



AGENDA  
Jefferson County Planning Commission  
Tuesday, November 12, 2019, 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.**

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1. Approval of Meeting Minutes: October 15, 2019.
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. **Discussion and Recommendation** (*tentative*): Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment by property owner Murall Limited Partnership for a property located near the Jefferson and Berkeley County lines, on the corner of Coast Guard Drive and Charles Town Road, is consistent with the *2035 Comprehensive Plan*. This property is currently zoned Rural and the applicant is requesting General Commercial zoning. The property is designated as Tax District: Middleway (07); Tax Map: 2; Parcel: 1.3; Size: 5.68 acres
5. **Discussion and Possible Action:** ZTA19-01 Event Venue Zoning Text Amendment, sent back to Planning Commission by County Commission on 10/31/2019 to review and discuss before proceeding.

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

6. FY2020 1<sup>st</sup> Quarterly Report for County Commission
7. Reports from Legal Counsel
8. Planner's Memo.
9. President's Report
10. Actionable Correspondence
11. Non-Actionable Correspondence:
  - Letter of Participation in the League of Women Voters Open Meetings Study.



Meeting Minutes  
Jefferson County Planning Commission  
October 15, 2019

The Jefferson County Planning Commission met on October 15, 2019 with the following Commission members present: Steve Stolipher, Vice President (via phone); Ralph Lorenzetti, County Commission Liaison; Mike Shepp; J Ware, Jack Hefestay and Ron Thomas. Staff members present included: Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer and Rachael Burke, Planning Clerk.

Donnie Fisher, President; Nathan Cochran, County Attorney; Wade Louthan, Secretary and Ray Bruning were absent with prior notification.

Mr. Shepp offered to serve as acting President, which was unanimously agreed to. He called the meeting to order at 7:01pm.

1. Approval of the September 10, 2019 Meeting Minutes: The meeting minutes were approved with no objections.
2. Citizen Communications. None.
3. Request for postponement. None.
4. **Public Hearing:** Request by SPARC, LLC. (File #: 19-16-PCW). Applicant is requesting a waiver from Section 21.402.D to allow one freestanding 96" (length) x 48" (sign face height) x 7'4" (structure height) freestanding sign at the west entrance and one freestanding 96" (length) x 48" (sign face height) x 7'4" (structure height) sign at the east entrance of the Summit Point Automotive Raceway Center (SPARC) to be located within the platted 10' sidewalk easement. The property is designated as Tax District: Kabletown (06); Tax Map: 17; Parcel: 2; Zoned: Rural; Size: 415.32 acres.

Ms. Brockman reviewed the location and history of the project.

Mr. Ryan Perks, with Gordon, spoke on behalf of the applicant. He explained that the signage requested will have the company's new branding and help direct patrons to the track. He also stated that the applicants are willing to move the sign to accommodate the sidewalk easement if a sidewalk or trail area developed at a later time.

Ms. Brockman clarified that because the sign is considered a permanent structure and that the Subdivision Regulations prohibit permanent structures in an easement, this waiver requires Planning Commission review and approval.

Planning Commission members asked if the sign would remain in the same location and brought up concerns with road visibility. They also asked about sign composition.

Mr. Shepp opened the floor to public comment. No one spoke; he closed Public Comment.

Mr. Thomas made a motion that they approve the waiver as requested, with the stipulation that they will not impede the visibility of the triangle and if sidewalks or paths comes through at a later time, the new signs would need to be moved. Mr. Hefestay seconded the motion. A vote was taken and carried unanimously.

6. **Reports from Legal Counsel:** None.

7. **Planner's Memo:** Ms. Brockman distributed a timeline for the Subdivision Regulation and Zoning Ordinance edits being undertaken by Greenway Engineering. The timeline is as follows:

- Staff held a Stakeholder Meeting on September 30, 2019 and there were about 15 people in attendance. We received 4 additional public comments after the meeting, which we can distribute if the commission wishes.
- Staff met with Greenway today, October 15, 2019 to discuss the reorganization of the subdivision regulation. Mr. Saunders and Ms. Brockman created a word document with proposed changes that they had previously worked on.
- Staff will do a weekly update with Greenway. At the following Planning Commission meeting any updates will be provided and by November 15, 2019 Greenway will provide, to the committee and staff, the reorganization of the document with no edits. These edits will focus on submission process and there will be duplicative items due to not editing the document until the organization is reviewed to make sure it is logical.
- Greenway will proceed in December with the edits. This first round of edits are due January 2, 2020 and will include items that are being waived frequently, clarification for conflicts in ordinance and overall cleanup.

Mr. Shepp and Mr. Stolipher stated they are disappointed in the length of the timeline and Ms. Brockman stated they wanted to see the unedited organization first. Also, the true length of time will depend on Public Comment and Planning Commission (PC) and County Commission (CC) discussion.

The earliest the required PC Public Hearing could be scheduled is February 25, 2020 and there would possibly be the need for two other special meetings, one in January and one in March. The February 25<sup>th</sup> Public Hearing would need to be called at the January PC meeting in order to meet the 30-day public notice requirement. Then, they would need to get on the County Commission's Agenda to schedule their Public Hearing and provide time for input after the hearing is held.

At the Stakeholder meeting there was talk of larger changes and this may not be the time for those edits. The Zoning Ordinance amendments will focus on moving some Cluster Development requirements to the Subdivision Regulations, revisions to the parking and landscaping regulations, addressing various items requiring variances, and possibly the sign ordinance. The overall goal is to prevent applicants from coming to Planning Commission and the Board of Zoning Appeals.

Mr. Lorenzetti asked for clarity about the Route 45 overlay and the edits completed by Shepherdstown Planning Commission. Ms. Brockman stated she will check to see if these were included in her edits sent to Jamie, with Greenway.

Ms. Brockman discussed an example of which could streamline one part of the process. Currently, for Preliminary Plats and Major Site Plans, the Planning Commission has to schedule a meeting to deem these items as complete and then to schedule a public hearing, which creates a two-month delay. We have asked Greenway to look into this, to see if it is

possible to allow staff to schedule the Public Hearing if given the authority by the Planning Commission. This would save time for applicants.

Ms. Brockman gave an update on ROCS and Seneca, current Preliminary Plats/Site Plans that are waiting Department of Highways approval.

Ms. Brockman stated that the ordinance amendment for churches in the Industrial Commercial Zone was approved on September 19, 2019 and they have applied for their Conditional Use Permit. This item will be on next Board of Zoning Appeals meeting. The Event Facility revisions are planned to be reconsidered October 31, 2019 at the County Commission meeting, based on Public Comment.

November 12, 2019 is next meeting.

MARC public comments were sent from staff explaining that the commuter train is an important part in the Comprehensive Plan.

8. Actionable Correspondence. None.

9. Non-Actionable Correspondence: None.

Mr. Hefestay made a motion to adjourn the meeting and Mr. Thomas seconded it; The motion carried unanimously.

Mr. Shepp closed the meeting at 7:32 PM.



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### Item # 4



# STAFF REPORT

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### Applicant's Request

The applicant's request is to have the property located at southeast corner of Coast Guard Drive and Charles Town Road (WV 115) rezoned from Rural (R) to General Commercial (GC).

### Neighboring Uses

The property under consideration for this Zoning Map Amendment is adjacent to or in close proximity to the following non-residential uses:

- Hospice of the Panhandle (north; zoned Rural)
- Proposed Rocky Ridge Townhouse development/mini warehouses (north; zoned RLIC in 2014)
- Vacant grocery store (west, in Berkeley County)
- Federal Offices (southwest, in Berkeley County)
- Potomac Edison Substation (south; zoned Rural)
- Vacant (east; zoned Rural)



### Scope of this Assessment

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan* (2035 Plan) and provides a Staff recommendation based on review of the various plan sections and elements. Staff's professional recommendation is that the request is reasonably **consistent** with the *2035 Plan* because of its location within the County-designated



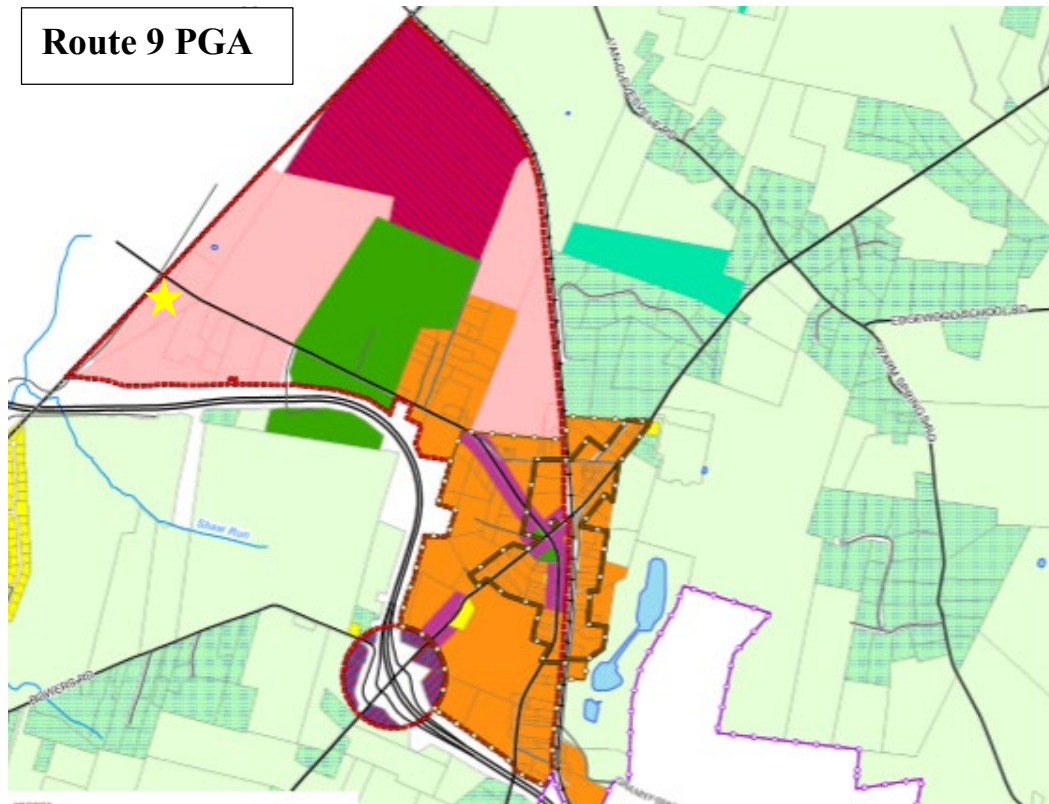
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Route 9 Preferred Growth Area (PGA) and its designation on the Future Land Use Guide as Future Mixed Use Office/ Commercial.

It should be noted that Staff have no statutory authority to make decisions in this regard. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.



### **Zoning Map Amendment Public Hearing Process**

Article 12 of the Zoning Ordinance requires that the “procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West Virginia State Code as amended.” Regarding amendments by petition, State statute provides that, “Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan.” [See WVC 8A-7-9(c)].

### **Relevant Envision Jefferson 2035 Comprehensive Plan Elements and Commentary**

#### **1. Land Use and Growth Management Element**

##### **Future Land Use Guide (p. 215)**

The *Envision Jefferson 2035 Comprehensive Plan* includes a Future Land Use Guide, which depicts recommended future land uses (p.16) for the unincorporated areas of Jefferson County. The Future Land Use Guide is intended to be used in combination with the recommendations of the *2035 Plan* when considering owner initiated zoning map amendments. The purpose of the Future Land Use Guide is to assist the Planning Commission and County Commission in making decisions on changes to the Zoning Map. The *2035 Plan* states that the review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan and that all zoning map amendments shall be in conformance with the Future Land Use Guide and the

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recommendations of the *2035 Plan* (p.17). The Future Land Use Guide also includes a note that states: “Use of this map is to be in combination with the text and land use recommendations of the *Envision Jefferson 2035 Comprehensive Plan* when considering zoning map amendments and future land use decisions.”

A subsection of the *Plan* found on page 26, entitled “Land Use Classifications as shown on the Future Land Use Guide” further states the following:

“The land use classifications on the Existing Land Use Map and Future Land Use Guide were developed throughout the planning process and may not relate precisely to a single zoning classification. These land use classifications are intended to provide guidance to the County and Planning Commissions when considering owner initiated zoning map amendments (rezoning requests). According to Chapter 8A of the West Virginia State Code, as amended, the County Commission can approve any zoning ordinance map or text amendment by finding that the request is consistent with the Comprehensive Plan.”

The subject parcel is located within the identified Preferred Growth Area (PGA) for Route 9 and is shown on the Future Land Use Guide as Mixed Use Office/Commercial. Under the discussion of the PGAs (p.22), the *Plan* states that where the Route 9 PGA (between Kearneysville and the Jefferson/Berkeley County line) could be served by water, sewer, and natural gas services from Berkeley County, it recommends more intense business park/commercial uses to develop (along the County line), while the village of Kearneysville could redevelop with small businesses and residential uses in a pattern and scale compatible with the village district. The proposed Mixed Use Office/Commercial future land use category is intended to encourage this business park/employment type development.

The criteria for evaluating zoning map amendments in a Preferred Growth Area are found within the Recommendations Section under “Urban Level Development” (p. 30-33).

## 2. Land Use Map Classifications

Appendix G (p. 235-239) of the *Envision Jefferson 2035 Comprehensive Plan* provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests).

- Appendix G states that the “Mixed Use Office/Commercial” land use category is proposed to “create an employment district primarily consisting of office and technology uses, with limited amounts of commercial uses. This will require the development of a new zoning category, intended to provide an opportunity for professional services and business offices, research and development, medical, technology and financial services which could be located where this category is shown on the Future Land Use Guide. A minimum of 80% of the site development is proposed for office uses, with a maximum of 20% commercial activity, intended to support the office uses.” [note: the OC District adopted in 2014 has not been modified to meet these recommended percentages]
- Appendix G states that the “General Commercial (GC)” land use category is proposed to “provide for general destination business uses which provide a broad range of commercial products and services necessary for large regions. The uses in this category may be characterized by larger buildings, more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district. This category is intended to for individual structures less

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than 50,000 square feet and could include more than one structure.” [note: the GC District adopted in 2014 has not been modified to reflect this lower floor area]

The Mixed Use Office/Commercial future land use category which is recommended for this property is also recommended for the 124 acres across Charles Town Road, which were zoned Residential-Light Industrial-Commercial (RLIC) before the *Plan* was adopted. The *Plan* recommends not using RLIC for any future rezoning. It should be noted that a zoning district entitled “Office/Commercial (OC) Mixed Use District” was created in 2014, but has not yet been used in the County. The applicant is requesting General Commercial (GC) zoning.

### 3. **Proposed Zoning District – General Commercial**

The purpose of the General Commercial (GC) District (Section 5.12) is to “provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in this ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the Neighborhood Commercial District” (complete description attached).

As a point of reference, the purpose of the Office/Commercial (OC) Mixed Use District (Section 5.17) is to “allow for well-designed employment centers. Developments in the OC district contain a mix of land uses, primarily oriented to commercial and office uses but also allowing multi-family and attached single-family residential uses. Developments are oriented to principal streets, contain substantial public space and streetscaping, allow for pedestrian movement within the site and between adjacent sites, and meet the design standards provided for this district” (complete description attached). This District requires at least 50% of the gross floor area to be office uses.

### 4. **Staff Discussion and Recommendation**

While there is a zoning category that more closely relates to the proposed future land use of “Mixed Use Office/Commercial” depicted in the *Envision Jefferson 2035* Future Land Use Guide, it seems reasonable for an applicant to argue that other commercial zoning categories may better meet their intent for the property. During the development of the *Comprehensive Plan*, there was considerable interest in encouraging the creation of a concentrated employment district consisting primarily of office and technology uses, with limited supporting commercial uses, in order to provide a location to encourage professional services, business offices, research and development, medical, technology and financial services in addition to the more traditional industrial or retail commercial development. This concentrated area was generally shown within the Route 9 Planned Growth Area, particularly along the Berkeley county line, with access to utilities, the 4-lane Route 9 and WV 15 access.

In spite of the Future Mixed Use Office/Commercial recommendation on the Future Land Use Guide, staff finds the proposed General Commercial rezoning is reasonably **consistent** with the *Envision Jefferson 2035 Comprehensive Plan* and the identified Route 9 Preferred Growth Area.

### 5. **Planning Commission Action**

Article 12 of the Zoning Ordinance, in accordance with State Code, requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted *Comprehensive Plan*. Such recommendation

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will be required to be sent to the County Commission prior to the County Commission's public hearing which shall be held within 60 days of the date the petition is presented.

The petition was presented to the County Commission on November 7, 2019 and the required Public Hearing has been scheduled. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this meeting.

#### **Attachments:**

- Section 5.12 General Commercial (GC) District excerpt
- Section 5.17 Office / Commercial (OC) Mixed-Use District
- Appendix C: Principal Permitted and Conditional Uses:
  - Yellow: General Commercial
  - Blue: Office/Commercial

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### ATTACHMENTS:

#### Section 5.12 General Commercial (GC) District<sup>27, 32</sup>

- A. Purpose. The purpose of this district is to provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in this ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district.
- B. Location. This zoning category is intended for use on properties:
1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>32</sup>
  2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>32</sup>
- D. Site Development Standards
1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
  2. A development that complies with all requirements of Section 5.11E may be developed in accordance with the requirements of Section 5.11D(2-6) and the front setback requirements for the Neighborhood Commercial District as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards.
- E. Additional Requirements
1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

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### Section 5.17 Office / Commercial (OC) Mixed-Use District<sup>27, 32</sup>

- A. Purpose. The purpose of the OC district is to allow for well-designed employment centers. Developments in the OC district contain a mix of land uses, primarily oriented to commercial and office uses but also allowing multi-family and attached single-family residential uses. Developments are oriented to principal streets, contain substantial public space and streetscaping, allow for pedestrian movement within the site and between adjacent sites, and meet the design standards provided for this district.
- B. Location. This zoning category is intended for use on properties:
1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
  2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>32</sup>
- D. Site Development Standards
1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
  2. For a non-residential use abutting a commercial or industrial use at a side lot line:
    - a. No side yard building setback is required, unless required by the Building Code or other law or regulation.
    - b. Section 4.11A-B does not apply to the side property line that abuts a commercial or industrial use.
  3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
    - a. A rear yard building setback may be reduced to 10 feet.
    - b. Section 4.11.A-B does not apply to the rear property line.
  4. Section 4.11.A-C does not apply to the front lot property line.
  5. Vehicular parking requirements shall be 80% of the required number of parking spaces indicated in Article 11 of this Ordinance.
  6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this Ordinance.
- E. Additional Requirements
1. Of the gross floor area of land uses in a development in this district, at least 75% shall be non-residential uses, and at least 50% shall be office uses.
  2. Buildings fronting a principal street must be at least 2 stories in height.

