



JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 **Fax:** (304) 725-7916

Web: www.jeffersoncountywv.org

PRESIDENT

Pasha Majdi

COMMISSIONER

Jack Hefestay

COMMISSIONER

Cara Keys

COMMISSIONER

Mike Mood

COMMISSIONER

Steve Stolipher

MEETING AGENDA

JEFFERSON COUNTY COMMISSION

Thursday, September 18, 2025

6:00 p.m.

County Commission Meeting Room

393 N. Lawrence Street, Charles Town, WV—please use East Entrance

Zoom Broadcast (live):

<https://us06web.zoom.us/j/87109936922?pwd=Vnk9UbqWnleFH9D3GypGfc00LLY1Zt.1>

Meeting ID: 871 0993 6922

Passcode: 045804

Public comments will be accepted in person or via email- info@jeffersoncountywv.org

I. Call to Order

II. Prayer – Moment of silence

III. Pledge of Allegiance

IV. Pledge of Allegiance to the West Virginia Flag

I pledge allegiance to the flag of West Virginia, which serves as a constant reminder that 'Mountaineers Are Always Free,' which stands as a symbol of her majestic mountains, fertile forests, rich veins of coal, and the pride of her people.

V. Consent Agenda

1. Approval of Minutes

- a. September 4, 2025 Regular Meeting Minutes DRAFT

2. Approval of Accounts Payable:

- a. September 11, 2025 \$ 911,062.99

3. Approval of Manual Checks:

- a. September 11, 2025 \$ 860,241.64

4. Approval of Payroll:

- a. September 12, 2025 \$ 505,106.20

5. Approval of Requisitions

- a. September 18, 2025 None

6. Approval of Hires

- a. Approval of Hire—Public Affairs Coordinator- Department of Homeland Security and Emergency Management
b. Approval of Hire—Planning Clerk—Department of Engineering, Planning and Zoning

VI. Announcements

Please note:

- Draft minutes are included in the meeting packet. Draft meeting minutes are often also available separately online. See both here:
<https://www.jeffersoncountywv.org/find-it-fast/agendas-minutes-and-webcasts>
- Jefferson County Commission spending syncs with West Virginia Checkbook (<https://www.wvcheckbook.gov/>) daily. A complete list of publicly available information, and tutorials on using the site, are available online.

Report if there are changes in the agenda if applicable.

VII. Public Comment

To participate in public comment in person, please sign the public comment sign-in sheet located on the table in the back of the room. Please feel free to submit comments via email to info@jeffersoncountywv.org. Your name and any written comments submitted for the record will be included in the minutes.

VIII. Regular Agenda- It is expected that all items will include discussion and possible action

New Business

1. 6:15 pm Angie Banks, Jefferson County Assessor **(pgs. 25-27)**
1.1 Exonerations
2. 6:20 pm Presentation: Overview of Tax Increment Financing (TIF) and Sales Tax Increment Financing (STIF) (Majdi)
John Stump, Steptoe & Johnson PLLC **(pg. 28)**
3. 6:45 pm Matt Harvey, Prosecuting Attorney's Office **(pg. 29)**
3.1 Discussion of succession plan for the Prosecuting Attorney in the event of office vacancy and conditional appointment of temporary officer holder

4. 7:00 pm Consideration of Residential Impact Fee Adjustment for 55+ Communities (Keys) **(pgs. 30-31)**
5. 7:15 pm Economic Enhancement Ordinance Update (Stolipher) **(pgs. 32-335)**
6. 7:20 pm Resolution to Recognize October 2025 as Breast Cancer Awareness Month in Jefferson County and to Designate October 10, 2025, as Pink Casual Day, Encouraging All County Staff to Wear Pink on that Day to Support Breast Cancer Fighters, Thrivers, and Survivors (Hefestay) **(pgs. 336-338)**
7. 7:30 pm Jessica James, Chief Human Resources Officer **(pgs. 339-347)**
 - 7.1 Approval of revised employee performance appraisal period for 2024-2025
 - 7.2 Revision of IT Helpdesk Level I and II positions with corresponding salary adjustments
8. 7:40 pm David Bound, chief financial officer **(pg. 348)**
 - 8.1 Temporary assignment for approving County bills.
 - 8.2 West Virginia Courthouse Facilities Improvement Authority's Courthouse Facilities Improvement Fund grant submission request
 - 8.3 West Virginia First Foundation grant submission request
 - 8.4 Chief Tax Deputy and Chief Financial Officer are requesting Read Only online access to the County's current bank accounts
 - 8.5 Ambulance Fee exonerations
9. 8:00 pm Nathan Cochran, Prosecuting Attorney's Office **(pg. 349)**
 - 9.1 Discussion of Charles Town Utility Board v. West Virginia American Water Company (25-0263-PWD-C).
 - 9.2 Discussion, advice from counsel and possible action regarding ongoing opioids litigation and related issues.
 - 9.3 Discussion and report from counsel on West Virginia Human Rights Commission Case No. EDR-194-25.
10. 8:15 pm Edwina Benites-LM, county administrator **(pgs. 350-356)**
 - 10.1 Letter to Ranson Building Commission regarding Parcel ID: 19-08-0008-0008-0000
 - 10.2 Federal appropriations requests status
 - 10.3 Upcoming events

CORRESPONDENCE AND INFORMATION **(pgs. 357-371)**

Bob Aitcheson

Daniel Lutz letter
William Kinley emails
Richard Zigler emails
Telamon correspondence
Anonymous letter re: American Water Works

Minutes
Jefferson County Commission
Thursday, September 4, 2025

A meeting of the Jefferson County Commission was held on Thursday, September 4, 2025, during the third quarterly session at 393 N. Lawrence Street, Charles Town, WV at 9:30 a.m. The meeting was held via Zoom and in-person. Present were President Pasha Majdi, Vice President Mike Mood, Commissioner Steve Stolipher, Commissioner Cara Keys, and Commissioner Jack Hefestay. Also present were Edwina Benites-LM, County Administrator; Nathan Cochran, Assistant Prosecuting Attorney; Jacki Shadle, County Clerk; and Lynn Dillow, Administrative Clerk. The archived meeting of the Thursday, September 4, 2025, meeting is available on the Jefferson County Commission website.

Moment of Silence

Pledge of Allegiance

Pledge of allegiance to the West Virginia flag

V. Consent agenda

1. APPROVAL OF MINUTES

The following item was approved without objection:

- August 21, 2025 Regular Meeting Minutes

2. APPROVAL OF ACCOUNTS PAYABLE

The following items were approved without objection:

- Accounts payable for August 28, 2025, in the amount of \$ 775,930.13.

CHECK NUMBER		VENDOR NAME	UNCLEARED
93005		BERKELEY COUNTY COUNCIL	100,366.02
93006		BERKELEY GLASS INC	180.00

93007		BJ'S EMBROIDERY CO INC	29.00
93008		BUREAU OF CHILD SUPPORT	850.31
93009		COMPTROLLER OF MARYLAND	1,332.21
93010		EFTPS IRS TAXES	195,598.52
93011		EMPOWER RETIREMENT	11,980.36
93012		FEDEX	48.53
93013		FELLOWSHIP BIBLE CHURCH	200.00
93014		GUTTMAN OIL CO	12,864.98
93015		INDEPENDENT VOLUNTEER FIRE DEPARTMENT	2,400.00
93016		JEFFERSON CO CONVENTION AND VISITORS BUREAU	59,035.09
93017		JEFFERSON SECURITY BANK	3,568.00
93018		JOHN TEARE	553.00
93019		KIDWELLS PLUMBING & HEATING	350.00
93020		MCKESSON MEDICAL-SURGICAL GOVERNMENT SOLUTIONS LLC	458.16
93021		MICHAEL MONAGHAN	151.00
93022		MILLER'S SUPPLIES AT WORK	2,975.40
93023		MONTE CONNER	118.68
93024		NATHAN COCHRAN	150.00
93025		NATIONAL VISION ADMIN.	1,686.78
93026		NATIONWIDE RETIREMENT SOLUTIONS	865.00
93027		PA SCDU	320.00
93028		POTOMAC EDISON	35,584.33
93029		QUALITY LOCK	28.00
93030		R.E. MICHEL CO. LLC	348.66
93031		RICE TIRES CO	571.80
93032		DR. ROBERT E. JONES III	1,000.00
93033		STATE INDUSTRIAL PRODUCTS	486.18
93034		STATE TAX DEPARTMENT	250.00
93035		STEPHEN PFORR	151.00
93036		SUN LIFE	16,415.02
93037		TEK ADVISORS LLC	14,036.62
93038		UNIFIRST	422.36
93039		USPS-POC	20,000.00
93040		WV DEPUTY SHERIFF RETIREMENT SYSTEM	36,433.91
93041		WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	126,395.01
93042		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	50,604.60
93043		WV STATE TAX DEPARTMENT	74,299.97
93044		WV UNITED HEALTH SYSTEM	465.27
93045	AM/053	SHERIFF OF JEFFERSON COUNTY	2,356.36
TOTAL			775,930.13

- Accounts payable for September 4, 2025, in the amount of \$ 390,677.03.

CHECK NUMBER		VENDOR NAME	UNCLEARED
93046		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	2,699.37
93047		AT&T BILL PAYMENT	1.33
93048		ATLANTIC EMERGENCY SOLUTIONS, INC.	2,940.66
93049		CAPITAL ELECTRIC	683.60
93050		COLONIAL LIFE	143.52
93051		COMCAST	269.89
93052		EASTERN PANHANDLE REGIONAL PLANNING & DEVELOPMENT	99,822.73
93053		EVERBRIDGE	11,961.14
93054		FIRST CITIZENS BANK & TRUST CO	2,230.47
93055		GREGORY JONES	47.08
93056		GUTTMAN OIL CO	7,254.78
93057		HAMRICKS SERVICES LLC	5,590.61
93058		HIGHMARK WV	248,952.33
93059		MARNEY TREESE	650.00
93060		MCA, INC	1,380.30
93061		MCKESSON MEDICAL-SURGICAL GOVERNMENT SOLUTIONS LLC	391.60
93062		MILLER'S SUPPLIES AT WORK	99.00
93063		MINNICKS TOWING & RECOVERY	437.50
93064		POTOMAC EDISON	3,877.14
93065		RICE TIRES CO	135.73
93066		ROBERTS OXYGEN COMPANY, INC	184.09
93067		WV STATE FIRE MARSHAL'S OFFICE	150.00
93068		UNIFIRST	449.61
93069		VALLEY HEALTH EMPLOYER HEALTH	226.00
93070	AM/053	PAYMENTUS CORP	98.55
TOTAL			390,677.03

3. APPROVAL OF MANUAL CHECKS

The following items were approved without objection:

- Manual checks for August 28, 2025, in the amount of \$ 6,079.50

		August 28, 2025		
		OTHER FUNDS		
Check #	Fund	Vendor		Amount
626	CS/002	EASTERN PANHANDLE MENTAL HEALTH CENTER		\$ 4,400.00

1261	AV/056	GLOBAL SCIENCE & TECHNOLOGY INC	\$	1,480.00
1262	AV/056	PRINT-O-STAT INC	\$	199.50
TOTAL			\$	6,079.50

- Manual checks September 4, 2025, in the amount of \$ 19,747.74

		September 4, 2025		
		OTHER FUNDS		
Check #	Fund	Vendor		Amount
1263	AV/056	PRINT-O-STAT INC.	\$	818.51
1944	CO/246	COMCAST	\$	129.95
1945	CO/246	TEK ADVISORS LLC	\$	2,209.56
190	IP/249	LANTZ CONSTRUCTION WINCHESTER	\$	14,589.72
445	SF/073	STEVEN HOLZ	\$	2,000.00
TOTAL			\$	19,747.74

4. APPROVAL OF PAYROLL

The following item was approved without objection:

- Approval of payroll for August 29, 2025, in the amount of \$ 535,385.05

5. APPROVAL OF REQUISITIONS

The following item was approved without objection:

- Approval of requisitions for September 4, 2025, in the amount of \$ 60,039.92.

REQUISITIONS TO BE APPROVED**September 4, 2025**

DEPARTMENT	PURCHASE ORDER NO.	AMOUNT	VENDOR	DESCRIPTION
SHERIFF - LAW	26046	\$ 453,640.70	ENTERPRISE FM TRUST	LEASE VEHICLES FY2026 FOR SHER
JCESA				
COUNTY COMMISSION	26054	\$ 100,000.00	EASTERN PANHANDLE TRANSIT AUTHORITY	EPTA CONTRIBUTION FY26 ALLOCAT
COUNTY COMMISSION	26055	\$ 33,106.45	BERKELEY COUNTY COUNCIL	ERKELEY CO DAY REPORT MONTHLY BILLIN
IT	26053	\$ 7,501.25	TEK ADVISORS LLC	BLD 393 Review and configurati
	26050	\$ 5,498.90	TEK ADVISORS LLC	BLD 393 Cloud Key for Unifi AP
	26049	\$ 18,844.50	TEK ADVISORS LLC	ECC SonicWall NSa 2800
	26048	\$ 67,665.00	AVIAT U.S. INC	Tower Project from PO 02025013
GRAND TOTAL		\$ 686,256.80		

6. APPROVAL OF HIRES/PROMOTIONS

The following items were approved without objection:

- Approval of the promotion of Amy Quinn to Firefighter/Paramedic II, at a rate of \$31.59/hr., effective August 24, 2025.
- Approval of the promotion of Jesse Rupenthal from Firefighter/EMT II to Firefighter/EMT III, at a rate of \$24.08/hr., effective August 24, 2025.
- Approval of the promotion of Darley Thomas-Phillips from Firefighter/EMT II to Firefighter/Paramedic II at a rate of \$27.71/hr., effective August 24, 2025.
- Approval of the promotion of Leah Megeath from Firefighter/EMT II to Firefighter/Paramedic II, at a rate of \$27.71/hr., effective August 24, 2025. The motion was approved without objection.
- Approval of the hire of David Painter for the Grade IV, full-time, 80-hour position of Facilities Helper for the Department of Fleet and Facilities Management, at a salary of \$45,000 per year, effective September 15, 2025.

PUBLIC COMMENT:

Public comment was received by:

- Jaqueline Milliron
- David Tabb
- Colin Stine

PRESENTATIONS

1. Angela Banks, Jefferson County Assessor

Exonerations:

Commissioner Stolipher motioned to approve the tax exonerations as presented. The motion was seconded by Commissioner Keys and approved unanimously.

2. Lynn Dillow, Clerk of Administration, Finance, and Human Resources

Years of Service Awards

The following county employees received years of service awards:

- Bryan Perkins, 35 years, Mail Clerk with Facilities Maintenance
- Juanita Franco-Zaleski, 10 years, Custodian with Facilities Maintenance
- Colin Uhry, 1 year, Engineering, Planning & Zoning
- Brian Riston, 1 year, Engineering, Planning & Zoning

3. Tim Czaja, Director of Berkeley Day Report

Overview of Jefferson County Day Report Services

The agenda item was informational only. No action was taken.

4. West Virginia State Treasurer's Office, Shana Clay, Chief Operating Officer Banking Services Division

The agenda item was informational only. No action was taken. Please see attached slideshow presentation.

5. Commissioner Cara Keys

"Potterween"

Commissioner Stolipher motioned to approve Jefferson County Commission to participate in "Potterween" event on Friday October 31, 2025. The motion was seconded by Commissioner Hefestay and approved unanimously.

6. City of Charles Town, Stephanie Grove and James Newman

City of Charles Town Annexation Request

Commissioner Stolipher motioned to approve the proposed Order Approving and Confirming the Annexation to the City of Charles Town a parcel of real estate containing 0.10 acres, more particularly described as the Subject Property in the municipal corporation's Certificate dated July 21, 2025, presently located in the Charles Town District, Jefferson County, West Virginia, and owned by Edix Quijadas Romero provided by West Virginia Code §8-6-4 and §8-6-4a (Annexation Without an Election). The motion was seconded by Commissioner Keys and approved unanimously.

7. Public Hearing: Four Seas Property designated as Tax District: Middleway (07), Tax Map: 5, Parcels: 10.3, 10.4, 10.7, 12.14 and 12.15.

Commissioner Stolipher motioned to open the public hearing. The motion was seconded by Commissioner Keys. The motion was passed unanimously.

Staff Report on Zoning Map amendment petition for Four Seas Property Designated as Tax District: Middleway (07), Tax Map: 5, Parcels: 10.3, 10.4, 10.7, 12.14, and 12.15.

The agenda item was informational only. No action was taken. See attached staff memo.

Presentation by the applicant

The agenda item was informational only. No action was taken.

Public Comment

- David Tabb (via written comments)
- Adam Shively
- Brett Cochran

Commissioner Stolipher motioned to close the public hearing. The motion was seconded by Commissioner Keys and approved unanimously.

8. Roger Goodwin, Director of Engineering, Planning, and Zoning; Commissioner Cara Keys

Consideration of county commission action on Zoning Map amendment petition for Four Seas Property designated as Tax District: Middleway (07), Tax Map: 5, Parcels: 10.3, 10.4, 10.7, 12.14, and 12.15 (Goodwin)

No action was taken.

Consideration of Zoning Designation Change to General Commercial for subject property

Commissioner Majdi motioned to change the zoning map amendment request to General Commercial and send the amended Zoning Map amendment petition back to the Planning Commission to review the amended application's consistency with the Comprehensive Plan. The motion was seconded by Commissioner Keys. The motion was passed 4-1, with Commissioner Stolipher voting in opposition.

Commissioner Keys motioned to set the public hearing on October 16, 2025. The motion was seconded by Commissioner Hefestay. The motion passed unanimously.

9. Jefferson County Clerk's Office, Nikki Painter

Commissioner Stolipher motioned to convene as a Fiduciary Review Board. The motion was seconded by Commissioner Keys and approved unanimously.

Accept the Final Accounting for the Michael Thomas Gosman Estate

Commissioner Stolipher motioned to accept the final accounting for the Michael Thomas Gosman estate. The motion was seconded by Commissioner Mood. The motion passed 5-0.

Close the Estate of Cecil Dickinson

Commissioner Mood motioned to close the estate of Cecil Dickinson. The motion was seconded by Commissioner Keys. The motion passed 5-0.

Motion to appoint Fiduciary Commissioner and compel accounting for the Estate of Jerry Richards

Commissioner Stolipher motioned to approve the motion filed by Henry Morrow to appoint a fiduciary commissioner and to compel an accounting for the Estate of Jerry Richards. Commissioner Mood seconded the motion. The motion passed unanimously.

Petition to set a hearing for Probate in Solemn Form for the Estate of Edward J. Still

Commissioner Stolipher motioned to appoint a fiduciary commissioner to hear the petition to Probate in Solemn Form for the Estate of Edward J. Still. The motion as seconded by Commissioner Keys and approved unanimously.

Fiduciary Commissioners Report on the Accounting Objections filed for the Estate of Donald C. Kinley

Commissioner Stolipher motioned to accept the fiduciary commissioner's report for the Estate of Donald C. Kinley. The motion was seconded by Commissioner Hefestay. The motion passed unanimously.

Move the closing of estates from quarterly to a monthly basis

The agenda item was informational only. No action was taken.

Commissioner Stolipher motioned to reconvene in regular session. The motion was seconded by Commissioner Hefestay and approved unanimously.

10. Boards and Commissions

Jefferson County Development Authority Bylaws

Commissioner Stolipher motioned to approve the Jefferson County Development Authority bylaws as presented by staff. The motion was seconded by Commissioner Keys and approved unanimously.

11. Krista Hoffman, Executive Director of the Jefferson County Development Authority

New business announcement: Radox Laboratories

The agenda item was informational only. No action was taken.

12. Thomas Hansen, Jefferson County Sheriff and Treasurer

Approval of Hire-Part-time bailiff

Commissioner Stolipher motioned to approve the hire of Samuel Ayersman as a part-time bailiff beginning September 8, 2025 with a starting pay of \$19.50 per hour. The motion was seconded by Commissioner Keys and approved unanimously.

Approval of Hire-Animal control Officer

Commissioner Stolipher motioned to approve the hire of Stephanie Sanchez as an 80-hour Kennel Tech beginning September 8, 2025 with a starting salary of \$36,721. The motion was seconded by Commissioner Mood and approved unanimously.

PRO Agreement

Commissioner Stolipher motioned to approve the agreement with the Jefferson County Sheriff's Office and Jefferson County Board of Education for the Prevention Resource Officer at Jefferson High School for the 2025-2026 school year. The motion was seconded by Commissioner Mood and approved unanimously.

13. Tara Vann, Acting Director of Emergency Communications

Computer Assisted Dispatching (CAD) Support Service-Reliable Administration

Commissioner Stolipher motioned to approve the Reliable Administration contract for \$39,000 as Motorola Flex Support for the 9-1-1 Center and all field units and responders who operate Motorola Flex. The motion was seconded by Commissioner Keys and approved unanimously.

14. Jessica James, Chief Human Resources Officer

Request for Temporary Administrative Assistant Emergency Services Agency

Commissioner Stolipher motioned to approve the request to seek temporary administrative assistance for the Emergency Services Agency at a rate of no more than \$20/hr., at 40 hours a week, for a term of three months. The motion was seconded by Commissioner Mood and approved unanimously.

Emergency Services Agency Benefits Renewal

Commissioner Stolipher motioned to enter into executive session to receive legal advice on this agenda item.. The motion was seconded by Commissioner Hefestay and approved unanimously.

Commissioner Hefestay motioned to enroll the ESA in plans commensurate with the vision, dental, short-term disability, life insurance, and HRA reimbursement plans that are provided to other county employees and it was further moved to renew the current ESA health insurance plan with employee premium rates commensurate with the premium rates commensurate with the premium rates of other county employees. The motion was seconded by Commissioner Stolipher and approved unanimously.

Commissioner Hefestay motioned to reconvene in regular session at 5:49 p.m. The motion was seconded by Commissioner Stolipher and approved unanimously.

15. David Bound, Chief Financial Officer

CDARS Maturity decision

Commissioner Mood motioned to invest the matured funds in a CDARS at 4.2% for 13 weeks. The motion was seconded by Commissioner Keys and approved unanimously.

Ambulance Fee Exonerations

Commissioner Stolipher motioned to approve the JCESA Ambulance Fee adjustments and exonerations as presented. The motion was seconded by Commissioner Keys and approved unanimously.

16. Pasha Majdi, Commission President

Status Report of Mountain Party Case No. CC-19-2023-C-206

The agenda item was informational only. No action was taken.

17. Nathan Cochran, Prosecuting Attorney's Office

Discussion of Charles Town Utility Board v. West Virginia American Water Company (25-0263-PWD-C)

The agenda item was informational only. No action was taken.

Discussion, advice from counsel and possible action regarding ongoing opioids litigation and related issues

Commissioner Stolipher motioned to enter into executive session to receive legal advice on this agenda item at. The motion was seconded by Commissioner Hefestay and approved unanimously.

Commissioner Mood motioned to approve the authorization of the signature to participate in this fund. The motion was seconded by Commissioner Stolipher and approved unanimously.

Commissioner Hefestay motioned to reconvene in regular session at 5:49 p.m. The motion was seconded by Commissioner Stolipher and approved unanimously.

Discussion and report from counsel on West Virginia Human Rights Commission Case No. EDR-194-25

Commissioner Stolipher motioned to enter into executive session to receive legal advice on this agenda item at. The motion was seconded by Commissioner Hefestay and approved unanimously.

Commissioner Hefestay motioned to reconvene in regular session at 5:49 p.m. The motion was seconded by Commissioner Stolipher and approved unanimously.

COUNTY ADMINISTRATOR REPORTS

18. Edwina Benites-LM, County Administrator

MOU with Jefferson County Schools regarding EMMCOMM

Commissioner Stolipher motioned to approve the MOU with Jefferson County schools regarding EMMCOMM as presented. The motion was seconded by Commissioner Mood and approved unanimously.

Update on 393 and 330 buildout

The agenda item was informational only. No action was taken.

Future of the Fire Service Kickoff Town Halls – 2045 Look Ahead

Commissioner Keys motioned to approve the timeline as presented. The motion was seconded by Commissioner Stolipher and approved unanimously.

Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property for county office space and/or courthouse space

Commissioner Stolipher motioned to enter into executive session to receive legal advice on this agenda item at. The motion was seconded by Commissioner Hefestay and approved unanimously.

Commissioner Hefestay motioned to reconvene in regular session at 5:49 p.m. The motion was seconded by Commissioner Stolipher and approved unanimously.

Notice of letters sent on behalf of the Commission

- Letter to Charles town regarding the purchase of county-owned East Washington Street properties
- Letter to Charles Town Library to end the Library Meeting Room Lease
- Letter of support regarding sewer line extension to CTUB and Region 9

The agenda item was informational only. No action was taken.

Adjourn

Having no further business, Commissioner Majdi motioned to adjourn the meeting. The motion was seconded and unanimously approved. The Commission adjourned at 6:11 p.m.

