.5% slope, clogging from sedimentation may occur due to low velocities associated with flat slope of the pipe.

### **Findings:**

- The 15" Storm Sewer pipe from inlet I-2 to Inlet I-9 has an existing slope of around 0.27%.
- The engineer of record has calculated the velocity of the pipe for a 1 year storm which would be 2.24 ft/s. According to design standards, a flow of 1 to 2 ft/s, depending on pipe material, would be a sufficient velocity to reduce the chance of accumulating sediment.
- The road is in place and would require removal of the road to fix the slope of the pipe.

**Conclusion:**

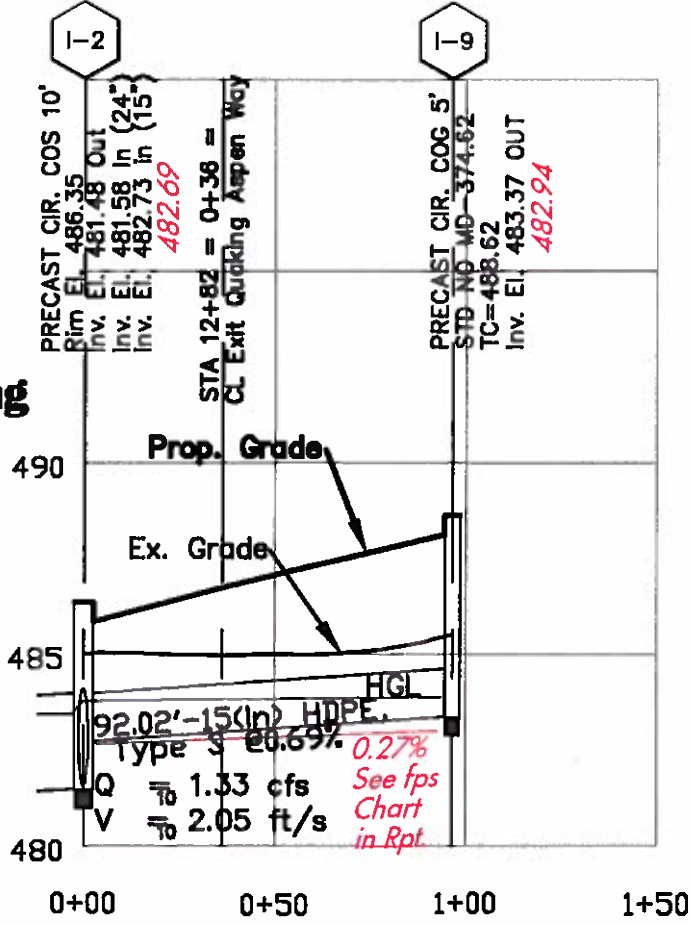
The main concern for pipes with flat slopes is that it produces slower velocities and will then accumulate more sediment over time. The accumulation of sediment will restrict the flow through the pipe. Therefore, the HOA would endure more maintenance cost than normal by having to flush the pipe.

The engineer of record has determine that the velocity through the pipe for a 1 yr storm would be above the industry standard around 2 ft/s. According to his calculation, there should be minimal accumulation of sedimentation.

The office of engineering recommends approval of this variance if the applicant and the HOA reach an agreement for the maintenance of this pipe and provide documentation of such agreement for the file.

Addendum Clip of Sheet 9A-GS of Issue

7E for  
lines along  
Court



**Storm Drain I-2 to I-9  
(Quaking Aspen Way)**

JEFFERSON COUNTY PLANNING COMMISSION

V A R I A N C E   R E Q U E S T

I/We request a variance from the provisions of the Jefferson County Subdivision and/or Salvage Yard Ordinance.

Property Owner(s):      Roderick Planes, LLC

Address:                      5509 Mt. Zion Road; Box 777

Frederick, Maryland 21705

Phone Number:              1-301-663-6060

Location of Property:      Northeasterly of the intersection of Old Country Club Road  
with Flowing Springs Road. See DOH Map Sheet 1.