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3. A minimum of 75% of the total gross floor area located on the ground floor of buildings in a development in this district shall be composed of non-residential space
4. Any off-street parking shall be located in the rear or on the side of buildings and may not be located between a street and the front façade of a building.
5. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent street curb) and five-foot-wide sidewalks. If the Comprehensive Plan or the Subdivision and Land Development Regulations identify the property location as appropriate for a trail in lieu of a sidewalk, a trail may be installed.
6. One bicycle parking space shall be provided for each ten vehicular parking spaces. Said bicycle spaces shall not be located within the required sidewalk or in a manner that impedes pedestrian access to the building and may be located within the landscape buffer area provided that it occupies less than 10% of the length of the required buffer, or may be located at the side or rear of the building.
7. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
8. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.



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### APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35, 37</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	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	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
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	CU	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	
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	

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Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Industrial</b>													Sec. 8.9
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>													Sec. 8.9
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>													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	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	

# STAFF REPORT

## Jefferson County Planning Commission Meeting

November 12, 2019

Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
<b>Land Use</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>MI</b>	<b>PND<sup>1</sup></b>	<b>OC</b>	<b>R</b>	<b>RG</b>	<b>RLIC</b>	<b>IC</b>	<b>V</b>	<b>Additional Standards</b>
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
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	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
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	
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	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	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	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
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	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
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	

# STAFF REPORT

## Jefferson County Planning Commission Meeting

November 12, 2019

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	CU	
Restaurant, Fast Food, Drive-Through	NP	P	P	P	CU	CU	P	CU	CU	CU	P	CU	
<b>Land Use</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>MI</b>	<b>PND<sup>1</sup></b>	<b>OC</b>	<b>R</b>	<b>RG</b>	<b>RLIC</b>	<b>IC</b>	<b>V</b>	<b>Additional Standards</b>
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
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	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
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	
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
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

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

<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

## Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338  
Charles Town, WV 25414

File Number: 19-1-Z  
Staff Initials: gwl  
Application Fee: \$ 1300-

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

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

Phone: (304) 728-3228

Fax: (304) 728-8126

### Zoning Map Amendment (Rezoning)

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code. All Amendments to the Zoning Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

#### Property owner information

Name: Murall Limited Partnership  
Mailing Address: P.O. Box 575, Shepherdstown, WV 25443  
Phone Number: c/o Paul 304/676-8256 Email: \_\_\_\_\_

#### Applicant contact information

Name: Ken Lowe, Partner  
Mailing Address: above  
Phone Number: above Email: \_\_\_\_\_

#### Applicant representative

Name: P. J. Raco Consulting, LLC Paul J Raco  
Mailing Address: P.O. Box 548, Charles Town, WV 25414  
Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

#### Physical property details

Physical Address: Vacant Route 115 (Old Route 115) at Berkeley/Jefferson County Line  
City: Kearneysville State: WV Zip Code: 25425  
Tax District: Middleway Map No: 2 Parcel No: 1.3  
Parcel Size: 5.68 +/- Acres Deed Book: 542 Page No: 77

#### Current Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential- Light Industrial- Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Office/ Commercial Mixed-Use (O/C)
						<input type="checkbox"/>

RECEIVED

OCT 30 2019

Place Received Date Stamp Here

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

**Proposed Zoning District (please check one)**

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential- Light Industrial- Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Commercial (GC)	Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/ Commercial Mixed-Use (O/C)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For a Zoning Map Amendment request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

**Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.**

N/A

**Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.**

Attached

**Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.**

Attached

**Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?**

☒ Yes, I request that the Planning and Zoning Staff present the petition

☐ No, I prefer to present the petition




**Plat or Sketch Plan (provide as an attachment to this application)**

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

**Is Plat or Sketch Plan attached?**

☒ Yes ☐ No

**Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).**

SEE ATTACHED 

Signature of Property Owner

Date

Signature of Property Owner

Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

**The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.**

☐ Recommended ☐ Not Recommended

**The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.**

☐ Approved ☐ Disapproved

**Final Determination/Other Comments**

Application:

Kenneth F. Lowe, Murall Limited Partnership

Kenneth F. Lowe, Murall Limited Partnership

Oct 28, 2019

Date

MAP AMENDMENT PETITION  
Article 12, Jefferson County Zoning Ordinance  
Murall Limited Partnership  
October 1, 2019

**Owners/Applicants:**

Murall Limited Partnership  
P.O. Box 575  
Shepherdstown, WV 25443

RECEIVED

OCT 30 2019

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

**Ordinance Citation:**

Article 12 of the Jefferson County Zoning and Development Review Ordinance

**Map Amendment Definition:**

“An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.”

**Request:**

Amend the Zoning Map for this 6.68 Acre Parcel to General Commercial, based on its Consistency with the Envision Jefferson 2035 Comprehensive Plan.

**Substantiation for the Request:**

1. The property is owned by Murall Limited Partnership and is currently zoned Rural and the Applicants are seeking a map amendment to the General Commercial District. The owners/applicants have owned the subject property since 1985. As explained in this Petition, the Applicants believe that this map change is consistent and compatible with the Envision Jefferson 2035 Comprehensive Plan. This area for development was also considered compatible with the 2004 Jefferson County Comprehensive Plan as evidenced by the County Commission's rezoning of three properties across Route 115 (Hunter Family and Perkins/Lindburg Families) in 2014 for commercial and residential uses;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. These changes include the availability of Public Water and Sewer, several rezonings north of this property and across the street which were approved by the County Commission; and the additional growth in the area. These changes are addressed in this Petition;
3. The 2015 Envision Jefferson 2035 Comprehensive Plan shows this area to be in the Route 9 Preferred Growth Area in Jefferson County. This land is also located on the Future Land Use Map/Guide as Commercial. This Map, Growth Area and Plan was just approved in 2015 after years of work. The reasons for rezoning that are cited in this Petition are the same reasons that led to this area to be in the Preferred Growth Area in the Envision Jefferson Plan; and,
4. The Applicants believe that the current Rural Zoning classification is an error in the Jefferson County Zoning Map since the property is now shown located in one of the 6 primary growth areas of Jefferson County. The property is also located on a Principal Arterial Road (Route 115) in the County. A Principal Arterial Road is the highest rated road in the County and only three roads are identified as Principal Arterial Roads: Route 340, Route 9, and this road, Route 115.

**Tax District, Map and Parcel Number:**

Middleway Tax District, Map 2, Parcel 1.3

**Deed Book Reference:**

Deed Book 542 at Page 77

**Sketch Plat:**

Attached

**Tract Size:**

5.68 Acres

**Discussion on:**

Comprehensive Plan compatibility of the proposed change: Included in this Petition.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: Included in this Petition.

#### **A. Comprehensive Plan Compatibility**

Among the many recommendations in the 2015, Envision Jefferson 2035 Comprehensive Plan, the following sections address items directly related to this map amendment.

As found on page 13 of the 2015 Comprehensive Plan, there are only 6 Preferred Growth Areas (PGAs) in Jefferson County that are targeted for urban scale growth. The subject parcel is within the Route 9 PGA. The attached map shows the Route 9 PGA. The Comprehensive Plan was recently adopted in 2015 after several years of meetings throughout the County and after extensive work by the Staff, the Steering Committee, Planning Commission and County Commission. It is typical for communities that have a new Comprehensive Plan, to have requests for both text and map amendments for the map and ordinances to better reflect the Plan. In this case, both the 2004 Plan and the 2015 Plan show this property slated for growth around Route 9 and Kearneysville. The Envision Jefferson 2035 Plan is more specific in that it shows this property within the Preferred Growth Area and specifically identifies the property for Commercial and Office Development.

A main difference between the Envision Jefferson 2035 Comprehensive Plan and the previous versions of the Plans completed in the 80s, 90s, and 00s, is that this Plan has a Future Land Use Guide (Map) that specifically delineates properties for future uses and map amendments. The subject property is properly located on the Future Land Use map (Guide) as Commercial and/or Office in this 2015 Plan. The property has a large Electric Substation adjacent to the rear and it only makes sense to include this property in the General Commercial District. This map amendment will allow the property to pursue commercial and office opportunities. As shown on this guide, this requested change is consistent with the Future Land Use Guide. As described in other sections of this document, the residential development in the neighborhood will need some commercial development to provide services and to provide an increased tax base to supplement the residential tax base provided by the subdivisions in the area.

The Comprehensive Plan's maps and guides show that this property is ready for future development, especially commercial and office development due to its location. This type of use is what the Commission intended when it was added to the Preferred Growth Area and designated as Commercial and Office on the Future Land Use Guide.

**Page 17** of the Comprehensive Plan describes the various categories of land, including PGAs as follows:

## “Land Use Activity Areas

This Plan details four broad types of land use activity within Jefferson County where development is to be targeted over the planning horizon of Envision Jefferson 2035.

### Four Comprehensive Types of Land Use Activity within the Designated Areas

Urban Growth Boundaries

**Preferred Growth Areas (PGAs)**

Villages

Rural/Agricultural Areas

The first two area types addressed below, Urban Growth Boundaries (UGB) and **Preferred Growth Areas (PGA) (including one residential growth area), are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of Envision Jefferson 2035.”** Emphasis Added.

A further explanation of PGAs is found on Page 20 of the Plan:

**“The PGAs are not intended to be promoted in favor of the UGB for the municipalities. Both areas are expected to be viable areas for development and no policy decision is being made to favor one area over another. Each of the PGA Maps can be found in Appendix F – Maps”** Emphasis Added.

In this case, the subject property is in a Preferred Growth Area (PGA). Therefore, pursuant to the Comprehensive Plan, this location is prime for development since it is in this designated area, along with the fact that the property is next to a Substation and a Business Park and is close to both commercial development and residential subdivisions.

A definitive section of the Envision Jefferson 2035 that supports this map amendment is found on Page 22:

**“Route 9 PGA (between Kearneysville and the Jefferson/Berkeley County line) This area would be able to access water, sewer, and natural gas services from Berkeley County thereby allowing more intense business park/commercial uses to develop along the County line. The village of Kearneysville could redevelop with small businesses and residential uses in a pattern and scale compatible with the village district. The intersection of Route 9 and County Road 1 (Leetown Pike) would be characteristic of a commercially oriented highway interchange.”** Emphasis Added.

It is clear that this section specifically recognizes the subject property as one of the primary properties that is slated for Urban Level Growth. Furthermore, it cannot be over developed since it is a narrow, 5.68-acre parcel. It is ideal for a small professional office or commercial center that will serve the immediate residential and business area. This type of project will provide for services, while keeping traffic to a minimum. It should provide an area that will be walkable from the Liberty Business Park and the newly approved (Concept Plan) Residential Townhouse Subdivision.

Finally, the following recommendation is found in the Urban Level Development Recommendations Table starting on **Page 30** of the Plan:

**“5. Create urban level land uses** within the municipalities, UGBs, PGAs, or Villages **through rezoning** that is consistent with the Plan recommendations.

The requested Map Amendment is also supported by the following Economic Development portions of the 2015 Comprehensive Plan:

**“Focusing Economic Development in Municipalities, Urban Growth Boundaries, and Preferred Growth Areas**

Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Boundary and **Preferred Growth Areas**, where the infrastructure is expected to be available to support these uses.” (Page 69)

And on Page 70: Recommendations:

**“5. Create a business friendly environment in Jefferson County.**

**6. Develop methods to promote local business growth which include providing research, support, and marketing resources that would assist business start-ups in Jefferson County.”**

Based on these portions of the Envision Jefferson 2035 Comprehensive Plan, the Future Land Use Guide, the Future Development Area Map, and the Route 9 PGA Map, this map amendment is consistent and compatible with the Plan. The Consistency with, and Compatibility to the existing Comprehensive Plan and the Future Land Use Guide are the two most important criteria to be used for a Map Amendment.

The importance of the Future Land Use Guide when making Map Amendment decisions is outlined on Page 15 of the Plan:

**“By creating a Future Land Use Map/Guide, a community provides clarification for property owners related to their potential development on**



their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan.”

This section of the Plan allows for predictability of future land uses in Jefferson County. Based on the Map that was created in 2015 (after years of developing the Plan), both the Applicant and the Public were made aware of the land use anticipated on this property and in the neighborhood.

To carry through what the County adopted in 2015 in this Preferred Growth Area, the requested rezoning would allow the Applicants the flexibility of marketing the property to the business park developers to continue the commercial expansion of the area for other office buildings. From an economic development standpoint, Jefferson County would certainly benefit from allowing commercial growth in this County, as opposed to Berkeley County. As a matter of fact, this applicant is the developer of the Liberty Business Park. It would make sense to allow similar development on the Jefferson County portion. Since commercial and residential uses are being developed in the area, Jefferson County should start taking advantage of it.

Since there is very little vacant land in Jefferson County that is zoned just for commercial/office, the requested change to a commercial zone will provide commercial services to the proposed residential development in the neighborhood, as well as, to the office employees in the Liberty Business Park. These types of uses can stimulate economic development on Jefferson County’s side of the County line.

The Plan encourages growth and development in areas where infrastructure and public facilities are available. In this case, the property has access to Berkeley County’s Public Water and Wastewater Treatment Facilities. The property is also located within minutes of the Short Road interchange onto the new four lane Route 9. These qualities make the property an ideal candidate for a map amendment.

Finally, the Plan’s goals also support commercial activities in the County; in addition to the protection of private property rights. Both in the current Comprehensive Plan and the proposed zoning ordinance in 2008, this area was proposed to be zoned as a business center. This shows that the County planners believed that this property was prime land for economic development for quite some time. This is a unique area of the County. Since the 2004 Comprehensive Plan was adopted, this area has consistently been targeted for growth. This is evidenced by the several rezonings in the neighborhood, the rezoning of the area into a business park in the 2008 Zoning Ordinance and now by the inclusion of this area Route 9 Preferred Growth Area in the Envision 2035 Plan.

While the current Comprehensive Plan supports the map amendment request, the 2004 Comprehensive Plan includes several recommendations that support this rezoning request. This is important to note to show that the area being slated for growth hasn't changed from the old plan to the new plan.

#### 2004 Comprehensive Plan Recommendations:

##### **Recommendation 3.01 on Page 24:**

“When adjusting the Zoning Ordinance and Map to conform with the recommendations of this Plan, the County should look closely at the adjacent jurisdictions permitted uses or their fringes...”

There is also a new large Sheetz Store and a new commercial center that were constructed to serve this neighborhood. These two commercial entities are just over the Berkeley border from the subject property. The County Line shouldn't be the limiting factor for commercial development on Jefferson County's side.

##### **Recommendation 3.18 on Page 64:**

“The County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities in the workforce.”

Again, this area has been permitted to develop into residential subdivisions, a business park that contains good federal government jobs and commercial businesses that locate where growth is indicated. Jefferson County is adjacent to this growth and should capitalize on the economic gains that Berkeley County has enjoyed in the same area. This property should work well with the mixed-use development that was recently approved (Concept Plan) across Route 115.

According to the County, there is a very small percentage of land that is zoned for just commercial/office use in Jefferson County. It is very difficult to achieve the goal of pursuing new commercial development if the County doesn't create new areas for commercial development as recommended in the Envision Jefferson Plan. Because of the adjacent zoning in Jefferson County and the development in this area of Berkeley County, this property would be an ideal parcel of land to include in the new Commercial District. Besides the proximity to the adjacent development, it also has access to good infrastructure, including water, sewer and roads.

Based on the preceding recommendations from both the Envision Jefferson 2035 Comprehensive Plan and the previous 2004 Comprehensive Plan, this map amendment is extremely consistent and compatible with the development goals of the Plans.

B. Change of Neighborhood

This area of Jefferson County and the adjacent area on Berkeley County have changed significantly since the Zoning Ordinance was adopted in 1988. Again, these changes will be similar to those that were cited in the Hunter and Perkins Rezoning Petitions. The following are examples of these changes:

1. The Liberty Business Park was developed on the Berkeley County side of the line and contains the Coast Guard and IRS facilities. This park can be seen from this property.
2. With the development of the Liberty Business Park, Public Water and Sewer were extended into the area.
3. Several residential developments have been built in this area including Quail Ridge Subdivision (Final Section still under construction) and Chapel View Subdivision.
4. Quad/Graphics, a very large industrial printing and distribution facility, was built in Baker Heights in the 90s.
5. In 2005, the County Commission rezoned the 191-acre F.O. Day property which is in the same neighborhood. The Day property was zoned Rural and the County Commission approved a map amendment to Commercial/Industrial after finding that it was consistent with the Comprehensive Plan
6. The large Sheetz Store was just built in the neighborhood (less than ¼ mile away). Ironically, this Sheetz was relocated from Jefferson County.
7. A Food Lion (within eyesight just across Coast Guard Drive) was built adjacent to this property just on the Berkeley side of the line. The grocery store was sold since it opened.
8. The Comfort Suites Hotel was built very close to the subject property.
9. Hospice of the Panhandle has built its headquarters and a multi-bed in-house care facility in the neighborhood. The entrance to this facility is across the street to this property. This facility was a project that was

approved by both Jefferson and Berkeley Counties since it straddles the County line. The project includes over 25,000 square feet of office space and a very large inpatient center. This project has been built.

10. The new Route 9 was completed with direct four lane access to Route 81. This route is approximately one mile from the subject property and has a major interchange that services the area. Old Route 9 (Route 115), still considered a Primary Road by the Comprehensive Plan, services this property and leads into Short Road that has direct access to the new interchange. The property is nearly in between two major interchanges (Shepherdstown Exit and Short Road Exit) to the new four lane Route 9. This makes the property ideal for commercial development.
11. 2014, the County Commission unanimously approved two separate requested mixed-use rezonings for the three properties across the street owned by the Hunters and the Perkins Trust.
12. A 132 Unit Townhouse Residential Project with Mini-Storages was just approved at Concept Plan by the Planning Commission for the property across the street from the subject property.

The following are changes in the neighborhood that would specifically support the requested change from Residential Growth to the General Commercial District:

1. Availability of Public Utilities and Services:

Public Water and Sewer is now available in this neighborhood. The availability of this capacity is a change for this neighborhood since 1988. As stated earlier, one of the Comprehensive Plan's primary objectives is to funnel growth into areas already served by existing infrastructure such as sewer and water:

“This Plan recommends that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Plan.” (Page 27)

The allowance of growth in this area because of both the sewer and water and location within the PGA is also supported by Recommendation 5a found on Page 30:

“Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, **PGAs**, or Villages

**where water and sewer services are available.”** (Emphasis added)

In this case, there is a need for commercial development to offset the residential developments that are recommended in the UGBs and the PGAs. This property is ideal to provide those needed commercial or office facilities since the Liberty Business Park is adjacent and the larger residential developments are already in or planned for the area

## 2. Growth in the Corridor:

Since the adoption of the original Zoning Ordinance in 1988, this area has grown considerably. The significant growth includes: Quail Ridge and Chapel View Subdivisions; Hospice Offices and Inpatient Campus; large Sheetz; Grocery Store; Quad/Graphics in Baker Heights, the Liberty Business Park and the approved (Concept Plan) townhouse development across the road. These types of developments along with the existing growth in the Kearneysville and Baker Heights area illustrate that commercial and office development along old Route 9 is very much consistent with the Comprehensive Plan; especially since most of these came after the Zoning Ordinance was adopted. The map amendment for the subject property would ideally fit into this neighborhood's mixed use.