Pasha Majdi, PRESIDENT

Respectfully submitted
Jacqueline C. Shadle
Jefferson County Clerk

Jefferson County Commission

REGULAR COMMISSION MEETING

SIGN-IN SHEET TO SPEAK DURING PUBLIC COMMENT

Thursday, September 4, 2025

NAME (please print)	NAME OF GROUP REPRESENTED	JEFFERSON COUNTY RESIDENT?
Jacquelyn Milliron		Yes
David T. B/B	me	yes
O. Colin Starn	self	absolutely

THE COMMISSION ALLOWS THREE (3) MINUTES FOR EACH PERSON WISHING TO MAKE PUBLIC COMMENT

Jefferson County Commission

Public Hearing: Four Seas Property

SIGN-IN SHEET TO SPEAK DURING PUBLIC HEARING

Thursday, September 4, 2025

NAME	NAME OF GROUP REPRESENTED
David Tm/B/B	Me / Hand in Wrglutan Paper Work / Hnd To Here
Brett Cochran	owner
Adam Shively	Agent for owner

Public Comment for Jefferson County Commission meeting for September 4, 2025

I, **David Tabb**, a lifelong resident/taxpayer make the following comments:

I would first like to tell everyone that our community lost a very caring and giving man. Stephen “Lucky” Lockett. He was an artist, a tax preparer and a member of a food program. His food program has feed thousands and when the food and money ran out, he donated from his own pocket.

At a meeting last week, a County Commissioner stated in part, that the new county complex is going great and that the other County property is for sale. This Commissioner affirmed his pledge – no new taxes; but he hasn’t stated why the taxes, we already have, have double.

He also stated the Ambulance Fee was abandoned for a year and the bills sent out are for two different years. There was a mention that there will be legal actions on those that did not pay. As a reminder in 2018, there was a jury trial scheduled on my filings and there was a legal decision, by the Jefferson County Commission, to surrender and take no action. This is case law that the Ambulance Fee is not legal plus the Jefferson County Commission abandoned their filings. Once again, the Ambulance Fee is not legal!

Presentation #7 – Public Hearing (Four Seas)

This procedure, itself, is proper. The notice of a public hearing requires at least 15 days and is normally 30 days with another 30 days for public comments to be received. Staff notes in part, this application is “inconsistent” with the Comprehensive Plan and should be addressed thru the procedures as done in the past. I would hope that the JCC would follow the guidelines as set forth by Planning and Zoning and allow a proper procedural request by the property owners. The agenda indicates that Presentation #8, will follow after the previous presentation. Once again, you have not allowed or addressed the public comments that require at least 30 days to submit. What’s the hurry? I further request this document to be included in Presentation #7 and #8.

Presentation #10 – JCDA By-law procedure

The Jefferson County Commission cannot change the number of Board members on the JCDA from previous by-laws. The Board itself has that power. This whole process is premature. The JCDA by-laws have to be read three separate times, within a public forum, before it can be adopted.

"The public reserves the right to call out the public officials to follow the required laws to ensure the constitutional rights of the public. The Government is to be "open for business" and not deprived the public of notice and comments that would violate ethic provisions.

It is hard to be safe, with the current County Commission.

Have a nice day!

AFFIDAVIT:

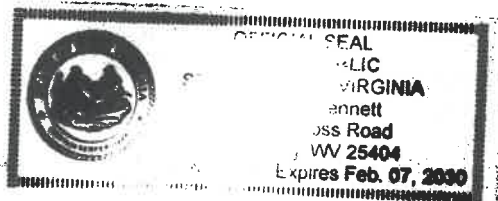
David C. Tabb came and appeared before me, the undersigned notary, Amanda S. Bennett, resident of Berkeley Co., in the State of West Virginia made his statement and affidavit upon affirmation of belief that the facts set forth are true and correct to the best of his knowledge.

DATED this 4th day of September, 2025



David C. Tabb

Sworn and subscribed before me this 4th day of September, 2025





Notary

**Public Comment for Jefferson County Commission meeting for
September 4, 2025 Agenda Item #7 – Four Seas**

I, **David Tabb**, a lifelong resident/taxpayer make the following comments:

This procedure, itself, is proper. The notice of a public hearing requires at least 15 days and is normally 30 days with another 30 days for written public comments to be received. Staff notes in part, this application is “inconsistent” with the Comprehensive Plan and should be addressed thru the procedures as done in the past. I would hope that the JCC would follow the guidelines as set forth by Planning and Zoning and allow a proper procedural request by the property owners. The agenda indicates that Presentation #8, will follow after the previous presentation. Once again, you have not allowed or addressed the public comments that require at least 30 days to submit. What’s the hurry? I further request this document to be included in Presentation #7 and #8.

“The public reserves the right to call out the public officials to follow the required laws to ensure the constitutional rights of the public. The Government is to be “open for business” and not deprived the public of notice and comments that would violate ethic provisions.

It is hard to be safe, with the current County Commission.

Have a nice day!

AFFIDAVIT:

David C. Tabb came and appeared before me, the undersigned notary, Amanda S. Bennett, resident of Berkeley Co., in the State of West Virginia made his statement and affidavit upon affirmation of belief that the facts set forth are true and correct to the best of his knowledge.

DATED this 4th day of September, 2025

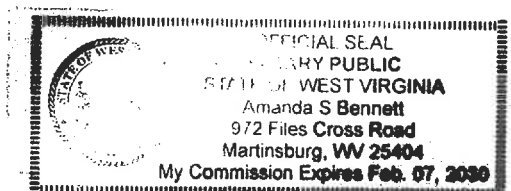


David C. Tabb

Sworn and subscribed before me this 4th day of September, 2025



Notary



My name is Colin Strie. I live at
7633 Flowing Springs Road, Shepherds town
25443.

I chose this t-shirt to wear today
because it says to conserve and protect
while the picture implies it means to
conserve and protect wildlife

I am here today to implore you to
conserve and protect ~~wildlife~~ our aquifer.

Our aquifer is at a low level. The predicted
rain is the proverbial drop in the bucket.

Please ask the newly reconstituted Water
Advisory Committee for a plan to conserve
water usage as much as possible.

In addition ask the WAC for additional ways
to protect the aquifer from sewage.

Please protect and conserve our aquifer.
Most of our county residents depend on it for
drinking water.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Jessica James, Chief Human Resource Officer**

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: **none - consent agenda**

Date Requested – 1st Choice: **September 18, 2025**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*):

-  **1. Approval of Hire – Public Affairs Coordinator – Department of Homeland Security and Emergency Management**
-  **2. Approval of Hire – Planning Clerk – Department of Engineering, Planning, and Zoning**

Please provide the County Commission with a description of your request or presentation, including any background information:

- 1. Staff has identified a candidate for the position of Public Affairs Coordinator within the Department of Homeland Security and Emergency Management and is requesting approval to hire for the Grade Five, full-time, 80-hour position.**
- 2. Staff has identified a candidate for the position of Planning Clerk within the Department of Engineering, Planning, and Zoning, and is requesting approval to hire for the Grade Four, full-time, 80-hour position.**

Is this a funding request? Y/N - **NO**

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Department of Homeland Security and Emergency Management Request

-  *I move to approve the hire of Brandon Wonder for the Grade Five, full-time, 80-hour, FLSA-exempt position of Public Affairs Coordinator within the Jefferson County Department of Homeland Security and Emergency Management at a salary of \$58,656, effective Tuesday, September 23, 2025.*

Department of Engineering, Planning, and Zoning Request

-  *I move to approve the hire of Patti Richardson for the Grade Four, full-time, 80 hour, non-exempt position of Planning Clerk within the Jefferson County Office of Planning and Zoning at a salary of \$48,851.00, effective Monday, September 22 or Monday, September 29, 2025.*

Attach supporting documents for request, or request may be denied.
If not attached, explain:

Is equipment needed? Projector Y/**N** Internet/Wi Fi Y/**N** Telephone for conference call Y/**N**

Contact information: [Jessica James](#)

Email address: jjames@jeffersoncountywv.org

Phone Number: [304-728-3282](tel:304-728-3282)

<u>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION</u>
not applicable

**STATE OF WEST VIRGINIA,
COUNTY OF JEFFERSON:**

Sec. 27, Art. 3, Ch.11, Code of West Virginia, Acts of Legislature 1939. Chapter 123, relief in County Court from erroneous assessment, to the taxpayer resulting from a clerical error, or a mistake occasioned by an unintentional act as distinguished from a mistake by misjudgment of classification of taxability of such property.

In the 2025 Real Property Book.

DISTRICT Charles Town MUNICIPALITY

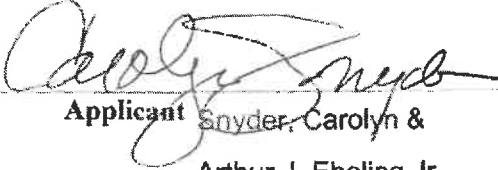
Described as follows:

Erroneously assessed in class 4.

Assessed Value \$ 225,200

Tax Amount \$ 3,127.58

In compliance with provisions of above mentioned article of the said Code of the State of West Virginia.


Applicant Snyder, Carolyn &
Arthur J. Ebeling Jr.

9/10/2025
Date

Ticket # 10658

**STATE OF WEST VIRGINIA,
COUNTY OF JEFFERSON:**

Sec. 27, Art. 3, Ch.11, Code of West Virginia, Acts of Legislature 1939. Chapter 123, relief in County Court from erroneous assessment, to the taxpayer resulting from a clerical error, or a mistake occasioned by an unintentional act as distinguished from a mistake by misjudgment of classification of taxability of such property.

In the 2024 Personal Property Book.

 DISTRICT Ranson MUNICIPALITY

Described as follows:

Did not own the 2006 Honda Ridgeline
on July 1, 2023

Assessed Value \$ 2,760

Tax Amount \$ 78.42

In compliance with provisions of above mentioned article of the said Code of the State of West Virginia.


Applicant Wilson, Lawrence Jr &
Carol

9/5/2025

Date

Ticket # 315057

STATE OF WEST VIRGINIA,
COUNTY OF JEFFERSON:

Sec. 27, Art. 3, Ch.11, Code of West Virginia, Acts of Legislature 1939. Chapter 123, relief in County Court from erroneous assessment, to the taxpayer resulting from a clerical error, or a mistake occasioned by an unintentional act as distinguished from a mistake by misjudgment of classification of taxability of such property.

In the 2025 Personal Property Book.

Charles Town DISTRICT _____ MUNICIPALITY

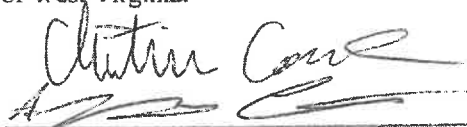
Described as follows:

2025 taxes paid on the 2021 Kia Forte in
Clarke County, VA.

Assessed Value \$ 9,240

Tax Amount \$ 214.74

In compliance with provisions of above mentioned article of the said Code of the State of West Virginia.



Applicant Comstock, Anthony &
Christina

2 Sept 2025
Date

Ticket # 301153

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Pasha Majdi, commissioner

Department or Organization: County Commission

Estimation of amount of time needed for appointment: 20 minutes

Date Requested – 1st Choice: **September 18, 2025**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*):

Presentation: Overview of Tax Increment Financing (TIF) and Sales Tax Increment Financing (STIF)
John Stump, Steptoe & Johnson PLLC

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/**N**

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/**N** Internet/Wi Fi Y/**N** Telephone for conference call Y/**N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION
not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Matthew Harvey**

Department or Organization: **Prosecuting Attorney's Office**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **September 18, 2025**

If a specific date is needed, please provide reason for specific date: **This date is needed due to the time sensitive nature of the issue.**

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*):

Discussion of succession plan for the Prosecuting Attorney in the event of office vacancy and conditional appointment of temporary office holder.

Is this a funding request? No

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **No** Internet/Wi Fi **No** Telephone for conference call **No**

Contact information: **Jaymee Houser**

Email address: **jhouser@jcpawv.org**

Phone Number: **304-728-3318**

<u>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION</u>
not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Cara Keys

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **September 18, 2025**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Consideration of Residential Impact Fee Adjustment for 55+ Communities**

Please provide the County Commission with a description of your request or presentation, including any background information:

-  Request for County Commission to consider a provision to allow 55+ communities on potential exemption from school impact fees. Remaining impact fees: Law enforcement, Parks & Recreation, EMS, and Admin Facilities would not be excluded. The legitimate legal justification would be that these proposed new developments would not be connected to school-related growth.

Is this a funding request? Y/N **NO**

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

"I move to eliminate the column item for Impact Fee Schedule for schools for deeded 55+ communities."

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address: ckeyes@jeffersoncountywv.org

Phone Number: 240-367-5152

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

JEFFERSON COUNTY, WEST VIRGINIA
Department of Engineering, Planning & Zoning
Office of Impact Fees
116 East Washington Street, P.O. Box 716
Charles Town, WV 25414

Michelle Mason
Impact Fee Program Specialist

Phone: (304) 728-3331
Fax: (304) 728-3953
mmason@jeffersoncountywv.org

Residential Impact Fee Schedule
Revised 20 May 2025

Residential Development	Impact Fee Category	Impact Fee per Dwelling Unit	TischlerBise Proposed Fees 4 Dec. 2024	TischlerBise Proposed Fees 20 May 2025	Increase/Decrease
Single Family Town Home Duplex	Schools	\$1	\$6,772	\$6,772	\$6,771
	Law Enforcement	\$636	\$394	\$394	\$242
	Parks & Recreation	\$1,131	\$1,179	\$1,179	\$48
	EMS	\$119	\$509	\$509	\$390
	Admin. Facilities	\$57	\$951 ⁱ	\$668	\$611
	TOTAL	\$1,944	\$9,805	\$9,522	\$7,578
Multi-family	Schools	\$1	\$1,198	\$1,198	\$1,197
	Law Enforcement	\$455	\$278	\$278	\$177
	Parks & Recreation	\$810	\$832	\$832	\$22
	EMS	\$86	\$359	\$359	\$273
	Admin. Facilities	\$40	\$671 ⁱⁱ	\$472	\$432
	TOTAL	\$1,392	\$3,338	\$3,139	\$1,747

Non-Residential Impact Fee Schedule

Nonresidential Fees per 1,000 Square Feet							
Development Type	County Admin	EMS	Law Enforcement	Parks and Recreation	School	Total	Current Fees
Light Industrial	\$295	\$119	\$119	\$0	\$0	\$533	\$0
Business Park	\$577	\$303	\$303	\$0	\$0	\$1,183	\$0
Manufacturing	\$355	\$116	\$116	\$0	\$0	\$587	\$0
Warehousing	\$63	\$42	\$42	\$0	\$0	\$147	\$0
Commercial/Shopping Center	\$398	\$596	\$595	\$0	\$0	\$1,589	\$0
Office/Institutional	\$610	\$265	\$264	\$0	\$0	\$1,139	\$0
Hotel (per room)	\$25	\$82	\$82	\$0	\$0	\$189	\$0
Nursing Home (per bed)	\$173	\$75	\$74	\$0	\$0	\$322	\$0

ⁱ Proposed to be amended May 20, 2025 to \$668, effective June 5, 2025.

ⁱⁱ Proposed to be amended May 20, 2025 to \$472, effective June 5, 2025.

Please note: The fee structure proposed in the May 20, 2025, TischlerBise study estimates a total of \$7,990,756 in revenue over 20 years, compared to the previous model, which projected \$5,696,534 over a 10-year period. Under the updated methodology, the impact fee per unit is lower than previously proposed, yet the County is expected to collect an additional \$2,294,222 over the extended term.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Steve Stolipher

Department or Organization: County Commissioner

Estimation of amount of time needed for appointment: 5 Minutes

Date Requested – 1st Choice: **9/18/25**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Economic Enhancement Ordinance Update**

Please provide the County Commission with a description of your request or presentation, including any background information:

The Economic Enhancement Ordinance Update will help make Jefferson County more business friendly.

This will help attract businesses and generate a commercial tax base.

Due to the recent housing demand, Jefferson County needs a commercial tax base that will generate revenue to support Emergency Services such as: Police, Fire Fighters and EMT's.

Is this a funding request? Y/**N**

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Move to send the economic enhancement ordinance to the Planning Commission for comments and review, and schedule a public hearing before the County Commission on October 2, 2025, time TBD per the Chairman.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/**N** Internet/Wi Fi Y/**N** Telephone for conference call Y/**N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION
not applicable

Jefferson County Zoning and Land Development Ordinance

Jefferson County,
West Virginia

Prepared By
The Jefferson County
Planning Commission

Adopted July 7, 1988, As Amended
Amendments adopted by the County Commission, June 16, 2022

Amendments

This document contains additions and amendments approved by the Jefferson County Commission on the following dates.

- (1) Amended by act of the County Commission, Effective May 4, 1989
- (2) Amended by act of the County Commission, Effective August 31, 1989
- (3) Amended by act of the County Commission, October 12, 1989
- (4) Amended by act of the County Commission, November 30, 1989
- (5) Amended by act of the County Commission, September 13, 1990
- (6) Amended by act of the County Commission, October 4, 1990
- (7) Amended by act of the County Commission, July 15, 1993
- (8) Amended by act of the County Commission, Effective May 18, 1996
- (9) Amended by act of the County Commission, Effective February 11, 1998
- (10) Amended by act of the County Commission, Effective July 1, 1998
- (11) Amended by act of the County Commission, Effective August 13, 1998
- (12) Amended by act of the County Commission, Effective October 14, 1999
- (13) Amended by act of the County Commission, Effective January 10, 2002
- (14) Amended by act of the County Commission, August 8, 2002
- (15) Amended by act of the County Commission, Effective November 7, 2002
- (16) Amended by act of the County Commission, Effective May 1, 2003
- (17) Amended by act of the County Commission, April 8, 2005 at 5:00 p.m.,
Invalidated and removed by Court Order February 26, 2008
- (18) Amended by act of the County Commission, Effective October 3, 2005
- (19) Amended by act of the County Commission, September 1, 2006
- (20) Amended by act of the County Commission, Effective September 28, 2006
- (21) Previously invalidated April 8, 2005 amendments that were reinstated by
Court Order on December 3, 2009
- (22) Added by act of the County Commission on March 10, 2011
- (23) Amended by act of the County Commission on July 7, 2011
- (24) Amended by act of the County Commission on November 3, 2011
- (25) Amended by act of the County Commission on November 10, 2011
- (26) Amended by act of the County Commission on January 2, 2014
- (27) Amended by act of the County Commission, Effective May 1, 2014
- (28) Amended by act of the County Commission, Effective June 1, 2014
- (29) Amended by act of the County Commission, Effective October 1, 2015
- (30) Amended by act of the County Commission, Effective March 17, 2016
- (31) Amended by act of the County Commission, Effective September 29, 2016
(ZTA15-02 and general update)
- (32) Amended by act of the County Commission, Effective March 16, 2017 (ZTA16-01)
- (33) Scrivener's Error Corrected April 17, 2017

Note: On November 1, 2008, an ordinance was enacted to amend the ordinance adopted July 7, 1988, with all previous amendments, to replace non-traditional zoning with traditional zoning. On January 8, 2009, there was a stay of the November 1, 2008 Amended Ordinance due to a petition to place the ordinance on a future ballot for referendum and a return to the ordinance which was effective prior to November 1, 2008. The referendum did not result in the approval of the new ordinance.

- (34) Amended by act of the County Commission, Effective March 1, 2018 (ZTA17-03)
- (35) Amended by act of the County Commission, Effective March 29, 2018 (ZTA16-02)

Amendments Continued

- (36) Amended by act of the County Commission, Effective May 17, 2018 (ZTA17-01)
 - (37) Amended by act of the County Commission, Effective October 18, 2018 (ZTA18-01)
 - (38) Amended by act of the County Commission, Effective September 19, 2019 (ZTA19-02)
 - (39) Amended by act of the County Commission, Effective November 21, 2019 (ZTA19-01)
 - (40) Amended by act of the County Commission, Effective December 17, 2020 (ZTA20-02)
 - (41) Amended by act of the County Commission, Effective December 2, 2021 (ZTA21-01)
 - (42) Scrivener's Error Corrected on March 9, 2022
 - (43) Amended by act of the County Commission, Effective June 22, 2022 (ZTA22-01)
-
- (*) Unidentified amendment approved by the County Commission September 14, 1989
 - (*) Unidentified amendment approved by the County Commission January 1, 1997
 - (*) Unidentified amendment approved by the County Commission June 12, 1997
 - (*) Unidentified amendment approved by the County Commission December 10, 1998

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

Section 1.0 Effective Date

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

Section 1.1 Purpose

The purpose of this Ordinance is to:

- A. Protect and encourage the health, safety, and general welfare of the present and future population of Jefferson County.
- B. Help guide the future growth and development of Jefferson County in accordance with the adopted Comprehensive Plan.
- C. Encourage growth and development in areas where sewer, water, schools, and other public facilities are or will soon be available in order to provide services in the most cost effective manner.
- D. Insure that growth and development are both economically and environmentally sound.
- E. Encourage the maintenance of an agricultural base in the County at a level sufficient to insure the continued viability of farming.
- F. Encourage and support commercial, industrial, and agricultural activities while maintaining land use, order and compatibility.
- G. Encourage an improved appearance of Jefferson County with relationship to the use and development of land and structures.
- H. Encourage the conservation of natural resources.
- I. Provide a guide for public action in the orderly and efficient provision of public facilities and services. 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.³²
- 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.²³

Section 1.3 Application and Interpretation

- A. The terms of this Ordinance shall be applied to promote the intent in Section 1.1 and the Comprehensive Plan.
- B. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, or by other rules, regulations or ordinance, or by private restrictions, covenants or declarations, the provisions of this Ordinance shall control, except where stated specifically herein.
- C. Where a provision of this Ordinance is in conflict with another provision of this Ordinance the stricter regulation shall apply.
- D. If a proposed use is not one in the list of the principal permitted or conditional uses in each zoning district, it shall be prohibited as though it was included in the list of prohibitions. Applicants desiring inclusion of a use not specifically permitted in this Ordinance may apply for a text amendment, following the provisions outlined in Article 12 of this Ordinance.^{2, 17, 21, 32}
- E. All uses listed as principal permitted or conditional uses within a zoning district shall comply with the standards contained in this Ordinance and be developed subject to the Jefferson County Subdivision and Land Development Regulations.³²
- F. Any amendment proposed to a previously approved Conditional Use Permit which processed under the Development Review System which utilized the Land Evaluation and Site Assessment and Compatibility Assessment process, shall process in accordance with the Ordinance in place at the time they originally processed; provided, however, that they shall not expand land area upon which the CUP was approved.³²
- G. Amendments to this Ordinance shall not adversely affect specific decisions made by the Board of Zoning Appeals or conditions on a Conditional Use Permit dated prior to the adoption of such amendment. Determination of adverse effect shall be made by the Zoning Administrator.^{8, 17, 21}

Section 1.4 Severability

Should any article, section, subsection or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Zoning and Land Development Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.²³

Section 1.5 Use of Technical Information

Should any technical study, authorized by the Jefferson County Commission, become available after the adoption of this Ordinance, the County Commission shall authorize the Planning Commission to review such study to determine the extent that this Ordinance may need to be amended. Such studies may include, but, are not limited to, information on recreation, groundwater, hazardous wastes, and historic structures.²³

Changes that arise from this provision may include additions and/or deletions of sections in this Ordinance which would further encourage the proper management and preservation of our Natural and Cultural Resources. All such recommended changes are subject to Section 12.1.

ARTICLE 2: DEFINITIONS

Section 2.1 Definitions

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

Section 2.2 Terms Defined

Abandonment or Abandoned ^{17, 21}	The relinquishment of property or cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.
Accessory Agricultural Dwelling Unit ^{26, 32}	An accessory dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building, and is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property.
Accessory Dwelling Unit ³²	A secondary dwelling unit that has a separate kitchen, bathroom, and sleeping area, and may be attached to the principal dwelling unit or detached and situated on the same lot as the principal dwelling unit. An accessory dwelling unit is part of the same property as the main home and cannot be bought or sold separately unless subdivided in accordance with the Subdivision Regulations and the Zoning Ordinance. The owner of the accessory dwelling unit is the owner of the principal dwelling unit. The property owner or immediate family member must occupy either the principal dwelling unit or the accessory dwelling unit. An accessory dwelling unit shall meet the definition of an accessory agricultural dwelling unit or an in-law suite as provided in Section 8.15 of this Ordinance.
Accessory Equipment ²²	Any equipment serving or being used in conjunction with a Wireless Telecommunications Facility. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.
Accessory Use	A structure or use which is customarily incidental and subordinate to the principal building or use which is located on the same lot as the principal building. Accessory structures include garages, tool sheds, storage buildings, swimming pools or other similar structures. An accessory structure having any part of a wall in common with a dwelling is considered part of the main building and must meet those setbacks.
Adaptive Reuse of Historic Structures ^{32, 35}	Adaptive reuse refers to the process of reusing a historic site or building for a purpose other than that for which it was built or designed.