Lot Size:                      0.41 Average; 203 Lots on 110 Acres

Deed Book Reference:      Deed Book Number 952, Page Number 565

Tax Map Reference:         District 2 - Charles Town Map 4, Parcel 19

Zoning District:              Agricultural Old Map

Section of Ordinance:      Art. 8.2c (8) Storm Water & Drainage Control - 3rd Sentence

Briefly describe (in your own words) by specific reference to a sketch (in accordance with the following paragraph) of the lot the nature of your variance request.

See "Waiver Request" form Page 2, Second paragraph for brief nature of request. See attached  
email requesting a Waiver submission. Upon delivery, JCPC re-directed Waiver Submission to this  
Variance form with submitted Waiver Form as an addendum for directed responses.

**RECEIVED**

FEB 16 2018

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

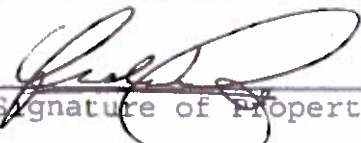
NOTE: Request is shown on submitted Redline Preliminary Plan Sheet 9A-GS, I-2 to I-9 profile

(detail clip attached).

Sketch on a separate 8-1/2" x 11" sheet of paper the shape and location of the lot. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Sign and date the sketch. Please provide a vicinity map of the area.

Please note variances to the Subdivision Ordinance must comply with Article 17 of the Ordinance; and, variances from the Salvage Yard Ordinance must comply with Article 6 of the Ordinance. To justify your variance request, please address the following items:

1. The request is not contrary to the public interest. This request is not contrary to the public interest as described on Waiver form Addendum page 2, 4th paragraph. Further note that larger rain events will provide >2.5 fps pipe flushout of sediment not so far showing.
2. A literal enforcement of this Ordinance will result in unnecessary hardship. Both Project Engineers letter submitted and both paragraph five & six of the Waiver form Addendum address the minor nature considered and reconstruction damage to improvements already working and in place.
3. The request is not the result of a self-imposed hardship. This request is the result of minor possible construction tolerance and soil settling on a very low slope grade pipe that does not meet county Ordinance but does drain as desired. See attachments.
4. The spirit of this Ordinance will be observed and substantial justice done. See submissions indicating work as constructed is already functioning within the spirit of ordinance. Adjustment for literal compliance should not be justified.

  
\_\_\_\_\_  
Signature of Property Owner  
As agent for Roderick Planes, LLC  
\_\_\_\_\_  
Signature of Property Owner

For official use only: Amount of fees paid \_\_\_\_\_

Date of meeting/public hearing \_\_\_\_\_

Official/Administrative body \_\_\_\_\_

Posting requirements \_\_\_\_\_

Advertising dates \_\_\_\_\_

Official Signature and Seal \_\_\_\_\_

Effective 6/72 Subdivision Ordinance - 8/94 Salvage Yard Ordinance

## ARTICLE 2: DEFINITIONS

### Section 2.1 Definitions

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

### Section 2.2 Terms Defined

Abandonment or Abandoned <sup>17, 21</sup>	The relinquishment of property or cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.
Accessory Agricultural Dwelling Unit <sup>26, 32</sup>	An accessory dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building, and is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property.
Accessory Dwelling Unit <sup>32</sup>	A secondary dwelling unit that has a separate kitchen, bathroom, and sleeping area, and may be attached to the principal dwelling unit or detached and situated on the same lot as the principal dwelling unit. An accessory dwelling unit is part of the same property as the main home and cannot be bought or sold separately unless subdivided in accordance with the Subdivision Regulations and the Zoning Ordinance. The owner of the accessory dwelling unit is the owner of the principal dwelling unit. The property owner or immediate family member must occupy either the principal dwelling unit or the accessory dwelling unit. An accessory dwelling unit shall meet the definition of an accessory agricultural dwelling unit or an in-law suite as provided in Section 8.15 of this Ordinance.
Accessory Equipment <sup>22</sup>	Any equipment serving or being used in conjunction with a Wireless Telecommunications Facility. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.
Accessory Use	A structure or use which is customarily incidental and subordinate to the principal building or use which is located on the same lot as the principal building. Accessory structures include garages, tool sheds, storage buildings, swimming pools or other similar structures. An accessory structure having any part of a wall in common with a dwelling is considered part of the main building and must meet those setbacks.