### C. Change of Transportation Characteristics:

There have been positive changes in the transportation and traffic characteristics in this area since the time of the adoption of the Zoning Ordinance. Old Route 9 was very much enhanced just north of the property in Baker Heights. The road was widened and improved to accommodate the large volume of tractor trailer traffic associated with the industrial and commercial growth in the area.

However, the major change in transportation characteristics is the finished Route 9. It is the direct four lane link to Route 81 that Jefferson County supported. This road has opened both trade routes and commuter routes in and out of Jefferson County. As mentioned previously, this property has access via good roads (old Route 9 (Route 115)) to both the Short Road and Shepherdstown interchanges onto new Route 9. This property is located in between these interchanges. The new Route 9 and Public Water and Sewer in this area make this property an ideal property for further development.

These changes and improvements to the transportation system have taken place since 1988 when the Zoning Ordinance was adopted. Since the Comprehensive Plan was newly adopted in 2015, these road improvements have already been taken into consideration in the Envision Jefferson 2035 Comprehensive Plan. All

these improvements have had a very positive effect on the transportation characteristics and traffic flow in this area and neighborhood. The four lane Route 9 was recognized as a driving force for the creation of this Route 9 Preferred Growth Areas in the Plan. Accordingly, the Comprehensive Plan already acknowledges that these transportation changes have had a positive effect in this area, so much so, the County endorsed the creation of this area as a Preferred Growth Area and an area slated for future Commercial and Office development on the Future Land Use Map. These changes and improvements to both the Comprehensive Plan and the Transportation Characteristics support the rezoning of the subject property.

D. Error in the Original Zoning Map

The only real justification for a map amendment/rezoning in West Virginia is the consistency of the request with the Comprehensive Plan. This is the reason that the Comprehensive Plan is so thoroughly discussed in this Petition. However, in some states, an error in the original zoning map is also used as a good indicator for map amendments. Accordingly, this Petition will briefly touch on some of the reasons that this property should have been zoned for development when the original ordinance was adopted; and/or shortly after the Envision Jefferson 2035 Plan was adopted.

Listed below are several reasons why this property should have been zoned for development in 1988 when the original ordinance was adopted and after 2015 when the Envision Jefferson 2035 made it very clear that the property was ideal for growth. These reasons have already been discussed in detail in this Petition. These are some of the reasons that the Day property was rezoned in 2005 and that the Hunter and Perkins' properties were rezoned in 2014 in this neighborhood. These reasons alone would support the requested map amendment to the mixed-use classification:

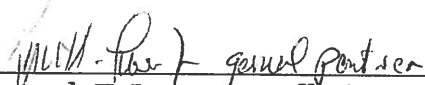
1. The property is located on a Principal Arterial Road as defined by the Comprehensive Plan. There are only three roads defined as Principal Arterial Roads in Jefferson County (Route 340, Route 9, and Route 115);
2. The property has access to public water and public wastewater services;
3. The property is located between two unincorporated mixed-use communities (Baker Heights and Kearneysville); and,
4. The enhanced connection was made with Route 81 when the Route 9 Four Lane was completed.

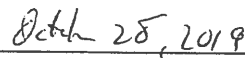
Once you combine these facts with the other compelling factors including: the Liberty Business Park; Residential Subdivisions; the large Sheetz store, the grocery store, Hospice of the Panhandle; the multiple rezonings; and, the new

Route 9, it makes this property and ideal candidate for the requested map amendment.

E. Conclusion:

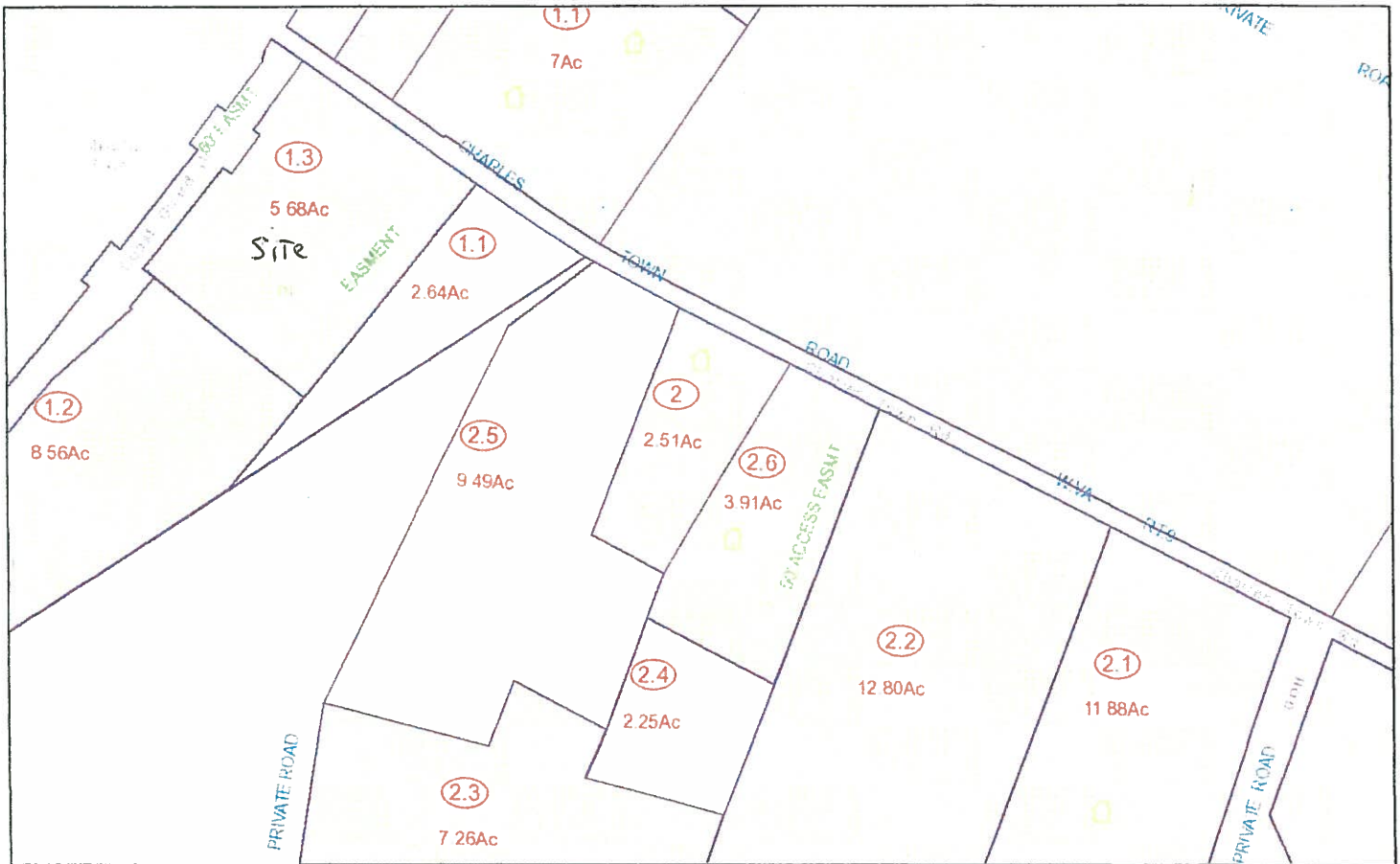
Murall Limited Partnership respectfully request that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Petition cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the Envision Jefferson 2035 Comprehensive Plan, the 2004 Comprehensive Plan; the 2005 action of the County Commission regarding rezoning the Day property; the recent rezonings of the adjacent Hunter and Perkins' properties; the fact that the property should have been classified as a business, commercial, office, or mixed-use district in the original ordinance or at least during the 2015 approval of the Comprehensive Plan; the positive changes in the transportation characteristics in the area, especially the construction of Route 9; the changes in the neighborhood from when the original zoning ordinance was adopted (including the development of a business park across the street; the fact that the property and area is located in a Preferred Growth Area in the new Plan and is shown as Commercial/Office on the Plan's Future Land Use Guide (Map); and, the fact that the property has access to Public Water and Sewer and other services. This map amendment will change the zoning classification on the Applicant's property from the Rural District to the General Commercial District.

  
\_\_\_\_\_  
Kenneth F. Lowe, Murall Limited Partnership

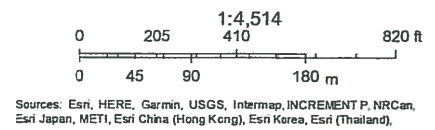
  
\_\_\_\_\_  
Date



## Viewer Map

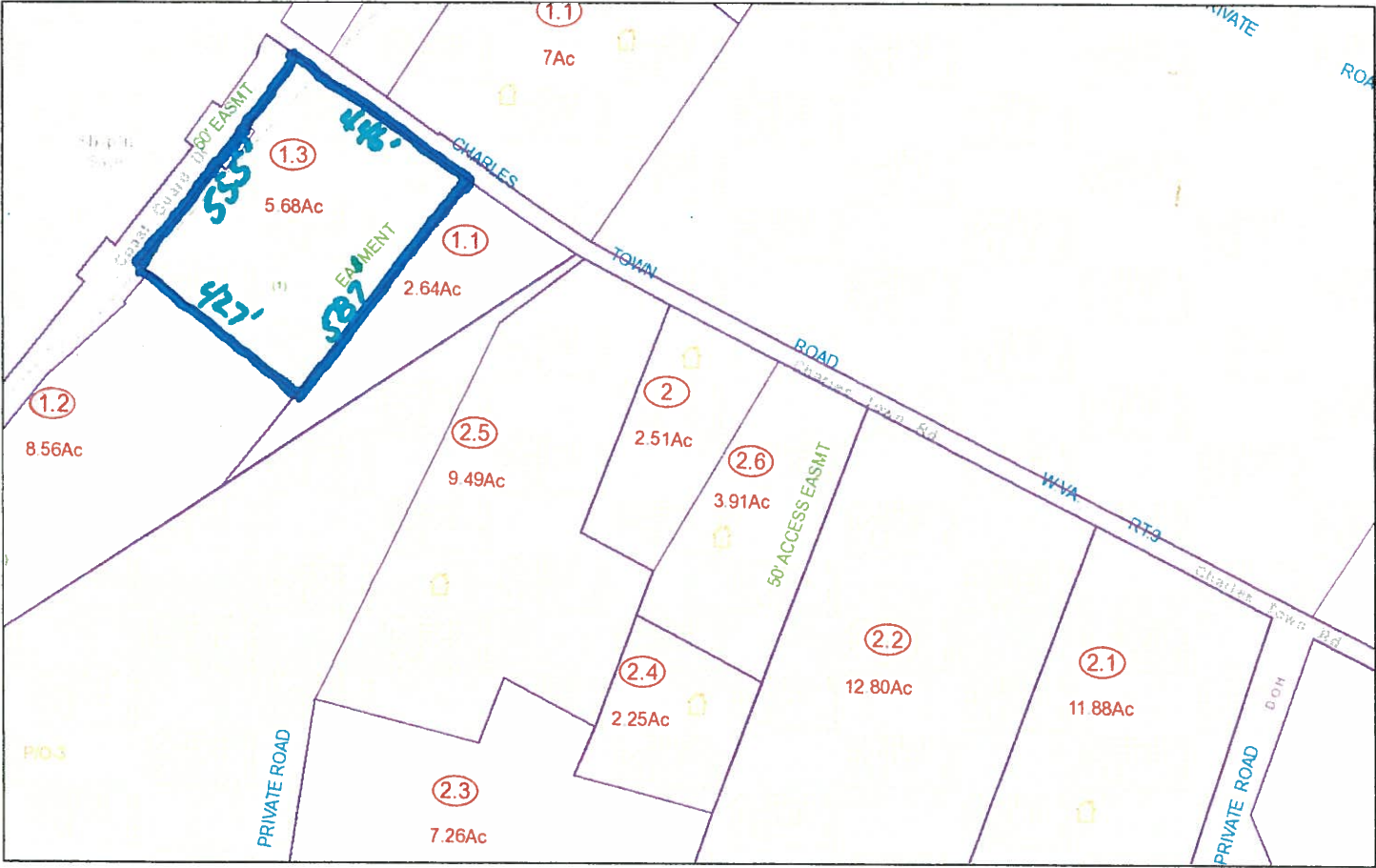


March 7, 2018

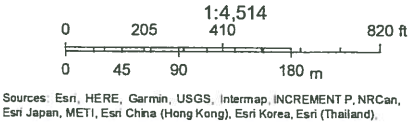


Me  
Copyright 2014

Viewer Map



March 7, 2018



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

This is an aerial map of a coastal area, likely in the United States, showing various land parcels and infrastructure. The map is overlaid with a grid of colored lines (blue and pink) that delineate different land parcels. Several parcels are labeled with unique codes, such as '07 2000100020000', '07 2000100030000', '07 1000100010000', '07 1000200000000', '07 2000200050000', and '07 1000100010000'. The map also shows a large building complex, possibly a military installation, and various geographical features like 'HGE', 'FK', 'HBC', and 'HIC'. The map includes labels for 'COAST GUARD DR', 'CHARLESTOWN RD', and 'HOSPICE LN'. The map is oriented with North at the top.

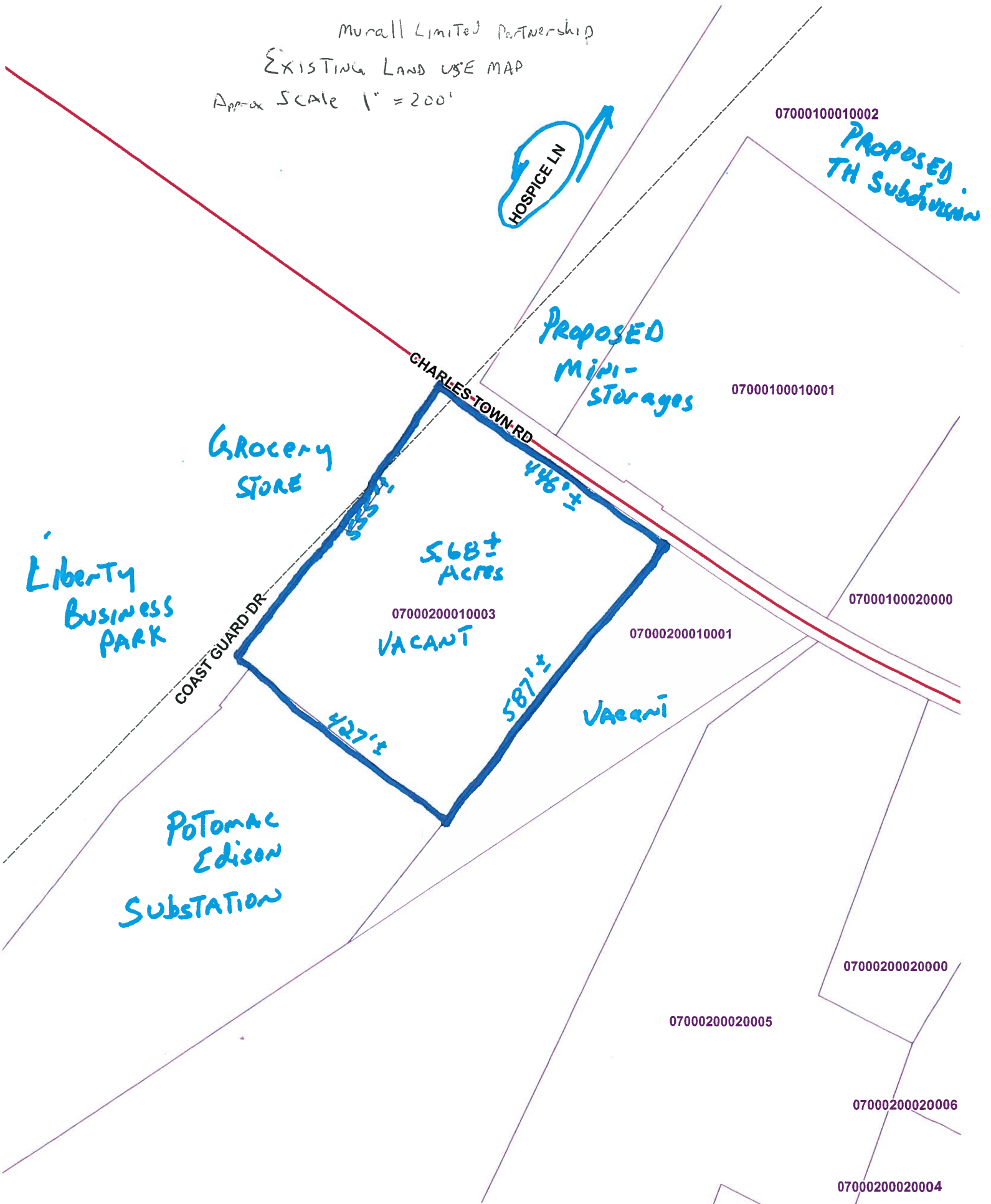
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0 0.01 0.02 0.03 0.04 0.05 mi  
0 0.02 0.04 0.06 0.08 km

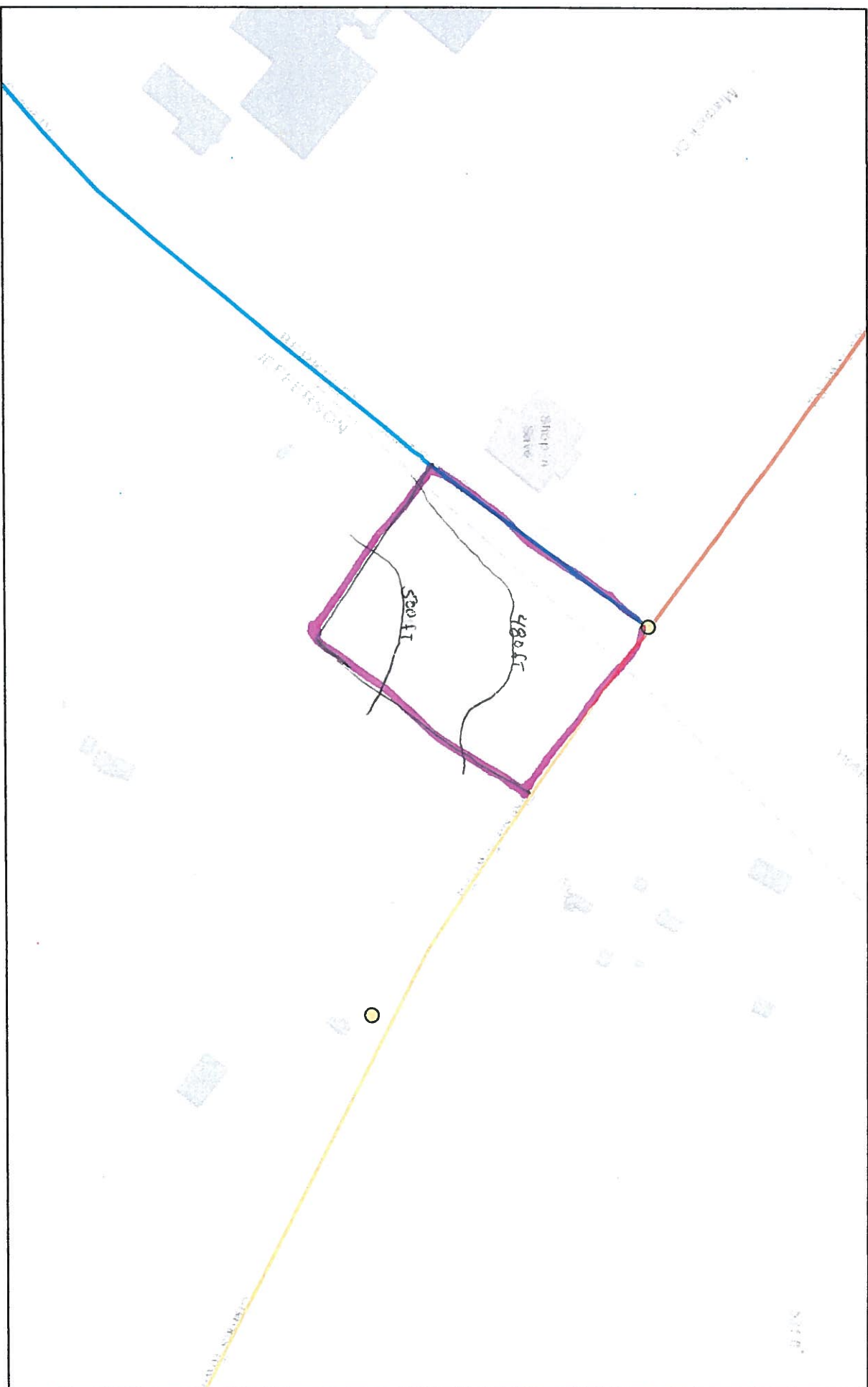
Source: USGS, TC



Murall Limited Partnership  
EXISTING LAND USE MAP  
Approx Scale 1" = 200'



Topo: USGS from DoH website



October 30, 2019

Station AADT	Segment AADT
1,000 - 4,999	99 and Under
1,000 - 4,999	5,000 - 49,999
1,000 - 4,999	99 and Under
1,000 - 4,999	5,000 - 49,999
1,000 - 4,999	99 and Under
1,000 - 4,999	5,000 - 49,999
1,000 - 4,999	99 and Under

1:4,514

0 0.03 0.06 0.11 mi

0 0.04 0.09 0.18 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS.