Addition, Major	A major addition shall include those additions which will directly affect the function of the site or those areas surrounding the site. Any substantial change of use classification, alteration of on-site parking requirements, potential adverse impacts of off-site storm water drainage, increased demand for public water and sewerage or additions which will cause the rerouting of traffic circulation shall be considered "major additions".
Adjacent/Confronting Affected Property Owner ⁷	The owner of property adjacent to or confronting a proposed development (including the properties across any road, right of way or easement) which will be impacted either positively or negatively by that proposed development. Names and addresses of affected property owners will be taken from current tax records in the Jefferson County Court House.
Adult Arcade ¹⁵	An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
Adult Bookstore ¹⁵	An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia that are designed for use in connection with specifies sexual activities.
Adult Cabaret ¹⁵	A nightclub, bar, restaurant, facility, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides or other photographic reproductions of material that is characterized by any emphasis upon the depiction of specified sexual activities or specifies anatomical areas.
Adult Mini Motion Picture Theatre ¹⁵	An enclosed building with a capacity for fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as herein defined, for observation by patrons therein. The phrase "used for" in this definition shall mean a regular and substantial course of conduct and not a one-time presentation of such material.
Adult Sauna ¹⁵	A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, using steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas as defined herein.

Adult Theater ¹⁵	A theater, concert hall, auditorium, or similar establishment characterized by activities featuring the exposure of specified anatomical areas or by specified sexual activities.
Adult Use ⁷	Uses that are commonly associated with adults only, including but not limited to: bars, lounges, dance clubs, stripping establishments, adult book stores, clubs, adult arcades, adult cabarets, adult motion picture theaters, massage parlors, sexual encounter establishments or other similar businesses.
Affordable Housing ^{17, 21}	Housing units where the occupant is paying no more than 30 percent of Jefferson County median gross income for housing costs, including taxed and utilities.
Aggrieved or Aggrieved Person ^{17, 21}	A person who is denied by the Planning Commission or the Board of Zoning Appeals, in whole or in part, the relief sought in any application or appeals, or has demonstrated that he or she will suffer a peculiar injury, prejudice or inconvenience beyond that which other residents of the county or municipality may suffer.
Agricultural Use ^{17, 21, 23, 39}	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

Agricultural Tourism ³²	Agricultural Tourism or “Agritourism” describes the act of visiting a working farm or any agricultural, horticultural or agribusiness operation designed to encourage such visitation for the purpose of enjoyment, to be educated or to be involved in activities on the land.
Airfield, Private ³²	Any area designed and used for the takeoff and landing of small, private aircraft, having no more than one air strip. A Private Airfield shall be licensed by West Virginia and used primarily by the airport licensee, but may be available for use by others upon specific agreement of the licensee.
Airport ²⁷	Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities, and devices, terminal buildings, and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways, and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility.
Alternative Structure ²²	For antenna-mounting purposes, a structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. The term Alternative Structure includes, but is not limited to, buildings, silos, water tanks, pole signs, lighting standards, steeples and electric distribution, electric transmission or other utility poles.
Antenna Array ²²	Two or more antennas that operate as components of a complete antenna suite for a single Wireless Telecommunication Facility.
Antenna, Concealed ²²	An antenna that is designed and/or erected on or in a building or alternative structure in such a way that it blends in with the existing façade and/or is located in such a way that it is not readily visible or discernible to the average individual at the adjacent street level.
Antenna ²²	Any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, Personal Communications Services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas.
Appalachian Trail Overlay District ²²	For purposes of the Wireless Telecommunication Facilities Ordinance, the area within one mile of the centerline of the Appalachian Trail.

Appliance Sales ²⁷	Use of a site for indoor sale of non-portable equipment used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers, and stoves.
Applicant ^{23, 32}	Any person seeking to develop land, initiate a land use, obtain approval pursuant to the requirements of this Ordinance, or request an appeal from or variance to this Ordinance.
Area, Land	Land area refers to new land area, exclusive of streets and other public space.
Art Gallery or Artist Studio ²⁷	The use of a site for (a) an establishment engaged in the sale or exhibit of art works including but not limited to paintings, sculpture, knitted goods, or pottery; and/or (b) work space for one or more artists, artisans, or craftspersons who may offer instruction in the creation of art works.
Automobile parts, supplies and tire stores ²⁷	Stores that sell new automobile parts, tires, and accessories. This use includes installation of new tires.
Automobile Repair, Sales and Service ²⁷	The use of a site for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, and tire service, but excluding dismantling or salvage.
Automobile, light truck and light trailer rentals, Indoor ²⁷	Rental of automobiles, light trucks, light trailers, and vans, including a rental office but not including parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas. This use is conducted indoors with no outdoor storage of vehicles to be rented.
Automobile, light truck and light trailer rentals, Outdoor ²⁷	Rental of automobiles, light trucks, light trailers, and vans, including a rental office and incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.
Bail Bond Services ²⁷	An establishment which provides sureties to procure the release of persons under arrest by becoming financially responsible for their appearance at the time and place designated.
Bank ²⁷	A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. A bank does not include the Pawn Shop Services land use.
Bank with Drive-Through Facility ²⁷	A bank that includes provisions for the conduct of banking services directly to the occupants of motor vehicles.
Bar ²⁷	An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.
Barber/Beauty Shop, Limited ²³	A barber or beauty shop limited to no more than two chairs.

Battlefield ^{32, 35}	Federally recognized battlefields in Jefferson County as determined by the Civil War Sites Advisory Commission.
Bed and Breakfast ²³	A single-family dwelling where lodging is offered for compensation, having no more than seven (7) bedrooms for this purpose, and meeting the requirements for such a use in Article 8 of this Ordinance.
Bicycle Parking Space ²⁷	A volume of space that can accommodate locked storage of one (1) bicycle at a bicycle rack, i.e. a fixture to which one or more bicycles can be securely locked.
Blue Ridge Line ¹¹	The common surveyed boundary between Jefferson County, West Virginia and Loudoun County, Virginia.
Board ^{17, 21}	The Jefferson County Board of Zoning Appeals.
Boarding or Rooming House ²⁴	A building other than a Hotel, Motel, Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn where lodging is provided for compensation for more than 6 unrelated persons. Meals may or may not be served but are not provided to outside guests. There is one common kitchen facility.
Brewer	Any person manufacturing craft beer from malt and hops by infusion, boiling, and fermentation for sale at wholesale to any licensed distributor.
Brewpub	An establishment owned by a resident brewer in which craft beer is manufactured and sold on premises in accordance with WV State Code licensing requirements. A brewpub may include the incidental sale of food.
Broadcast Tower ²²	A structure situated on a lot that is intended for transmitting television or AM/FM radio signals.
Buffer ⁵	An area on a property defined by a distance from the property line or other specifically designed line such as flood plain, wetland limit or stream bank. Said area is intended to absorb, lessen or neutralize the impacts of one land use from another. The nature of the buffer will depend on the impact(s) being neutralized.
Building	Any structure which is permanently affixed to the land and has one or more floors and a roof. The term building shall include manufactured homes.
Building Line	The line established by law beyond which a building shall not extend as determined by front, side and rear yards, herein.
Building Maintenance Services ²⁷	An establishment primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.
Building Materials and Supplies ²⁷	An establishment which sells goods relating to construction which require a large floor area such as lumber, appliances, electrical supplies and plumbing supplies.
Building, Height of	The vertical distance measured from the level of approved street grade opposite the middle of the front of the building to the highest point of the

	coping of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof.
Business Equipment Sales and Service ²⁷	An establishment primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.
Cabin ³¹	A temporary or permanent structure for the purposes expressly permitted in Article 8 of the Zoning Ordinance and Division 8 of the Subdivision Regulations. Cabins are intended for temporary occupancy, not permanent residency; and shall not sleep more than eight people per cabin. Cabins shall not be sold separately from the parent parcel without further processing under the appropriate land use ordinances in effect at that time. This structure shall at least provide a sleeping and bathroom area with appropriate campground Health Department approval for water and wastewater services and may provide an indoor kitchen/cooking area. Structures shall be built to current applicable Jefferson County Building Code with the issuance of a Building Permit. A cabin permitted under the Campground articles of the Jefferson County Ordinances, shall not need to be located on a separate parcel and multiple cabins can be located on the same parcel as the parent parcel.
Camping Cabin ³¹	A temporary or permanent structure for the purposes expressly permitted in Article 8 of the Zoning Ordinance and Division 8 of the Subdivision Regulations. A cabin which provides a sleeping area only, requires separate outdoor meal preparation, and the use of a common bathhouse. Such cabin may include heating and/or air conditioning. Structures shall be built to current applicable Jefferson County Building Code with the issuance of a Building Permit.
Campground ^{27, 31}	An area or premises located on a single lot, operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by customers occupying camping units. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Section 8.17 of this Ordinance and relevant sections of the Subdivision Regulations.
Campground Amenities ³¹	Uses or features which are clearly incidental to the use of the property as a campground and may include shelters, pavilions, gathering halls, bathhouses, pools, recreation areas, trails, fire pits, retail stores, laundry facilities, food service, amphitheaters, ponds, lakes, and other uses related to the needs of the campers.
Camping Units ³¹	Individual units designed for temporary occupancy within an approved campground such as trailers, self-propelled campers, recreational vehicles, tents, cabins, camping cabins, fifth wheels, pop-up campers, and/or lodges.

Campsite ³¹	Generally means an area where an individual, family, or group can pitch or place a camping unit; a campground may contain many campsites.
Campsite Pad ³¹	An area within a campsite intended for the exclusive occupancy by a camping unit or units under the control of a camper.
Car Wash ²⁷	A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.
Caretaker Residence ^{23, 31}	A permanent or temporary residential structure that is secondary or accessory to the primary use of the property for the use of a caretaker or security guard.
Cell on Wheels“COW” ²²	A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
Change of Use ^{23,32}	Any use which is different than the previous use of a building or land.
Church ²³	A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
Clustering ^{5, 23, 32}	Grouping structures in closely related groups at higher densities than normally permitted in certain areas in order to preserve other areas as parks, recreational areas or sensitive natural areas. Overall density of the total parcel does not change unless otherwise provided for in this Ordinance. See Section 5.7 for minimum area per dwelling unit and minimum lot area.
Co-location ^{10, 22}	For purposes of regulating commercial wireless telecommunication facilities, co-location means the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. Co-location includes antennas, combiners, transmitters, receivers and related electronic equipment, cabling, wiring, equipment enclosures and other components or improvements associated with a wireless telecommunication facility.
Commercial Agricultural Enterprise ^{17, 21}	Farm operations which will: A. Contribute in a substantial way to the area’s existing agricultural economy; and B. Help maintain agricultural processors and established farm markets. When determining whether a farm is a part of a commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered.

Commercial Blood Plasma Center ²⁷	The use of a site as a facility for the donation or sale by individual donors of blood plasma and other blood products, with the exception of whole blood. This land use does not include a blood bank.
Commercial Wireless Service Provider ²²	Persons or entities who operate radio systems requiring an FCC license and who employ those facilities to provide point- to-point microwave links for wireline communication services (or connectivity between adjacent antenna sites), fixed wireless (including microwave), or mobile wireless communication services to third parties for compensation. Commercial Wireless Service Providers include, but are not limited to Cellular, Personal Communication Services (PCS), Specialized Mobile Radio (SMR), Enhanced Specialized Mobile Radio (ESMR), paging, Competitive Local Exchange Carriers (CLEC) utilizing point-to-point microwave, and other point-to-point microwave links for wireline communication service.
Commercial ¹	Any wholesale, retail or service business activity established to carry on trade whether or not for profit.
Commission ^{17, 21}	The Jefferson County Planning Commission.
Community ³²	A location that primarily consists of a group of people who share common interests in the area of which they live. A Community includes, but is not limited to, a subdivision.
Comprehensive Plan	A composite of mapped and written text, the purpose of which is to guide the systematic physical development of the County and is adopted by the County Commission.
Conditional Use Permit ³²	A permit issued for a Conditional Use upon approval of the Board of Zoning Appeals which may be subject to conditions or additional requirements that would allow for the proper integration of a compatible use in a community.
Conditional Use ^{17, 21, 23, 32}	A use included on the Principal Permitted and Conditional Uses Table (Appendix C) which may be permitted in a particular zoning district only after review by the Board of Zoning Appeals and upon issuance of a conditional use permit, and subject to the limitations and conditions specified in the Zoning and Land Development Ordinance.
Condominium ⁵	A common interest community in which portions of the real estate are designated for separate fee simple ownership of cubic air interior spaces and the remainder of the real estate is designated for common ownership solely by the owners of those portions. Said common interest community may be residential, commercial or industrial depending on other provisions of this Ordinance. All such projects are subject to the West Virginia Uniform Common Interest Ownership Act. In the event that a specific requirement within the Uniform Common Interest Ownership Act is inconsistent with a commercial or industrial project, that specific requirement shall not apply.
Contiguous ^{17, 21}	Lots, parcels, municipal boundaries or county boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, rivers,

	and other natural topography are not to be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous.
Contractor with No Outdoor Storage ²⁷	Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area other than incidental storage.
Contractor with Outdoor Storage ²⁷	Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage. This use may include outdoor storage of building materials and heavy equipment such as road graders, dump trucks, cement mixers.
Contributing Structure ³⁵	Buildings, structures, or sites that add to the historical association, architectural quality, or archeological value of a property or district because (a) they were present during the period of significance and possess historical integrity reflecting their character at the time or potential for yielding historical information; or (b) their potential to qualify independently for the National Register of Historic Places.
Convenience Store ²⁷	An establishment, not exceeding 10,000 square feet of gross floor area, engaged in the retail sale, from the premises, of food, beverages and other frequently or recurrently needed items for household use. This land use does not include a gas station.
Convenience Store, Limited ²⁷	A convenience store not exceeding 1,500 square feet of retail floor, with hours of operation limited to the period between 6:00 A.M. and 11:00 P.M.
Convention Center ²⁷	A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.
Cottage Industry ^{8, 24}	An occupation conducted at a residential premises, as described in Article 4A of this Ordinance.
Country Inn ²³	A private residence at least 50 years old that offers sleeping accommodations to lodgers in 30 or fewer rooms for rent. For the purpose of this definition, a lodger means a person who rents a room in a country inn establishment for fewer than 30 consecutive days. The land use may include a restaurant open to the general public as well as to guests.
Cultural Facility ²³	A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest.

Custom Manufacturing ²⁷	Use of a site for the manufacturing of products that are usually handmade and/or are made in small-scale enclosed workshops, involving the use of hand tools, the use of domestic mechanical equipment, or a kiln. This category also includes incidental direct sale to customers of those goods produced on the site. Examples include clay products, glass blowing, jewelry, leatherworking, custom bookbinding, metalworking, and woodworking.
Crematorium, Livestock ³⁷	An establishment where deceased livestock and/or wildlife are consumed by incineration and the ashes of the deceased may be collected for disposal. The use shall comply with all local, state, and federal requirements, including, but not limited to, Health Department requirements and Department of Environmental Protection standards for air quality emissions.
Crematorium, Pet ³⁷	An establishment where deceased household pets are consumed by incineration and the ashes of the deceased may be collected for storage in urns or burial. The use shall comply with all local, state, and federal requirements, including, but not limited to, Health Department requirements and Department of Environmental Protection standards for air quality emissions.
Day Care Center, Large ²³	A facility: (1) licensed by the state, if applicable; (2) providing care for six or more children or adults who do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight; and (3) which may include some instruction.
Day Care Center, Small ²³	A facility: (1) in a dwelling unit; (2) licensed by the state, if applicable; (3) providing care for five or fewer children or adults who (except for family members) do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight. Family members who receive care in the facility are not included in the total; and (4) which may include some instruction.
Department ^{22, 31}	The Jefferson County Department of Engineering, Planning, and Zoning.
Development	The subdivision of land; construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, installation of a sign; and any mining, landfill or land disturbance, such as grading, paving and excavation.
Discernible ²²	Capable of being distinguished with the eye or mind from its surroundings as a telecommunications tower.
Dormitory ^{13, 23}	A building used for sleeping accommodations where such building is used accessory to a permitted use of land.
Dry Cleaning and Laundry Facility ²⁷	A facility at which clothing and other fabrics are dry-cleaned or laundered for customers, utilizing processes which are in compliance with applicable state and federal laws.

Dry Cleaning and Laundry Services ²⁷	The use of a site for customer drop-off and pickup of clothing or fabrics, to be laundered or dry-cleaned at an offsite location. This use does not include use of a site as a Dry Cleaning and Laundry Facility.
Dwelling Unit ^{7, 23}	One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, occupied by no more than one family, and containing no more than one independent food preparation area together with facilities for sleeping and bathing.
Dwelling, Detached	A building containing only one single family dwelling unit surrounded by yards or other open area on the same zoning lot.
Dwelling, Duplex ²³	A combination of no more than two single-family dwelling units, with each individual dwelling unit located on its own legal lot, and sharing a common lot line and a common vertical wall.
Dwelling, Multi-Family ²³	A building containing three or more dwelling units, which may include rental or condominium residential units.
Dwelling, Single Family, Small Lot ²⁷	A single-family detached dwelling meeting the site development standards for a Dwelling, Single Family, Small Lot (as required by this Ordinance).
Dwelling, Single Family ^{23, 32}	A detached building containing not more than one dwelling unit and not occupied by more than one family. A Single Family Dwelling shall include modular, manufactured and mobile homes as defined herein.
Dwelling, Townhouse	One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.
Dwelling, Two-Family	A building located on one zoning lot containing not more than two dwelling units, arranged one above the other or side by side, and not occupied by more than two families.
Easement	A lawfully acquired right or privilege to use a parcel of land or a portion thereof for a specified purpose. An easement is retained by a person other than the owner of the land parcel.
Electric Vehicle Charging Station ^{27, 32}	A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. Electric Vehicle Charging Stations at single family residences for use by the residents is permitted wherever single family residences are permitted.
Electric Distribution Poles ²²	Metal, wooden or concrete towers and poles used to suspend wires transporting electricity between substations at the terminus of transmission lines and individual customer premises.

Electric Transmission Towers ²²	Metal, wooden or concrete towers and poles used to suspend wires transmitting electricity between generating plants and substations supplying electricity to distribution and feeder lines.
Engineer	A person registered by the State of West Virginia through the Board of Registration of Professional Engineers.
Equestrian Uses ²³	Use of a site for horse riding, training, breeding, stables, or boarding.
Equipment Enclosure ²²	Facilities, equipment enclosure means a building, cabinet or shelter used to house transmitters, receivers and other electronic equipment and accessories.
Equipment Rental, Sales, or Service ²⁷	The use of a site for the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, or similar heavy equipment, including incidental storage, maintenance, and servicing. This use includes truck dealerships and construction equipment dealerships.
Essential Utilities or Equipment ^{8, 9, 17, 21}	Underground or overhead electrical, gas, communications not regulated by the federal communications commission, water and sewage systems, including pole structures, towers, wires, lines, mains, drains, sewers, conduits, cable, fire alarm boxes, traffic signals, hydrants, regulating and measuring devices and the structures in which they are housed, and other similar equipment accessories in connection therewith. Essential utility equipment is recognized in three categories: A. Local serving; B. Nonlocal or transmission through county or municipality; and C. Water and sewer systems, the activities of which are regulate, in whole or in part, by one or more of the following state agencies: 1. Public Service Commission; 2. Department of Environmental protection; or 3. Department of Health and Human Resources.
Expanded Use	The further development of a developed site.
Exterminating Services ²⁷	The use of a site for the eradication or control of rodents, insects, or other pests with incidental storage on sites other than where the service is rendered.
FAA ²²	Federal Aviation Administration.
Factory-Built Homes ³²	Detached single family modular, manufactured, and/or mobile homes.
Family ²³	Any of the following cases constitutes a family: A. An individual; or B. Two (2) or more persons related by blood, marriage or adoption, or under approved foster care; or C. A group of not more than six (6) unrelated persons living together and sharing living areas in a dwelling unit; or D. A group of persons occupying a dwelling unit meeting the definition of a Residential Care Home.

Family Transfer ³²	For the purpose of Family Transfers as permitted in Section 5.7 of this Ordinance and in Section 20.201 of the Subdivision and Land Development Regulations , family members shall be defined as persons related by birth, adoption or marriage and shall be limited to parent-to-child, child-to-parent, spouse to spouse, sibling to sibling, grandparent to grandchild and grandchild to grandparent. Unrelated individuals jointly owning property are not eligible to utilize the Family Transfer provisions of this Ordinance. Such transfers shall process in accordance with the minor subdivision provision of the Subdivision and Land Development Regulations.
Farm Brewer ³²	A resident brewer as defined by West Virginia State Code who actively participates in growing ingredients for craft beer on a farm he owns or leases in Jefferson County.
Farm Brewery ²⁶	An agricultural use that entails the manufacturing of beer in accordance with the requirements of the West Virginia Code. A farm brewery is also subject to the requirements of Section 8.5 of this Ordinance.
Farm Distillery ²⁶	An agricultural use licensed as a “Mini-distillery” pursuant to the West Virginia Code, and meeting the requirements for a “Mini-distillery” in §60-1-1 et seq of the West Virginia Code as amended. A farm distillery is also subject to the requirements of Section 8.5 of this Ordinance.
Farm Market ^{23,32}	A producer-operated market for the sale of farm products the majority of which are grown or produced on the producer’s land or farm, and products incidental to farm products.
Farm Vacation Enterprise ²³	A farm adapted for use as a rural vacation area, which may include picnicking and sporting areas, fishing waters, camping, scenery, nature recreation areas, and similar uses. The site may contain up to 5 lodging units.
Farm Winery ²⁶	An agricultural use licensed as a “Farm winery” pursuant to the West Virginia Code, and meeting the requirements for a “Farm winery” in §60-1-1 et seq of the West Virginia Code as amended. A farm winery is also subject to the requirements of Section 8.5 of this Ordinance.
Farmer’s Market ³²	A multi-stall market at which farmer-producers congregate to offer for sale agricultural products directly to the general public at a central or fixed location, particularly fresh fruit and vegetables (but also meat products, dairy products, and/or grains). Generally located in commercial zoning districts unless a part of an approved Commercial Agricultural Enterprise.
FCC ²²	Federal Communications Commission.
Flood-prone Area	Areas subject to the one hundred (100) year flood as determined by the Flood Insurance Study prepared by the Federal Insurance Study prepared by the Federal Insurance Administration for Jefferson County, dated April 15, 1980, as may be amended.

Flood-prone Soils	Any area designated as flood-prone soils in the Soil Survey of Jefferson County, West Virginia prepared by the Department of Agriculture, Soil Conservation Service.
Food Preparation ²⁷	An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption. This use includes food preparation for catering.
Frontage, Street	All property on the side of a street between two intersecting streets (crossing or ending), or if the street is a dead-end, then all property abutting on one side between an intersecting street and the dead-end of the street.
Functionally Equivalent Services ²²	FCC licensed providers of Commercial Mobile Radio Services (CMRS) classified as Cellular, Personal Communication Services (PCS), Paging, Specialized Mobile Radio (SMR) and Enhanced Specialized Mobile Radio (ESMR).
Gambling Facilities ²⁷	The operation or conducting of any games played with cards, roulette wheels, dice, craps, slot machines, video lottery terminals, mechanical, electro-mechanical, or electronic amusement devices or machine for the return of money, cash, or prizes, or anything that could be redeemed for money, cash, or prizes. This definition does not apply to games of chance operated by charitable organizations licensed under West Virginia state law.
Gas Station ²⁷	Buildings and premises for the supply and retail dispensing of motor fuels. Accessory uses may include minor servicing and repair of automobiles; and sale of lubricants, batteries, tires, motor vehicle accessories, beverages, food, tobacco products and other retail merchandise; a car wash; and up to fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. A gas station shall be classified as a "Gas Station, Large" if it exceeds any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.
Gas Station, Large ²⁷	A gas station (as defined in this Ordinance) exceeding any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.
Gas Station, Limited ²⁷	A gas station (as defined in this Ordinance) limited to two fuel pump islands and a total of two fuel pumps. A Gas Station, Limited land use may include as an accessory use a convenience store with a gross floor area not to exceed 1,000 square feet.
Glare	The effect produced by brightness sufficient to cause annoyance, discomfort, or lessen visual performance and visibility.
Golf Course ²⁷	A facility for the playing of golf. A golf course may include a clubhouse with restrooms and locker rooms; may provide additional services

	customarily furnished such as swimming, outdoor recreation, and related retail sales; and may include a restaurant as an accessory use.
Governmental User ²²	Federal, state or local governments, or agencies or instrumentalities thereof, volunteer fire departments or rescue squads which operate radio systems (including microwave) requiring an FCC license, and which employ those facilities exclusively for intra-governmental or inter-governmental public service, public safety or administrative purposes.
Green Space ³²	Land required to be set aside under Section 5.7 Cluster Provisions, for the purpose of retaining active or passive farmland, wooded or forested areas, significant natural or environmentally sensitive features, historic structures and/or core battlefields, and parks. Green space may include open space as defined herein. Land indicated as green space in a cluster development shall be permitted to maintain one single family dwelling unit, and an accessory agricultural dwelling unit (if it meets the qualifications), and may be in private ownership or a homeowner's association.
Grocery Store ²⁷	An establishment in which most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which carry a broader range of merchandise than convenience stores.
Grooming Services, Animal ³²	Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. Such use may be considered accessory to a Kennel or Veterinary Clinic, and may be included in a Shopping Center.
Gross Floor Area ²⁷	The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed as provided in the Jefferson County Subdivision and Land Development Regulations.
Group Residential Facility ²³	A facility which is owned, leased or operated by a behavioral health service provider and which: (1) Provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled; (2) is occupied as a residence by not more than eight individuals who are developmentally disabled and not more than three supervisors or is occupied as a residence by not more than twelve individuals who are behaviorally disabled and not more than three supervisors; (3) is licensed by the Department of Health and Human Resources; and (4) complies with the State Fire Commission for residential facilities. Per Chapter 17 of the West Virginia Code, as amended, a Group Residential Home shall be a permitted residential use of property for the purposes of zoning and shall be a permitted use in all zones or districts.