Battlefield <sup>32</sup>	There are Federally recognized battlefields in Jefferson County as determined by the Civil War Sites Advisory Commission. For the purpose of this Ordinance, green space includes battlefield core areas.
Bed and Breakfast <sup>23</sup>	A single-family dwelling where lodging is offered for compensation, having no more than seven (7) bedrooms for this purpose, and meeting the requirements for such a use in Article 8 of this Ordinance.
Bicycle Parking Space <sup>27</sup>	A volume of space that can accommodate locked storage of one (1) bicycle at a bicycle rack, i.e. a fixture to which one or more bicycles can be securely locked.
<u>Billboard</u>	<u>A structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located. (See Sign, Outdoor Advertising)</u>
Blue Ridge Line <sup>11</sup>	The common surveyed boundary between Jefferson County, West Virginia and Loudoun County, Virginia.
Board <sup>17, 21</sup>	The Jefferson County Board of Zoning Appeals.
Boarding or Rooming House <sup>24</sup>	A building other than a Hotel, Motel, Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn where lodging is provided for compensation for more than 6 unrelated persons. Meals may or may not be served but are not provided to outside guests. There is one common kitchen facility.
Brewer	Any person manufacturing craft beer from malt and hops by infusion, boiling, and fermentation for sale at wholesale to any licensed distributor.
Brewpub	An establishment owned by a resident brewer in which craft beer is manufactured and sold on premises in accordance with WV State Code licensing requirements. A brewpub may include the incidental sale of food.
Broadcast Tower <sup>22</sup>	A structure situated on a lot that is intended for transmitting television or AM/FM radio signals.
Buffer <sup>5</sup>	An area on a property defined by a distance from the property line or other specifically designed line such as flood plain, wetland limit or stream bank. Said area is intended to absorb, lessen or neutralize the impacts of one land use from another. The nature of the buffer will depend on the impact(s) being neutralized.
Building	Any structure which is permanently affixed to the land and has one or more floors and a roof. The term building shall include manufactured homes.
Building Line	The line established by law beyond which a building shall not extend as determined by front, side and rear yards, herein.

Sign	Any object, device display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.
Sign, Animated	A sign with action or motion, flashing lights, or color change requiring electrical energy, electronic, or manufactured sources of supply, but not including wind actuated elements such as flags, banners, or pennants.
<u>Sign, Billboard</u>	<u>A structure on which is portrayed information which directs attention to a business commodity, service, or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located. (See Sign, Outdoor Advertising)</u>
Sign, <u>Attached</u> Business	A sign <u>attached to a building/structure</u> which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where the sign is located.
<u>Sign, Electronic</u>	<u>A sign utilizing lights that change to form a static sign message or graphic wherein the sequence of messages and rate of change is electronically programmed.</u>
Sign, Freestanding <u>Business</u>	A sign supported by a permanent structure, other than a building, that is affixed to the earth and placed on the same parcel of land on which the business <u>commodity, or service, or entertainment</u> advertised by the sign is located.
<u>Sign, Inflatable</u>	<u>Any display capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.</u>
<u>Sign, Pylon</u>	<u>A sign which advertises more than one land use on the premises where the sign is located.</u>
Sign, Vehicle <sup>23</sup>	A sign or advertising device which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose of providing advertisements of products and services or directing people to a business or service or other activity on or off the premises or public right-of-way where such vehicle sign is located. This does not include identification signs on vehicles which are moved regularly and used in the normal, day-to-day operation of the business.
Sign, <u>Off-Premises</u> <u>Outdoor Advertising</u>	A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located. <del>This term shall include billboards.</del>
Soil Value	A relative numeric value assigned to soil groups based on the group's potential for agricultural production.