Source DOH Natural Conditions: Vacant with Tree Cover and Grass



October 30, 2019

Station AADT

Segment AADT

○ 1,000 - 4,999

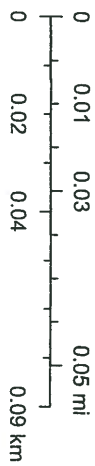
99 and Under

5,000 - 49,999

1,000 - 4,999

5,000 - 49,999

1:2,257



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user

Murall Limited Partnership  
Zoning and Adjacent Properties

Berkeley County  
No Zoning

Woy Shingleton JR TRUST

TAX 07000100010002

Deed Book 1027 Page 687

Zoning: Residential/light Ind/  
Commercial

HOSPICE LN

Townhouse Rentals LLC

Book 1215 Page 142

TAX REF 07000100010001

7 ac

Zoning: Residential/light Industrial/  
Commercial

CHARLES TOWN RD

Berkeley County  
No Zoning

\*  
SITE

07000200010003

07000100020000

Febey / SST

Tax 07000200010001

Book 1151 Page 106

Zoning: Rural

COAST GUARD DR

POTOMAC Edison Co

DIST 7 Deed Book 852

MAP 2 Page 229

Parcel 1, 2

Zoning: Rural

07000200020000

07000200020005

07000200020006

07000200020004





07000100010002

HOSPICE LN

CHARLES TOWN RD

07000100010001

COAST GUARD DR

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07000200010001

07000100020000

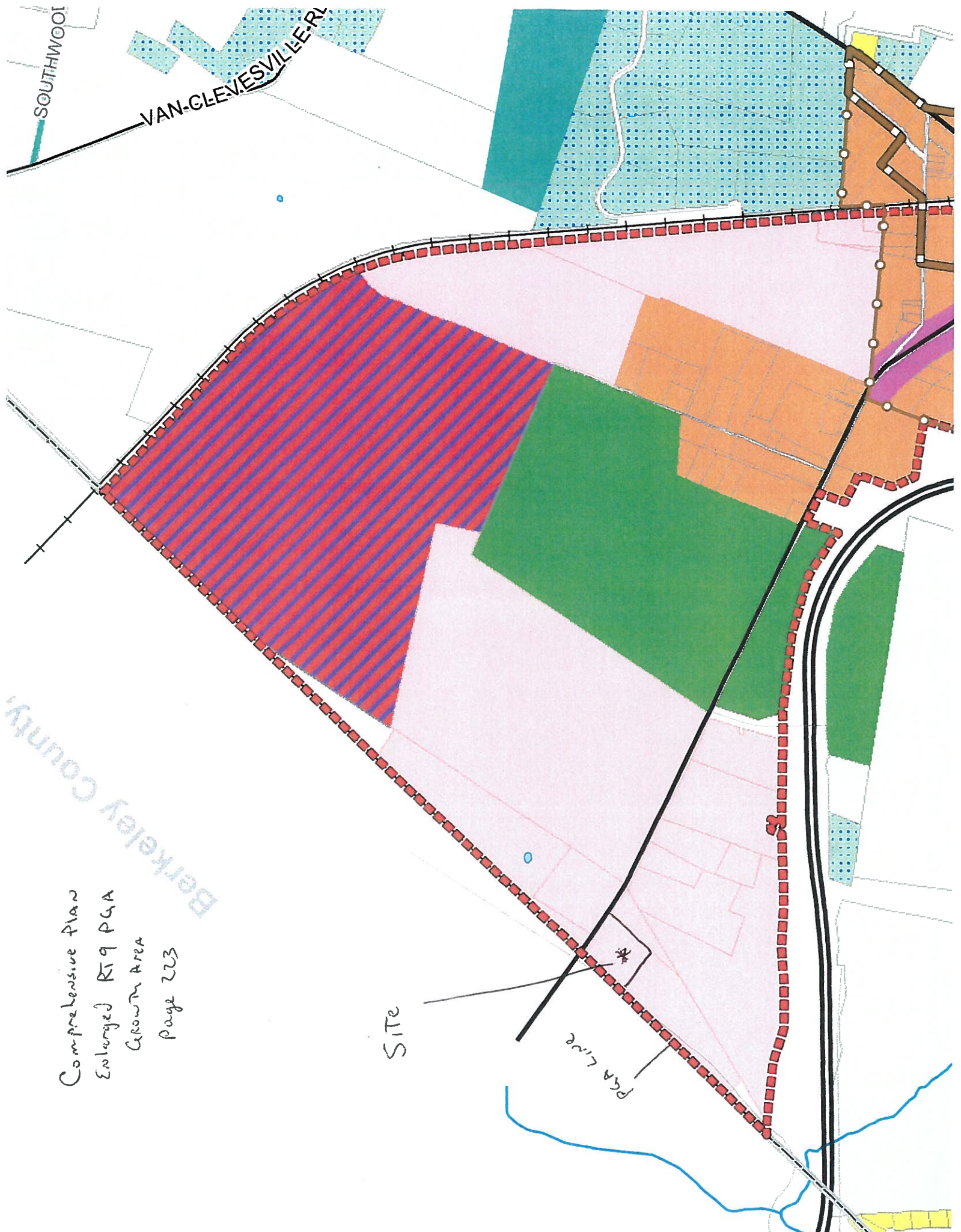
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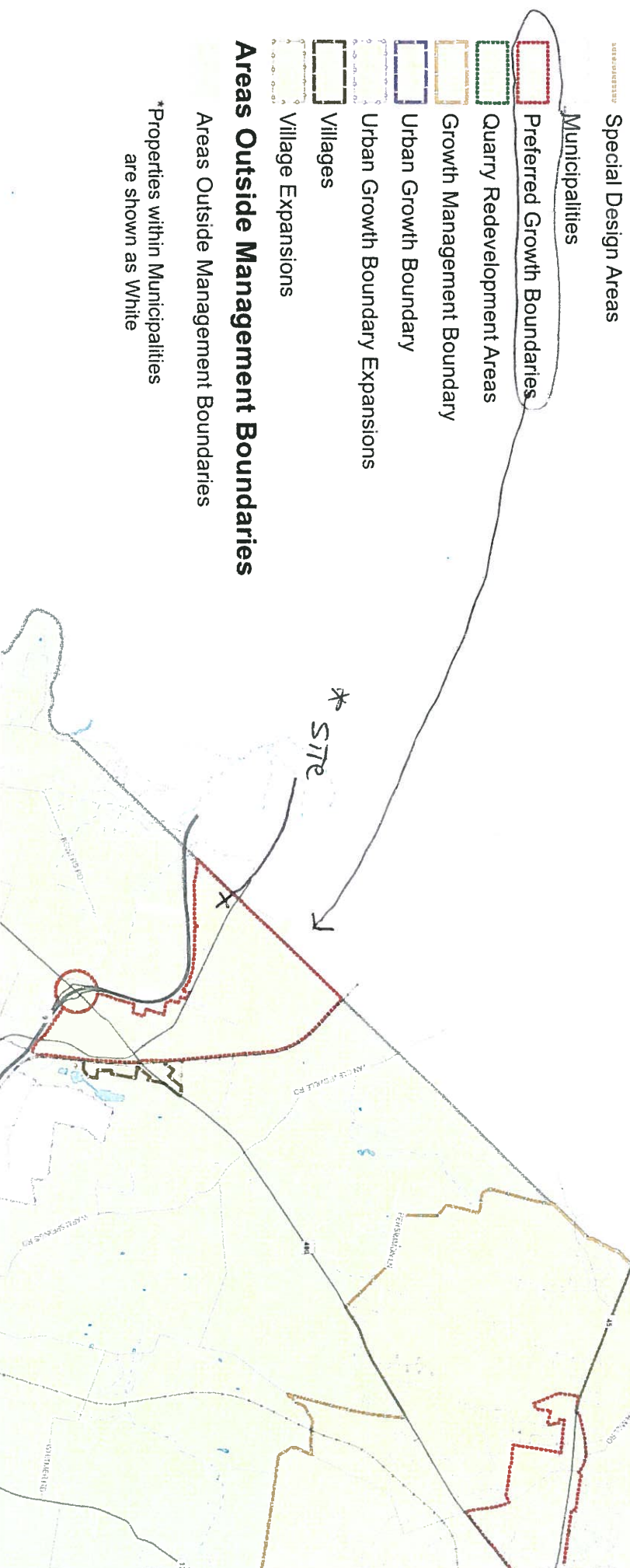
Comprehensive Plan  
Enlarged RT9 PCA  
Growth Area  
Page 223

Site

PCA Line

# Jefferson County, WV

**White Areas subject to Municipal development rules**  
**Yellow Areas subject to Special Management Area rules**  
**Green Areas subject to County Zoning Regulations**





# Future Land Use Guide Jefferson County, WV

Envision Jefferson 2035 Comprehensive Plan

page 215



- Special Design Area
- Preferred Growth Area
- Quarry Redevelopment Area
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansion
- Village
- Village Expansion
- 2004 Growth Area

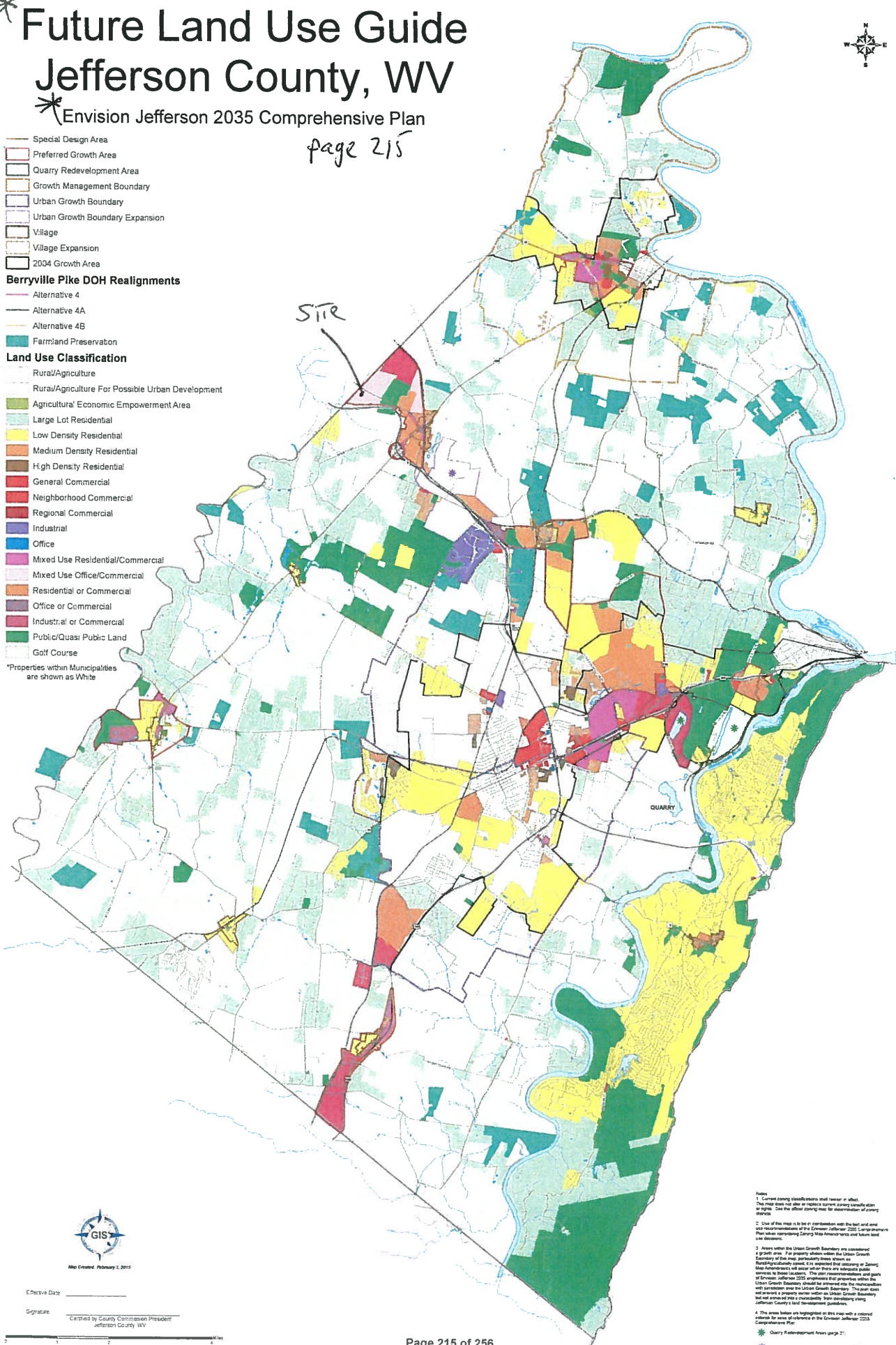
## Berryville Pike DOH Realignments

- Alternative 4
- Alternative 4A
- Alternative 4B

## Land Use Classification

- Rural/Agriculture
- Rural/Agriculture For Possible Urban Development
- Agricultural Economic Empowerment Area
- Large Lot Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- General Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- Office
- Mixed Use Residential/Commercial
- Mixed Use Office/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land
- Golf Course

\*Properties within Municipalities are shown as White



Effective Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Certified by County Commission President  
Jefferson County, WV

- Notes
1. Current zoning classifications that remain in effect. This map does not alter or replace zoning laws currently in effect. See the official zoning map for determination of zoning status.
  2. Use of this map is to be in conjunction with the text and any other recommendations of the Envision Jefferson 2035 Comprehensive Plan when considering zoning map amendments and future land use decisions.
  3. Areas within the Urban Growth Boundary are considered a growth area. For planning purposes within the Urban Growth Boundary of this map, particularly those shown as Redevelopment Areas, it is intended that zoning map amendments will occur when there are adequate public services in these locations. This plan recommends that zoning map amendments within the Urban Growth Boundary should be coordinated with the recommendations with jurisdiction over the Urban Growth Boundary. This plan does not intend to replace zoning map amendments within the Urban Growth Boundary but to coordinate with the recommendations within the Urban Growth Boundary.
  4. The areas shown are highlighted in this map with a related edition for areas of reference in the Envision Jefferson 2035 Comprehensive Plan.
- Quarry Redevelopment Areas (page 21)
- Transportation in Jefferson County (page 11)



# Future Land Use Guide

## Jefferson County, WV

Envision Jefferson 2035 Comprehensive Plan\*

- Special Design Area
- Preferred Growth Area
- Quarry Redevelopment Area
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansion
- Village
- Village Expansion
- 2004 Growth Area