Group Residential Home ²³	A building owned or leased by developmentally disabled or behaviorally disabled persons for purposes of establishing a personal residence, and complying with all applicable requirements of the state of West Virginia. Per Chapter 17 of the West Virginia Code, as amended, a Group Residential Home shall be a permitted residential use of property for the purposes of zoning and shall be a permitted use in all zones or districts.
Harpers Ferry Overlay District ²²	For purposes of regulating Wireless Telecommunication Facilities, an area bounded on the north by a line running west from the Potomac River shore to and along Engle Switch Road to its intersection with Route 230; thence south along Route 230 to its intersection with the CSX Railroad Valley Line; thence south along said railroad to Milepost 4 on the railroad at its intersection with Millville Road; thence east from that point to and across the Shenandoah River to a point 1000 feet distant on the eastern shore of the said Shenandoah River; then following a line 1000 feet inland from that opposite shore of the Shenandoah River to its confluence with the Potomac River; then along a line 1000 feet inland from the Potomac river shore running east to the Virginia state line; thence north to the Potomac River shore; thence west along the shore of the Potomac River to the point of origin. This district excludes the area within the jurisdictional boundaries of the town of Harpers Ferry and the town of Bolivar.
Heavy Industrial Use ²⁷	Manufacturing or other enterprises with significant external effects including but not limited to noise, dust, glare, odors or vibrations, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. This use also includes those land uses characterized by heavy trucking activity or extensive warehousing.
Helipad ²⁷	A facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.
Heliport ²⁷	An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.
Historic District ³⁵	A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.
Historic Landmark ³⁵	A site, building, structure, or object designated as a “Landmark” either on a national, state, or local register.
Historic Landmarks Commission ^{32, 35}	A five member commission, appointed by the Jefferson County Commission. Powers, membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Historic Landmarks Commission and Chapter 8, Article 26A of the West Virginia Code.

Historic Site ³⁵	Any lot, parcel, historic structure, or designated area which has been listed on the West Virginia or the National Register of Historic Places, which may include the location of a significant event, landscape feature, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing structure.
Home Occupation, Level 1 ^{8, 24}	An occupation conducted in a residential premises, as described in Article 4A of this Ordinance.
Home Occupation, Level 2 ^{8, 24}	An occupation conducted in a residential premises, as described in Article 4A of this Ordinance.
Horse Racing Facility ²⁷	A facility licensed by the State of West Virginia to offer, for public viewing and amusement, on-site horse racing events with on-site related wagering thereupon. This use can also include the conduct of other occasional special events. In addition to the race course and spectator areas, this use also includes accessory uses (including but not limited to eateries, off-street parking structures, public, community or private utilities, exhibits, and shops). This use may also include the provision of resident employee and guest lodging services for both humans and animals incidental to the visit or stay on the site. This use may also include veterinary care for animals kept or visiting the site.
Hotel/Motel ²⁷	A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn (as defined in this Ordinance). A hotel/motel may include a restaurant, bar, personal and retail services, and entertainment as accessory uses.
Hunting, Shooting, Archery and Fishing Clubs, Public or Private ²³	Land owned by an organized group of persons formed as a club that is used for hunting, fishing, shooting, archery and similar types of passive recreation.
Impervious Surface	Any structure, material, or surface which reduces and prevents absorption of storm water into the earth.
Improvements	Modifications to land which increase its value or utility. Improvements include, but are not limited to, buildings and structures, road grading, road surfacing, landscaping, curbs, gutters, storm sewers and drains, sidewalks, street signs, modifications to watercourses, water supply facilities, sewage disposal facilities, and park and recreation equipment.
In-Law Suite ³²	An accessory dwelling unit that is incidental and subordinate to the principal dwelling unit for the purpose of housing a relative of the property owner.
Institutional Use ^{17, 21, 23}	A non-profit, public or quasi-public use, such as a religious facility, library, public or private school, hospital, or government owned, operated, or supported facility or land use for public purpose.

Kenne ^{23, 27, 32}	The boarding, breeding, raising, or training of more than six dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain or as part of the operations of a not-for-profit organization.
Land Surveyor	A person registered by the State of West Virginia through the Board of Examiners of Land Surveyors.
Lattice Tower ^{9, 22}	A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.
Light Industrial ^{1, 23}	Any industry that does not use a significant amount of water except for domestic purposes. Industrial uses that do not create noise, odors, smoke and objectionable nuisances or hazards. Any uses listed in Section 5.6B (as amended) are not considered light industrial.
Lot	A tract of land area meeting local development standards which is intended for building development whether immediate or future.
Lot Area	The total horizontal area included within the rear, side and front lot or proposed street lines of the lot.
Lot Line, Front ^{5, 23}	The side or sides of an interior or through lot which abut a street. Front lot lines shall be measured from the Road Improvement Easement where one exists. For a property with a rear yard adjacent to a right-of-way designated as an alley, a rear yard setback shall apply.
Lot Line, Side ^{5, 23}	Any lot line other than a front lot line or rear lot line.
Lot of Record	A written or graphic description of a lot that is on record in the office of the Clerk of the County Commission of Jefferson County at the adoption of this Ordinance.
Lot, Corner ²³	A lot abutting on two intersecting streets. Both sides abutting the streets forming the corner shall be considered front lot lines unless otherwise specified in this Ordinance, with the exception of corner lots that front on a private or public road on one edge and an access easement serving 5 lots or fewer on one edge. For such lots, a front yard setback for the principal structure applies to the edge of the lot that fronts on a private or public road and a side yard setback for a principal structure applies to the edge of the lot that fronts on the access easement. A corner lot must have at least one rear lot line.
Manufactured Housing ^{23, 32}	A single family detached structure built in a factory according to Federal Manufactured Home Construction and Safety Standards, effective June 15, 1976. For the purpose of this Ordinance, a manufactured home shall be considered the same as any site-built, single-family detached dwelling.
Manufacturing, Heavy ²⁷	An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products

	and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibrations beyond its property line. A land use that generates significant noise, odor, vibration, illumination, or particulate matter that has the potential to adversely affect adjacent land uses, or requires a significant amount of on-site hazardous chemical storage, shall be classified under this land use.
Manufacturing, Limited ²⁷	The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. This category includes welding services.
Massage Parlor ⁷	An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, certified massage therapist, or similar professional person licensed by the State. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
Medical/Dental/ Optical Office, Small ^{23, 32}	A medical, dental, or optical office limited to two practitioners and related support staff.
Medical/Dental/ Optical Office ²⁷	A facility other than a hospital where medical, dental, optical, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates licensed primary practitioners (for example, chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc.) within a single office suite.
Mixed Use Building ³²	A mixed use unit consisting of a commercial or office use and a residential use. The commercial or office use must be located on the first floor.
Mobile Home Park	A lot, site, or parcel of land used or intended to accommodate two (2) or more mobile homes for residential purposes with adequate public or community water and sewerage service meeting Health Department standards. A mobile home park does not include mobile home sales lots, which unoccupied mobile homes are parked for inspection and sale. This term includes all buildings, structures, vehicles, accessories and appurtenances used or intended as equipment in such a park.
Mobile Home, Boat and Trailer Sales ²⁷	Use of a site for the sale, rental or servicing of mobile homes, boats and trailers. This use includes outdoor display of items for sale or rent, and accessory retail sale of merchandise related to mobile homes, boats and trailers. This use does not include a gas station.
Mobile Home ^{23, 32}	A manufactured single family detached home built prior to the Federal Manufactured Home Construction and Safety Standards which became effective June 15, 1976.

Model Home/ Sales Office ²³	A dwelling unit temporarily used for display purposes as an example of dwelling units available for sale in a residential development approved by Jefferson County. Model homes may include sales offices for dwellings within the development.
Modular Home ³²	A single family detached structure built in a factory that meets the State or Local Building Codes where the homes will be sited.
Monopole ^{9, 22}	A support structure constructed of a self-supporting hollow metal tube securely anchored to a foundation.
Motor Vehicle ^{17, 21}	Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or other public ways.
Movie Theater ²⁷	A building containing audience seating and one or more screens and auditoriums intended for the viewing of films. A movie theater may contain a lobby and refreshment stand, and may include service of food and beverages to seated patrons. Incidental use of a movie theater for community events and live performances is permitted. This use does not include an adult use or a bar/nightclub.
Multi-Residential Use	A deeded lot or parcel on which two or more dwelling units is located.
Natural Undisturbed Conditions ⁵	This exists where the terrain has not been altered in form by human activities such as cutting, filling, blasting or leveling and where natural vegetation exists.
National Historic Landmark ³⁵	Authorized in 1935 and implemented in 1960, National Historic Landmarks are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States.
National Register of Historic Places ³⁵	The National Register of Historic Places, authorized by the National Historic Preservation act of 1966, is the official list of culturally significant buildings, structures, objects, sites, and districts in the United States. The list is maintained by the U.S. Department of Interior.
Natural Vegetation ⁵	This occurs when a property is allowed to revert to a wild condition with native plants. No cutting, trimming or cultivation takes place in areas of natural vegetation.
Nature Center and Preserve ³²	A land use providing environmental and conservation education for adults and youth.
Neighborhood ^{17, 21}	An area generally confined to a one-mile radius from the perimeter of a proposed development.
Nightclub ²⁷	A commercial establishment where the primary activity is dancing and musical entertainment and in which alcoholic beverages are dispensed for consumption on the premises. This use may include live entertainment (other than an adult use) that complies with Jefferson County noise restrictions.

Nonconforming Lot ³²	A lot or parcel that lawfully existed at the time this Ordinance became effective and which does not conform with the dimensional requirements of the district in which it is located. This includes the dimensions, acreage, and/or access, etc. Any new lines of division within a subdivision of a parcel that is a nonconforming lot shall meet the regulations of this Ordinance.
Nonconforming Use ³²	A land use that lawfully existed at the time this Ordinance became effective and which does not conform with the use regulations of the district in which it is located.
Nonconforming Structure ³²	A building that lawfully existed at the time this Ordinance became effective and which does not conform with the site coverage, setback, height, open space, or other regulations describing the physical development standards of the district in which it is located. Any new lines of division within a subdivision of a parcel that contains a nonconforming structure shall not create a further nonconformity and shall meet the regulations of this Ordinance.
Non-Residential ^{17, 21}	A commercial, industrial, or institutional use.
Nursing or Retirement Home	This term includes rest homes, nursing homes, convalescent homes for children and homes providing chronic and convalescent care.
Open Space ³²	Land area to be left undeveloped as part of a natural resource preservation, recreation, bufferyards, or other open space provision of the Subdivision Regulations. Open space excludes areas in lots, street right-of-ways, or parking. Private open space is designed and intended for common use and the enjoyment of the residents. Public open space is designed and intended for common use and the enjoyment of the residents of Jefferson County.
Parking, Commercial Offsite Accessory ²⁷	Use of a site for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot, and which contains parking space rented to the general public or reserved for individuals by the hour, day, week, or month.
Pawn Shop Services ²⁷	An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. This use does not include a Bank.
PCS ²²	Personal Communication Services.
Performing Arts Theater ²⁷	An establishment for the performing arts with seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions. Incidental use of a performing arts theater for community events is permitted. This use does not include an adult use or a bar or nightclub.
Personal Services ²⁷	Establishments primarily engaged in providing individual services generally related to personal needs of a non-medical type, including barber shops; beauty salons; chiropractic clinics; clothing rental; dry cleaning and laundry services (as defined in this Ordinance); duplicating services; garment repair,

	pressing, and tailoring; massage therapy provided by licensed massage practitioner; photographic studios; psychic readers; real estate; self-service laundromat; shoe repair; spas; tanning salons; travel agencies; video rental stores and other similar establishments.
Photovoltaic Technology ⁴³	Materials and devices that absorb sunlight and convert it directly into electricity.
Plat ²³	A scaled, graphic drawing of a land subdivision project prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance. A plat depicts the design and layout of a project as well as the location of existing and proposed property boundaries and easements. A plat also includes all terms, conditions and performance requirements established prior to the approval of a subdivision.
Preliminary Plat ²³	A professionally prepared drawing of a proposed subdivision which is not a record plat but which contains detailed information concerning the proposed development, and is prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance.
Preschool ²³	Use of a site for the provision of pre-elementary educational services on a scheduled basis to children through kindergarten. If the West Virginia Department of Education establishes requirements for a preschool, the land use shall meet these requirements.
Preservation of a Historic Site ³⁵	The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.
Primary Public Safety Provider ²²	An FCC licensed governmental user that uses wireless telecommunication facilities to provide primary communications for law enforcement, fire, ambulance or related emergency services. Primary Public Service Provider does not include Commercial Wireless Service Providers, or Competitive Local Exchange Carriers (CLEC), who provide telecommunication services on a commercial basis to Primary Public Service Providers, or who deliver emergency calls or messages from its customers to a Public Safety Answering Point (PSAP).
Principal Permitted Use ^{23, 31, 32}	Any use included on the Principal Permitted and Conditional Uses Table (Appendix C) which is or may be lawfully established in a particular district, approved by the Office of Planning and Zoning without requirement of approval by a board or commission, provided the use conforms with all applicable requirements of this Ordinance. Such use does not include Conditional Uses as defined in this Ordinance.
Principal Use ²³	The primary or predominant use of any site.
Printing and Publishing ²⁷	A printing operation of an industrial scale, involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing,

	lithography, web offset, flexographic, and screen process printing. This use may include the production of books, magazines, newspapers and other printed matter.
Private Business User ²²	Persons or entities which operate radio facilities (including microwave) requiring an FCC license solely for intra-company communications and who do not employ those facilities to offer fixed or mobile wireless communication services, or point-to-point microwave links for commercial wireline communication services, to third parties for compensation.
Professional Office, Small ³²	A professional office, as defined herein, limited to two professionals/practitioners and related support staff.
Professional Office ²⁷	A building used primarily for offices for administrative, executive, professional, research, or similar organizations; and for real estate, advertising, and insurance agencies and similar firms. No merchandise is sold on the premises. An office building may include ancillary services for employees, such as a restaurant or coffee shop. This land use does not include a Medical/Dental/Optical Office.
Prohibited Use	A use that is not permitted.
Protection Radius ³⁵	The area surrounding a historic site not exceeding the boundary lines of the property. The size of the protection radius is governed by Section 4.6G of this Ordinance.
Public Highway	Any highway or road in Jefferson County which is part of the Federal or West Virginia public highway system and which is so identified by and numbered on the most recent General Highway Map published by the West Virginia Department of Highways.
Public Safety Facility ²³	Facilities that provide health and safety services to the general public including, but not limited to fire stations, police stations, and emergency medicine or ambulance stations or facilities.
Publicly Owned Facility ²³	Use of a site for government operations or activities, and not otherwise defined as a public safety facility; school, elementary or secondary; school, university or college; school, vocational or professional; hospital; cultural facility; or essential utility equipment.
Recycling Drop-Off Center ²⁷	A building or site used for a drop-off location for temporary storage of recyclable, recoverable or reusable materials such as paper, cardboard, glass, metal, plastic, batteries and motor oil. Processing of materials is limited to separation. This land use is intended for household or consumer use rather than commercial or industrial use.
Research and Development ¹³	Research, development and testing laboratories that do not involve the mass manufacture, fabrication, processing or sale of products.
Residential Care Home ²³	The use of a site for the provision of a family-based facility in a single-family dwelling unit providing 24 hour care in a protected living arrangement with not more than two supervisory personnel and not more

	than six residents who are suffering from mobility, orthopedic, visual, speech, or hearing impairments, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, cognitive disability, autism, emotional illness, or similar conditions.
Residential ¹	Any detached or attached structure that is used for permanent living quarters and has kitchen facilities.
Restaurant ²⁷	A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building. A restaurant may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the uses Bar or Nightclub.
Restaurant, Fast Food ²⁷	Any establishment whose principal business is the sale of foods and/or beverages in ready-to-consume individual servings, for consumption either inside or outside the restaurant building or for carry-out. Customer orders and/or service may be by means of a window or walk-up counter. A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles is classified as a Restaurant, Fast Food, Drive-Through. This use may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the uses Bar or Nightclub.
Restaurant, Fast Food, Drive Through ²⁷	A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles.
Restaurant, Fast Food, Limited ²³	Takeout pizza/sandwich shops not exceeding 600 square feet.
Restaurant, Limited ²³	A food service establishment not exceeding 2,000 square feet and where the primary mode of food distribution is by server.
Retail Food Store, Limited ²³	A retail food store not exceeding 1,500 square feet of retail floor space.
Retail Sales and Services, General ²⁷	A commercial facility engaged in the indoor sale or rental, with incidental service, of goods or merchandise to the general public for personal or household consumption, or providing retail services or entertainment to the general public. Typical retail sales uses include department stores, apparel stores, discount retail stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; food, pharmaceutical products, cards, books, tobacco products, cosmetics, and specialty items; flowers, plants, pets and pet supplies, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and similar items; cameras, photography services, household electronic equipment, video and music products, sporting equipment, home furnishings and appliances,

	art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). Typical service-related uses include eating and drinking establishments; finance, real estate and insurance; amusement and recreational services or establishments such as bowling alleys and miniature golf courses; health, educational and social services. This use does not include Retail Store, Large, and does not include any other use specifically classified in another definition herein.
Retail Sales, Limited ²⁷	Establishments of up to 10,000 square feet of gross floor area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service; building materials and/or supplies, sales, or rental. Typical uses include sale of consumer goods or art or craft objects, flower shops, gift shops, boutiques, and book stores. This use does not include Convenience Store, and does not include any other use specifically classified in another definition herein.
Retail Store, Large ²⁷	A retail sales establishment with any commercial retail uses or a combination of such commercial retail uses comprised of greater than 100,000 square feet of gross floor area. In calculating gross floor area, ancillary outdoor storage or merchandise display areas are included. For the purpose of determining the applicability of the 100,000 square feet of floor area, the aggregate square footage is included for all adjacent buildings operated by one company. A Retail Store, Large that sells to members only or that also offers merchandise at wholesale is included in this definition. Stores which would not otherwise be classified as a Retail Store, Large that are connected by common walls as part of a shopping center with shared parking facilities are not included in this definition. If a shopping center includes a store which meets the definition of Retail Store, Large, the entire shopping center shall be treated as a Retail Store, Large for the purposes of applicable ordinances.
Right-of-Way	A right which grants passage across or through a property. A right-of-way is also the (usually dimensioned) path along which the right of passage is granted.
Road	A prepared surface within a right-of-way which is intended for vehicular use. Road does not include shoulders.
RV Park	A recreational vehicle park (RV park) is a campground where privately owned recreational vehicles can stay overnight, or longer, in allotted spaces known as "sites".
School, University or College ²³	An educational institution that offers specialized instruction in any of several fields of study and/or in a number of professions or occupations and is authorized to confer various degrees such as the bachelor's degree. Education uses may include a variety of uses such as classroom buildings, administrative offices, sports facilities, student housing, research facilities and other related uses operated by the governing board of the institution

	within the campus or on adjoining lots. The land use category “School, Vocational or Professional” is not included within this definition.
School, Vocational or Professional ²⁷	A specialized or accredited instructional establishment that provides on-site training or education in business, commercial, and/or trade skills. This use includes a community college that primarily provides daytime services to commuter students.
Seasonal Use ⁵	A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons.
Sensitive Natural Area ⁵	An area of wetlands, stream or river banks and forest which exists as a habitat supporting rare or endangered species or which has been dedicated perpetually to environmental preservation by easement, covenant or other legal instrument or which is otherwise protected for environmental purposes by State or Federal statute.
Setback Line ²³	That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed. For attached dwelling unit types (duplex, multi-family, townhouse, two-family, and similar residential uses) no setback between attached dwelling units is required.
Sexual Paraphernalia Store ¹⁵	Any retail store specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on depicting or describing specific sexual activities or used in connection with specified sexual activities.
Shipping and Mailing Services ²⁷	Retail sales or business service establishment to facilitate the transmittal and receipt of letter, bulk and packaging mail. This use does not include major processing of mail or packages or bulk mailing distribution centers, and does not include facilities owned or operated by governmental agencies such as the United States Postal Service.
Shooting Range, Indoor ²⁷	A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure. The operations and design of an outdoor shooting range meet all applicable National Rifle Association standards.
Shooting Range, Outdoor ²⁷	The use of land for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of target practice, sport shooting, military/law enforcement training, mock war games, or temporary competitions. The operations and design of an outdoor shooting range meet all applicable National Rifle Association standards, and the range must shall the setback and minimum acreage standards for Hunting, Shooting, and Fishing Clubs as established in this Ordinance. This land use does not include Hunting, Shooting, Archery and Fishing Clubs and general hunting.
Shopping Center ^{7, 27, 32}	A group of retail and/or other commercial establishments that is planned, constructed, and managed as a total entity on a single lot with common

	parking facilities that uses or leases separate areas of space to retail or service oriented businesses.
Short Term Rental ⁴¹	A dwelling unit intended to provide overnight accommodations to guests for periods of less than seven (7) consecutive days.
Shrub, Evergreen	A low growing, usually several stemmed, woody plant which has foliage that remains green and functional through more than one growing season.
Sign	Any object, device display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.
Sign, Animated	A sign with action or motion, flashing lights, or color change requiring electrical energy, electronic, or manufactured sources of supply, but not including wind actuated elements such as flags, banners, or pennants.
Sign, Billboard ³⁶	A structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located.
Sign, Attached Business ³⁶	A sign attached to a building/structure which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where the sign is located.
Sign, Electronic ³⁶	A sign utilizing lights that change to form a static message or graphic wherein the sequence of messages and rate of change is electronically programmed.
Sign, Freestanding Business ³⁶	A sign supported by a permanent structure, other than a building, that is affixed to the earth and placed on the same parcel of land on which the business commodity, service, or entertainment advertised by the sign is located.
Sign, Inflatable ³⁶	Any display capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.
Sign, Off Premises ³⁶	A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.
Sign, Pylon ³⁶	A sign which advertises more than one land use on the premises where the sign is located.
Sign, Vehicle	A sign or advertising device which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose of providing advertisements of products and services or directing people to a business or service or other activity on or off the premises or public right-of-way where such vehicle sign is located. This does not include identification signs on

	vehicles which are moved regularly and used in the normal, day-to-day operation of the business.
Soil Value	A relative numeric value assigned to soil groups based on the group's potential for agricultural production.
Solar Energy Facility ⁴³	A facility that generates electricity from sunlight by utilization of photovoltaic (PV) technology and distributes the generated electrical power. On-site components of the facility may include solar panels and other accessory components including, without limitation, Essential Utility Equipment, transformers, inverters, cabling, electrical lines, substations, and other improvements necessary to support generation, collection, storage, and transmission of electrical power.
Special Event ³⁹	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. Private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or group and the property owner are not defined as a special event.
Special Event Facility ³⁹	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 ³⁹	A Special Event Facility located on a parcel which the Assessor's Office has classified as "farm use".
Species, Rare or Endangered	Any species listed with the West Virginia Department of Natural Resources Heritage Program Species List or by the U.S. Department of the Interior, Department of Fish and Wildlife Management.
Specified Anatomical Area ¹⁵	As used herein specified anatomical areas means and includes any of the following: A. Less than completely and opaquely covered human genitals, public region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or B. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.
Specified Sexual Activities ¹⁵	As herein, specific sexual activities means and includes any of the following: A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; Masturbation, actual or simulated; or

	C. Excretory functions, when such activities are a part of or in connection with any of the activities set forth in the following definitions: Adult Use; Adult Arcade; Adult Bookstore; Adult Cabaret; Adult Mini Motion Picture; Adult Sauna; Adult Theater; Massage Parlor; Sexual Encounter Establishment; and, Sexual Paraphernalia Store.
Staff ^{17, 21, 23, 31}	Personnel employed in the Department of Engineering, Planning, and Zoning.
Standard Details ^{7, 23}	Minimum acceptable details approved by the County Engineer for use in preliminary plats, site plans, and related improvement plans. Said approval does not relieve the subdivider, the design consultant, or the builder of the responsibility for structural adequacy and sound construction.
Storage, Commercial ²⁷	An enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for storage of their household goods or personal property.
Street ²³	(See Road)
Support Structure ²²	A structure designed to support Wireless Telecommunication Facilities including, but not limited to, monopoles, lattice towers, utility poles and other freestanding self-supporting structures.
Telecommunication ⁹	The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means electrical or electromagnetic systems.
Tower Base ²²	The foundation, usually concrete, on which a telecommunication tower is situated. For measurement calculations, the tower base is the actual or geometric center of the tower. For structures lacking a foundation the tower base is the ground elevation of the structure.
Tower Height ²²	The vertical distance measured from the tower base to the highest point on a telecommunication tower, including any antennas or other equipment affixed thereto, but excluding any lightning protection rods extending above the tower and attached equipment.
Tower Site ²²	The land area (including any associated easement areas) that contains, or will contain, any proposed telecommunication tower, related equipment enclosures and other improvements; together with any tower fall zone.
Urban Growth Boundary ²³	A site-specific line, delineated on the Jefferson County Zoning Map or a written description in the Jefferson County Zoning and Land Development Ordinance identifying an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area.
Use ⁷	An activity that constitutes a legal employment of a land parcel or lot exclusive of ancillary parking and drives.