## **Section 6.2 Variances<sup>32</sup>**

The Board of Zoning Appeals shall consider requests for variances from the terms of the Ordinance.<sup>23</sup>

- A. The Board shall approve a variance request if the Board finds that a variance:
  - 1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
  - 2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
  - 3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
  - 4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.<sup>17, 21</sup>
- B. The owner or authorized representative of the owner of the property which is the subject of a variance request shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The variance request shall be filed with the Board in the Office of Planning and Zoning.
- C. Notification for a variance must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.

## **Section 6.3 Conditional Use Permit<sup>32</sup>**

The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as “Conditional Uses (CU)” in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit.<sup>2, 32</sup>

- A. The Board shall consider each Conditional Use Permit request that is filed in accordance with this Ordinance and the procedural requirements of the Board of Zoning Appeals. The Board may require reasonable conditions or special requirements which allows for the proper integration of the proposed uses into the community and are directly related to and incidental to the proposed conditional use permit. The following General Standards shall be considered in approving or denying the CUP:
  - 1. The proposed use is compatible with the goals of the adopted Comprehensive Plan.
  - 2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare.
  - 3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings.
  - 4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance.
  - 5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance.
  - 6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan’s Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial,

Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the BZA to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use.

~~6.7.~~ Any signs associated with the proposed Conditional Use shall be reviewed by the Board per Section 10.6.

- B. The owner or authorized representative of the owner of the property for which the Conditional Use Permit is being requested shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The Conditional Use Permit request shall be filed with the Board at the Office of Planning and Zoning.
- C. Staff will notify the adjacent and confronting property owners of the date, time, and location of the Public Hearing by registered mail. Notification for a Conditional Use Permit must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.
- E. If there are no negative public comments received by the Board, the Board shall issue the Conditional Use Permit but may require reasonable conditions.

#### **Section 6.4 Seasonal Uses<sup>5, 7, 32</sup>**

Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing according to the requirements of Section 6.1C. Newspaper notification requirements of Section 6.1B apply. Seasonal uses cannot be approved for longer than one year at a time.<sup>17, 21, 23</sup>

#### **Section 6.5 Special Exception ~~Permit~~Uses<sup>26, 32</sup>**

- A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals ~~following~~ subject to a public hearing in accordance with the following:-
  - ~~1.~~ The public hearing is subject to the notification requirements of Section 6.1B.
  - ~~2.~~ The public hearing shall be conducted according to the requirements of Section 6.1C.
  - ~~3.~~ Such hearing may be continued according to the requirements of Section 6.1D.
  - ~~4.~~ The public hearing is subject to the notification requirements of Section 6.1B.
- B. The following ~~signs~~ uses may be approved as a Special Exception:
  - ~~1. Off-Premises Signs per Section 10.5A~~ outdoor advertising signs including billboards.
  - ~~2. Billboard Signs per Section 10.5B~~
  - ~~3. Electronic Signs per Section 10.5C~~

The Board of Zoning Appeals shall determine if such a sign conforms to existing State law and does not have a negative effect on the neighborhood or intent of this Ordinance.<sup>17, 21</sup>