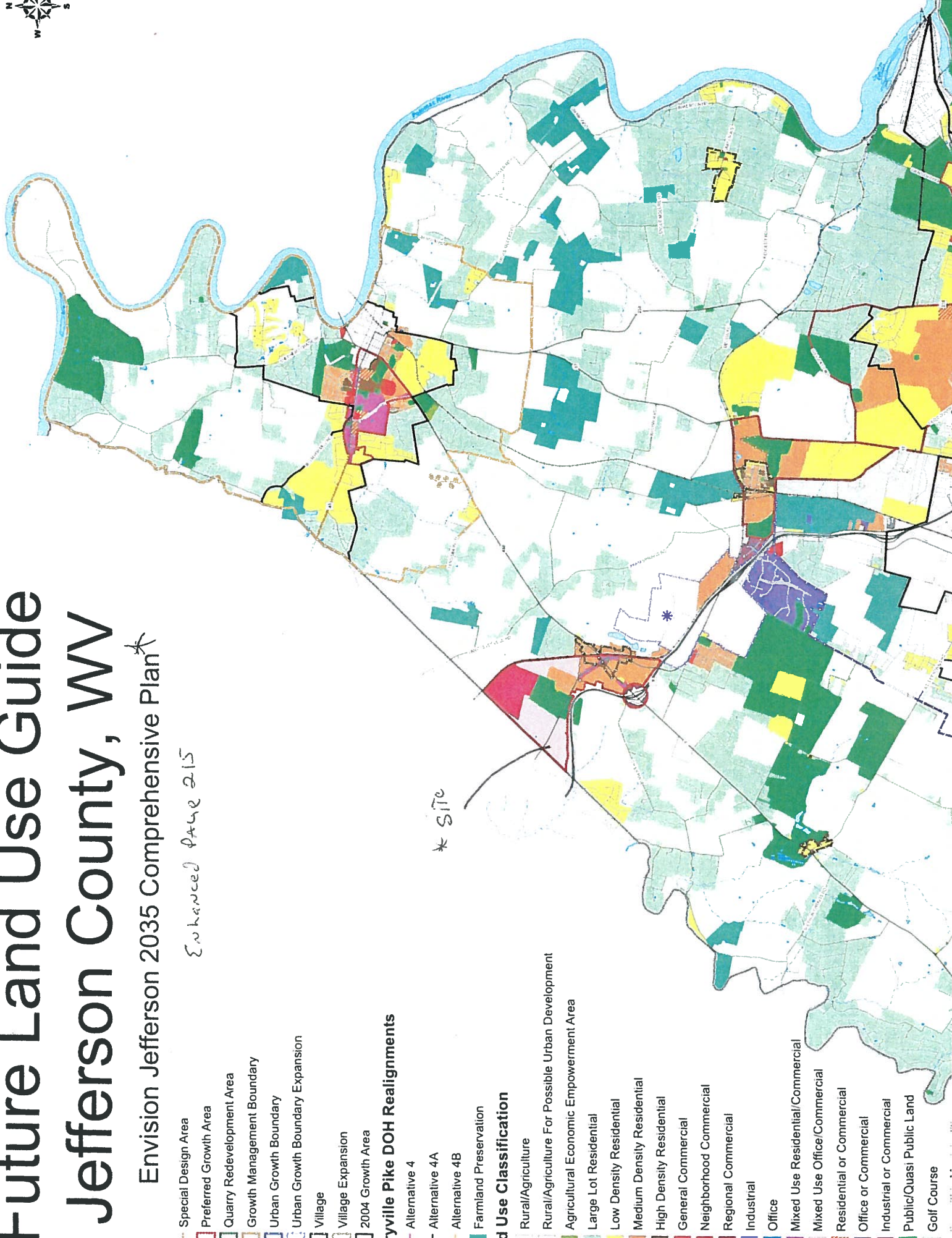
### Maryville Pike DOH Realignments

- Alternative 4
- Alternative 4A
- Alternative 4B

\* Site

### Land Use Classification

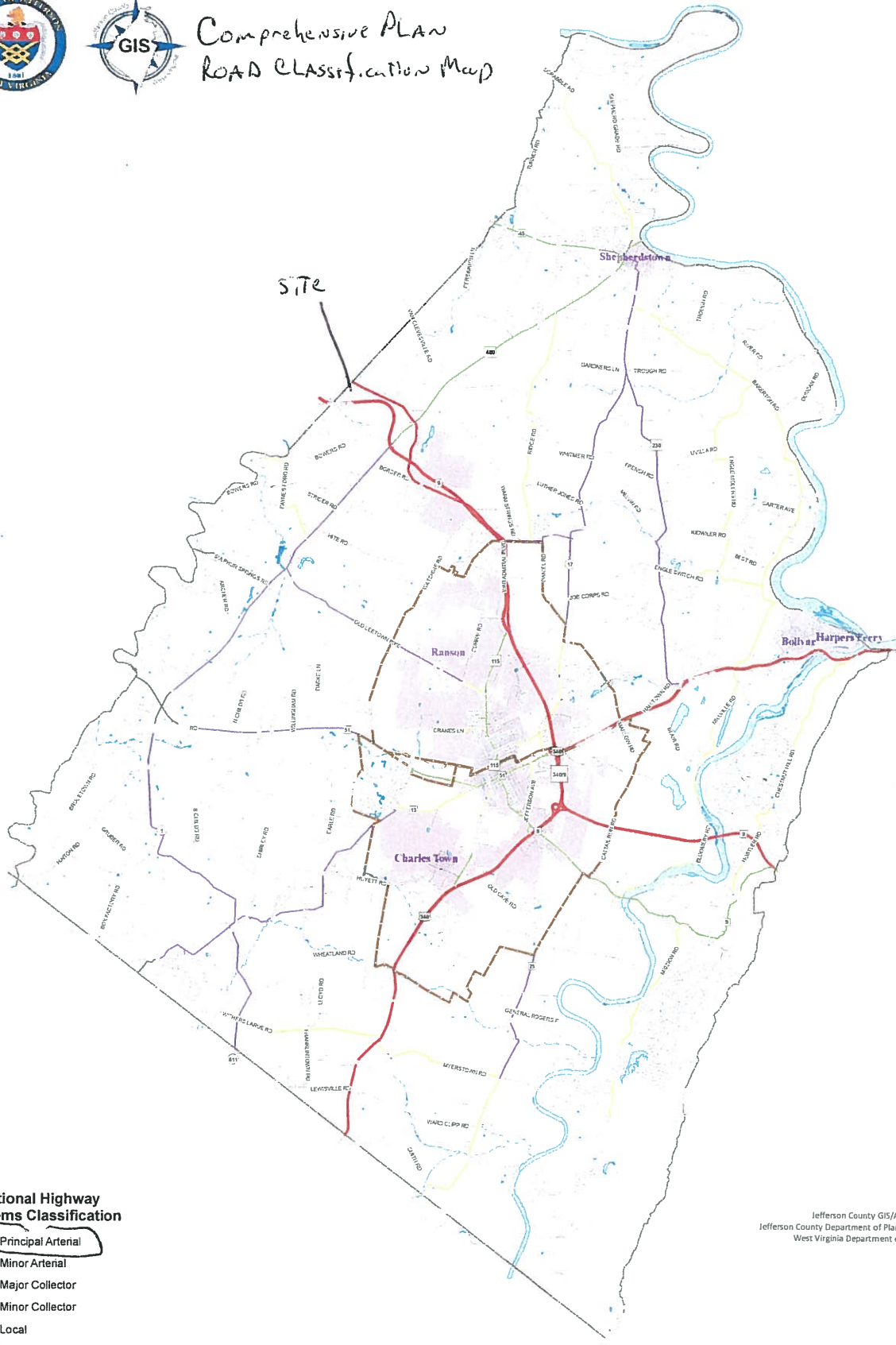
- Rural/Agriculture
- Rural/Agriculture For Possible Urban Development
- Agricultural Economic Empowerment Area
- Large Lot Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- General Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- Office
- Mixed Use Residential/Commercial
- Mixed Use Office/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land
- Golf Course



Enhanced Page 215



# Comprehensive Plan ROAD CLASSIFICATION Map



## Functional Highway Systems Classification

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

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



0 0.5 1 2 3 4 5 Miles

## Roadway Classification Map Envision Jefferson 2035





# JEFFERSON COUNTY, WEST VIRGINIA

## Office of Planning and Zoning

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

P.O. Box 716

Charles Town, WV25414

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

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[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: 11-12-19**

**RE: ZTA19-01, Special Event Facilities**

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### **Summary of changes since the Planning Commission made their revisions on 08-13-19:**

- 10-03-19: The Commission, in response to public input, directed Staff to remove the maximum number of attendees permitted to attend a Special Event.
  - ☑ Staff removed the maximum number of attendees from Section 8.14.
- 10-03-19: The Commission directed Staff to remove the restriction from allowing Special Events to charge admission (e.g. to allow a prom to process under this provision).
  - ☑ Staff removed the restriction to allow events which charge admission.
    - ★ After consulting with Legal Counsel, Staff revised the definition of Special Event to specifically state that “No events which are primarily performance events (such as music festivals and concerts) are permitted under this provision.”
    - ★ Staff, in discussion with Legal Counsel, recommends that if the Planning Commission would like to incorporate text to allow music festivals and concerts into the Zoning Ordinance, the County Commission should take action on the original mass event text amendment (ZTA14-02) to formally reevaluate the proposed amendment or to formally reject it and initiate a new amendment, to allow sufficient notice to the public.
- 10-03-19: The Commission, in finding that the agricultural community is increasingly under financial pressure to remain viable, directed Staff to provide the farming community options which would allow uses which may or may not be agricultural in nature as a means to support the agricultural operation.
  - ☑ Response: Staff created a new definition, “Alternative Farm Enterprise” and the new Section 8.15 Alternative Farm Enterprise.
    - ★ As part of these new provisions, with Staff recommended that a site plan be required for structures with a footprint over 10,000 square feet.
    - ★ 10-31-19: The County Commission recommended removing this requirement and sent to the Planning Commission for consideration.



- ★ With the addition of “Alternative Farm Enterprise” to allow commercial land uses which may or may not be agricultural to locate on a farm, Staff recommended that 75% of the land be required to remain as agricultural as a means to ensure land wasn’t developed into something entirely non-agricultural.
- ★ 10-31-19: County Commission recommended reducing the required acreage to remain agricultural from 75% to 51% and sent to the Planning Commission for consideration.

**Attachments:**

- Section 1.1 of the Zoning Ordinance
- Agricultural and Rural Economy Recommendations (Goal 8) from the Comprehensive Plan
- ZTA19-01, Special Event Facilities (draft recommendation by the PC to the CC)
- ZTA19-01, Special Event Facilities (revised changes from 10/0319 and 10/31/19 highlighted in yellow)
  - The revised text amendment reflects revisions to Section 2.2, Terms Defined; Section 4.5 Agricultural Uses Permitted Generally; Section 4.10 Site Plan Requirements; Section 8.14, Rural Reception/Event Facility [Proposed Special Event Facility]; [NEW] Section 8.15, Alternative Farm Enterprise; and Appendix C, Principal Permitted and Conditional Uses Table.



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

### **Section 1.0 Effective Date**

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

### **Section 1.1 Purpose**

The purpose of this Ordinance is to:

- A. Protect and encourage the health, safety, and general welfare of the present and future population of Jefferson County.
- B. Help guide the future growth and development of Jefferson County in accordance with the adopted Comprehensive Plan.
- C. Encourage growth and development in areas where sewer, water, schools, and other public facilities are or will soon be available in order to provide services in the most cost effective manner.
- D. Insure that growth and development are both economically and environmentally sound.
- E. Encourage the maintenance of an agricultural base in the County at a level sufficient to insure the continued viability of farming.
- F. Encourage and support commercial, industrial, and agricultural activities while maintaining land use, order and compatibility.
- G. Encourage an improved appearance of Jefferson County with relationship to the use and development of land and structures.
- H. Encourage the conservation of natural resources.
- I. Provide a guide for public action in the orderly and efficient provision of public facilities and services. This includes the extension and improvement of public and private water and sewer services throughout the County based on sound engineering principles and where fiscally feasible.<sup>32</sup>
- J. Provide a guide for private enterprise in developing and building a strong economic community.
- K. Encourage Historic Preservation.

### **Section 1.2 Jurisdiction**

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



## 2.B. Agricultural and Rural Economy

One of the more significant issues expressed by County residents involved in the Envision Jefferson 2035 process was maintaining the rural economy and small town lifestyle of Jefferson County. It is important that this discussion not be framed by the concept of preservation but of creating opportunities for farms to be economically viable. This would include identifying ways to protect and enhance the farms and open spaces that provide the rural character along with the agribusinesses that have been the historical heart of the Jefferson County economy. One goal of this Plan is to maintain productive farmland soils and the rural character and economy of the County by reducing the conversion of farmland to non-agricultural based uses.

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

A key aspect of the County's rural economy is recognizing the changes in the regional and national marketplace that might affect agricultural activities at the local level. In some instances, farm operators have adapted to these changes by diversifying into additional farm based activities, changing the types of farming activities taking place on a site, or seeking to include direct sales and on-site marketing, and value added processing of crops or products. The ability of a farm operator to diversify or change their operations to meet the needs of the marketplace is an important consideration in providing a framework for the continuation and enhancement of farm and agricultural activities in Jefferson County.

The enhancement of the rural economy is a central focus of the rural strategy of this Plan and requires the support of the Jefferson County Development Authority and other organizations which support the agricultural economy. A broad-based rural economy can be a net-revenue generator for the County because tax revenues generally exceed expenditures for rural properties. The County recognizes its fiscal responsibility to protect the land resource for the rural economy, to provide fundamental protection for rural businesses, to ensure prudent fiscal management of limited public resources, and to provide needed protection of the public health and safety.

Rural Economic Activities

The agricultural community in Jefferson County recommended the following priorities to strengthen the rural economy:

Agricultural Community Priorities
Diversify farm operations through the sale and marketing of value added products (such as the processing and marketing of products on-site);
Allow farm operators to work with nearby farm operators to market and sell each other’s goods on each individual farm;
Allow a wider range of service activities to take place on agricultural properties.

The rural areas of Jefferson County include not only farms and residences, but also a variety of small artisan studios and other cottage industries. While the preservation of agriculture is essential to the protection of rural areas, it is also important to provide for the ability of appropriately scaled businesses to succeed. When permitting additional uses in the rural area, it is important that the size and scale of both the property and the business be correlated. The intensity of the activity permitted should directly relate to the size of the rural property which would enable larger rural properties to undertake more activities. By correlating scale and intensity of uses to the rural property size, it is anticipated that off-site impacts would be mitigated for the surrounding landowners. Some uses may require performance standards which should be incorporated into the local land use regulations.

By enabling farm operators to have more options and encouraging the creation of cottage industries that reflect the rural aesthetic, the viability of operating rural based businesses in the County’s rural areas will be enhanced in the coming decades. While Jefferson County has modified its Zoning and Land Development Ordinance to allow for a greater variety of uses, additional steps might be needed to improve opportunities for farm operators to continue or expand their businesses, and for artisans and other individuals to operate small businesses that complement these activities. A streamlined process for uses with minimal impacts to surrounding neighbors should be developed.

The land use component of this Plan recognizes an example of a non-residential Conditional Use Permit (CUP) in the Rural area referred to as an Agricultural Based Economic Empowerment Area, defined as a commercial agricultural hub that is not located on a farm, but is located in a rural area and focuses on intensively supporting agricultural activity through the value added processing, holistic health and marketing of local goods. Other appropriate uses in the Rural district (some of which may require a CUP) include, but are not limited to, artisan activities; home based businesses; agricultural equipment sales, rental, and repair services; veterinary services; farm co-ops; product storage and seed supply; agri-tourism, bed-and-breakfast enterprises; farm markets, wayside stands, and similar types of uses, provided that these uses are designed in a manner compatible with the rural character of the area.

There are many creative people that live and work in Jefferson County, using their talents to create poetry, pottery, paintings, plays, performances, photographs, novels, fabric art, sculpture, carvings, installations, music and dance, and the fine art and culture of all forms. The County is home to numerous cultural and historical organizations as well as artist studios, galleries, museums, and theaters which host a number of activities and events throughout the year. These activities and organizations add to the cultural value in the County and provide economic resources for the artisan. This Plan supports the artisan community and its needs for developing a robust economic and cultural community.

While most of these types of Cottage Industries and Home Occupations are permitted by right in the Rural District, some more intense uses may require a CUP. This Plan recommends that the use of the CUP in the Rural District be limited to non-residential uses not permitted in the Rural District which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare. Some non-agricultural/non-residential related rural CUPs should only be proposed on a small portion of a rural property to help preserve farmland and open space, and continue agricultural operations. This requires eliminating the Land Evaluation Site Assessment (LESA) system and modifying the CUP process. For additional discussion, see Rural Land Use Planning Section (page 34).

### **Agricultural Service Facilities**

An issue expressed by members of Jefferson County's agricultural community during the planning of this document was the lack of agricultural service facilities located in Jefferson County. Farm operators currently travel to Winchester, Hagerstown, or Frederick to purchase farm machinery or to get their machinery repaired. Farmers raising livestock also need to travel out of state to sell or purchase animals at auctions. There are few large animal veterinarians in Jefferson County that can assist with maintaining the health of animals or be available in case of emergency. There are no meat processing facilities in the County and nearby out of state facilities are limited to mass production which excludes small farmers from receiving this service. The lack of service facilities could have a negative impact on the maintenance or expansion of agricultural activities in Jefferson County in the coming years.

### **Distribution and Marketing of the County's Agricultural Products**

In recent years, there has been a change in the way farm products are marketed and sold in Jefferson County. In the past, a large number of farm products cultivated on Jefferson County farms were commodities, with little differentiation between the products of individual farm operators. Currently this is changing due to the increasing reliance of the local farm community on farmers' markets and direct sales to local and regional restaurants. There are several farmers' markets operating in Jefferson County on a weekly basis, during the growing season, at temporary sites. A permanent year-round farmers' market could provide opportunities for a winter market in a place that could also be used for the sales of arts and crafts, root crops, or value added products. Incorporating a farmers' market into a regional agricultural center

complex could serve as another means of selling the County's farm products and could include dining and/or commercial kitchen facilities.

While the farmers' markets have helped individual farm operators differentiate between their products, there is still a limited local or regional identity when it comes to agriculture in the Eastern Panhandle. In some cases, individual farms have addressed this concern through the creation of an identity for the farm and/or for the product being produced. It would be beneficial to the Jefferson County rural economy if a more unified effort occurred through a shared marketing mechanism, regional branding, or the creation of common distribution and marketing facilities.

An increasing movement toward smaller farming operations of less than 40 acres in size in the County should not be discounted, even though a number of farms in Jefferson County are located on large tracts of land. According to the 2012 U.S. Agricultural Census, over half of all farms in Jefferson County provide a limited income to farm operators; however, there are opportunities for expansion of smaller farming operations. The majority of the farms in Jefferson County have the opportunity to provide a viable range of income generating agricultural activities to an individual farm operator.

### **Enhance Farmland Protection Activities**

In 2000, Jefferson County formed a Farmland Preservation Program that is funded by a portion of the transfer tax collected when a house or land is sold. To date, this program has purchased the development rights of 3,900 acres. As mentioned in the Land Use element, the funding that is available to support the County's farmland protection program is much less than the demand from farm operators to participate in it. Since the County's farmland protection program is funded by a portion of the transfer tax, the viability of the program is subject to a widely fluctuating real estate marketplace. In times when there is a great deal of real estate activity, revenue generated for the program is strong, enhancing the ability to purchase development rights and protect farmlands. Conversely, in times when the real estate market is slow, the amount of money available for protection efforts is limited. Therefore, it is important to establish reliable funding sources to support farmland protection activities. One option to protect farmland is to coordinate with the American Battlefield Protection program to make the most efficient use of funding resources.

To reduce the conversion of farmland, the Plan recommends that clustering should be the preferred method of any rural residential development. This would allow land owners to group lots in a traditional rural community pattern, while retaining a majority of the land for agricultural and rural economic uses. Even when the development of a residential cluster results in the loss of some farm land, the goal of the regulations related to cluster developments is to retain as much farmland as possible by adjusting the number and size of the lots in the cluster and requiring the balance of the farm (the residue) to be retained as a permanent agricultural use. Cluster developments on a property should minimize the use of high quality soils and maximize the use of less

productive agricultural land. In order to retain the maximum amount of land in farm use and rural economic activity, the open space requirement for residential cluster development shall be met by the residue which will retain no development rights.

### **Transportation in the Rural Environment**

The County's rural road network originally evolved serving the needs of the farming community and is not intended to serve the needs associated with the higher traffic volumes and speeds required for large residential subdivisions. At certain seasons of the year conflict can be created between residential traffic and large pieces of slow moving farm equipment. The LESA/CUP system has not effectively protected the rural road network from this type of development pressure. As such, this Plan recommends utilizing cluster developments as the preferred form of residential development within the rural areas. Limiting suburban development in the rural area helps protect agricultural land use activities.

Most of the roads in the County's rural area are paved, but tend to have narrow widths, excessive horizontal and vertical curvatures, bridge and drainage problems, and poor intersection alignments. These conditions contribute to the safety concerns associated with increasing motor vehicle traffic on the rural roads. The increased residential densities that have occurred in the rural area in the past are producing additional traffic volume and requiring more maintenance of the rural road network of predominantly narrow, two-lane paved roads with existing design issues.