Use Agreement ³⁹	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.
Utility Poles ²²	Metal, wooden or concrete poles used to suspend wires or cables for electric, telephone or television cable services.
Variance ^{17, 21, 23}	A variance is a deviation from the minimum standards of the Zoning and Land Development Ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classification of a parcel of land.
Vehicle Storage ²⁷	The use of a site for long term storage for vehicles. This use includes storage of vehicles towed from private parking areas and impound yards, but excludes dismantling or salvage.
Vehicle ^{17, 21}	A means of carrying or transporting something.
Vehicular Miles ^{17, 21}	Distance by motor vehicle between two points utilizing public highways.
Visible ²²	Capable of being seen by the unaided eye in the daylight.
Vocational and/or Training Facility for Adults ²³	A specialized or accredited instructional establishment that provides on-site training or education in business, commercial, and/or trade skills. The land use is conducted in a campus setting, and may include classroom buildings, dormitories, cafeterias, gymnasiums (whose use is limited to the students, participants and instructors at said school or training facility), and administrative buildings. Incidental instructional services in conjunction with another primary use shall not be considered a Vocational and/or Training Facility for Adults. This use does not include School, University or College. In the Rural District, the use must be conducted in a campus setting.
Warehousing and Distribution, General ²⁷	Use of a site for the storage of goods, sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. This use includes major distribution centers, frozen food lockers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities. Facilities may be characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors.
Warehousing and Distribution, Limited ²⁷	Use of a site for the small scale storage of goods, and sale of goods to other businesses for resale. Wholesale and warehouse areas are no more than 50,000 square feet in area and operate during conventional business hours. Outdoor storage is limited to an area of 1,000 square feet. This use does not include major distribution centers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities, or a use described as a Storage, Commercial facility.
Wetland ⁵	An area that is inundated or saturated by surface water or ground-water at a frequency and duration sufficient to support, and that, under normal

circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The substrata is predominantly hydric soil.

Wireless
Telecommunication
Facility, Co-Located²²

(See Co-location.)

Wireless
Telecommunication
Facility, Temporary²²

A vehicle-mounted or portable wireless telecommunication facility including portable towers, antennas, equipment enclosures, generators and associated electronics, cabling, wiring and hardware. Such a facility may include, but is not limited to, "cell on wheels" mobile equipment.

Wireless
Telecommunication
Tower, Speculative²²

A Wireless Telecommunications Tower developed without binding commitments from one or more FCC licensees to utilize the tower within six (6) months of issuance of a certificate of occupancy for the Tower.

Wireless
Telecommunication
Tower⁹

A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

Wireless
Telecommunication
Antenna⁹

The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless
Telecommunication
Equipment Shelter⁹

The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless
Telecommunication
Facility, Concealed²²

A wireless telecommunication facility with all antennas camouflaged to match or complement the color and architectural treatment of the surface of an existing structure upon which they are mounted; or which have all facility components concealed behind a façade or parapet wall, or inside a radome on a monopole that does not exceed the diameter of the monopole, or interlaced within or atop an electric distribution tower.

Wireless
Telecommunication
Facility^{9, 22}

A facility consisting of the equipment and structures involved in transmitting or receiving telecommunications or radio signals to or from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Woodland Preservation
Buffer³²

A specified area delineated on an approved site plan or subdivision preliminary/final plat for the sole purpose of preserving existing vegetation and to prevent the cutting, clearing, and removal of healthy, viable trees and ground cover. The removal of dead, dying, and/or diseased trees and ground cover within the buffer may be permitted provided documentation of the proposed removal is approved by the Department.

Zoning Ordinance,
Map Amendment²⁵

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 in within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.

Zoning Ordinance,
Text Amendment^{25, 32}

An amendment to the text of the Zoning Ordinance resulting in a change in the language of the Ordinance that applies to all similar property county-wide, such as a change in principal permitted or conditional uses in a district.

ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

Section 3.1 Administration

- A. The provisions of this Ordinance will be governed by the County Commission or the Zoning Administrator and Staff in accordance with §8A-1-1 et seq of the West Virginia State Code, as amended. With enactment of the Ordinance, the County Commission shall designate a Zoning Administrator for the day to day administration of the ordinance.^{5,17,21}
- B. An appeal to this Ordinance, however, may be made to the Jefferson County Board of Zoning Appeals subject to the provisions of §8A-1-1 et seq of the West Virginia Code, as amended.^{17, 21}
- C. The Jefferson County Board of Zoning Appeals shall evaluate all conditional use applications and approve or deny issuance of a conditional use permit.^{2, 17, 21, 32}
- D. All departments, officials, and public employees of Jefferson County which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building, or purpose if the same would be in conflict with the provisions of this Ordinance.

Section 3.2 Zoning Administrator

- A. The Zoning Administrator shall administer and enforce the Zoning and Land Development Ordinance. This includes but is not limited to the following:²³
 - 1. Make determinations that all applications required by the Ordinance are complete and that all fees are paid.
 - 2. Interpret the provisions of the Ordinance as required by law.
 - 3. Issue Zoning Certificates as permitted by the Ordinance.
 - 4. Determine sufficiency and completeness of applications for a Conditional Use Permit.³²
 - 5. Issue all permits and Certificates as permitted by the Ordinance.
 - 6. Prepare and submit reports as required by the Ordinance or the Board of Zoning Appeals or Planning Commission.
 - 7. Conduct meetings and conferences pursuant to the Zoning and Land Development Ordinance.^{17, 21, 23}
- B. Any decision or action by the Zoning Administrator based on Section 3.2A above is subject to appeal to the Board of Zoning Appeals.^{17, 21}
- C. It shall be unlawful to develop, construct, alter, or reconstruct any structure or to change the use of any structure or property without first obtaining a zoning certificate from the Zoning Administrator. This provision may not apply to the general maintenance or repair or any addition deemed not a major addition as defined in Section 2.2 of this Ordinance.^{17, 21, 23}
- D. Each application for a zoning certificate shall be accompanied by a copy of an approved site plan, if applicable, or by a legible drawing either drawn to scale or accurately indicating dimensions which show property boundaries and existing and proposed structures and other proposed changes or land development. The plans shall be retained in the Office of Planning and Zoning.^{17, 21, 23}
- E. Use of any property, developmental arrangement, or construction on any property other than that authorized in the zoning certificate is a violation of this Ordinance. All provisions of this Ordinance and amendments shall be maintained perpetually.
- F. The Zoning Administrator shall approve or disapprove issuance of a zoning certificate within sixty (60) days of the initial filing date providing the application is complete and fees are paid when filed and the request is in compliance of the provisions of this Ordinance.^{17, 21}

- G. A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months. Pursuant to Chapter 8A of the West Virginia Code as amended, a Zoning Certificate or Conditional Use Permit associated with a subdivision or land development plan - whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010 - shall remain valid until July 1, 2012, provided that the land development plan or plat received at least preliminary approval by the Planning Commission or County Commission by March 1, 2010.^{17, 21, 23}
- H. A filing fee, in accordance with the County fee structure, shall be charged for all zoning certification.

Section 3.3 Enforcement

- A. The Zoning Administrator or Staff shall promptly investigate any written complaint alleging a violation of this Ordinance and determine if a violation has occurred.^{17, 21}
- B. As provided in §8A-1-1 et seq of the West Virginia Code, as amended, any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty (\$50.00) or more than five hundred dollars (\$500.00) per day. Each day during which any violation of this Ordinance continues shall constitute a separate offense.^{5, 17, 21}
- C. When it appears to the Board of Zoning Appeals or the Zoning Administrator or Staff that a violation of this Ordinance has occurred, the County shall notify the responsible person by means of a written Violation Notice. The Violation Notice shall specify the nature of the violation and shall request that the violation be terminated within 15 days from the date appearing on the Notice. Failure to terminate the violation within the requested time shall be cause for the Board of Zoning Appeals or the Zoning Administrator or Staff pursuant to §8A-10-1, 2 and 3 of the West Virginia Code, as amended, to:^{17, 21, 23}
1. Seek an injunction in the Circuit Court of Jefferson County to restrain the responsible person from continuing the violation cited or seek an injunction requiring the removal of structures or land uses from the property involved; or,
 2. Issue a warrant for the arrest of the person responsible for the violation and seek a conviction in the Circuit Court of Jefferson County.

Section 3.4 Boards and Commissions^{23, 32}

- A. Board of Zoning Appeals
1. The Board of Zoning Appeals will consist of five members to be appointed by the County Commission. Their terms of office, succession, removal, filing of vacancies, and their powers and duties shall be provided in Chapter 8A of the West Virginia Code, as amended.
 2. Meetings of the Board of Zoning Appeals shall be conducted according to the Rules of Procedure adopted by the Board of Zoning Appeals. In the event of a conflict between this Ordinance and the Rules of Procedure, the Rules of Procedure shall prevail.²
 3. The powers and duties of the Board of Zoning Appeals include but are not limited to the following:
 - a. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official in regard to the enforcement of this Ordinance or of any ordinance adopted thereto.³²

- b. The Board of Zoning Appeals shall consider requests for variances, seasonal use permits, and special exceptions from the terms of this Ordinance.³²
- c. The Board of Zoning Appeals shall have authority over the issuance or denial of a Conditional Use Permit.³²

B. Planning Commission²³

- 1. Membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Planning Commission and Chapter 8A of the West Virginia Code, as amended.
- 2. The powers and duties of the Jefferson County Planning Commission include but are not limited to the following:
 - a. Review applications for major site plans, major subdivisions, and waivers from minimum standards, pursuant to the Subdivision and Land Development Regulations;
 - b. Review requests for amendments to the County zoning map and Zoning and Land Development Ordinance;
 - c. Research and recommend to the County Commission improvements to the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations;
 - d. Make recommendations to the County Commission concerning planning and zoning issues;
 - e. Make an annual report to the County Commission concerning the operation of the Planning Commission and the status of planning within its jurisdiction;
 - f. Prepare the Jefferson County Comprehensive Plan and recommend to the County Commission for adoption or amendment.

C. County Commission²³

- 1. General. The County Commission shall have all powers conferred upon it by the Constitution, the laws of the State of West Virginia, and the County Charter. With respect to development approval and amendments to this Ordinance and the County's Comprehensive Plan, the powers that the County Commission retains and shall exercise include but are not limited to the powers set out in this Section.
- 2. Approvals. Following a public hearing and the submittal of recommendations by Staff and the Planning Commission, the County Commission may take action on the proposed adoption of, or amendments to, the following, including text, maps, and other elements:
 - a. Comprehensive Plan
 - b. Zoning and Land Development Ordinance
 - c. Subdivision and Land Development Regulations
 - d. The Jefferson County Zoning Map
 - e. An Urban Growth Boundary in accordance with Chapter 8 of the West Virginia Code, as amended:
 - i. A boundary shall be established by the County Commission in agreement with each individual municipality regarding that municipality's boundary.
 - ii. If the County Commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgment relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court.

- iii. Once the county has adopted an urban growth boundary by its designation on an adopted county zoning map, the gross area inside the boundary may not be reduced without written consent of the municipality.
 - iv. The County Commission shall review each urban growth boundary at a period not to exceed ten years or upon request of the individual municipality.
- 3. Hiring. The County Commission shall hire staff of the Office of Planning and Zoning.
- 4. Appointments. The County Commission shall appoint the members of the Planning Commission and the Board of Zoning Appeals.
- 5. Fees. The County Commission shall adopt a fee schedule for processing applications pursuant to this Ordinance. The fee schedule may be amended from time to time as determined appropriate by the County Commission.

D. Historic Landmarks Commission³⁵

- 1. A five member commission, appointed by the Jefferson County Commission. Powers, membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Historic Landmarks Commission and Chapter 8 Article 26A of the West Virginia Code.
- 2. The Jefferson County Historic Landmarks Commission does not have the authority to nominate or designate a historic site for inclusion on the National Register without the property owner's consent and does not have the authority to create a Historic District due to the restrictions in WV State Code §8-26A-3 and related statutes.
- 3. Historic Preservation is not to infringe on the property owner's rights. The Jefferson County Historic Landmarks Commission is encouraged to protect historic sites in Jefferson County by raising capital to purchase historic sites and battlefields at fair market value.
- 4. This Ordinance encourages the preservation of historic buildings and historic sites by working with the landowner on a voluntary basis. All historic sites in Jefferson County are classified by their Category of Importance, used to determine the level of protection afforded that site. The categories are as follows:
 - a. **Category I.** These are the most important historic sites in Jefferson County. This category includes individually listed National Register structures and properties; Historic Districts including their contributing structures; and Federally recognized Civil War Battlefields. These properties retain a high level of original condition and integrity.
 - b. **Category II.** These sites are classified as important. This category includes Jefferson County Landmarks, historic sites that may be National Register eligible, and other Civil War battle sites. Sites in this Category may have been altered or changed to such a degree that they no longer retain the same level of integrity as the original condition.
 - c. **Category III.** These sites have moderate importance.
 - d. **Category IV.** These are sites that are at least 50 years old, have little or no significance, but are listed on the Landmarks Commission's inventory.

Refer to Section 4.6 for distance requirements and protection radius standards.

ARTICLE 4: GENERAL PROVISIONS

Section 4.1 Ordinance Deemed Minimum Regulations; Uniformity

The regulations set forth by this Ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each kind of structure or land except as hereinafter provided.

For each zoning district, a list of principal permitted uses and conditional uses are delineated in Appendix C. Additionally, several uses prohibited for all districts are listed in Section 4.4. Conditional uses shall require processing before the Board of Zoning Appeals. All non-residential permitted and approved conditional uses shall require a Zoning Certificate and may require processing a Site Plan in conformance with the requirements of the Jefferson County Subdivision and Land Development Regulations.^{23, 32}

Section 4.2 Compliance with Ordinance

Except as hereinafter specified, no land, building, or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted or altered except in conformity with the regulations herein specified for the district in which it is located. This provision shall not apply to general maintenance or repair or any addition deemed not a major addition as defined in Section 2.2 of this Ordinance.³²

Section 4.3 Nonconforming Uses

Any building, structure or premises lawfully existing at the time of the adoption of this Ordinance, or lawfully existing at the time that this ordinance is subsequently amended, may continue to be used even though such building, structure, or premises does not conform to use, setbacks or dimensional regulations of the zoning district in which it is located; subject, however, to the following provisions:^{7, 32}

- A. Nonconforming structures may be upgraded or repaired, or alterations made to the facilities.^{7, 23, 32}
- B. Repair includes the following: replacement of same size (+/-35%) porches, awnings, decks roofs, overhangs, patios, or any other similar construction as approved by the Zoning Administrator. However, expansion of any nonconforming structure or use shall be limited to the lot that existed at the time of adoption of this Ordinance. Additional acreage shall not be added to enlarge any nonconforming use unless a variance is approved by the Board of Zoning Appeals after review and a public hearing in accordance with Section 6.1C.^{7, 23, 32}
- B. Whenever a nonconforming use has been abandoned for a period of twelve (12) months, such use shall not be reestablished and any future use shall be in conformance with the provisions of this Ordinance.^{5, 17, 21}
- C. A nonconforming use may not be substituted for any other nonconforming use without the Board of Zoning Appeals review and public hearing, provided, however, to the following: upon notice to the Zoning Administrator with an application for and approval of a Zoning Certificate a nonconforming retail, service, or wholesale operation may be substituted with another retail, service or wholesale operation without such public hearing; provided again, however, the intended use does not include an adult use.^{7, 17, 21}
- D. Effective October 14, 1999, whenever a nonconforming structure or use expands over 35% of the existing square footage of its operation said use shall meet all the applicable requirements of this Ordinance unless otherwise allowed by the Board of Zoning Appeals. Any nonconforming structure or use that expanded between October 5, 1988 and October 14, 1999 may expand under this provision as if they have never utilized this provision in the past.^{7, 8, 12, 17, 21, 23, 32}

1. When a nonconforming use can be computed by units such as apartment units, motel/hotel units, mobile home parks, and similar uses, the 35% expansion shall be limited to 35% of the number of existing units.⁸
- E. A nonconforming shopping center (including spaces that were not leased in the existing building at the time of the adoption of this Ordinance) may substitute uses according to Section 4.3C.⁷
- F. Section 4.3 is subject to Chapter 8A of the West Virginia Code, as Amended.^{17, 21, 23}
- G. This Section (4.3) does not apply to industrial uses that existed at the adoption of the ordinance. Such industries may expand provided that they meet the site plan standards of this Ordinance, in addition to those of the Jefferson County Subdivision and Land Development Regulations.^{8, 23}
- H. A nonconforming structure or use destroyed by a natural or unnatural calamity cannot be rebuilt without approval of the Board of Zoning Appeals upon application by the owner and pursuant to the variance and appeal procedures outlined in Article 6. This provision will not apply to existing residential dwelling units.^{12, 17, 21, 23, 32}
- I. The nonconforming use automobile racing facility located on property specifically described as Tax Map 17, Parcels 2, 2.1 and 5 in the Kabletown District is permitted to expand as herein described:
 1. The commercial/competitive racing circuit as measured on January 10, 2002, 5,344 linear feet may add an additional 8,870 feet of commercial/competitive raceway surface, in accordance with (and not in addition to) the provisions of Section 4.3 of this Ordinance. The surface shall conform to a required 200 foot setback from all property lines.
 2. May add dormitory lodging with food service facilities that do not contain internally lit signs.
 3. May add automobile related research and development facilities.
 4. May add other automobile related facilities only for vehicles that are used on-site, including, but not limited to warehousing, parts, supplies and service.¹³

Section 4.4 Prohibited Uses

- A. Any existing or proposed use which is determined to be in conflict with any existing ordinance or laws of Jefferson County or law or regulation of the State of West Virginia or other governmental agency shall be prohibited even though such use may be allowed under the terms of this Ordinance.
- B. No land use shall be conducted that creates any injurious, noxious, or otherwise objectionable fire, explosive heat, or other hazard; noise, or vibration; smoke, dust, odor, gases, or other form of air pollution; or emit dangerous radioactivity in such a manner that if permitted would adversely affect the uses of an adjacent property or contaminate the ground water or surface waterways of the County. All land uses generating such conditions shall comply with the appropriate State and Federal Codes. Such compliance with applicable State and Federal laws shall be deemed as compliance with this Ordinance.
- C. Any development which would destroy the historical character of a property listed on the West Virginia or National Register of Historic Places shall not be permitted.
- D. No materials or waste should be stored on a property in a form that could be transported to adjacent property by wind or water or other natural causes or forces.
- E. All methods of industrial waste or sewage treatment and disposal shall be in accordance with County, State and Federal Codes.
- F. Jails, prisons, and/or penal institutions shall be prohibited in all zoning districts except the Industrial-Commercial District and the Major Industrial District.^{5, 27, 32}

- G. No gambling or casino type game of chance (video or mechanical) that provides any type of payoff or remuneration shall be permitted anywhere in Jefferson County unless expressly and explicitly permitted and authorized by the West Virginia Code as amended. Such use shall only be permitted in the Industrial-Commercial District and the Major Industrial District and shall be processed as a Conditional Use through the Board of Zoning Appeals.^{6, 23, 27, 32}

This prohibition does not apply to betting on horses or pari-mutuel betting on horses. Further-more, this prohibition does not apply to such uses that existed at the time of the adoption of this ordinance. Approval of a Conditional Use shall not supersede this prohibition in any zoning district other than the Industrial-Commercial District or the Major Industrial District.^{23, 27, 32}

- H. For parcels located east of the Shenandoah River or which are in a natural, undisturbed condition within 1000 feet of the Potomac and Shenandoah Rivers and Opequon Creek, no use shall be permitted without adherence to the requirements for retention of land in a natural, undisturbed area as spelled out in Section 22.504 of the Jefferson County Subdivision and Land Development Regulations.^{5, 23}
- I. No sales of fireworks are permitted outside of the Industrial-Commercial, Residential-Light Industrial-Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts, and are subject to the requirements of for such use in Article 8.^{8, 23, 27}
- J. Vehicle signs left parked or standing on a public right-of-way, public property or private property.¹²
- K. Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, shall only be permitted in the Industrial-Commercial District.^{23, 27}

No conditional use permit shall be approved for any of these adult uses in any zoning district. This provision does not apply to any specific existing use that legally qualifies as a nonconforming use.^{15, 16, 27}

- L. Salvage yards unless established in accordance with the Jefferson County Salvage Yard Ordinance.²³
- M. Heavy industrial uses listed as Conditional Uses (CU) in Section 5.6B and Appendix C , Principal Permitted and Conditional Uses Table of this Ordinance are permitted only in the Industrial-Commercial District and the Major Industrial District and require approval of the Board of Zoning Appeals in accordance with Section 6.3.^{23, 27, 32}
- N. No above ground chemical storage tanks shall be permitted within an area defined by one (1) mile upstream of any public water intake and within one-quarter (1/4) mile of any waterway serving the public water intake; provided, however, that agricultural tanks that are regulated by WV Code Chapter 19 are exempt from this provision.²⁷

Section 4.5 Agricultural Uses Permitted Generally³⁹

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 4.6 Distance Requirements

- A. Industrial uses are subject to this subsection, unless otherwise specified in this Ordinance. Any uses (not including parking) or buildings subject to compliance with this Section shall be located at least 200 feet from:²⁷
1. Any lot in the Residential Growth District;²⁷
 2. A dwelling, school, church or institution for human care not located on the same lot as the said use or buildings;¹
 3. Any lot which is part of a recorded subdivision; and
 4. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.
- B. Commercial uses are subject to this subsection, unless otherwise specified in this Ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this Section shall be located at least 75 feet from:^{7, 27}
1. Any lot in the Residential Growth District;
 2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
 3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.²³
- C. A commercial use (not including parking) located in the Neighborhood Commercial District or the Office/Commercial Mixed Use shall be located at least 25 feet from a land use identified in Section 4.6B.1-3.²⁷
- D. Housing for farm animals and feeding pens shall be set back a minimum of 50 feet from all property lines; excluding chicken coops which may be set back 25 feet from all property lines, if no roosters are housed there.³²
- E. Structure used to store manure shall comply with distance requirements specified in 4.6A.³²
- F. All portions of a kennel land use must be buffered pursuant to Article 4 and set back at least 300' from any other property line that contains a residence. If the adjacent use is a commercial use, setbacks shall conform with commercial setbacks in Appendix B.³²
- G. Historic Sites are subject to this subsection, unless otherwise specified in this Ordinance. All properties designated as a historic site shall be subject to a protection radius as described in this section when a non-residential development or major residential subdivision is proposed. A protection radius is the area surrounding a historic site not exceeding the boundary lines of the property.³⁵
1. **Protection Radius:** Category I historic sites shall be subject to a 200-foot protection radius, as measured from the center of the site or principal structure. When an entire site is placed on the National Register and contains historic structures, preference shall be given to the Property Owner as to whether the protection radius is applied to the center of the principal historic structure or the center of the area of property on the National Register. The protection radius shall only apply to a property or structure listed on the National Register and does not apply to federally designated battlefields or historic districts broadly, but may apply to an individual parcel that is part of a federally designated battlefield or historic district, if the property or structure is listed on the National Register.

2. Uses permitted within the Protection Radius include Residential Uses as listed in Appendix C, barns, and residential accessory structures as defined by this Ordinance. Existing structures (which existed prior to the adoption of this text amendment) within the protection radius may be converted to a non-residential use in accordance with Appendices B & C and shall comply with applicable district regulations as required by Article 5.

Section 4.7 Essential Utility Equipment

Essential utility equipment, as defined in Section 2.2, shall be permitted in any district, as authorized and regulated by law and ordinances of Jefferson County, it being the intention hereof to exempt such essential utility equipment from the application of this Ordinance. Wireless telecommunication towers, however, shall conform to the requirements of Article 4B.^{7, 22}

Section 4.8 Buildable Lot

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this ordinance and which was established or recorded at that time shall be deemed a buildable lot for the erection of a single-family dwelling, subject to the provisions of the appropriate district regulations of this Ordinance.