## ARTICLE 10: PROVISIONS FOR SIGNS

### Section 10.1 Purpose of Sign Provisions

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

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

### Section 10.2 General Provisions

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

- ~~A.~~ No sign shall be erected, hung, or placed in any district except as provided in this Ordinance.
- ~~A.B.~~ No sign erected before the enactment of this Ordinance shall be structurally altered or moved except in accordance with this Ordinance.
- ~~B.C.~~ ~~No zoning permit shall be required for the repainting or repairing of a sign.~~
- ~~C.D.~~ No signs, other than subdivision signs approved by the Planning Commission, shall be located in the right-of-way of any road or on any slope or drainage easement for such road, or within any stormwater, drainage, or utility easement.<sup>2, 17, 21, 23</sup>
- ~~D.E.~~ No sign shall be permitted which ~~is an imitation of~~ or ~~which~~ resembles an official traffic control device, railroad sign or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal, or traffic sight lines. ~~Illuminated signs shall be so constructed as to avoid glare or reflection of any portion of an adjacent highway or residential building.~~
- ~~E.F.~~ No sign which implies the need or requirement of stopping or this existence of danger shall be displayed.
- ~~F.G.~~ No sign shall be placed on rocks, trees, or on poles maintained by public utilities.
- ~~G.H.~~ No sign shall be permitted which becomes unsafe or endangers the safety of the building, premises, or persons and unless maintained in a good general condition.
- ~~H.I.~~ No sign shall be permitted which contains statements, words or pictures of an obscene, indecent, or immoral character.
- ~~J.~~ Illuminated signs shall be so constructed as to avoid glare or reflection of on any portion of an adjacent highway or residential building.
- ~~K.~~ ~~No~~ Animated signs, as defined by Section 2.2, are prohibited allowed.
- ~~L.~~ Inflatable signs, as defined by Section 2.2, are prohibited. Residential, seasonal lawn decorations are exempt from this provision.
- ~~M.~~ Vehicle signs, as defined by Section 2.2, are prohibited per Section 4.4J.

**Section 10.3 Signs Permitted ~~Signs Without Zoning Certificate~~ Permit**

**A. Repainting or repairing of a sign.**

~~A.B.~~ Signs posted upon property relating to private parking or warning the public against trespassing or against dangers of animals.

~~B.C. Municipal, County, State and Federal signs, including necessary traffic signs.~~

~~C.D. Historical markers, monuments, or signs erected by a public authority.~~

~~D.E.~~ Plates on residential structures or premises giving the name or address of the occupant, mailboxes, papertubes, and ~~similar uses~~ signs customarily associated with residential uses.

~~E.F.~~ A sign ~~indicating advertising the name and/or premises or accessory use of a home for an approved home occupation or cottage industry professional purpose~~, not exceeding the maximum size for such a sign as permitted in Article 4A of this Ordinance.

~~G.~~ A sign not exceeding 25 square feet ~~and no more than 6 feet in height~~ on a farm, advertising farm ~~activities and/or~~ products primarily grown on the premises.

~~F.H. Municipal, County, State and Federal signs, including necessary traffic signs.~~

~~G.I. Historical markers, monuments, or signs erected by a public authority.~~

~~H.J.~~ 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.

**K. Temporary Signage**

The temporary sign must be located on the property for which the advertisement is related. One temporary sign is permitted per street frontage. Temporary signs shall not be located within a public right-of-way. All temporary signs shall be removed 30 days after the event.

1. A sign not exceeding 20 square feet and no more than 6 feet in height that advertises:

a) ~~A temporary r~~Real estate ~~information~~ sign designating the zoning classification of the parcel, not exceeding 20 square feet and being located on the subject property for sale or lease.

b) ~~Services rendered by a contractor and/or professional person.~~

c) ~~A short-term or limited-time sale.~~

2. ~~A sign not exceeding 100 square feet that announces an upcoming subdivision or commercial site. Sign shall not interfere with traffic visibility.~~

3. ~~A sign that advertises a Seasonal Use approved by the Board of Zoning Appeals.~~

~~4. Election signs are permitted if erected no more than 90 days before the election and removed within 15 days of announced results. Signs shall not interfere with traffic visibility.~~

~~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 ~~Certificate~~ Permit

Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.<sup>2</sup> Sign types are defined in Section 2.2.