### **Agriculture Tourism**

The rural areas of the County contribute to the local tourism economy in a variety of ways. Not least of these is the maintenance of attractive viewsheds to enhance the experience of visitors to battlefields, historic sites and villages. Tourism is addressed later in this Element on page 81.

The following recommendations provide action steps to foster and expand the diverse rural economy through a variety of policy, regulatory, incentive-based, and programmatic approaches that will protect the rural land, structures, and character necessary to advance the rural economy.



<b>Agricultural and Rural Economy Recommendations (Goal 8)</b>	
<b>1.</b>	Support West Virginia's and Jefferson County's "Right to Farm" policies which protect the rights of existing and future farms and farmers by developing zoning standards, other legislation, and educational programs designed to reduce potential conflicts arising from the proximity of agriculture to residential development (State Code § 19-19; Section 4.5 of the County's Zoning Ordinance).
	<b>a.</b> Identify and utilize a wider variety of funding sources that could serve to expand the County's farmland protection program.
	<b>b.</b> Create an educational pamphlet informing developers, realtors, and potential homeowners of the offsite impacts of living adjacent to farming activities.
<b>2.</b>	Enact Zoning Ordinance provisions to reduce the intensity of residential development in the Rural zone, other than by clustering, thereby protecting and increasing the investment potential and attractiveness of the agricultural lands for families, entrepreneurs, and businesses.
	<b>a.</b> Decrease the problems of rural traffic volume and the need for additional costly public infrastructure services in rural areas while conserving areas of the Rural zone for agricultural uses and the rural economy through support for rural cluster development vs large subdivisions of new home growth.
<b>3.</b>	Support the rural economy by amending the Subdivision Regulations to establish rural business site plan standards to include:
	<b>a.</b> performance criteria, including compatible size, scale, use, intensity, traffic capacity limits, employee limits, site design standards (i.e. buffering, siting), and standards that protect public health, safety, and welfare; and
	<b>b.</b> the adaptive reuse of existing historic and agricultural structures.
<b>4.</b>	Collaborate with the County's agricultural community to assess the current land use regulations and determine what opportunities for agriculture might currently exist and what additional opportunities might be able to succeed in Jefferson County.
<b>5.</b>	Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.
	<b>a.</b> Incorporate into the zoning provisions innovative agricultural uses including the creation of standards which permit flexibility in the sale of farm products and related auxiliary products.
	<b>b.</b> Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations.



	<p><b>c.</b> Require that new non-rural commercial uses that are not compatible with the dominant agricultural land use pattern locate only in the Urban Growth Boundaries (UGBs) and Preferred Growth Areas (PGAs) as identified by the future land use recommendations of this Plan.</p>
<b>6.</b>	<p>Coordinate with local businesses and the Jefferson County Development Authority (JCDA) to brand and market Jefferson County farms and products by identifying and linking potential partnerships and matching suppliers with potential local and regional markets.</p>
	<p><b>a.</b> Conduct market research on high-value agricultural products, ancillary farm businesses, and other rural economic uses such as farm agri-tourism, retreats, and country inns;</p>
	<p><b>b.</b> Develop and expand, in conjunction with the Jefferson County Convention and Visitors Bureau, brand identification of Jefferson County farm products;</p>
	<p><b>c.</b> Provide more alternatives to promote rural tourism and rural land uses.</p>
<b>7.</b>	<p>Work with Jefferson County's agricultural community to effectively distribute local agricultural products and encourage the growth of the market for local products.</p>
	<p><b>a.</b> Facilitate the establishment of year round marketing outlets to support the farm community, such as farmers' markets or a product distribution center;</p>
	<p><b>b.</b> Encourage the expansion of off-site farmers' markets to provide marketplaces for farmers and artisans to sell their goods within a variety of Jefferson County commercial venues;</p>
	<p><b>c.</b> Promote products to Jefferson County based businesses.</p>
<b>8.</b>	<p>Coordinate with key agricultural and rural stakeholders to identify ways to expand marketing and value added production activities for farmers and artisans on their properties in rural areas of Jefferson County.</p>
	<p><b>a.</b> Amend existing regulations in order to identify and facilitate ways to allow the sale of items grown, processed, crafted, or manufactured in Jefferson County on farms other than the farm where the product originated.</p>
	<p><b>b.</b> Develop a streamlined process for such uses when there are minimal impacts to surrounding neighbors.</p>
	<p><b>c.</b> Expand and improve high speed Information Technology (IT) connections in rural areas of Jefferson County with local internet or advanced technologies providers to enable residents to run businesses from home or to telecommute.</p>
<b>9.</b>	<p>Collaborate with the local artisan community and Jefferson Arts Council to review and amend the local land use regulations to promote and enhance the viability and livelihood of artisans in the rural areas of Jefferson County.</p>
	<p><b>a.</b> Encourage local non-profit organizations and local and regional economic development agencies to create a regular forum where all County artisans, businesses, and members of the non-profit and arts communities can meet to network and collaborate.</p>

	<b>b.</b> Work to improve connections between County businesses and artisans that may have products and services that can be sold in local stores or other businesses.
	<b>c.</b> Ensure that training and educational opportunities are available that would enable the success of such businesses.
	<b>d.</b> Establish and support an endowment for arts funding for rural crafted arts.
<b>10.</b>	Strengthen the Agricultural Committee of the JCDA by creating a public/private Rural Economic Development Council comprised of rural industry sector leaders. This organization will:
	<b>a.</b> link governmental, non-governmental, and regional organizations;
	<b>b.</b> link state and federal farm assistance programs to local farmers;
	<b>c.</b> receive and make grants;
	<b>d.</b> act as an advocacy group for rural issues; and
	<b>e.</b> promote activities that nurture the rural economy.
<b>11.</b>	Create a county or regional agricultural industrial park that could include sites for service providers such as farm equipment repair facilities, tractor and implement sales, meat processing facilities, and veterinarian services; as well as:
	<b>a.</b> A local or regional food hub that could be tied into Community Supported Agriculture (CSA) packaging and distribution, a regional food bank, and to serve as a marketing site for farms and farmers;
	<b>b.</b> A neighborhood based CSA or Development Supported Agriculture;
	<b>c.</b> A permanent, year-round farmers' market site;
	<b>d.</b> Sites for Industrial Agriculture such as Vertical Farming, Hydroponic Greenhouses, and Aquaponic Farming;
	<b>e.</b> Agriculture based training, research, and continuing education facilities created in conjunction with institutes of higher learning and research;
	<b>f.</b> Commercial aquaculture activities;
	<b>g.</b> A livestock auction facility;
	<b>h.</b> A Community Cold Storage/Meat Locker Facility that would allow county residents to rent space to purchase and store sides of meat; and/or
	<b>i.</b> Alternative Energy Production facilities, ranging from ethanol refining to algae production for biofuels.
<b>12.</b>	Promote and expand the commercial and recreational equine industry as a fundamental component of the rural economy by amending County ordinances to reflect the current practices and needs of the industry.
<b>13</b>	Collaborate with the County's culinary, artisan, and farm communities and JCDA to study the feasibility of establishing a Culinary Center that would provide exposure to and for marketing the goods that are produced in Jefferson County and the Eastern Panhandle.

	a. Collaborate with the West Virginia Extension Service, West Virginia Department of Agriculture, and local stakeholders to establish a regional commercial kitchen and packing facility in the Eastern Panhandle that could be used by farm operators in the manufacture of value added products.
14.	Expand vocational programs, either through the existing Future Farmers of America program in the County's high schools or through programs that combine classroom exercise with a co-op program exposing students to a variety of agricultural formats and opportunities.
	a. Advocate for Jefferson County Schools to partner with Berkeley and Morgan County schools to create a regional Agriculture Magnet School whose curriculum would be focused on agriculture and agribusiness fields.
	b. Encourage the Board of Education to provide equal vocational education programs in all middle schools and high schools throughout the County.
15.	Coordinate with Jefferson County Schools to encourage the following agricultural activities:
	a. Preserve and expand the Future Farmers of America programs that are in place at the County's middle and high schools.
	b. Coordinate with local artisans to improve accessibility and awareness of arts education and programming.
	c. In conjunction with local gardening organizations and Jefferson County Agricultural Development Office, expand school garden programs that could serve as a source of fresh foods for cafeterias.
	d. Encourage schools to use local agricultural products in cafeterias through partnerships with local farmers and CSA programs.
16.	Encourage the West Virginia University Extension Office to consider the creation of Mentoring/Training Programs similar to FarmLink programs that are in place in other states such as Maryland and Virginia.
17.	Support the County's rural economic strategy by working with the State Legislature to review the State Code and consider the following amendments:
	a. Tax credits on farm-related capital improvements;
	b. Tax abatement or deferral when a farmer makes an investment in high-value crops that do not turn a profit for several years (orchards, Christmas trees, vineyards, etc.);
	c. Assessment of farm worker housing on farms below residential market value;
	d. Additional reduction in the real estate tax rate on rurally zoned property that is under permanent conservation easement.



## Section 2.2 Terms Defined

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

The use of land for a bona-fide farming operation. This includes:

1. Commercial Agricultural Enterprise;
2. Agriculture, Ranching;
3. Aquaculture;
4. Apiculture;
5. Horticulture
6. Viticulture;
7. Fish, meat, poultry and game birds processing, provided that fifty percent (50%) of the meat processed must be raised on the site farm of the processing facility for minimum periods of three (3) months for beef and pork and two (2) months for lamb and poultry;
8. Animal Husbandry; including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals;
9. Poultry husbandry and the production of poultry, game birds, and poultry products;
10. Dairy production and processing of dairy products;
11. Equestrian uses;
12. The production of field crops including but not limited to tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, mushrooms, timber, pasturage, Christmas trees, maple sap, woody biomass, compost;
13. Pick your own farm products;
14. Agricultural tourism;
15. Farm vacation enterprise;
16. Farm brewery and winery subject to the requirements for such a use in Article 8;
17. Rental of garden plots;
18. Community supported agriculture;
19. The warehousing; processing, value added, drying, storage, distribution and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, husbandry or production;
20. Forestry;
21. Agricultural Special Event Facility

Rural Reception/  
Event Facility<sup>26</sup>

~~A facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events in the Rural, Village, Residential Growth and Residential Light Industrial Commercial Districts (permitted by Special Exception). Such events are limited to events that involve extended families and friends such as weddings, wedding receptions, birthday events, anniversary events, reunion events and/or family gatherings. No events that involve charging admission or are solely performance events are permitted under this provision.~~

~~Rural Reception/Event Facility, Small<sup>26</sup>~~

~~A Rural Reception/Event Facility in the Rural District for the hosting of events such as weddings with attendance not to exceed 75 cars at a frequency of no more than one event per month.~~

Special Event

A gathering of individuals for the common purpose of attending a celebration, ceremony, reception, or similar activity for the benefit of someone other than the property owner. No events that involve charging admission or are solely performance events are permitted under this provision. Private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or group and the homeowner are not defined as a special event.

Special Event Facility

A facility where special events are permitted to occur. Special event facilities are subject to a use agreement between a private group or individual and the facility owner. The facility owner may or may not charge a rental fee for the use of the facility. Facilities may operate entirely within a structure, entirely outside of a structure, or both inside and outside a structure.

Special Event Facility, Agricultural

A Special Event Facility located on a parcel which the Assessor's Office has classified as "farm use".

## **Section 4.5 Agricultural Uses Permitted Generally**

~~Except for compliance with distance requirements for a building set forth in Section 4.6, n~~Nothing in this Ordinance shall prohibit the use of land for agricultural purposes or the construction or use of building or structures incidental to the use for agricultural purposes. New structures built for the purpose of establishing an Agricultural Use, as defined in Article 2, which is open to the public (i.e. Agricultural Special Event Facility), are subject to a 75' setback. Existing structures converted for Agricultural Uses which are open to the public are not subject to the 75' setback.

## **Section 4.10 Site Plan Requirements**

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.<sup>23, 26</sup>
- B. Site Plan submittal is not required for single-family or two-family dwelling units, unless planned as part of a multi-unit or mixed use development plan.
- C. Site Plan submittal is not required for any Agricultural Use defined in Article 2. Agricultural Uses which are open to the public (Agricultural Special Event Facility, Farm Market, etc.) established on parcels of less than 20 acres shall process a Concept Plan in accordance with the Subdivision and Land Development Regulations.
- D. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.
- E. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.<sup>10, 17, 21, 23</sup>

**Section 8.14 ~~Rural Reception/Event Facility~~<sup>26</sup> Special Event Facilities**

The purpose of this section is to create a process by which a property owner in the Rural, Residential Growth, and Village zoning districts may establish a Special Event Facility. A Special Event Facility in any other zoning district may process in accordance with Appendix C.

A. An Agricultural Special Event Facility is permitted in any zoning district on a parcel with an existing farm and shall operate accessory to the property owner's primary residence or caretaker's residence. The minimum acreage required is five acres.

1. An Agricultural Special Event Facility may be established on a separate legal lot of record adjoining a parcel with farm use status, as long as it is under the same ownership.

2. An Agricultural Special Event Facility on a parcel of less than 20 acres shall process a Concept Plan, subject to a Public Workshop before the Planning Commission, in accordance with the Subdivision and Land Development Regulations.

a. If a Concept Plan is not required, the following documentation shall be submitted as part of the Zoning Certificate application:

i. A sketch reflecting the layout of the proposed event shall be submitted to ensure compliance with setbacks and parking. The sketch should delineate the parking area, the event tent(s), location of portable restrooms, and the location of any vendors.

ii. A traffic control plan shall be submitted to address traffic flow for ingress and egress to ensure that traffic will not create a backup onto public or private roads.

3. An Agricultural Special Event Facility shall not exceed attendance of 250 people, excluding event staff and vendors.

4. All aspects of the land use, excluding parking, but including any new structures and any outdoor components such as event tents, portable restrooms, etc., shall be setback 75 feet from all property lines. Parking shall be setback 25' from all property lines.

5. Parking shall be provided at a ratio of one parking space for each two guests allowed on-site and one parking space for each permanent employee who does not reside on premises. Parking may occur on grass if the applicant can demonstrate that the parking will occur on usable ground and can identify how handicapped accessibility (if applicable) will be addressed.

6. The land use shall comply with Section 8.9A.1 and shall apply the Residential Growth District standard to all adjacent lots.

If the subject parcel associated with an approved Agricultural Special Event Facility loses the associated "farm use" classification through the Assessor's Office, the property owner may apply for a Special Exception in accordance with Article 6 to continue operating the land use.

B. A Special Event Facility is a facility that operates independent from any other use on the property.

1. In the Rural, Village, and Residential Growth zoning districts, a Special Event Facility shall process a Conditional Use Permit in accordance with Article 6.

a. The minimum lot size shall be five acres. Site development standards shall comply with Appendix B.



b. Parking shall be provided at a ratio of one parking space for each two guests allowed on site and one parking space for each permanent employee.

c. In addition to the criteria set forth in Article 6, Section 6.3, the Board shall evaluate the following:

- i. Proposed frequency;
- ii. Number of attendees (maximum building capacity);
- iii. Signage;
- iv. Adequacy of parking area. The Board should consider the number of parking spaces as well as the location of the proposed parking area;
- v. Adequacy of vehicular access to the property. The applicant shall provide a traffic control plan to address traffic flow and ingress and egress to the property to ensure that traffic will not hinder shared access (if applicable) or create a back-up onto public or private roads; and
- vi. Impact on adjacent properties.

Parks and Recreation events and facilities are exempt from Section 8.14.

~~A Rural Reception/Event Facility is a facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events. Such events proposed in the Rural, Village, Residential Growth, and Residential Light Industrial Commercial Districts are 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.<sup>32</sup>~~

~~Such a land use may be approved based on the Board's evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. For events exceeding 300 persons, applicants shall provide a traffic control plan.<sup>32</sup>~~

~~A Rural Reception/Event Facility, Small, is a Rural Reception/Event Facility in the Rural District only, for the hosting of events such as weddings with attendance not to exceed 75 cars, at a frequency of no more than one event per month. Such events are permitted administratively provided that if the facility would utilize a private, shared right-of-way, driveway or easement for vehicular access, a public hearing before the BZA is required.<sup>32</sup>~~

~~Approvals of all Rural Reception/Event Facility and Rural Reception/Event Facility, Small shall include a provision that noise at the property line shall conform with Section 8.9A.1 of this Ordinance and shall apply the Residential Growth District Standard to all adjacent lots containing a residence as well as adjacent lots in the Rural District.~~

~~Note that any vendors and/or production staff are not counted in the trip generation for this Section.<sup>32</sup>~~



**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35, 37</sup>**

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses</b>													<b>Sec. 8.9</b>
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	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	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
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	
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	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4

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>
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	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
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	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
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	CU	
Restaurant, Fast Food, Drive-Through	NP	P	P	P	CU	CU	P	CU	CU	CU	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	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
<u>Special Event Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>CU</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>Sec. 8.14</u>
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
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	
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
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	
<u>Special Event Facility, Agricultural</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 8.14</u>
<b>Accessory Uses</b>													
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  
 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.
- OC Office / Commercial Mixed-Use  
 R Rural  
 RG Residential Growth District  
 RLIC Residential-Light Industrial-Commercial District  
 IC Industrial-Commercial District  
 V Village District

## Section 2.2 Terms Defined

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

The use of land for a bona-fide farming operation. This includes:

1. Commercial Agricultural Enterprise;
2. Agriculture, Ranching;
3. Aquaculture;
4. Apiculture;
5. Horticulture
6. Viticulture;
7. Fish, meat, poultry and game birds processing, provided that fifty percent (50%) of the meat processed must be raised on the site farm of the processing facility for minimum periods of three (3) months for beef and pork and two (2) months for lamb and poultry;
8. Animal Husbandry; including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals;
9. Poultry husbandry and the production of poultry, game birds, and poultry products;
10. Dairy production and processing of dairy products;
11. Equestrian uses;
12. The production of field crops including but not limited to tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, mushrooms, timber, pasturage, Christmas trees, maple sap, woody biomass, compost;
13. Pick your own farm products;
14. Agricultural tourism;
15. Farm vacation enterprise;
16. Farm brewery and winery subject to the requirements for such a use in Article 8;
17. Rental of garden plots;
18. Community supported agriculture;
19. The warehousing; processing, value added, drying, storage, distribution and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, husbandry or production;
20. Forestry;

21. Agricultural Special Event Facility

~~21.~~22. Alternative Farm Enterprise

Alternative Farm Enterprise

A commercial land use established to support the continuation of an existing agricultural operation. Such land use is not required to be directly affiliated with the agricultural operation (i.e. a commercial kitchen which produces goods from products not necessarily grown on the farm) but shall contribute to the overall success of the agricultural operation.

Rural Reception/  
Event Facility<sup>26</sup>

~~A facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events in the Rural, Village, Residential Growth and Residential Light Industrial-Commercial Districts (permitted by Special Exception). Such events are limited to events that involve extended families and friends such as weddings, wedding receptions, birthday events, anniversary events, reunion events and/or family gatherings. No events that involve charging admission or are solely performance events are permitted under this provision.~~

Rural Reception/Event  
Facility, Small<sup>26</sup>

~~A Rural Reception/Event Facility in the Rural District for the hosting of events such as weddings with attendance not to exceed 75 cars at a frequency of no more than one event per month.~~

Special Event

A gathering of individuals for the common purpose of attending a celebration, ceremony, reception, or similar activity for the benefit of someone other than the property owner. No events that involve charging admission or which are solely primarily performance events (such as music festivals and concerts) are permitted under this provision. Private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or group and the homeowner/property owner are not defined as a special event.