Section 4.9 Traffic Visibility Across Corner Lots

On any corner in all districts, there shall be no obstruction to traffic visibility within 35 feet of the intersection of the two street property lines of the corner lot. Site plan and subdivision applications must comply with the Intersection Design requirements of the Subdivision and Land Development Regulations.²³

Section 4.10 Site Plan Requirements³⁹

- 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. **All commercial uses are not required to process a Concept Plan and shall be administratively approved.**^{23, 26}
- 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.²³
- E. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.^{10, 17, 21, 23}

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

Buffer yard requirements are as shown in Appendix A and B of this Ordinance, and are summarized in this section.²⁷

A. Commercial Development²⁷

1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a 50 foot or greater unscreened green space buffer or a 15 foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

2. All commercial development adjacent to all other uses must maintain ten foot side and rear yard landscape buffers.⁵

B. Industrial Development²⁷

1. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have an unscreened buffer yard of no less than 200 feet. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard.
2. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half ($\frac{1}{2}$) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.^{5, 7}
3. All industrial development adjacent to any use shall have 20 foot screened side and rear landscape buffers.

C. Multi-family Development²⁷

1. All multi-family adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have, along common property lines, screened green space buffers as follows:
 - a. Front and rear: a minimum of 15 feet
 - b. Side: a minimum of 12 feet

- D. In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.

- E. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.

1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.^{7, 23, 27, 28}

However, any development where a 10 foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met:^{27, 28}

- a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of 20 feet or more at maturity, planted every 50 linear feet; at least every other tree shall be an evergreen;
 - b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every 50 linear feet; and
 - c. Three (3) shrubs per each 25 feet along the property line, round upward.
 - d. These requirements shall be required on both sides of a property line for adjoining properties.
 - e. A 10 foot landscape area on the property unless shared parking is proposed. In the event shared parking is proposed, the required property line planting would be in addition to other plantings.^{7, 23, 26}
2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.

3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
 4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.
- F. In any Commercial, Industrial, Institutional, or Residential development, all dumpsters shall be screened from any residences or from view of a public highway.²³
- G. All buffer yards shall be maintained by the property owner.
- H. All development adjacent to a Sensitive Natural Area shall have a buffer of natural vegetation. Environmental standards contained in Section 8.9A, 1 through 7, will apply. The buffer shall meet the current Federal standard except as required in Table 4.11 -1 below:²³

Table 4.11 -1 Wetland Size in Acres^{5, 8, 23}

Greater Than	Less Than	Buffer Width in Feet
0.05	0.10	30
0.10	0.16	35
0.15	0.21	40
0.20	0.26	50
0.25	0.31	55
0.30	0.36	60
0.35	0.41	65
0.40	0.46	70
0.45	0.51	75
0.50	0.66	80
0.65	0.81	85
0.80	0.96	90
0.95	1.21	95
1.20	--	100

- I. All required landscape plans shall contain the following elements:⁷
1. Deciduous street trees for shade and aesthetics, planted at the following average spacing:²³
 - a. Site with street frontage of up to 200 feet: 1 tree per 50 feet.
 - b. Site with street frontage exceeding 200 feet: The greater of 4 trees or 1 tree per 100 feet.
 2. Evergreen buffer planting, as required, for full screening.
 3. Parking lot and internal drive plantings (mix of evergreen and deciduous) for partial screening and limited shade.
 4. Structure plants for aesthetics and limited shade.
 5. Schedule of plants including common name, scientific name, minimum size (height, caliper, etc.) quantity and specific limitation notes.
- J. Required landscape buffers for a non-residential use are indicated in Appendix B.²⁷

Section 4.12 Design Standards for Multi-Family Developments²³

- A. Common open space shall be oriented to the interior of the development and shall consist of land suitable for passive and active recreational use. No more than 50 percent of land dedicated to recreational use shall be within the 100 year Floodplain.

- B. Impervious surface coverage for interior streets, parking areas, and residential structures shall not exceed 50 percent of the gross land area.
- C. Tot lot or play areas shall be centrally located in areas convenient to residential buildings and at least 25 feet from any street right-of-way.

Section 4.13 Development Adjacent to the Potomac and Shenandoah Rivers²³

- A. Any development, other than residential development, that takes place after the adoption of this Ordinance must maintain a 500 foot buffer strip from the existing banks of the Potomac and Shenandoah Rivers.

ARTICLE 4A: HOME OCCUPATIONS AND COTTAGE INDUSTRIES^{8,24}

Section 4A.1 Home Occupation and Cottage Industry, General Standards

- A. A Zoning Certificate is required for a Cottage Industry or Home Occupation pursuant to Section 3.2 of this Ordinance.
- B. A Home Occupation or Cottage Industry shall be clearly incidental and subordinate to the use of the dwelling unit as a residence.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the Home Occupation or Cottage Industry, other than as provided in this Article.
- D. No equipment or process shall be used in a Home Occupation or Cottage Industry which creates offensive manifestations by sight, sound or smell detectable to the normal senses, or electrical interference or vibrations perceptible, at any lot line.
- E. The following land uses cannot be established as a Home Occupation or Cottage Industry:
 - 1. Boarding or rooming homes.
 - 2. Bed and breakfast establishments.
 - 3. Adult uses.
 - 4. Any business which involves the storage of weapons such as firearms (other than residents' hunting, protection and leisure weapons).¹²
- F. Any need for parking generated by the Home Occupation or Cottage Industry shall be met off street and other than in a required front yard.
- G. No outdoor storage of any kind, visible from a property line or a public or private right-of-way or vehicular access easement, is permitted.
- H. The business owner is responsible for ensuring compliance with all local, state, and federal taxing requirements.
- I. All applicable County, State, and Federal requirements must be met.

Section 4A.2 Exempt Activities

The following land uses do not constitute a Home Occupation or Cottage Industry, and do not require a Zoning Certificate:

- A. Telecommuting.
- B. A computer-based occupation involving one full-time resident and no other on-site employees, provided that the occupation generates no additional vehicular trips, no customer visits, no additional shipping or mailing that exceeds a normal residential volume, and would not be otherwise prohibited by this Article. This category includes internet-based sales activities that do not require the presence of inventory at the property, such as drop-shipping.
- C. The participation of an individual location in an event conducted annually or twice yearly with multiple locations, such as a home and garden tour or an art studio tour.

Section 4A.3 Home Occupation, Level 1

An occupation conducted in a dwelling unit for gain provided that:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation. Said members must be full time residents of the premises.

- B. The use shall be conducted wholly within the dwelling unit and shall not exceed one third (1/3) of the floor area of the dwelling unit.
- C. There shall be no sales, other than items handcrafted on the premises, in connection with such home occupation. Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.
- D. Traffic generated by such home occupation must not exceed two (2) business related vehicle visits per day no more than ten (10) visits per week at the premises.

Section 4A.4 Home Occupation, Level 2

An occupation conducted in a dwelling unit for gain, provided that:

- A. The occupation must be conducted by a full-time resident of the property. Up to two (2) nonresident employees also may be permitted to work on the premises.
- B. The use shall be conducted wholly within the dwelling unit and shall not exceed one third (1/3) of floor area of the dwelling unit.
- C. One sign, not exceeding two (2) square feet in area, non-illuminated, is permitted.
- D. There shall be no sales, other than items crafted on the premises, in connection with such home occupation. Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.
- E. No more than three (3) business-related vehicle visits per day and no more than 15 visits per week at the premises, including delivery vehicles, but excluding employee commuting, shall be permitted.
- F. The subject property shall be posted conspicuously by a zoning notice no less than 28 inches by 22 inches in size, at least 15 days prior to approval of a Zoning Certificate for the land use. The sign will be prepared by the Office of Planning and Zoning but posting the sign is the responsibility of the applicant.
- G. For a Home Occupation located in an existing residential subdivision established after July 17, 1979, the minimum lot size is 20,000 square feet.

Section 4A.5 Cottage Industry

An occupation conducted at a residential premises for gain, provided that:

- A. The occupation must be owned and operated by a full-time resident of the property. Up to four (4) nonresident employees may be permitted to work on the premises.
- B. The use may be conducted at least in part within the dwelling unit. Said use area within the dwelling unit shall not exceed one half (1/2) of the floor area of the dwelling unit. Two subordinate structures shall be permitted in accordance with the requirements of this Article.
- C. There shall be no change in the outside appearance of the residential structure. One sign, not exceeding four (4) square feet in area, non-illuminated may be permitted.
- D. Sales on the premises shall be permitted with the limitation that no less than 75 percent of the items for sale shall be products produced on the premises and that items not produced on premises shall be items similar or related to the items produced on the premises. Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.
- E. No more than 15 business-related vehicle visits per day and no more than 60 visits per week at the premises, including delivery vehicles, but excluding employee commuting, shall be permitted.

- F. Submittal of a sketch plan is required for all Cottage Industry applications. The plan need not be prepared by a licensed engineer or surveyor. Use of a sketch plan does not preclude compliance with applicable County, State, and Federal regulations. The plan submittal shall include the following elements:
1. Accurate locations and dimensions of all existing and proposed:
 - a. Structures, paved areas, parking areas and drive aisles (including setbacks from property lines)
 - b. Septic areas
 - c. Access points to roads, driveways, and easements
 - d. Property boundaries
 2. Most recent deed for the property
- G. Additionally, site plans pursuant to the Subdivision and Land Development Regulations are required if the combined gross floor area of a new building, an addition, and/or an existing accessory structure as described in (1) – (4) below, to be used as a Cottage Industry, exceeds 1,500 square feet but is less than 3,000 square feet:
1. New accessory structures, or
 2. An addition to an existing residence or accessory structure, when the addition is intended for use as part of a Cottage Industry;
 3. Existing accessory structures that are to be converted to be used as a part of the Cottage Industry, if constructed during the five years prior to application for a Zoning Certificate for a Cottage Industry;
 4. An existing structure or addition built without a required, valid building permit or Improvement Location Permit after December 20, 1975.
- H. The maximum combined gross floor area of a new building, an addition, and/or an existing accessory structure as described in subsection J.1 – 4, to be used as a Cottage Industry, is 3,000 square feet. For any additional building area exceeding 3,000 square feet, the development and property shall meet all requirements of the Subdivision and Land Development Regulations and the Zoning and Land Development Ordinance. Setbacks shall be as provided below for an accessory structure used for a Cottage Industry:
1. For an accessory structure lawfully constructed during the five years prior to application for a Zoning Certificate for a Cottage Industry, setbacks are 25 feet from all lot lines.
 2. For an accessory structure lawfully constructed more than five years prior to application for a Zoning Certificate for a Cottage Industry, the applicable zoning district setbacks for an accessory structure apply.
- I. For a Cottage Industry located in the Residential Growth District or an existing residential subdivision, the minimum lot size is two (2) acres.
- J. If a proposed Cottage Industry would utilize a private, shared right-of-way, driveway or easement for vehicular access, owners of all properties with vehicular access to the right-of-way or easement shall be notified of the proposed use. A letter shall be sent by certified mail to the homeowners association (HOA) for distribution by the HOA; however, if an HOA does not exist, letters shall be mailed to individual property owners accessing the right-of-way or easement within 1,000 feet (as measured along the right-of-way or easement) of the property line. The applicant shall provide proof of the mailing to Staff.³²

- K. The subject property shall be posted conspicuously by a zoning notice no less than 28 inches by 22 inches in size, at least 15 days prior to approval of a Zoning Certificate for the land use. The sign will be prepared by the Office of Planning and Zoning but posting the sign is the responsibility of the applicant.

Section 4A.6 Private Covenants Running with the Land

Jefferson County shall not enforce or become involved in the enforcement of deed restrictions, covenants, easements, or any other private agreement, and, in the review of development proposals, the County will apply only its regulations to evaluate the proposal. All such restrictions shall be enforced by the parties to the restriction. It is the responsibility of an applicant for a proposed Cottage Industry or Home Occupation to research any private agreements relating to the subject property, contact the Homeowners' Association, or seek the advice of a surveyor, engineer or attorney.^{17, 21, 24}

ARTICLE 4B: WIRELESS TELECOMMUNICATION FACILITIES^{10, 22}

Section 4B.1 Purpose and Legislative Intent

The purpose of Article 4B, Wireless Telecommunication Facilities, is to balance the needs of residents of and visitors to Jefferson County for reliable access to wireless telecommunication networks and services with the community's desire to preserve the County's rural, historic and agricultural character and the quality of its residential neighborhoods.

To accomplish these objectives and to ensure that the placement, construction or modification of wireless telecommunication facilities complies with the provisions of the Telecommunications Act of 1996 and other Federal laws, and is consistent with Jefferson County's land use policies and Comprehensive Plan, this Article is intended to regulate the construction, placement and operation of wireless telecommunication facilities within Jefferson County. When any provision of this article is in conflict with any provision of the Jefferson County Zoning Ordinance or the Jefferson County Subdivision and Land Development Regulations, the stricter regulation shall apply.

This Article establishes parameters for the siting of Wireless Telecommunication Facilities. It is Jefferson County's intent to:

- A. Ensure access to reliable and robust wireless communications services throughout Jefferson County consistent with the aforementioned objectives;
- B. Encourage the use of existing structures such as buildings, water towers, silos, church steeples, monopoles, lattice towers, utility poles, electric distribution and transmission structures and other existing structures for the co-location of Wireless Telecommunication Facilities;
- C. Encourage the location of new Wireless Telecommunication towers in non-residential areas, with taller towers limited to the Industrial-Commercial zoning district;
- D. Minimize the number of new Wireless Telecommunication Towers that would otherwise need to be constructed by providing incentives for the use of existing structures;
- E. Encourage the location of new Wireless Telecommunication Towers, to the greatest extent possible, in areas where the adverse impact on the community will be minimal; and by encouraging the use of camouflage or concealment to create structures such as silos, faux trees and flagpoles that mimic elements that typically are found on Jefferson County's agricultural landscape and that appear in scale and context with their surroundings;
- F. Minimize or mitigate the potential adverse visual effects associated with the construction of Wireless Telecommunication Towers through the implementation of reasonable design, landscaping and construction practices;
- G. Ensure public health, safety, welfare, and convenience; and
- H. Conform to Federal and State laws that allow certain antennas to be exempt from local regulations.

Section 4B.2 Classification of Wireless Telecommunication Facilities^{32, 35}

For purposes of administering this Article, Wireless Telecommunication Facilities (hereafter "Facilities" or "Facility") shall be classified as follows:

- A. Exempt Facilities as specified in Section 4B.3
- B. Concealed Wireless Telecommunication Facilities
- C. Co-located Wireless Telecommunication Facilities
- D. Temporary Wireless Telecommunication Facilities
- E. Wireless Telecommunication Towers

Exempt Facilities are allowed by right. Prior to the issuance of a Zoning Certificate, all other types of new Wireless Telecommunications Facilities listed above require approval of a Minor Site Plan as described in the Jefferson County Subdivision and Land Development Regulations and also meeting the submittal and design requirements of this Article. Additionally, Wireless Telecommunication Towers shall require submittal of ~~a Concept Plan and a public hearing to allow for~~ an analysis of demonstration of need, neighborhood compatibility, impact on cultural and historic sites, and visual mitigation.

~~Within ten (10) days of receiving a Concept Plan application for a Facility, Staff shall notify the applicant in writing (1) that the application is sufficient or (2) the particular information needed as required by the provisions of this Article and the Jefferson County Subdivision and Land Development Regulations, to constitute a sufficient application. Once the additional information is received and the application is found to be sufficient, Staff shall notify the applicant of that finding.~~

Section 4B.3 Exempt Facilities Allowed by Right

This section covers antennas other than those associated with commercial wireless telecommunication facilities, such as facilities associated with governmental users, television and radio broadcast facilities, and private business users requiring an antenna support structure of twelve feet or less. Antennas allowed by right subject to special requirements of this section include:

- A. Amateur radio facilities mounted on supporting structures less than 100 feet in height provided however, that commercial wireless providers and private business users may not co-locate antennas on an amateur radio tower irrespective of its height.
- B. Residential antennas for receiving television or AM or FM radio broadcast signals.
- C. Residential or business customer premise antennas for receiving microwave, satellite or broadcast television signals, provided such antennas are less than one meter (39.4 inches) in diameter and are mounted on a support structure less than twelve (12) feet in height.

Section 4B.4 Concealed Wireless Telecommunication Facilities

Concealed Facilities are permitted in all zoning districts. The Zoning Administrator may issue a Zoning Certificate for a Concealed Facility consistent with the following terms and conditions:

- A. Concealed Facilities are permitted on buildings and alternative structures (other than telecommunication towers).
- B. For purposes of this section antennas mounted on electric transmission towers shall qualify as Concealed Facilities provided that antennas associated with such facilities do not extend more than twenty (20) feet above the top of the supporting structure. Equipment enclosures associated with such facilities may be mounted on the structure, placed underground or on the ground. If placed on the ground, equipment enclosures shall be placed on a concrete pad, metal skid or platform, or other foundation and screened so as to make them unobtrusive.
- C. For purposes of this section antennas mounted on an electric distribution pole, utility or street lighting pole or traffic light pole shall qualify as a Concealed Facility provided antennas associated with such facilities shall not extend more than twenty (20) feet above the top of the existing support structure.
- D. Utility poles may be extended up to twenty (20) feet in height to accommodate antennas for a Concealed Facility.
- E. For any utility pole height increases in the Harpers Ferry Overlay District, Staff shall refer the application to the Jefferson County Historic Landmarks Commission for review and comment before issuing a Zoning Certificate.

- F. Applications for such utility pole height extensions in the Appalachian Trail Overlay District shall be referred by Staff to the Appalachian Trail Conservancy and the National Park Service for review and comment prior to issuance of a Zoning Certificate.
- G. Antennas associated with Concealed Facilities, if flush-mounted on the side of a building or alternative structure, shall be camouflaged to match or complement the color and architectural texture of the surface.
- H. Antennas associated with a Concealed Facility shall not be co-located on a tower or other support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.
- I. Equipment enclosures associated with Concealed Facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or façade which is camouflaged to match or complement the color and architectural treatment of the building. If antennas are placed on a structure other than a building, equipment enclosures associated with the facility may be mounted on the structure or placed underground or at ground level on a concrete pad, metal skid or platform, or other foundation. If placed at ground level, such equipment enclosures shall be screened so as to make them unobtrusive.
- J. All cabling and wiring connecting antennas, equipment enclosures, and other components of Concealed Facilities shall be colored or concealed in a manner that renders them unobtrusive.
- K. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between 8:00 a.m. and 7:00 p.m.
- L. Equipment associated with a Concealed Facility not located in a public right-of-way must meet the setback requirements for the zoning district in which it is located.

Section 4B.5 Co-located Wireless Telecommunication Facilities

Co-located Wireless Telecommunications Facilities are permitted within all zoning districts. Co-location includes the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure or Concealed Telecommunication Support Structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. The Zoning Administrator may issue a Zoning Certificate for a Co-located Facility consistent with the following terms and conditions:

- A. Antennas associated with a Co-located Facility shall not be co-located on a support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.
- B. Co-located Facilities shall meet the following design standards:
 - 1. Antennas associated with a Co-Located Facility located on a monopole shall, where practical, be mounted so as to present the smallest possible silhouette, profile or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:
 - a. Antennas within a cylindrical radome matching the diameter of a monopole;
 - b. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.
 - c. Antennas mounted as an array arranged around a platform extending from the monopole.
 - 2. All equipment enclosures and other improvements accessory to a co-located Facility shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure may exceed twelve (12) feet in height.

3. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between the hours of 8:00 a.m. and 7:00 p.m.
4. Equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. Staff may require as a condition of approval that the fencing be screened by a landscaped buffer of at least 10 feet in width planted along the entire exterior perimeter of the fence. Such a buffer must contain at least one row of native vegetation and form a continuous screen at least 6 feet in height. All buffer yards shall be maintained by the property owner. It will be the responsibility of the property owner to maintain the buffer yard and to replace any trees or shrubs that die. The landscaping requirements of this section do not apply to an application for co-location on a site with an approved site plan. Staff may waive or modify the fencing requirement upon a determination that doing so will enhance the overall appearance of the facility without any compromise in safety or security.
5. Signage at any ground-based portion of a Co-located Facility site shall conform to FCC and FAA standards. No commercial signage is permitted.
6. Before an application for a Co-located Facility can be processed, a copy of the applicant's FCC license must accompany its application. If FCC licenses for the applicant have been provided to the Office of Planning & Zoning in conjunction with previous wireless facility applications, the applicant may certify that such licenses remain in full force and effect.

Section 4B.6 Temporary Wireless Telecommunication Facilities

Temporary Facilities are permitted in all zoning districts. The Zoning Administrator may issue a Zoning Certificate for a Temporary Facility consistent with the following terms and conditions:

- A. Temporary Facilities, including but not limited to Cell on Wheels (COW), may be placed at or near the location of an existing, proposed or approved Facilities for periods up to seventy-two (72) hours for equipment or signal propagation testing purposes or, where an existing facility is temporarily unavailable due to scheduled or unscheduled maintenance, without any requirement for a permit. Where scheduled or unscheduled maintenance will extend beyond seventy-two (72) hours, the wireless provider must obtain a Zoning Certificate. The Zoning Administrator may issue such a certificate for up to thirty (30) days upon a showing of good cause by the applicant. Such certificate may be extended for an additional thirty (30) day period if the applicant can demonstrate that extenuating circumstances necessitate an extension.
- B. In the event of a natural disaster, catastrophic event or public emergency that either renders an existing Facility unusable, or creates an urgent need for supplemental capacity to manage the emergency, temporary facilities may be placed in any area as necessary to provide coverage or capacity for longer periods upon the authority of the Director of the Office of Homeland Security and Emergency Management, with notification to the Director of the Department of Engineering, Planning, and Zoning.
- C. Permits may be issued by the Department for up to one week for temporary facilities needed in conjunction with scheduled special events at specific locales that are likely to generate a need for additional capacity at the event which is expected to exceed existing installed capacity.
- D. Fees for permits for Temporary Facilities shall be in accordance with the Office of Planning and Zoning schedule of fees and charges.

Section 4B.7 Wireless Telecommunication Towers³⁵

Wireless Telecommunication Towers (hereafter “Tower” or “Towers”) are permitted in all zoning districts subject to the provisions of this section. The provisions of this section apply to an application for a new Tower, as well as for a major modification to an existing Facility or Support Structure that results in a substantial change to the facility or structure, including but not limited to a height extension of more than twenty (20) feet or ten percent (10%) of the current height of a facility or structure, whichever is greater, and/or replacement of the structure.

This section is not applicable to co-location of a new antenna array on an existing structure.

A. Site Plan Required

A minor site plan shall be required for all new Towers, as well as for Major Modifications to an existing Facility or Support Structure resulting in a substantial change to the Facility or Structure. ~~In addition to the site plan review requirements of the Subdivision and Land Development Regulations, the site plan shall include all elements of a Concept Plan as established in Subsection B, and shall address conditions established by the Planning Commission in its review of the Concept Plan.~~

B. Additional Requirements ~~Concept Plan Submittal and Public Hearing Required~~

In addition to the requirements for a minor site plan, a proposed Tower shall ~~require the submittal of a Concept Plan, subject to the following~~ submit the following requirements:

1. Required elements for a Wireless Telecommunications Tower ~~Concept Plan~~ shall be the same as for a site plan as established in the Subdivision and Land Development Regulations, Appendix A, Section 1.3A, with the exception of Subsections 1.3A.20-22, 24-29, 31-35.
2. The following additional elements must be submitted:
 - a. Outside dimensions, use, and setbacks of all existing and proposed buildings, structures, towers, antennas, utility lines, driveways, and parking areas.
 - b. Height of the proposed tower measured from ground level at the center of the proposed structure, and height comparison to any nearby buildings or trees, or other applicable structures and natural landforms part of the site’s background and foreground landscape.
 - c. Elevations and Cross-Section: Display topography with all proposed facilities including tower, equipment shelter and existing buildings.
 - d. Number, size and location of proposed and existing antennas; number of co-locations possible.
 - e. Method of camouflage (if any).
 - f. Locations of known historic structures.
 - g. A description of the anticipated construction and installation schedule.
 - h. Documentation verifying compliance with applicable Federal Communications Commission (FCC) standards and requirements to provide the proposed services.
 - i. Narrative addressing the design criteria of this section.
 - j. Dates, address list, and notice for Balloon Test.
 - k. Balloon Test exhibits as required in Subsection G of this Section.
 - l. Propagation maps as required in Subsection F of this Section.
 - m. Any other relevant information.
 - n. Additional application requirements of Subsection H of this Section.