~~A. Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.<sup>3</sup>~~

### B. Attached Business Signs

Signs attached to a building related to the subject land use are permitted, provided:

~~1. 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 The total area of the sign shall be no more than two square feet for each foot in length of the frontage of the building.~~

~~2. Attached business signs shall not No sign shall be attached to the side of the building that faces an adjoining residence. All signs placed on a property whose use is permitted through the approval of a Conditional Use Permit are subject to Section 10.4E.<sup>B2</sup>~~

~~3. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.~~

### C. Freestanding Business Signs

Freestanding business signs related to the subject land use are permitted, provided: Individual business or industrial establishments may erect a freestanding business sign, provided

~~1. †The lot frontage is at least 40 feet.~~

~~2. TheOne freestanding sign per street frontage is permitted. The total area for any sign or signs on one supporting structure shall not exceed 100300 square feet and the maximum total height of the sign structure shall not exceed 35 feet.~~

~~3. Freestanding business signs 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.~~

~~4. Freestanding business signs 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 an adjacent the adjoining residence. Signs whose use is permitted through the approval of a Conditional Use Permit are subject to Section 10.4E.~~

~~5. Properties which consist of Structures which have more than one land use shall be required to use a pylon sign. One pylon sign is permitted on each street frontage.<sup>8, 32</sup>~~

~~6. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7~~

~~B-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.~~

~~C-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~~

Commented [AB1]: ZTA16-02

Commented [AB2]: ZTA16-02

~~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 from this standard shall require consideration and approval by the Board of Zoning Appeals.~~<sup>2, 17, 21, 22, 23</sup>

~~D.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.~~

~~E.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.~~

#### ~~F. 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 Signs Requiring a Special Exception PermitZoning Certificate<sup>2</sup>**

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

The following signs shall require processing a Special Exception Permit before the Board of Zoning Appeals pursuant to Section 6.5. Any deviation from the provisions of this section shall require consideration and approval by the Board as part of the Special Exception application.

#### A. Off-Premises Signs

Signs approved by the Board shall adhere to the following:

1. Off-Premises Signs shall not exceed 60 square feet and shall be no more than 25 feet in height.
2. When located in the commercial/industrial zoning districts, there shall be ~~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.~~
3. ~~When located in the , and in the Rural/residential zoning D districts, 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.~~
4. Off-Premises Signs ~~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.~~
5. Off-Premises Signs shall not be located ~~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.~~

6. In addition to the provisions herein, electronic signs shall also conform to the criteria outlined in Section 10.7.

**B. Billboard Signs**

Signs approved by the Board shall adhere to the following:

1. No billboard sign face shall exceed a total of 300 square feet in surface area including trim, nor shall it contain more than one message per sign face.
2. No billboard sign shall exceed 35 feet in height.
3. No billboard shall be closer to any public highway right-of-way than 300 feet.
- ~~4.~~Placement of a billboard must be in a location that is within 800 feet of an existing business.
- ~~2.~~5. There shall be a minimum of 1000 feet between billboards.
6. A billboard shall be no closer than 500 feet from a church, school, or cemetery.
- ~~3.~~7. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.

**C. Electronic Signs**

Electronic Signs located in the Rural, Residential Growth, and Village zoning districts shall require a Special Exception Permit unless included as part of a Conditional Use Permit application per Section 10.6. Electronic Signs shall conform to the criteria outlined in Section 10.7.

**Section 10.6 Conditional Use Permit (CUP) Signs**

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 from this standard shall require consideration and approval by the Board of Zoning Appeals.<sup>2, 17, 21, 23, 32</sup>

Signs associated with a Conditional Use Permit application shall be assessed by the Board of Zoning Appeals as part of the CUP process per Section 6.3. Any deviation from the provisions of this section shall require consideration and approval by the Board as part of the CUP application. Signs approved by the Board shall adhere to the following:

- A. There shall be a minimum of 300 feet between signs when located in the commercial/industrial zoning districts.
- B. There shall be a minimum of 1,000 feet between signs when located in the rural/residential zoning districts; however, a minimum of 300 feet between signs may be permitted provided the adjacent land use is a commercial/industrial land use.
- C. Signs shall comply with the front yard setback provisions in the districts in which they are permitted.
- D. In addition to the provisions herein, electronic signs accessory to a CUP application shall conform to the criteria outlined in Section 10.7.