Special Event Facility

A facility where special events are permitted to occur. Special event facilities are subject to a use agreement between a private group or individual and the facility owner. The facility owner may or may not charge a rental fee for the use of the facility. Facilities may operate entirely within a structure, entirely outside of a structure, or both inside and outside a structure.

Special Event Facility,  
Agricultural

A Special Event Facility located on a parcel which the Assessor's Office has classified as "farm use".

Use Agreement

Any contract, memorandum of understanding, or similar document which provides terms and conditions for use of a facility or land between the property owner(s) and an individual or group in exchange for a fee or other consideration.

## Section 4.5 Agricultural Uses Permitted Generally

~~Except for compliance with distance requirements for a building set forth in Section 4.6, n~~ Nothing in this Ordinance shall prohibit the use of land for agricultural purposes or the construction or use of building or structures incidental to the use for agricultural purposes.

New structures built for the purpose of establishing an Agricultural Use, as defined in Article 2, which is open to the public (i.e. Agricultural Special Event Facility), are subject to a 75' setback. Existing structures which have existed for five years at the time of application converted for Agricultural Uses which are open to the public are not subject to the 75' setback.

## Section 4.10 Site Plan Requirements

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.<sup>23, 26</sup>
- B. Site Plan submittal is not required for single-family or two-family dwelling units, unless planned as part of a multi-unit or mixed use development plan.
- C. Site Plan submittal is not required for any Agricultural Use defined in Article 2 when the square footage of the building footprint is less than 10,000 square feet. Agricultural Uses which are open to the public (Agricultural Special Event Facility, Farm Market, etc.) established on parcels of less than 20 acres shall process a Concept Plan in accordance with the Subdivision and Land Development Regulations.
- D. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.
- E. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.<sup>10, 17, 21, 23</sup>

## Section 8.14 ~~Rural Reception/Event Facility~~<sup>26</sup> Special Event Facilities

The purpose of this section is to create a process by which a property owner in the Rural, Residential Growth, and Village zoning districts may establish a Special Event Facility. A Special Event Facility in any other zoning district may process in accordance with Appendix C.

- A. An Agricultural Special Event Facility is permitted in any zoning district on a parcel with an existing farm and shall operate accessory to the property owner's primary residence or caretaker's residence. The minimum acreage required is five acres.
  1. An Agricultural Special Event Facility may be established on a separate legal lot of record adjoining a parcel with farm use status, as long as it is under the same ownership.
  2. An Agricultural Special Event Facility on a parcel of less than 20 acres shall process a Concept Plan, subject to a Public Workshop before the Planning Commission, in accordance with the Subdivision and Land Development Regulations.
    - a. If a Concept Plan is not required, the following documentation shall be submitted as part of the Zoning Certificate application:
      - i. A sketch reflecting the layout of the proposed special event facility shall be submitted to ensure compliance with setbacks and parking. The sketch should delineate the property location, any existing or proposed buildings affiliated with the land use, the parking area, signs, the event tent(s), location of portable restrooms, and the location of any vendors.
      - ii. A traffic control plan shall be submitted to address traffic flow for ingress and egress to ensure that traffic will not create a backup onto public or private roads.
  3. An Agricultural Special Event Facility shall not exceed attendance of 250 people, excluding event staff and vendors.

4. All aspects of the land use, excluding parking, but including any new structures and any outdoor components such as event tents, portable restrooms, etc., shall be setback 75 feet from all property lines. Parking shall be setback 25' from all property lines.
5. Parking shall be provided at a ratio of one parking space for each two guests allowed on-site and one parking space for each permanent employee who does not reside on premises. Parking may occur on grass if the applicant can demonstrate that the parking will occur on usable ground and can identify how handicapped accessibility (if applicable) will be addressed.
6. The land use shall comply with Section 8.9A.1 and shall apply the Residential Growth District standard to all adjacent lots.

If the subject parcel associated with an approved Agricultural Special Event Facility loses the associated “farm use” classification through the Assessor’s Office, the property owner may apply for a Special Exception in accordance with Article 6 to continue operating the land use.

B. A Special Event Facility is a facility that operates independent from any other use on the property.

1. In the Rural, Village, and Residential Growth zoning districts, a Special Event Facility shall process a Conditional Use Permit in accordance with Article 6.
  - a. The minimum lot size shall be five acres. Site development standards shall comply with Appendix B.
  - b. Parking shall be provided at a ratio of one parking space for each two guests allowed on site and one parking space for each permanent employee.
  - c. In addition to the criteria set forth in Article 6, Section 6.3, the Board shall evaluate the following:
    - i. Proposed frequency;
    - ii. Number of attendees (maximum building capacity);
    - iii. Signage;
    - iv. Adequacy of parking area. The Board should consider the number of parking spaces as well as the location of the proposed parking area;
    - v. Adequacy of vehicular access to the property. The applicant shall provide a traffic control plan to address traffic flow and ingress and egress to the property to ensure that traffic will not hinder shared access (if applicable) or create a back-up onto public or private roads; and
    - vi. Impact on adjacent properties.

Parks and Recreation events and facilities are exempt from Section 8.14.

~~A Rural Reception/Event Facility is a facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events. Such events proposed in the Rural, Village, Residential Growth, and Residential Light Industrial Commercial Districts are 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.<sup>32</sup>~~

~~Such a land use may be approved based on the Board’s evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular~~

access to the property, impact on adjacent properties, and compatibility with the neighborhood. For events exceeding 300 persons, applicants shall provide a traffic control plan.<sup>32</sup>

A Rural Reception/Event Facility, Small, is a Rural Reception/Event Facility in the Rural District only, for the hosting of events such as weddings with attendance not to exceed 75 cars, at a frequency of no more than one event per month. Such events are permitted administratively provided that if the facility would utilize a private, shared right of way, driveway or easement for vehicular access, a public hearing before the BZA is required.<sup>32</sup>

Approvals of all Rural Reception/Event Facility and Rural Reception/Event Facility, Small shall include a provision that noise at the property line shall conform with Section 8.9A.1 of this Ordinance and shall apply the Residential Growth District Standard to all adjacent lots containing a residence as well as adjacent lots in the Rural District.

Note that any vendors and/or production staff are not counted in the trip generation for this Section.<sup>32</sup>

### Section 8.15 Alternative Farm Enterprise

The purpose of this section is to support the farming community by allowing Alternative Farm Enterprises. An Alternative Farm Enterprise may be established on a parcel classified as “Farm Use” through the Assessor’s Office with an existing agricultural operation. For the purpose of this section, existing shall mean any agricultural use which has existed on a parcel of land for a period of two years.

Each Alternative Farm Enterprise shall process a Zoning Certificate application and required site sketch. The Zoning Administrator shall evaluate each application on its own merits. The applicant shall provide a brief summary of how the proposed land use will support the continuation of the existing agricultural operation. 75%-51% of the acreage on record at the time of application shall remain in use by the agricultural operation, with 25% 49% permitted to be developed for the purpose of establishing an Alternative Farm Enterprise.

If the Zoning Administrator determines the proposed use meets the intent of this section, an Alternative Farm Enterprise may comply with the provisions set forth in Section 4.10C. All site development is subject to a 75’ setback. Applicant shall submit to the Office of Planning and Zoning proof of application to the Health Department and Division of Highways.

## APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35, 37</sup>

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses</b>													<b>Sec. 8.9</b>
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	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	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
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	
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	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
<b>Land Use</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>MI</b>	<b>PND<sup>1</sup></b>	<b>OC</b>	<b>R</b>	<b>RG</b>	<b>RLIC</b>	<b>IC</b>	<b>V</b>	<b>Additional Standards</b>
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
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	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
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	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
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	CU	
Restaurant, Fast Food, Drive-Through	NP	P	P	P	CU	CU	P	CU	CU	CU	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	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
<u>Special Event Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>CU</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>Sec. 8.14</u>
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
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	
<u>Alternative Farm Enterprise</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 8.15</u>
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
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	
<u>Special Event Facility, Agricultural</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 8.14</u>
<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

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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

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## 1st Quarterly Report for Planning and Zoning FY 2020 (July 1, 2019 – September 30, 2019)

Attached is an electronically generated report of all applications submitted and reviewed within the 1<sup>st</sup> Quarter of FY2020. This data is being provided as a part of the 1<sup>st</sup> Quarterly Report from the Planning Commission and Offices of Planning and Zoning to the County Commission. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

### PLANNING COMMISSION ITEMS

**Planning Commission Meetings:** 3 Meetings

**Subdivision Regulations Text Amendments** none this quarter

**Zoning Ordinance Text Amendments** 2

**#ZTA19-01:** Zoning Ordinance Text Amendment to revise Article 2 Definitions; Section 8.14 Rural Reception/Event Facility; and Appendix C to create a process to allow special event facilities in the Rural, Residential Growth, and Village zoning districts. *PC PH 7/9/19; CC PH 9/19/19; still under review*

**#ZTA19-02:** Zoning Ordinance Text Amendment to revise Appendix C: Principle Permitted and Conditional Uses Table to change the provision for Churches in the IC Zone from Not Permitted (NP) to a Conditional Use (CU). *PC PH 7/9/19; CC PH 8/29/19; Approved 9/19/19*

**Zoning Map Amendments/Rezoning** none this quarter

**Major Subdivision Concept Plan Public Workshop** 7/9/19

**#19-7-SD** Rocky Ridge Major Residential Subdivision, including 132 townhouse units, a mini storage facility (four units 260' long, varying depth) and a boat and RV parking area on 16.6 acres

PC accepted the Concept Plan as submitted with a recommendation that the developer proceed to Preliminary Plat; work with WVDOH to see if there is a possibility of a construction entrance; and to not provide interconnectivity with the adjacent property to the South

### BOARD OF ZONING APPEALS (BZA) ITEMS

**Board of Zoning Appeals Meetings:** 3 meetings

**Zoning Appeal of Administrative Decision** none this quarter

### PLANNING & ZONING STAFF ITEMS

**Pre-Proposal Conference (PPC) Meetings:** 20 Total (11 Subdivision & 9 Site Plan)

**Information Request Forms (IRFs) -- general inquiries from the public:** 33 Total

**Zoning and Land Development Fees Collected:** \$ 11,581.97

<b>Regional Transportation Planning Meetings</b>	
Eastern Panhandle Transit Authority (EPTA) Board Meetings	7/15/19; 8/19/19; 9/16/19
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	8/21/19
WV DOH/Regional Planners Roundtable	9/25/19
MARC Public Hearing	9/7/19

**Planning and Zoning FY 2020 1st Quarterly Report  
7/1/2019 - 9/30/2019 (Generated 10/23/2019 )**

Type	Project Number	Creation Date	Owner Name	Mailing	Location	Status	Description
Conditional Use Permit	19-2-CUP	9/23/2019 1:52:01 PM	BURR PARK LLC	PO BOX 1179, BERRYVILLE, VA 22611	73 EDMOND RD STE 2, KEARNEYSVILLE, WV 25430	Open	Request for a Conditional Use Permit to operate a Church that includes office space, meeting rooms and services for approximately 120 attendees. Applicant will utilize the existing parking and signage on site.
	19-3-CUP	9/30/2019 3:44:22 PM	WHEATLANDS PROPERTY MANAGEMENT LLC - Jesse Morgan	600S MILDRED ST, CHARLES TOWN, WV 25414	2153 BERRYVILLE PIKE, CHARLES TOWN, WV 25414	Open	Request for a Conditional Use Permit to operate a Restaurant associated with the existing farm brewery. The applicant is proposing to construct an addition to the existing structure and a 35 space parking lot. The applicant is also requesting a deviation from the following sign provisions: Sec. 10.4A.1 to allow an 8' x 24' attached sign and a 2' x 2' attached sign affixed to the former mill structure; and to allow a 2' x 2' attached sign affixed to the principal structure; and Sec. 10.4A.2 to allow the proposed signs to face a residence.
						<b>Type Total:</b>	<b>2</b>
						<b>Category Total:</b>	<b>2</b>
Easements	19-2-E	9/9/2019 3:05:13 PM	Harry & Carl Kable	336 Rosemont Way, Charles Town, WV 25414	Charles Town, WV	Open	
						<b>Type Total:</b>	<b>1</b>
						<b>Category Total:</b>	<b>1</b>
Merger or Boundary Line Adjustment	19-21-M	7/15/2019 3:51:08 PM	JC2017 LLC	412W BURR BLVD, Kearneysville, WV 25430	Mission Rd. N.	Closed	.22 acre merger
	19-22-M	8/8/2019 3:47:12 PM	David and Mary Wright	205 White Tail Ln, Kearneysville, WV 25430	South Childs Road, WV	Closed	To dissolve the Bowman Minor Subdivision (see PC File #08-27). Recorded PB: 25; PG 101.

	19-23-M	8/20/2019 11:05:27 AM	RICHARDSON REBECCA A	1036 HIDDEN HOLLOW DR, KEARNEYSVILLE, WV 25430	1036 HIDDEN HOLLOW DR, KEARNEYSVILLE, WV 25430	Closed	
	19-24-M	9/10/2019 2:28:02 PM	PARKER PAUL C & DENISE A	328 PALOMINO PL, CHARLES TOWN, WV 25414	328 PALOMINO PL, CHARLES TOWN, WV 25414	Closed	2 Contiguous lots, same owner - Lots 80 & 81
	19-27-M	9/20/2019 11:43:56 AM	PANGLE WAYNE E WAYNE PANGLE	340 KELLY DR, HARPERS FERRY, WV 25425	340 KELLY DR, HARPERS FERRY, WV 25425	Closed	Boundary Line Adjustment to consolidate Lots 1-3 and 8-10 into one single parcel.
	19-25-M	9/17/2019 9:48:47 AM	KALLENBORN JAMES P & RAKEL R BOISVERT	30 RIVER BEND RD, KEARNEYSVILLE, WV 25430		Open	Section Part III, Hidden River
	19-26-M	9/18/2019 3:23:04 PM	Seneca Crossing, LLC.	P.O. Box 1027, Shepherdstown, WV 25443		Open	Seneca Crossing South Side
	19-28-M	9/23/2019 3:16:07 PM	CTCF, LLC	605 Baltimore St, Martinsburg, WV 25401	470 HALLTOWN RD, HARPERS FERRY, WV 25425	Open	Boundary Line Adjustment between Lots 8 and 9 of Lucus Extension to Halltown.
						<b>Type Total:</b>	<b>8</b>
						<b>Category Total:</b>	<b>8</b>
<b>Miscellaneous</b>	19-11-Q	7/12/2019 1:26:41 PM	N/A	N/A	N/A	Closed	Zoning Map
	19-12-Q	8/5/2019 1:04:38 PM	PLOTNER JARROD C & SHANNON S	4 BELMEADE WAY, SHEPHERDSTOWN , WV 25443	4 BELMEADE WAY, SHEPHERDSTOWN, WV 25443	Closed	The Point, Lot 1 MPC - Septic Reserve Relocation
	19-13-Q	8/30/2019 9:29:54 AM	David and Mary Wright	205 White Tail Lane, Kearneysville, WV 25430	South Childs Road, Kearneysville, WV 25430	Closed	Septic Reserve Relocation
	19-14-Q	9/23/2019 1:44:22 PM	KEEGAN CHARLES E JR ET AL	4716 FLOWER VALLEY DR, ROCKVILLE, MD 20953		Closed	Minor Plat Change: Septic Reserve Relocation
						<b>Type Total:</b>	<b>4</b>
						<b>Category Total:</b>	<b>4</b>

<b>Planning Commission Waiver</b>	19-11-PCW	7/18/2019 10:51:20 AM	BOYD LARRY H & DONNA K - Larry and Donna Boyd	303 WILLINGHAM RD, CHARLES TOWN, WV 25414	303 WILLINGHAM RD, CHARLES TOWN, WV 25414	Closed	Request by Ancient Oaks Estate (File #: 19-11-PCW). Applicant is requesting a waiver from Section 24.113.B.10 of the Subdivision and Land Development Regulations to waive the Preliminary Plat requirement for an Archaeological Study. The property is designated as Tax District: Shepherdstown (07); Tax Map: 20; Parcel: 8; Zoned: Rural; Size: 43.62 acres.
	19-12-PCW	7/22/2019 2:12:10 PM	KURZ EDWARD S JR & FRANCES H	PO BOX 778, INWOOD, WV 25428	25 FOXWOOD FARM DR, KEARNEYSVILLE, WV 25430	Closed	Request by Frances & Edward Kurz (File #: 19-12-PCW). Applicant is requesting a waiver from Section 20.201.A.2 that requires a 50' access easement, for both entrances off of Middleway Pike. The property is designated as Tax District: Shepherdstown (07); Tax Map: 19; Parcel: 27 & 37.2; Zoned: Rural; Size: 12.2 & 4 acres.
	19-13-PCW	7/24/2019 3:29:58 PM	Epic at Burr Park, LLC.	17037 Bold Venture Dr, Leesburg, VA 20176		Closed	Request by Burr Park Lot 16 (Holtzman Oil) (File #: 19-13-PCW). Applicant is requesting a waiver from Section 22.208A and Appendix B Section 10.6 of the Subdivision and Land Development Regulations that require sidewalks along the road right-of-way (Wiltshire Road and War Admiral Boulevard) for non-residential site development.
	19-14-PCW	8/19/2019 9:19:05 AM	N/A	N. WV 9 Ramp		Closed	Applicant is requesting a waiver from Section 20.201A(2) which requires all lots in minor residential subdivisions to have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots, for Minerva Court which is proposed to serve 10 lots and desires to process as two minor subdivisions.
	19-15-PCW	8/20/2019 2:07:33 PM	SAB Real Estate 2, LLC.	300 East John St., Martinsburg, WV 25401		Closed	Applicant is requesting a waiver from Section 20.102B to allow for site grading to commence prior to site plan approval. This would allow initial construction to commence during seasons favorable for site work and potentially coincide with adjacent construction to reduce overall construction traffic.