3. Submittal and review ~~of a Concept Plan shall follow the review process and timeline established in Section 24.119—24.122 of the Subdivision and Land Development Regulations,~~ with the following exceptions:
 - a. The application shall be exempt from Section 24.120A, Agency Reviews, and Section 24.120D, WVDOH, except as otherwise provided in this Subsection.
 - b. ~~Submit the following: Following Staff's determination of the sufficiency of a Concept Plan application:~~
 - i. Staff shall notify the Jefferson County Historic Landmarks Commission of an application filing.
 - ii. The Applicant shall provide a copy of the completed ~~Concept Plan~~ application to the Appalachian Trail Conservancy and the National Park Service, if required by the Cultural and Historic Sites Review standards of this Section.
 - c. ~~The Concept Plan shall be reviewed at a public hearing conducted at a scheduled Planning Commission meeting.~~ The scope of this ~~review~~ **public hearing** shall include a demonstration of need as required under this Article, neighborhood compatibility, impact on cultural and historic sites, visual mitigation, the submittal and design criteria of this Article, and the compatibility of the facility proposal with the Comprehensive Plan, as well as any relevant information presented by any person that addresses the purpose and intent of this Article. ~~The Planning Commission shall review the proposed Tower for compliance with the standards in this Article and, if applicable, provide conditions relevant to the scope of the public hearing and/or unique characteristics of the proposed development site, to be addressed in Staff's approval of the site plan.~~
 - d. ~~Before Staff may approve a site plan for a Tower, the Planning Commission must find, by a majority vote, that the Concept Plan application complies with this Article, and that the application is consistent with the Comprehensive Plan.~~

C. Retention of Consultants

Staff may elect to retain outside consultants or professional services to review a ~~Concept Plan or~~ site plan application for a Tower and to make recommendations on relevant issues including, but not limited to, verification of the applicant's compliance with the provisions of this Article, analysis of alternatives, conditions of approval, and compliance with State and Federal rules and regulations at the applicant's expense. Fees charged to the applicant shall not exceed the actual cost of services rendered.

D. Applicant's Burden of Proof

The applicant for a site plan for any Tower bears the burden of demonstrating by substantial evidence in a written record that a *bona fide* need exists for the proposed structure at its proposed height and location-as required in Subsection F, "Demonstration of Need", and that it has met all submittal and design criteria in this Article.

E. Proof of Eligibility

Speculative Towers are prohibited. Before an application for a Tower can be processed, a copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the Tower within six (6) months of issuance of a certificate of occupancy for the Tower. Such demonstration shall include submittal of an affidavit by the FCC licensee(s), and a copy of each wireless provider's FCC license. If such FCC licenses have been provided to Staff in conjunction with previous tower applications, the applicant may certify that such licenses remain in full force and effect.

F. Demonstration of Need

As part of its application submission ~~for a Concept Plan and~~ for a site plan the applicant shall be required to submit propagation maps demonstrating a technical need for its proposed Tower and justifying the height of its antennas on the structure. One propagation map shall depict existing coverage without the proposed site and another depicting coverage with the proposed site. Such maps shall identify all adjacent sites whether existing, approved or proposed, and each map shall be accompanied by an engineer's affidavit attesting to the parameters or variables used to create the map.

Such propagation studies shall be submitted in both hard copy and in electronic format to facilitate information sharing, inclusion on the county's web site and to otherwise maximize public awareness.

G. Balloon Test

1. An applicant shall conduct a balloon or crane test to simulate the maximum height of the proposed Tower. Following the test, the applicant shall submit color photo simulations showing the proposed structure as it would appear viewed from the closest residential property or properties and from adjacent roadways. Photographs should be taken from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and from up to five significant structures or locations identified by Staff. A map shall be supplied identifying the location of each photo. Before and after photo exhibits will be presented.
2. Notice of the dates and times of such tests shall be mailed to all property owners within a one-quarter mile (1320 feet radius) from the proposed location, in addition to the Historic Landmarks Commission at least ten (10) days prior to such tests. The applicant shall utilize address and owner information on file at the Jefferson County Assessor's Office. Such notices shall designate a primary date and an alternate date in case of inclement weather. Notices shall state that there is an application to the Planning Commission for a Wireless Telecommunication Tower on the property and provide the file number. Staff shall review and approve the sufficiency of the notice and the list of addresses prior to mailing. An affidavit of mailing accompanied by a list of recipients and addresses shall be included in the application file.
3. Such notice shall also be published in the legal advertisements section of a newspaper of general circulation in Jefferson County at least ten (10) days prior to such tests. Such notices shall designate a primary date and an alternate date in case of inclement weather. The newspaper's affidavit of publication shall be submitted as part of the application file.
4. In the event the applicant seeks to increase the height of the proposed Tower, or move its location more than one hundred (100) feet laterally, from that stated in its original notices, additional notice shall be required to be given consistent with the above requirements.

H. Preferred Structures and Locations Policy

1. Co-location Encouraged. Prior to the approval of the construction of a new Tower, it is the policy of Jefferson County to encourage co-location of wireless facilities in the following locations:
 - a. Co-location of antennas on existing electric transmission towers.
 - b. Co-location and the use of existing or approved towers, buildings or alternative structures such as buildings, water towers, silos, church steeples, and utility poles more than fifty (50) feet in height within a one-quarter mile radius of a proposed Tower, where appropriate.
2. Preferred Support Structures. In light of Jefferson County's agricultural, and increasingly residential character, it is the policy of Jefferson County that for Facilities located outside the Industrial-Commercial zoning district, support structures for antennas are desired in the following descending order of preference:

- a. Silos
 - b. Other Alternative Structures
 - c. Monopoles
 - d. Lattice Towers
3. Preferred Locations. For new Towers, it is the policy of Jefferson County to encourage use of the following facilities or locations, in descending order of priority:
- a. The Industrial - Commercial District
 - b. Non-residential areas screened by existing vegetation and located outside of the Industrial-Commercial District
4. Application Requirements. In furtherance of the Preferred Structures and Locations Policy in this Article, the following provisions shall apply to an application for a site plan for a Tower:
- a. The application must demonstrate that the proposed Tower is designed structurally, electrically, mechanically and in all other respects to accommodate additional wireless users unless the applicant demonstrates that structure height, topography, or other factors render this requirement unfeasible. An application must include an affidavit from the tower owner affirming that, subject to exceptions for structure height, topography, or other factors which make co-location unfeasible, the Tower is available for co-location.
 - b. A site plan for a Tower shall not be approved if an electric transmission tower with capacity of 230 kV or less is located above, or within twenty-five (25) feet below, the ground elevation of, and within a one quarter mile radius laterally, of a proposed Tower, unless the applicant can demonstrate that:
 - i. Sufficient easements or other interests in real property cannot be obtained to accommodate the Facility on the electric transmission tower;
 - ii. The electric utility owning the electric transmission tower is unwilling to allow its use for wireless facilities;
 - iii. Reasonable terms, rates, or conditions cannot be negotiated with the electric utility;
 - iv. The location of the Tower will not allow the applicant to meet coverage or capacity requirements; or
 - v. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon existing or approved towers.
 - c. Where suitable electric transmission towers are not available for co-location of antennas, a site plan for a Tower located outside the Industrial-Commercial zoning district shall not be approved unless the applicant demonstrates that the equipment planned for the proposed Tower cannot be accommodated on existing or approved towers, buildings, silos or other alternative structures more than fifty (50) feet in height within a one-quarter mile radius of the proposed Tower due to one or more of the following reasons:
 - i. The planned equipment would exceed the structural capacity of the existing or approved tower, building or alternative structures, as documented by a qualified and licensed professional engineer, and the existing or approved tower, building or structure cannot be reinforced modified or replaced to accommodate planned or functionally equivalent equipment at a reasonable cost;

- ii. Existing and approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably, as documented by a qualified and licensed professional engineer;
- iii. Reasonable terms, rates, or conditions cannot be negotiated with the owner of the structure and/or property;
- iv. The location of the structure will not allow the applicant to meet coverage or capacity requirements; or
- v. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon existing or approved towers, buildings or alternative structures.
- d. Antennas associated with an application for a Facility may not be co-located on a tower or other support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.

I. Cultural and Historic Sites Review

1. In addition to the notification requirements of this Section, an application for a Tower shall comply with the following:
 - a. An application for a proposed Tower within the Harpers Ferry Overlay District shall be provided, by the applicant, to the National Park Service for review and comment, and the applicant will provide Staff an affidavit certifying delivery.
 - b. An application for a proposed Tower located within one mile of the Appalachian Trail shall be provided, by the applicant, to the Appalachian Trail Conservancy and the National Park Service for review and comment, and the applicant will provide Staff an affidavit certifying delivery.

J. Design Criteria

Wireless Telecommunication Towers shall comply with the following design criteria:

1. Antenna Mounting Preferences

Antennas associated with a Tower shall, where practical, be mounted so as to present the smallest possible silhouette, profile or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:

- a. Antennas within a cylindrical radome matching the diameter of a monopole.
- b. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the Tower.
- c. Antennas mounted as an array arranged around a platform extending from the monopole.

2. Height Restrictions

- a. Towers in the Industrial-Commercial zoning district shall not exceed 199 feet. Towers in all other zoning districts shall not exceed 100 feet. If a silo is used for a support structure for antennas, the height of the silo shall not exceed 120 feet.
- b. Antennas may extend up to twenty (20) feet above the height of existing electric transmission towers if such height extensions are preferable to placement of a new Tower.

3. Fall Zone

- a. With the exception of silos, Towers shall be set back from all property lines a distance equal to 110% of tower height measured from the base of the structure to its highest point. Additional easements may be acquired on adjacent properties to meet the fall zone requirement.
- b. No residential dwellings may be located in the fall zone on either the primary parcel or in any easement area on adjacent parcels.

4. Signage

Signage at any ground-based portion of a Facility site shall conform to FCC and FAA standards. No commercial signage is permitted.

5. Lighting & Marking

Towers shall not be lighted or marked unless required by the FCC or by the FAA.

6. Electrical Supply

Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between the hours of 8:00 a.m. and 7:00 p.m.

7. Fencing

Towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The Planning Commission may require as a condition of approval that the fencing be screened by a landscaped buffer of at least 10 feet in width planted along the entire exterior perimeter of the fence. Such a buffer must contain at least one row of native vegetation and form a continuous screen at least 6 feet in height at planting. All buffer yards shall be maintained by the property owner. It will be the responsibility of the property owner to maintain the buffer yard and to replace any trees or shrubs that die.

The Planning Commission may waive or modify the fencing requirement upon a determination that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

8. Tower Color

Towers shall have a flat gray or galvanized finish unless the Planning Commission determines that another color scheme would be a preferable alternative to address visual mitigation and such scheme is consistent with FCC and FAA standards for antenna structure marking.

Section 4B.8 Maintenance & Removal Bonds

Prior to issuance of a Zoning Certificate, each applicant for a Facility shall be required to execute a standard Maintenance / Removal agreement binding the applicant and its successors and assigns to properly maintain the exterior appearance of, and to ultimately remove such facilities, upon abandonment or cessation of operations. The applicant shall be required to post a bond for this purpose in accordance with the Department of Engineering, Planning, and Zoning schedule of fees and charges. The applicant shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the Maintenance/Removal agreement have been satisfied. Private business users operating a single Facility at their principal place of business and Governmental Users are exempt from this bond requirement.

Section 4B.9 Abandonment & Removal

- A. Any Facility or Support Structure that is not operated for a period of twelve (12) consecutive months may be referred to the Property Safety Enforcement Agency Board for a determination of the structural soundness of the Facility or Structure.
- B. If a structure is determined to be unsound, it will be considered abandoned.
- C. The owner or operator of any Facility or Support Structure shall remove the Facility pursuant to the requirements of the Jefferson County Property Safety Ordinance.

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

Section 5.1 Establishment of Districts¹

For the purpose of this Ordinance, all land within the County, exclusive of the incorporated towns, is hereby designated as one of the following zoning districts:

RG	Residential Growth District
I-C	Industrial-Commercial District
R	Rural (Agricultural) District
R-LI-C	Residential-Light Industrial-Commercial District
V	Village District ²³
NC	Neighborhood Commercial ²⁷
GC	General Commercial ²⁷
HC	Highway Commercial ²⁷
LI	Light Industrial ²⁷
MI	Major Industrial ²⁷
PND	Planned Neighborhood Development ²⁷
OC	Office / Commercial Mixed-Use ²⁷

Section 5.2 Boundaries of Districts

Unless otherwise indicated on the zoning district maps, the boundary lines of the districts shall follow lot lines, centerlines of streets, alleys, corporate limit lines, or centerlines of waterways as existing at the time of the adoption of this Ordinance.

Section 5.3 District Maps

The districts shall be of the size and shape shown on the Jefferson County Zoning Maps and shall hereby be made a part of this ordinance. A copy of the said maps shall be signed by the County Commissioners upon the adoption of these regulations and recorded within the Courthouse.

The Jefferson County zoning layer is parcel-based, maintained in a Geographic Information System (GIS), and shall be the basis for the County's official zoning map. Within 30 days of final County Commission action on a zoning map amendment, GIS/Addressing staff will update the digital zoning layer and make the new data available online.²³

On an annual basis, in December, and within 30 days of final County Commission action on a zoning map amendment, a new zoning map will be printed which includes the most up to date base layer data, all approved zoning designations since the last printed map, and an effective date, certified by the President of the County Commission, filed with the County Clerk's office, and a copy provided to the Planning Commission. This annual map update shall not require a public hearing and such certification shall occur administratively.²³

Section 5.4 Residential Growth (RG) District

The Residential Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate and compatible integrated part of a residential development in conformance with Section 5.4C of this Ordinance.³²

The following regulations govern development within the Residential Growth District.

A. Principal Permitted and Conditional Uses^{23,27, 32}

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.^{27, 32}
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.^{27, 32}

B. Minimum Lot Area, Height, and Yard Requirements

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.^{23, 27}
2. When computing the dwelling unit yield for a parcel of land, use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in the Jefferson County Subdivision and Land Development Regulations. The balance square footage between the ADU (Area per Dwelling Unit) and the MLA (Minimum Lot Area) shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.^{5,23, 27}
3. All detached accessory structures under 144 square feet in size shall have a setback of 6'.²⁷

C. Commercial Services in Residential Developments²³

1. Commercial services may be included in a residential development providing the commercial uses are intended to serve the residential community proposed and shall relate well to residential areas in terms of pedestrian and vehicular circulation.
2. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less.
3. Commercial uses shall not be built or established prior to the residential development unless built in phases consistent with phasing of the residential construction.
4. These uses shall be located within the interior of the project.
5. Commercial uses shall be subject to the Conditional Use Permit process as outlined in Section 6.3 of this Ordinance. Any proposed commercial use that is served from a road that is proposed to be located on the perimeter of the project or on a State Road shall be required to be considered as a part of the Conditional Use Public Hearing process.^{5, 32}

D. Standards for Commercial Uses^{23, 32}

1. Commercial uses are subject to the following access requirements:³²
 - a. Such uses will not use adjacent residential roads for through traffic; and
 - b. Will connect to principal and major arterial highways as directly as feasible considering access restrictions.⁵
2. Commercial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.³²

Section 5.5 Reserved²³

Section 5.6 Industrial - Commercial (IC) District^{23, 32}

The purpose of this district is to provide locations for manufacturing, processing, and commercial uses which may require extensive transportation and central or public water and sewer services. It is not the purpose of this district to encourage the use of land within the district for retail services; however, it is anticipated that there may be areas or locations where retail services can be reasonably and logically considered due to their relationship with other uses existing within the district, as well as their relationship with the district boundary line or the configuration of the property and the relative scale of the project.

A. Principal Permitted and Conditional Uses^{23, 32}

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 and this section.^{27, 32}
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to the requirements of this section and to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance.^{27, 32}

B. The following heavy industrial uses shall require review and approval of the Board of Zoning Appeals under the Conditional Use Permit process and shall not be located less than 1000 feet from any Residential property line or property listed on the National and State Historic Register/Survey.³²

1. Bituminous concrete mixing and recycling plants
2. Concrete and ceramic products manufacture, including ready mixed concrete plants
3. Petroleum products refining or storage (subject to the requirements for such standards in Article 8)²³
4. Commercial sawmills
5. Salvage Yards (subject to the Jefferson County Salvage Yard Ordinance)
6. Garbage or dead animal reduction or processing
7. Slaughterhouses, Stockyards
8. Acid or heavy chemical manufacturer, processing or storage
9. Cement or lime manufacture
10. Explosive manufacture or storage
11. Foundries and/or casting facilities
12. Mineral extraction, mineral processing
13. Jails and Prisons (subject to requirements for this use in Article 8)²³

C. Height Regulations

No structure shall exceed 75 feet in height except as provided in Section 9.2.

D. 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.^{5, 23, 27}
2. Compliance with Section 4.11 and Section 8.9A(1-9)^{7, 23}

3. Distance Requirements

- a. Commercial shall comply with Section 4.6B
- b. Industrial shall comply with Section 4.6A^{7, 23}

E. Lot Area

A minimum lot size of three acres shall be required for any industrial use unless the site is located in an approved Industrial Park.²³

F. Additional Commercial and Industrial Design Standards²⁷

1. Commercial Design Standards^{23, 27}

- a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 80% of the gross area of the site.
- b. Adequate provision shall be made for storage and collection of refuse. Refuse containers are subject to Section 4.11F.²⁷
- c. Permeable areas of the site shall be planted with ground cover, shrubs and trees.
- d. Lighting shall be provided for all parking areas which will receive night use. Such lighting shall be directed to the parking area and be shielded to prevent adverse glare on adjacent public highways, streets and properties.

2. Industrial Design Standards

- a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 90% of the gross area of the site.²³
- b. Adequate provision shall be made for storage and collection of refuse, subject to Section 4.11F.²⁷
- c. Permeable areas of the site shall be planted with ground cover, shrubs or trees if subject to Section 4.6.

Section 5.7 Rural (R) District^{23, 32}

The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not served with public water or sewer facilities, although certain size developments processed under the cluster provision of Section 5.7D(2) may choose to do so. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the Rural District are subject to Section 5.7D. The Envision Jefferson 2035 Comprehensive Plan recommends that the cluster provision of the Zoning Ordinance be the preferred method of residential development in the Rural zoning district.^{8, 23, 32}

A. Principal Permitted and Conditional Uses^{23, 27, 32}

- 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.^{27, 32}
- 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.^{27, 32}

B. Minimum Lot Area, Lot Width and Yard Requirements²³

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.²⁷
2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.²³
3. Any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in Section 4.6 and the requirements for barns and feeding pens specified in Article 8. Also, any buildings used to store manure shall comply with distance requirements specified in Section 4.6A.²³

C. Height Regulations

No structure shall exceed 45 feet in height except as provided in Section 9.2.³²

D. Maximum Number of Lots Allowed

All parcels of land that were on record as of October 5, 1988 are entitled to subdivide for single family detached residences based on Subsections 5.7D.1, 5.7D.2 or 5.7D.3 below.

A property owner may use a combination of these Subsections, provided that the number of lots are prorated by density. The density rights for any rural development shall be based on the parcel of record as of October 5, 1988 utilizing the following alternatives:^{8, 32}

1. A property owner may create one (1) lot for every 15 acres with a minimum lot size of three (3) acres.^{17, 21}
 - a. Maximum number of lots allowed (density) shall be computed using acreage on record as of October 5, 1988. Any divisions which have occurred since that time shall be subtracted from the maximum number of lots allowed.³²
 - b. A property owner may transfer rights to adjacent parcels which are owned by the same entity.^{17, 21}
2. Clustering
 - a. Purpose and Intent
 - i. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract while retaining a portion of the property as green space³².
 - ii. To provide for a well planned development while minimizing the use of prime agricultural land.
 - b. Requirements
 - i. One (1) lot may be subdivided for every five (5) acres.^{17, 21, 23, 32}
 - (a) Maximum number of lots allowed (density) shall be computed using acreage on record as of October 5, 1988. Any divisions which have occurred since that time shall be subtracted from the maximum number of lots allowed.³²
 - (b) A minimum of 50% of the property shall be retained as green space and shall contain no further development rights unless the property is placed in another zone or further subdivision is allowed by ordinance. A note to this effect shall be placed on all cluster subdivision plats.³²

(c) For every additional 5% green space preservation, the following sliding scale may be utilized.³²

55% green space	1 lot per 4.5 acres
60% green space	1 lot per 4 acres
65% green space	1 lot per 3.5 acres
70% green space	1 lot per 3 acres
75% green space	1 lot per 2.5 acres

ii. The residue of a lot divided utilizing either 5.7D.1 or 5.7D.2 prior to the date of adoption of this amendment on March 16, 2017, shall have additional rights based on the provisions of this Subsection, provided that the total lots developed shall not exceed one lot per five acres based on the parent parcel on October 5, 1988 and all other provisions of this Subsection are complied with.³²

iii. Minimum lot size shall be 40,000 square feet for lots that will be served by individual wells and septic systems; 20,000 square feet for lots that will be served by a central water OR central sewerage system; and 10,000 square feet for lots that will be served by both a central water AND central sewerage system.^{17, 21, 32}

(a) Setbacks shall be 25' front, 12' sides, and 20' rear.

(b) All clusters of three (3) or more lots shall be served by an internal road; provided that all clusters utilizing the sliding scale in 5.7D.2.b shall have an internal road with direct access to a public road identified as a Major Collector or a Minor or Principal Arterial on the Envision Jefferson 2035 Comprehensive Plan Roadway Classification Map.²³

(c) Clusters of three (3) or more lots shall not be along an existing public road.

(d) A property owner may transfer rights to adjacent parcels which are owned by the same entity.^{17, 21}

iv. Procedures²³

(a) Concept Plan. For the subdivision of tracts eligible for cluster lots, a concept plan must be submitted pursuant to the requirements of the Jefferson County Subdivision and Land Development Regulations. All cluster developments must be processed as a Major Subdivision.^{17, 21, 23}

(b) The Concept Plan for a proposed Cluster Development can be combined with the required submittal and process requirements for a Concept Plan for a Major Subdivision as outlined in the Subdivision Regulations, provided that the Concept Plan includes all requirements of the Concept Plan in the Subdivision Regulations and includes the necessary soils and topographic data, together with a written narrative, required for the analysis listed below.³²

(c) The Staff shall review and make a recommendation to the Planning Commission regarding the proposed design and layout of the proposed Cluster Development. Staff shall consider the following when reviewing the Cluster Concept Plan.³²

(1) Soils: The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses.

- (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
 - (d) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating “The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation”.²³
3. If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.³²
4. Subdivisions involving transfers of land between family members known as “Family Transfers”, as defined in Article 2, shall not be subject to the density requirements of this section. All lots that qualify under this section must meet subdivision requirements. Family transfers are not entitled to further subdivide except as another Family transfer.³²
5. Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such.
6. Notwithstanding any other provision contained in Article 5, Section 5.7D, if a property was previously subdivided under the one (1) lot per ten (10) acre provision after October 5, 1988 and before this Ordinance was amended on March 1, 2018, then the property may continue to subdivide, or finish subdividing, utilizing the property’s remaining development rights as they existed at the time(s) when the subdivision was previously processed. These vested rights may be shown on a previously approved Preliminary or Final Plat, Concept Plan, or Community Impact Statement, or otherwise contained within the property’s subdivision files within the Department of Engineering, Planning, and Zoning.³⁴

Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District¹

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.²³

A. Principal Permitted and Conditional Uses^{23, 27, 32}

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.^{27, 32}
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.^{27, 32}

B. Standards²³

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.^{23, 27}
3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.²⁷

C. Site Development Standards^{23, 27, 40}

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.²⁷
2. 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. All commercial or industrial uses must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.^{5, 7, 23, 27}
3. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.^{7, 27}

Section 5.9 Reserved²³

Section 5.10 Village (V) District^{8, 23, 32, 35}

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries. This district is generally intended to be served with public or private water and sewer facilities based on proposed lot sizes.

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

A. Principal Permitted Uses

1. Residential Land Uses
 - a. Refer to Appendix A for site development standards. If applicable, reduced building setbacks may be permitted in accordance with Article 9.
2. Non-Residential Land Uses in Existing Structures
 - a. Building setbacks, parking and drive aisle setbacks, distance requirements, and landscape buffers are not required when a proposed land use is to be located within an existing structure.
 - b. When additional parking for an existing structure is required, a Site Plan shall be submitted. Setbacks shall be as required in Section 5.10A.2(a) with the exception that a four (4) foot screened buffer shall be required along the side and rear property lines. The screening may be either vegetative (existing or planted) or opaque fencing and may be placed anywhere within the four (4) foot buffer. At the time of the planting, vegetation shall be at least six (6) feet in height. No structures, vehicular parking, or stored materials shall be permitted within the side and rear yard buffers.