## Section 10.7 Electronic Signs

Electronic Signs are permitted in any commercial and/or industrial district. Electronic Signs located in the Rural, Residential Growth, and Village zoning districts shall process as a Special Exception before the Board of Zoning Appeals per Section 6.5. Any electronic sign accessory to a Conditional Use Permit application shall comply with Section 10.6 and the criteria outlined in this section. When permitted, Electronic Signs shall conform to the following criteria:

- A. The message or image shall be static, displayed for a minimum of 15 seconds and shall not be animated by scrolling, flashing, or other similar non-static displays.
- B. The message or image change shall occur simultaneously for the entire electronic sign face without any special effects. The time to complete the change from one message to the next is a maximum of one second.
- C. Electronic signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if a malfunction occurs.
- D. An electronic sign may not be animated, play video or audio messages, or blink in any manner.
- E. Electronic signs shall not exceed a maximum illumination of 7,000 nits during daylight hours and a maximum of 600 nits for the time period between ½ hour before sunset and ½ hour after sunrise as measured from the sign's face at maximum brightness.
  - 1. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other appropriate methods.
  - 2. The change from 7,000 nits to 600 nit shall be controlled by an automatic dimmer control system.
- F. There shall be only one electronic sign on each parcel of land. Off-premises electronic signs shall be subject to Section 10.5A.
  - 1. Community announcements, emergency alerts, weather, and time related messages are generally permitted and shall not be considered an off-premises sign.
- G. Electronic Signs shall not be located within 300 feet of a traffic light.
- H. Electronic signs shall not be located within 200 feet of the property line of a parcel with a residential structure. This setback does not apply to mixed-use buildings or residential structures located on the same parcel as a commercial development.
- I. Electronic signs proposed to locate adjacent to a lot in the Rural, Residential Growth, or Village zoning districts, or adjacent to residential structures in any zoning district, shall be oriented perpendicular to residential frontages. Electronic signs shall not be parallel to any residential structures in any zoning district.
- J. Electronic signs adjacent to lots in the Rural, Residential Growth, and Village zoning districts shall automatically shut-off by 10:00 p.m. and shall not turn on until 6:00 a.m.
- K. Electronic signs shall be FCC certified as required by Federal Law. A valid copy of the FCC Manufacturers Testing Certificate shall be submitted to the Office of Planning and Zoning as part of the Zoning Certificate application.





# Jefferson County, West Virginia

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

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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

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## MEMO

**TO: Planning Commission**  
**FROM: Alexandra Beaulieu, Zoning Administrator**  
**DATE: March 13, 2018**  
**RE: ZTA16-02 - Historic Preservation Zoning Ordinance Text Amendment**

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On July 11, 2017, the Planning Commission held a Public Hearing to review the proposed text amendment pertaining to Historic Preservation and the Village District.

The Planning Commission made several revisions to the proposed text and forwarded their recommended version to the County Commission on January 4, 2018.

On February 15, 2018 the County Commission held their Public Hearing. Having received a few comments, they made some additional revisions on March 1 and will be holding a second Public Hearing to review those changes on March 15 at 1:30 p.m.

The most substantial change to the text amendment was to change all Not Permitted Commercial Uses in the Village district to Conditional Use.

The County Commission has forwarded this change back to the Planning Commission to determine if the recommended revision is consistent with the Comprehensive Plan.

Staff finds the proposed change consistent with the Comprehensive Plan in that it creates additional opportunities for restoration, rehabilitation, and adaptive reuse of structures within village areas.