	19-16-PCW	8/27/2019 1:22:28 PM	SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC	PO BOX 190, SUMMIT POINT, WV 25446	MOTORSPORTS PARK CIRCLE, SUMMIT POINT, WV 25446	Open	Waiver from Section 21.402.D to allow one freestanding 96" (length) x 48" (sign face height) x 7'4" (structure height) freestanding sign at the west entrance and one freestanding 96" (length) x 48" (sign face height) x 7'4" (structure height) sign at the east entrance of the Summit Point Automotive Raceway Center (SPARC) to be located within the platted 10' sidewalk easement.
						<b>Type Total:</b>	<b>6</b>
						<b>Category Total:</b>	<b>6</b>
<b>Site Plan</b>	19-4-S	7/1/2019 2:42:52 PM	EPIC at Burr Park, LLC.	17037 Bold Venture Dr., Leesburg, VA 20176	, , WV	Open	Proposed Site Improvements for Burr Business Park Lot 16 will include a 4,760 S.F. Convenience Store building with fueling stations, truck parking, drive aisles, and associated infrastructure.
	19-5-S	7/10/2019 2:42:25 PM	MC2 PROPERTIES LLC	172 AVON BEND, CHARLES TOWN, WV 25414	272 JAMES BURR BLVD, KEARNEYSVILLE, WV 25430	Open	The proposed site improvements for Burr Business Park Lot 41 expansion will include the construction of an 8,000 S.F. storage building with additional asphalt parking, and expanded chain link fence.
	19-6-S	9/25/2019 9:23:07 AM	FELLOWSHIP BIBLE CHURCH-TR'S - Richard Beddow	160 DANIEL RD, SHENANDOAH JUNCTION, WV 25442	160 DANIEL RD, SHENANDOAH JUNCTION, WV 25442	Open	Expand Recreational Facilities:
						<b>Type Total:</b>	<b>3</b>
						<b>Category Total:</b>	<b>3</b>
<b>Special Exception Permit</b>	19-1-SE	9/3/2019 11:46:11 AM	M E CHURCH - SOUTH - Charlotte Bennett	11133 LEETOWN RD, KEARNEYSVILLE, WV 25430	11133 LEETOWN RD, KEARNEYSVILLE, WV 25430	Open	Request for a Special Exception Permit to allow a 91" (long) x 21 3/4" (high) electronic sign to remain affixed to the existing Leetown United Methodist Church Sign. The overall width and height of the existing sign will remain the same.
						<b>Type Total:</b>	<b>1</b>
						<b>Category Total:</b>	<b>1</b>
<b>Subdivision</b>	19-12-SD	7/15/2019 3:03:40 PM	AUTOMATED MERCHANDISING SYSTEMS INC	255W BURR BLVD, KEARNEYSVILLE, WV 25430	255 W BURR BLVD, KEARNEYSVILLE, WV 25430	Open	To subdivide existing Lot 19/20 within Burr Industrial Park into Lot 19 and Lot 20.



	17-20-SD	7/26/2019 9:40:01 AM	BOYD LARRY H & DONNA K	303 WILLINGHAM RD, CHARLES TOWN, WV 25414	303 WILLINGHAM RD, CHARLES TOWN, WV 25414	Open	Major Residential 8-Lot Cluster Subdivision
	19-13-SD	8/13/2019 8:40:20 AM	WALLS WALTER ET AL	67 WHITE ROCK, KEARNEYSVILLE, WV 25430	879 KEARNEYSVILLE PIKE, KEARNEYSVILLE, WV 25430	Open	Lot 1 Residue & Lot 2
	18-05-SD	8/13/2019 1:36:42 PM	Belvedere Farm Family Trust - Walter III and William Truettner	PO Box 247 Crested Butte, CO 81224, , WV		Open	
	19-14-SD	8/28/2019 10:12:13 AM	KNIGHTEN WILLIAM A JR - William Knighten	PO BOX 3008, Shepherdstown, WV 25443	Kearneysville Pike, Shepherdstown, WV 25443	Open	A minor subdivision to consist of of Lots 1, 2, and 3-Residue.
	19-15-SD	9/6/2019 3:03:12 PM	MARRONE PATRICK L & BETH A	1032 OLD CAVE RD, CHARLES TOWN, WV 25414	1032 OLD CAVE RD, CHARLES TOWN, WV 25414	Open	3 Lots & Residue
	18-25-SD	9/19/2019 2:14:28 PM	Seneca Crossing, LLC.	PO Box 1027 , Shepherdstown, WV 25443		Open	Non Residential Major Subdivision
						<b>Type Total:</b>	<b>7</b>
						<b>Category Total:</b>	<b>7</b>
<b>Zoning Certificate</b>	19-19-ZC	7/2/2019 9:08:00 AM	BURR PARK LLC - Vincent Petti	700 S HARBOUR ISLAND BLVD , TAMPA , FL 33602	73 EDMOND RD STE 4, KEARNEYSVILLE, WV 25430	Closed	To increase the occupancy of the existing Day Care Center, Large from 12 children to 30 children.
	19-20-ZC	7/17/2019 11:49:45 AM	JEFFERSON UTILITIES INC - Lee Snyder	270 INDUSTRIAL BLVD, KEARNEYSVILLE, WV 25430	307 W BURR BLVD, KEARNEYSVILLE, WV 25430	Closed	To remove nine antennas and to install eight new antennas and four RRUs on the existing water tower.
	19-21-ZC	7/17/2019 12:31:36 PM	JEFFERSON UTILITIES INC	270 INDUSTRIAL BLVD, KEARNEYSVILLE, WV 25430	307 W BURR BLVD, KEARNEYSVILLE, WV 25430	Closed	Install three new antennas, relocate six RRH from the ground to the tank, add three new RRH to the tank, remove 18 coax lines and add four new HFC.
	19-22-ZC	7/26/2019 12:14:57 PM	Jennifer Deal	124 Pleasant Aly, Summit Point, WV 25446	124 PLEASANT ALY, SUMMIT POINT, WV 25446	Closed	A three room Bed and Breakfast per Section 8.3. Dog friendly.

	19-23-ZC	8/7/2019 10:12:36 AM	BANKS T NEILL & KENNA	190 BEST RD, HARPERS FERRY, WV 25425	3343 SHEPHERDSTOWN PIKE, SHENANDOAH JUNCTION, WV 25442	Closed	Remove 12 antennas and install six new antennas to an existing 197' self supporting cell tower / Co-Located Telecommunications Facility.
	19-24-ZC	8/16/2019 2:30:25 PM	SUNNYSIDE LIMITED PARTNERSHIP	635 WHEATLAND RD, CHARLES TOWN, WV 25414	844 WHEATLAND RD, CHARLES TOWN, WV 25414	Closed	Swapping antennas
	19-25-ZC	8/22/2019 10:12:31 AM	LEFEVRE THOMAS E	PO BOX 82, BUNKER HILL, WV 25413	237 TEL FARM LN, KEARNEYSVILLE, WV 25430	Closed	Replace six antennas on an existing 199' telecommunication facility.
	19-26-ZC	8/29/2019 12:05:45 PM	Elizabeth Hendricks	2871 Arden Nollville Rd, Inwood, WV 25428	5388 SHEPHERDSTOWN PIKE, SHENANDOAH JUNCTION, WV 25442	Closed	Rural Event/Reception Facility, Small
	19-27-ZC	9/4/2019 10:19:57 AM	GARZA ROBERT C & DELIA M	10101 LEETOWN RD, KEARNEYSVILLE, WV 25430	10101 LEETOWN RD, KEARNEYSVILLE, WV 25430	Closed	Convert remaining portion of the existing barn into 18 additional dog kennels for a total of 2800 sf. The kennel will include a 300 sf Public Grooming facility. Five additional gravel parking spaces will be added.
	19-28-ZC	9/25/2019 2:50:15 PM	BREEDEN RONALD L JR & ROBIN A	4827 BOWER RD, KEARNEYSVILLE, WV 25430	4827 BOWERS RD, KEARNEYSVILLE, WV 25430	Closed	Accessory Dwelling Unit: In-Law Suite for Family Member
	19-29-ZC	9/26/2019 3:07:24 PM	LEFEVRE THOMAS E	PO BOX 82, BUNKER HILL, WV 25413	237 TEL FARM LN, KEARNEYSVILLE, WV 25430	Closed	Tower equipment modification (antennas) on an existing 199' telecommunication facility.
						<b>Type Total:</b>	<b>11</b>
						<b>Category Total:</b>	<b>11</b>
<b>Zoning Variance</b>	19-16-ZV	7/1/2019 1:45:39 PM	EPIC at Burr Park, LLC - Andre Fontaine	17037 Bold Venture Dr, Leesburg, VA 20176	Wiltshire Road, , WV	Closed	Variance request from Section 10.4B.2 to increase the permitted freestanding nonresidential sign height from 35' to 65'.
	19-17-ZV	7/1/2019 1:58:17 PM	EPIC at Burr Park, LLC - Andre Fontaine	17037 Bold Venture Dr, Leesburg, VA 20176	Wiltshire Road, , WV	Closed	Variance from Section 4.11E to reduce the required side and rear landscape buffer to allow the proposed modified planting standard.

	19-18-ZV	7/18/2019 1:20:05 PM	QUYNN PATRICIA A	PO BOX 1374, HARPERS FERRY, WV 25425	7017 FLOWING SPRINGS RD, SHENANDOAH JUNCTION, WV 25442	Open	Variance from Appendix A to reduce the side setback from 15' to 0' for an existing 15' x 28' garage.
	19-20-ZV	7/29/2019 2:31:03 PM	Seneca Crossing LLC	PO Box 1027, Shepherdstown, WV 25443	Martinsburg Pike, , WV	Open	Variance from Section 10.2C to allow a 9' (horizontal/long) x 8' (high) x 2' (wide) subdivision/monument sign in the right-of-way (McClaine Way).
	19-21-ZV	7/29/2019 2:39:06 PM	Seneca Crossing, LLC	PO BOX 1027, SHEPHERDSTOWN , WV 25443	Martinsburg Pike, , WV	Open	Variance from Section 10.4B.3 to reduce the front setback from 25' to 15' for a 9' (horizontal/long) x 2' (wide) x 27" (high) base of a monument sign.
	19-22-ZV	8/27/2019 11:51:59 AM	SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC	PO BOX 190, SUMMIT POINT, WV 25446	Motorsports Park Circle, Summit Point, WV 25446	Open	Variance request from Section 10.4B.3 to reduce the front setback from 25' to 1' for a 96" (length) x 48" (width) x 7'4" (height) freestanding sign (Motorsports Park Circle-West Entrance).
	19-23-ZV	8/27/2019 1:06:54 PM	SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC	PO BOX 190, SUMMIT POINT, WV 25446	MOTORSPORTS PARK CIRCLE, SUMMIT POINT, WV 25446	Open	Variance request from Section 10.2C to allow for a 96" (length) x 48" (width) x 7'4" (height) freestanding sign in the required right-of-way (Motorsports Park Circle-East Entrance).
	19-24-ZV	8/30/2019 12:29:08 PM	GALLUP MICHAEL & JENNIFER HILLMANN	4174 FLOWING SPRINGS RD, SHENANDOAH JUNCTION, WV 25442	4174 FLOWING SPRINGS RD, SHENANDOAH JUNCTION, WV 25442	Open	Variance from Section 4.10A to waive the requirement of a site plan for the construction of a 3,700 square foot dog kennel and associated parking lot; and Section 11.1B to allow for a modified parking standard/reduced number of parking spaces.
	19-25-ZV	9/3/2019 2:34:11 PM	Leroy Delauder	762 Wiltshire Road, Kearneysville, WV 25430	762 WILTSHIRE RD, KEARNEYSVILLE, WV 25430	Open	Variance from Section 9.6C to allow an accessory structure in the required front yard; and, Section 9.7 to reduce the front setback from 20' to 3' for a 12' x 20' shed.
	19-26-ZV	9/12/2019 9:03:40 AM	BARGER PRESTON L & TANA S D	96 WIDE HORIZON BLVD, KEARNEYSVILLE, WV 25430	188 WIDE HORIZON BLVD, KEARNEYSVILLE, WV 25430	Open	Variance from Section 9.6B to reduce the rear setback from 24' to 12' for an existing 24' x 12' accessory structure.
	19-27-ZV	9/12/2019 9:06:42 AM	BARGER PRESTON L & TANA S D	188 WIDE HORIZON BLVD, KEARNEYSVILLE, WV 25430	188 WIDE HORIZON BLVD, KEARNEYSVILLE, WV 25430	Open	Variance from Section 9.6B to reduce the rear setback from 45' to 12' for a 45' x 40' inground swimming pool including the surrounding concrete.

	19-28-ZV	9/24/2019 10:47:36 AM	Jefferson County Development Authority	1948 Wiltshire Rd. Suite 4, Kearneysville, WV 25430		Open	Variance from Section 4.11A.2 & 4.11E.1 and Appendix B to reduce the landscaping buffer from 10' to 0' along the shared property line between Lots 27 and 28 in the Burr Industrial Park; and to allow for a 50' unscreened buffer instead of a 10' screened buffer along the rear property line of both lots.
	19-29-ZV	9/25/2019 8:24:55 AM	Keith Cranford - Keith Cranford	203 W. 5th Ave. Apt. 2, Ranson, WV 25438	Euclid Ave, WV	Open	Variance from Appendix A to reduce the side setback from 8' to 4' for an existing 40' x 44' garage to be converted into a house.
	19-30-ZV	9/30/2019 12:23:23 PM	CUSTER PAMELA & THOMAS L II	1906 KABLETOWN RD, CHARLES TOWN, WV 25414	1906 KABLETOWN RD, CHARLES TOWN, WV 25414	Open	Variance from Section 9.7 to reduce the side setback from 12' to 1' for a 24' x 30' accessory structure.
	19-31-ZV	9/30/2019 1:30:43 PM	WHEATLANDS PROPERTY MANAGEMENT LLC	600S MILDRED ST, CHARLES TOWN, WV 25414	2153 BERRYVILLE PIKE, CHARLES TOWN, WV 25414	Open	Variance from Section 4.10A to waive the requirement of processing a site plan. A Site Plan is required to construct a 35 space parking lot with drive aisles and sidewalks which will support a proposed Restaurant (File 19-3-CUP).
	19-19-ZV	7/29/2019 2:05:08 PM	GARZA ROBERT C & DELIA M	10101 LEETOWN RD, KEARNEYSVILLE, WV 25430	10045 LEETOWN RD, KEARNEYSVILLE, WV 25430	Withdrawn	-WITHDRAWN 08-14-19 -  Variance from Section 4.10 to waive the requirement of a site plan to install a maximum 1,600 square foot gravel parking lot. The applicant is seeking to renovate an existing barn for the purpose of adding 18 stalls to expand the operations of the existing dog kennel (Tri-State Pet Care).
						<b>Type Total:</b>	<b>16</b>
						<b>Category Total:</b>	<b>16</b>
						<b>Grand Total:</b>	<b>59</b>



# Jefferson County, West Virginia

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## Planner's Memorandum Planning Commission Meeting November 12, 2019

### 1) Greenway Ordinance/Regulation Amendment Update

- a) Status Update from Greenway
- b) Committee meeting with Greenway scheduled for 11/15 to discuss proposed reorganization

### 2) Upcoming PC meetings

- a) Next Regular Meeting: December 10, 2019







Thank you for participating in the League of Women Voters Open Meetings Study.

We have summarized the results which are attached for your information. We are very pleased to find widespread conformance with the Open Meetings Act. We are also pleased that every commission and board we contacted chose to participate in the study.

As we reported to the Jefferson County Commission, we do think commissions and boards should go farther than the Open Meetings Act requirements. The WV Ethics Commission emphasizes the open meetings rules are minimum standards. The LWV supports going beyond the minimum to assure even more public outreach and education.

We would be happy to discuss our findings with you. Please let me know if you would like us to attend one of your meetings.

Again, the League of Women Voters of Jefferson County greatly appreciates your participation in our study.

Sincerely,

A handwritten signature in black ink, appearing to read "Lyn Widmyer".

Lyn Widmyer, Chair  
LWV Open Meetings Study

304-279-3201

*Thank you for  
your time and  
interest —*

Handwritten initials "JW" in black ink.

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**Summary of Findings: Open Meetings Study**  
**Presented to the Jefferson County Commission**  
**October 3, 2019**

Dear County Commission members:

Over the past several months, members of the LWV of Jefferson County surveyed how 12 local governmental boards and commissions are implementing the West Virginia Open Governmental Meetings Act.

The first step in the process was a community presentation in April by the West Virginia Ethics Commission staff on the provisions of the Act. We were very pleased at the turnout.

Following the presentation, we sent a written survey questionnaire to local governmental boards and commissions regarding compliance with the provisions of the Open Meetings Act. We followed up with a personal interview to explore how governmental bodies are going beyond the Open Meetings Act to educate and engage the public. All 11 boards and commissions (listed below) completed the survey and participated in the follow up interviews.

The LWV of Jefferson County is pleased to share the findings of our study with you. We are planning a community meeting as well but wanted to brief you first on our results and recommendations.

**Boards and Commissions in Study:**

Jefferson County Planning Commission  
Emergency Services Agency  
Historic Landmarks  
Jefferson County Health Department  
Solid Waste Authority  
Farmland Preservation Board  
Jefferson County Development Authority  
Water Advisory Committee  
Charles Town Utility Board  
Jefferson County Parks and Recreation  
Jefferson County Commission  
Jefferson County School Board

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## Findings:

**Posting of meeting notices electronically should be required in Jefferson County.** Most of the boards and commissions we interviewed use the web and in some cases, Facebook, to advertise meetings. This approach may not be possible in all parts of the state, but it is certainly possible in Jefferson County. For those without access to electronic devices, print media and posting of notices is important. The Act requires posting at “a public place.” However, when commissions or agencies are not located near the public (for example in Jefferson County, several agencies are distant from the courthouse), public access to posted notices is problematic.

**Timely posting of minutes is crucial.** The Open Meetings Act requires that once approved, minutes must be made available to the public within one business day. We noted confusion about what “reasonable” is. Some boards and commissions are behind in posting of minutes either due to staff overload or lack of staff. This issue needs to be addressed.

**Websites vary in quality.** Those agencies having in-house web master (like the Board of Health and the Charles Town Utilities Board) have very complete and up to date websites. Others are clearly deficient, primarily due to staffing issues. The Historic Landmarks Commission has found a creative way to maintain their website: an Americorps volunteer. Any citizen appointed board or commission that is providing important input to the county commission and to community members should be provided web site services by the county commission and those sites should be reviewed at least quarterly for out of date information. We suggest that the County Commission have a help desk as a website resource for all county departments. Whenever the County Commission creates a Board, they should also provide sufficient funds/support for that board maintain a website and monitor their adherence to open meetings requirements.

**Background information for agenda items should be available to the public.** Making meeting agendas available to the public is an essential element of the Open Meetings Act. But if the public is to understand what the issues are and whether to attend a meeting in person or prepare testimony, background materials about the topic must be available. The county commission has a one-page agenda form that requires information about the agenda item. This is a good template for all commissions and boards to follow. Materials to be presented at the meeting should be available digitally whenever possible, especially when the meeting is to be streamed.

**Methods of getting on the agenda vary.** We were pleased that so many of the agencies are open to issues being placed on the agenda by community members. How to get on an agenda varies—from a phone call to the chairman, a request to staff or a request during public comment. Whatever the method, it should be explained on the web. The power to set the agenda is very important; the agency should be very clear how it is done.

**A public comment period should be mandatory.** Allowing public comment at the beginning of the meeting is not required by the Open Meetings Act. Public comments should be allowed at some time during public meetings.

**Web sites should educate, not just notify.** Finally, we would urge all boards and committees to use their websites not just to notify the public of meetings but to **EDUCATE** the public on items of community concern. For example, the county commission is embarking on a space needs