### Attachments:

- Envisions Jefferson 2035 Comprehensive Plan Village Recommendations (Page 45)
- ZTA16-02, Historic Preservation Text Amendment CC Recommendations from 03-01-18



<b>Village Recommendations (Goal 3)</b>	
<b>1.</b>	Create village plans for the redevelopment and expansion of the County’s villages through collaboration with key stakeholders.
	<b>a.</b> Identify opportunities for restoration, rehabilitation and adaptive reuse of structures within village areas.
	<b>b.</b> Identify funding sources for villages to restore historic structures and provide opportunities for projects that would restore the village character to these communities.
<b>2.</b>	Provide land use tools that will enable expansion of the villages that will establish a continuation of village form, scale, and design, using design guidelines and/or other applicable architectural and planning methods.
	<b>a.</b> Encourage development and redevelopment of village based businesses, residential developments, small-scale multi-family housing, and applicable community facilities within designated village areas and in potential village expansion areas.
	<b>b.</b> Proposed commercial structures shall take into account similar architecture in the area or a type of structure that would be appropriate for the area in which it is located. A traditional suburban commercial strip development may or may not be appropriate in the villages and village expansion areas.
<b>3.</b>	Collaborate with key village stakeholders to implement and create water and sewer improvements, internal interconnections between adjacent commercial properties, area-wide shared stormwater and parking facilities within village centers.
<b>4.</b>	Identify communities that have a traditional village form but are not designated as villages and assess the ability for village zoning.
<b>5.</b>	Encourage the state legislature to include adaptive reuses of historic structures in the state code.



**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE**<sup>23, 29, 32, 33</sup>

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
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	<del>NP</del> P	
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	<del>CU</del> NP	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	<del>CU</del> NP	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
<b>Home Uses</b>													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
<b>Institutional Uses</b>													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church	P	P	P	P	CU	P	P	P	P	P	NP	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	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 <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Institutional Uses Continued</b>													
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	
<b>Industrial</b>													
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU <sup>2</sup>	NP	NP	NP	NP	NP	CU <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>													
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
<b>Adult Uses</b>													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>													
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 <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses Continued</b>													<b>Sec. 8.9</b>
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
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	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
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	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses Continued</b>													<b>Sec. 8.9</b>
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	P	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	P	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	P	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	P	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	P	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	P	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	P	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	P	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	P	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	P	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	P	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	P	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	P	
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	P	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	P	
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	P	Sec. 5.8C (RLIC only)
Restaurant, Fast Food, Drive-Through	NP	P	P	P	CU	CU	P	CU	CU	CU	P	P	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	P	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	P	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	P	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses Continued</b>													
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU NP	
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU NP	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU NP	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>													
Agricultural Uses as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
<b>Accessory Uses</b>													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

- |     |                                  |      |  |
|-----|----------------------------------|------|--|
| NC  | Neighborhood Commercial          | OC   | Office / Commercial Mixed-Use                    |
| GC  | General Commercial               | R    | Rural  |
| HC  | Highway Commercial               | RG   | Residential Growth District                      |
| LI  | Light Industrial                 | RLIC | Residential-Light Industrial-Commercial District |
| MI  | Major Industrial                 | IC   | Industrial-Commercial District                   |
| PND | Planned Neighborhood Development | V    | Village District                                 |

P Permitted Uses

NP Not Permitted Uses

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

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

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

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



# Jefferson County, West Virginia

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

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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

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## Planner's Memorandum Planning Commission Meeting March 13, 2018

- 1) **Gene Taylor:** Thank you for serving three terms in the Commission
- 2) **Zoning Ordinance Text Amendments**
  - a) **Landscape Standards**
    - Stakeholder meeting with staff held – draft amendment to be developed.
  - b) **Parking Standards**
  - c) **WV45 Gateway Design Standards**
    - Expecting feedback input from Shepherdstown Planning Commission
- 3) **Subdivision Regulation Text Amendments**
  - a) **Subdivision Regulations Amendments**
    - STA 16-01 Approved February 1, 2018, effective immediately; recorded. Revised application checklists underway.
    - Staff initiated effort on larger amendment including reorganization of Sub Reg. sections is underway.
- 4) **Upcoming PC meetings**
  - a) Next Regular Meeting: **April 10, 2018**
    - Chestnut Manor Concept Plan (18 lot Cluster and 49.85 acre green space) File #18-04
    - Magnolia Springs Concept Plan (301 single family lots) File #18-05