- c. As a separate variance, in conformance with Section 6.2 of this Ordinance, the Board of Zoning Appeals shall have the discretion to waive a site plan based on the adequacy and number of existing parking spaces.
- 3. Non-Residential Land Uses in New structures and expansions to existing structures
 - a. All new non-residential structures and expansions to existing structures shall comply with site development standards as required by this Ordinance and process a Site Plan in accordance with the Subdivision Regulations.
- B. Conditional Uses²³
 - 1. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to the review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.^{27, 32}
 - 2. Existing Structures
 - a. Parking, Building Setbacks, Landscaping, and Signage shall be addressed as part of the Conditional Use Permit application. The reduced setbacks requirements cited in Section 5.10A.2(a) and (b) shall apply. In lieu of the standard variance process, any proposed deviation from the required parking, building setbacks, landscaping, and signage standards set forth in this Ordinance shall be included in the Conditional Use Permit application and reviewed for approval by the Board of Zoning Appeals.
 - b. As a separate variance, in conformance with Section 6.2 of this Ordinance, the Board of Zoning Appeals shall have the discretion to waive a site plan based on the adequacy and number of existing parking spaces.
 - 3. New Structures and expansions to existing structures
 - a. All new non-residential structures and expansions to existing structures shall comply with site development standards as required by this Ordinance and process a Site Plan in accordance with the Subdivision Regulations.
- C. Non-Residential uses shall not cause any odor, dust, smoke, vibration, noise, or electromagnetic interference, which can be detected at or beyond the property line, in accordance with Article 8.
- D. Proposed uses in a recognized historic district shall obtain approval from the Historic Landmarks Commission and/or other appropriate state or federal agency prior to processing.²³
- E. There will be no outdoor storage of equipment, materials or other stock.

Section 5.11 Neighborhood Commercial (NC) District^{27, 32}

- A. Purpose. The purpose of this district is to permit the development of small scale commercial uses in locations where a commercial use of the intensity permitted in the GC District (and not otherwise permitted in the NC District) is not appropriate. Developments in the NC district should be appropriate in scale, designed, landscaped and buffered so as to be compatible with neighboring land uses.
- B. Location. This zoning category is intended for use on properties:
 - 1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
 - 2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
 - 3. In locations with safe vehicular access on roads that function as collector roads.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.³²
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.³²
3. A non-residential land use in this district may include residential uses on building levels located above the ground floor.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
2. For a non-residential use abutting a commercial or industrial use at a side lot line:
 - a. No side yard building setback is required, unless required by Building Code or other law or regulation.
 - b. Section 4.11A-B does not apply to the side property line that abuts a commercial or industrial use.
3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
 - a. A rear yard building setback may be reduced to 10 feet
 - b. Section 4.11A-B does not apply to the rear property line
4. Section 4.11A-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. Any off-street parking shall be located in the rear or on the side of a building and may not be located between a street and the front facade of a building.
2. Each building shall be limited to a maximum building footprint of 3,500 square feet.
3. 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. The landscaped buffer yard may consist of shrubs, ornamental plants, and vegetative ground cover, and need not screen the view of buildings from the adjacent street(s). The landscaping requirements in this subsection are in addition to any other applicable landscaping requirements of this ordinance. 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 meeting any applicable county requirements may be installed.
4. One bicycle parking space shall be provided for each ten vehicular parking spaces.

5. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
6. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.12 General Commercial (GC) District^{27, 32}

- 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.³²
 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.³²
- 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.

Section 5.13 Highway Commercial (HC) District^{27, 32}

- A. Purpose. The purpose of this district is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this district may be characterized by a broad scale of building sizes, which may include very large buildings that exceed 100,000 square feet of gross floor area for an individual building and which may have a greater impact on surrounding areas as a result of significant truck traffic and other factors. This district may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.
- B. Location. This zoning category is intended for use on properties:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

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.³²
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.³²

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.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.14 Light Industrial (LI) District^{27, 32}

- A. Purpose. The purpose of this district is to provide locations for lighter manufacturing processes which are not as extensive as those provided in the Major Industrial District and can be served with adequate public or community water and sewerage service. In this district, most manufacturing is composed of processing or assembly of previously processed materials.

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.³²
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.³²

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.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.15 Major Industrial (MI) District^{27, 32}

- A. Purpose. This district is intended to provide sufficient space in appropriate locations for a wide variety of industrial activities. The uses in this district can be served with adequate public or community water and sewerage service, and may be characterized by extensive warehousing, frequent heavy trucking activity, and broader manufacturing activity than would be permitted in the Light Industrial 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.³²
- 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.
- E. Additional Requirements
 - 1. Heavy industrial land uses shall not be located less than 1,000 feet from an adjacent property with a dwelling, school, church or institution for human care or a residential zoning district.
 - 2. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.16 Planned Neighborhood Development (PND) District^{27, 32, 35}

- A. Purpose. The purpose of the PND District is to:
 - 1. Encourage flexibility in the development of land in order to promote its most appropriate use;
 - 2. Improve the design, character and quality of new developments;
 - 3. Provide and promote redevelopment and reuse opportunities;
 - 4. Encourage a harmonious and appropriate mixture of uses and/or housing types;
 - 5. Facilitate the adequate and economic provision of streets, utilities and services;
 - 6. Promote safe and convenient travel for pedestrians, bicyclists, transit users, and motorists;
 - 7. Promote connections to adjacent properties, developments, and transportation routes;
 - 8. Preserve critical natural environmental features of the site (including but not limited to wetlands, steep slopes, floodplains, woodlands, watercourses, and karst topography) and scenic features of the site (including but not limited to historic sites, mature trees, open spaces, and agricultural landscapes);
 - 9. Encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses; and

10. Mitigate the problems which may be presented by specific site conditions.

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.³²
2. The Planning Commission may restrict land uses shown as permitted or conditional uses in Appendix C, Principal Permitted and Conditional Uses Table, as part of the approval of a Preliminary PND Plan.³²
3. 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.³²

D. Site Development Standards

1. If not otherwise addressed in the Preliminary PND Plan, 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. However, setbacks and other site development standards may be modified as part of the approval of a PND zoning map amendment request, as described in this article.
2. Modification of Development Standards Allowed
 - a. The Planning Commission may approve modifications of the development standards of this Ordinance and the Jefferson County Subdivision and Land Development Regulations as part of the approval of a Preliminary PND Plan.
 - b. Modification of these standards pertains only to developments associated with the Preliminary PND Plan for which the modifications are approved.

E. Additional Requirements

1. A PND development shall include the following mix of uses, measured as follows, after the Open Space requirement is met:
 - a. 10-30% of the land area shall be commercial
 - b. 10-30% of the residential units shall be multifamily (7+ dwelling units per acre)
 - c. 20-40% of the residential units shall be attached/detached (4-6 dwelling units per acre)
 - d. 0-60% of the residential units shall be detached (1-3 dwelling units per acre)
2. Open Space Requirements
 - a. A minimum of 20% of the total tract area of a PND development shall be composed of common and open space. Up to one-half of the common and open space may be used for active recreation. Acreage within the 100-year floodplain, as designated by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM) or acreage of critical

- natural environmental features (as defined in this article), may constitute up to 50% of the required common and open space area.
- b. At least 20% of the total of the site's existing tree canopy area shall remain undisturbed and shall be so noted on any site plan or subdivision approval associated with the development.
 3. Connectivity Requirements. The development shall provide pedestrian and vehicular connections to each adjacent undeveloped property and/or property containing a non-residential or multi-family use, or to one or more streets in an adjacent residential subdivision. If a connection to an adjacent property cannot be made at the time that the Preliminary PND Plan for the development is submitted, the plan shall include a cross-access easement in a logical location to allow for future connection when the conditions on the adjacent property will allow for connection. Such pedestrian easements shall be permanent.
 4. Street Network. An interconnecting network of internal streets shall be designed to accommodate the various uses found within a PND development. Where possible, all access to sites shall be from these internal streets.
 5. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.
 6. For a PND development proposed to be located on a lot where a trail is shown on a plan adopted by Jefferson County, establishment of a permanent trail easement shall be required prior to site plan approval.

F. Review and Approval Process

The review and approval of a development in the PND district includes the following steps:

1. Pre-Application Conference. Prior to filing a formal application for a Zoning Map Amendment for a PND district, the applicant shall schedule and attend a Pre-Application Conference with Staff. The purpose of the conference is for the applicant to present a general concept for the development, and for staff to inform the applicant of relevant policies, requirements, adopted plans, planning principles, and recommendations. This conference is informal and has no binding effect.
2. Preliminary PND Plan. Submittal of a Preliminary PND Plan is required prior to submittal of a petition for a map amendment to change the zoning designation of a property to the Planned Neighborhood Development district.
 - a. The format and content requirements for a Preliminary PND Plan shall be the same as the Submission and Completeness Review requirements for a Major Site Plan Concept Plan as described in the Jefferson County Subdivision and Land Development Regulations, with the exception of the public workshop and advertising requirements. Additionally, a Preliminary PND Plan shall include the following:
 - i. Graphic illustration of locations of proposed land uses; landscaping areas; pedestrian amenities; interconnectivity of roads, trails, sidewalks, and adjacent parcels; open space areas and areas of undisturbed tree canopy; passive or active recreational areas; setbacks for buildings, parking, drive aisles, and other features associated with the proposed development.
 - ii. Proposed square footages of development by type and proposed residential densities.
 - iii. Proposed building heights.
 - iv. Any requested modifications to the standards of the Zoning Ordinance or the Subdivision and Land Development Regulations.

- b. Following a staff determination that the Preliminary PND Plan is sufficient, the applicant may present a petition for a zoning map amendment to the Planning Commission. The Preliminary PND Plan is a required component of the petition submission.
- 3. Zoning Map Amendment. The procedure for processing a map amendment petition shall be in accordance with the requirements of Article 12 and this Article.
 - a. Presentation of petition for map amendment. The applicant shall present the petition for map amendment to the Planning Commission. As part of the petition, the applicant shall provide a Preliminary PND Plan to the Planning Commission, as described in this article.
 - b. Planning Commission review and public hearing. The Planning Commission shall conduct a public hearing on the proposed zoning map amendment in accordance with Article 12 and this Article. In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements. The Preliminary PND Plan shall be considered during the public hearing. In addition to the review criteria for a Concept Plan as required by the Subdivision and Land Development Regulations, the Planning Commission shall utilize the following criteria in its consideration of a Preliminary PND Plan and any requested modifications to the Zoning Ordinance and/or the Subdivision and Land Development Regulations:
 - i. Consistency with the purpose of the PND district as described in this Article;
 - ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards;
 - iii. Consistency with the Comprehensive Plan.
 - c. As part of its recommendation to the County Commission regarding approval or disapproval of a zoning map amendment as described in Article 12, the Planning Commission shall make a recommendation to the County Commission regarding the Preliminary PND Plan, including any changes proposed by the Planning Commission.
 - d. County Commission review and public hearing. The County Commission shall conduct a public hearing on the proposed map amendment in accordance with Article 12 and this Article. In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements.
 - e. In its deliberation of a proposed map amendment to change a zoning designation to a PND district and any requested modifications to the Zoning Ordinance and/or the Subdivision and Land Development Regulations, the County Commission shall consider:
 - i. Consistency with the purpose of the PND district as described in this Article
 - ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards
 - iii. Consistency with the Comprehensive Plan
 - f. The County Commission shall approve, amend, or deny the Preliminary PND Plan and the zoning map amendment request; and may apply conditions to the approval of a zoning map amendment to a PND district.
 - g. County Commission approval of a zoning map amendment to change the zoning designation of a property to a PND district shall have the following effect:
 - i. Approval of the change in zoning designation;

- ii. Approval of the Preliminary PND Plan;
 - iii. Approval of any modifications to the Subdivision and Land Development Regulations and the Zoning Ordinance; such modifications being associated with the Preliminary PND Plan; and
 - iv. Establishment of any conditions of approval applied by the County Commission.
4. If a request to amend the zoning map designation of a tract to a PND district is approved, the applicant may submit applications for the development of the property as a PND development.
- a. Compliance with Other Ordinances. With the exception of any modifications granted by the County Commission, all applicable requirements of the Zoning Ordinance, the Subdivision and Land Development Regulations, and all other County ordinances must be met, including but not limited to any applicable site plan and subdivision requirements.
 - b. Consistency with Preliminary PND Plan. All applications submitted for the site must be consistent with the requirements of the approved Preliminary PND Plan and shall clearly state any modifications granted.
 - c. Any modifications to the Zoning Ordinance or the Subdivision and Land Development Regulations approved by the County Commission are associated with and indivisible from the approved Preliminary PND Plan.
5. Amendment. Minor changes to a Preliminary PND Plan may be reviewed and approved administratively if the Office of Planning and Zoning determines that such changes are consistent with the purpose and general character of the Preliminary PND Plan. An applicant's request for revisions determined substantive by Staff shall follow the approval process for a Preliminary PND Plan as described in this Article. Substantive changes include but not are limited to changes that would exceed one or more of the percentages noted in a-c below.
- a. A change in total square footage of the development by $\pm 10\%$
 - b. A change in the area of any land use by $\pm 10\%$
 - c. A change in the residential density by $\pm 5\%$

Section 5.17 Office / Commercial (OC) Mixed-Use District^{27, 32}

- 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.³²

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.
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.

ARTICLE 6: Board of Zoning Appeals Applications³²

The Board of Zoning Appeals, in accordance with the procedures outlined in this Section, shall review and consider the following applications: Appeals, Variances, Conditional Use Permits, Seasonal Use Permits, and Special Exceptions.

In exercising its power and authority, the Board of Zoning Appeals may reverse or affirm, in whole or in part, or may modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as the Board deems appropriate.^{17, 21}

Any party may appeal any decision of the Board of Zoning Appeals to the Circuit Court of Jefferson County within 30 days of the Board's decision, pursuant to Chapter 8A of the West Virginia Code, as amended.^{2, 17, 21}

Nothing in this Section shall be construed as permitting the Board of Zoning Appeals to exercise any power or refrain from the performance of any duty not authorized or directed by the provisions of Chapter 8A of the West Virginia Code, as amended, which provisions of the Code are hereby incorporated herein by reference.^{14, 17}

Section 6.1 Appeals³²

The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official in regard to the enforcement of this Ordinance or of any ordinance adopted thereto.

A. Filing an Appeal

1. An appeal to the Board may be taken by any person, board, associate, corporation or official allegedly aggrieved by any administrative decision based or claimed to be based, in whole or in part, upon the provisions of this Ordinance. The property owner of the subject appeal shall sign the application or an affidavit allowing an agent for the property owner to file the application which shall be submitted.
2. Such appeal shall be filed with the Board within 30 days from the decision appealed.

B. Notification

1. Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing.^{5, 17, 21}
2. The subject property shall be posted conspicuously by a zoning notice no less than 28 inches by 22 inches in size, at least 15 days before the hearing. The sign will be prepared by the Office of Planning and Zoning but posting the sign is the responsibility of the applicant. The Board, in its discretion, may otherwise visit the specific property prior to or after the hearing.

C. Public Hearing

1. The Board shall hold a hearing within 45 days of the date the appeal is received in the Office of Planning and Zoning. At the hearing, any party may appear and be heard in person or by agent or attorney.^{5, 8, 17, 21}
2. The Board shall render its determination on the application no more than 30 days following the public hearing by registered mail.

D. Continuance of Hearing

1. The Board may continue a hearing at another time and/or date once such hearing has been started; however, the Board shall announce the date and hour of continuance of such hearing while in session. Any hearing continued shall be held within 30 days from the initial hearing.

Section 6.2 Variances³²

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

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

Section 6.3 Conditional Use Permit³²

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

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

in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use.

7. For Historic Sites, the Historic Landmarks Commission, with the property owner's consent, may visit the property to review the proposed land development plan and use for sites designated as Category I or II. The Historic Landmarks Commission may make reasonable recommendation to the Board of Zoning Appeals on the suitability of a proposed multi-family dwelling or non-residential use for the building seeking a Conditional Use Permit. The Historic Landmarks Commission's recommendations may include the following findings:³⁵
 - a. Compatibility of the proposed use with the historic structure;
 - b. Any modifications to the building's façade is consistent and compatible with the building's architecture, style, and massing; and
 - c. Proposed parking and other activities are suitably located so as to preserve the historic character.

The Board of Zoning Appeals may consider these findings and if determined appropriate, may require compliance with some or all of the Historic Landmarks Commission's recommendations as a condition of approval.

8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6.³⁶
- B. The owner or authorized representative of the owner of the property for which the Conditional Use Permit is being requested shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The Conditional Use Permit request shall be filed with the Board at the Office of Planning and Zoning.
- C. Staff will notify the adjacent and confronting property owners of the date, time, and location of the Public Hearing by registered mail. Notification for a Conditional Use Permit must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.
- E. If there are no negative public comments received by the Board, the Board shall issue the Conditional Use Permit but may require reasonable conditions.

Section 6.4 Seasonal Uses^{5, 7, 32}

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

Section 6.5 Special Exception Permit^{26, 32, 36}

- A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals subject to a public hearing in accordance with the following.
 1. The public hearing is subject to the notification requirements of Section 6.1B.
 2. The public hearing shall be conducted according to the requirements of Section 6.1C.
 3. Such hearing may be continued according to the requirements of Section 6.1D.

B. The following sign may be approved as a Special Exception:

1. Off-Premises Signs per Section 10.5A
2. Billboard Signs per Section 10.5B
3. Electronic Signs per Section 10.5C

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

ARTICLE 7: RESERVED ³²

ARTICLE 8: SUPPLEMENTAL USE REGULATIONS^{23, 32}

Unless otherwise noted, the standards of Article 8 are intended to apply to the land uses referenced in the following sections. Should the standards found in this Article conflict with those found in this Ordinance or the Jefferson County Subdivision and Land Development Regulations, the standards of this Article shall apply. The standards found in this Article are not inclusive. Additional standards may be located within the County's other Ordinances and Regulations.³²

Section 8.1 Adult Use Requirements^{16, 23}

Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, shall only be permitted in the Industrial-Commercial District under the following conditions:

- A. All elements of the use, including parking areas, shall be located at least 1,500 feet from any zoning district other than Industrial-Commercial not separated from the subject property by a public road or railroad right-of-way.²⁷
- B. A proposed adult arcade, adult bookstore, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors or any sign advertising the operation thereof, shall not be permitted within 2,500 feet of a lot with an existing adult use or a lot with a sign advertising an adult use.
- C. All elements of any use described in this section, including parking areas, shall be located at least 1,500 feet from any lot, regardless of its zoning classification, that contains a dwelling unit, a school, a church or house of worship or an institution for human care, regardless it is separated by a public road or railroad right-of-way.

This provision does not apply to any specific existing use that legally qualifies as a nonconforming use; provided, however, that an existing nonconforming use cannot add any of the uses described in this section to their operations as existing on May 1, 2003.

Section 8.2 Animal Housing and Feeding Pens^{23, 32}

Housing for farm animals and feeding pens shall be set back a minimum of 50' from all property lines; excluding chicken coops which may be setback 25' from all property lines if no roosters are housed there.

Structures used to store manure shall comply with distance requirements specified in 4.6E.³²

Section 8.3 Bed and Breakfast²³

A bed and breakfast may contain up to seven bedrooms, and may conduct up to four receptions per year, with one tent per reception. Breakfast is the only meal served, and is served only to overnight tenants and their guests. An owner or designated caretaker must reside on the premises while the bed and breakfast is occupied. Up to two bedrooms may be located in an accessory dwelling unit, provided that the total number of bedrooms associated with the land use does not exceed seven.

Section 8.4 Kennels^{23, 32}

All portions of a Kennel land use must be buffered pursuant to Article 4 and set back at least 300 feet from any other property line that contains a residence. If the adjacent use is a commercial use, setbacks shall comply with commercial setbacks in Appendix B.^{15, 32}

Section 8.5 Farm Brewery, Farm Winery, or Farm Distillery^{23, 26, 32}

A Farm Brewery, Farm Winery, or Farm Distillery may be required to process a Site Plan in accordance with Section 4.10 of this Ordinance and the Jefferson County Subdivision Regulations. A Zoning Certificate

application in accordance with Section 3.2 shall be submitted to the Office of Planning and Zoning prior to commencement of any activities noted in Section 8.5.

A. Farm Brewery³²

1. All structures associated with the operation of a farm brewery may not exceed 20,000 square feet. This limit applies to the use of space for fermenting, processing, bottling, packaging and storage of products, sales, administrative offices, and customer area; however, does not apply to a barn, greenhouse, or similar structure that is directly related to agricultural production.^{26, 32}
2. The use may include facilities for fermenting, processing, bottling, packaging, and storage of products produced on premises.
3. Permitted accessory uses include the following:²⁶
 - a. Incidental tastings of products produced on premises.
 - b. Incidental food sales associated with tastings, not including a restaurant; provided, however, that a restaurant may be permitted through the Conditional Use Permit process.
 - c. Brewpub, as defined in Article 2 of this Ordinance, and in accordance with West Virginia State licensing requirements. A brewpub may provide retail sales of craft beer manufactured on the premises for onsite consumption by the glass or bottle. A brewpub may be established on a separate legal lot of record adjoining a farm operation as long as the brewpub is accessory to the existing farm operation. A brewpub shall not be permitted to operate independent from a farm operation.³²
 - d. Sales of packaged products produced on premises.
 - e. Sales of novelty and gift items associated with products produced on premises.
4. A farm brewery may produce annually up to 5,000 barrels of beer (155,000 gallons) provided that (a) the brewery is located on a farm in Jefferson County on land owned or leased by such brewery or its owner and (b) agricultural products, including barley, other grains, hops, or fruit used by such brewery in the manufacture of its beer are grown on the farm.

B. Farm Winery and Farm Distillery³²

1. All structures associated with the operation of a farm winery or farm distillery may not exceed 20,000 square feet.²⁶
2. No sale of alcohol for onsite consumption is permitted unless licensed as a private club by the state of West Virginia or unless otherwise permitted by state law.^{26, 32}
3. The use may include facilities for fermenting, processing, bottling, packaging, and storage of products produced on-premises²⁶
4. Permitted accessory uses include the following:²⁶
 - a. Incidental tastings of products produced on-premises.
 - b. Incidental food sales associated with tastings, not including a restaurant; provided, however, that a restaurant may be permitted through the conditional use permit process.³²
 - c. Sales of packaged products produced on-premises.
 - d. Sales of novelty and gift items associated with products produced on-premises.
5. Twenty-five percent of the raw products for a product containing alcohol that is produced by a farm winery or farm distillery must be produced (i.e. grown and harvested) on the premises of the farm

winery or farm distillery. No more than 25% of any produce utilized for farm wineries and farm distilleries shall originate from any source outside of West Virginia.²⁶

6. Production limits are as follows:²⁶

- a. A farm winery may produce annually up to 50,000 gallons of wine and similar products.
- b. A farm distillery may produce annually up to 20,000 gallons of alcoholic liquor.

7. Buildings located on the premises may exceed the square footage limit of Section 8.5A provided that the total building area dedicated to the use does not exceed total permitted square footage. This limit applies to the use of space for distilling, bottling, sales, administrative offices, and customer area, and does not apply to a barn, greenhouse or similar structure that is directly related to agricultural production.²⁶

Section 8.6 Farm and Farmer's Market^{23, 32}

- A. A Farm Market shall be located on the land or farm on which the farm products being sold are produced. The floor area of a farm market may not exceed 1,500 square feet, a front yard setback of 25 feet from the street right-of-way must be maintained, and off street parking must be provided.³²
- B. A Farmers' Market is a multi-stall market at which multiple farmer-producers offer agricultural products for sale to the public. Such uses are permitted in commercial zones in accordance with Appendix C and in the Rural Zoning District as a part of a Commercial Agricultural Enterprise.³²

Section 8.7 Jails and Prisons²³

Due to the special conditions surrounding a jail, prison, or penal institution, all such projects shall only be allowed in the Industrial-Commercial and Major Industrial Zones and shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use as provided for in this Ordinance.^{5, 32}

Design Standards for Jails, Prisons and/or Penal Institutions are as follows:⁵

- A. All jails shall have direct access to a primary road as defined by the Jefferson County Comprehensive Plan. Such road shall have a level of service no worse than Level C.
- B. No residential subdivisions, schools, churches or institution for human care shall be within 2000' of the subject property. However, this does not prevent such use from locating within 2000' of a jail, prison, or penal institution.
- C. Setbacks:
 1. Front 1,000 Feet
 2. Sides 1,500 Feet
 3. Rear 1,500 Feet

Section 8.8 Hunting, Shooting and Fishing Clubs²³

- A. Hunting, Shooting and Fishing Clubs may include the following accessory uses:
 1. Private restaurant that seats no more than 80 patrons that are members and guests of members.
 2. Conference and banquet facilities to serve no more than 250 people in which a member rents the facility. Events which are accessory uses other than hunting, shooting, archery and fishing, cannot exceed more than 16 per year.
 3. Private lodge facilities of up to 50 units that serve members and guests.²⁰
 4. Shooting ranges for use of members and guests of members.

B. Standards for Hunting, Shooting and Fishing Clubs²⁰

1. 75 foot setback for all structures and parking.
2. 150 yard setback for all shooting facilities.
3. Height
 - a. As is for conversion or reconstruction that does not exceed 135 percent of the original footprint of existing structures
 - b. 35 feet for new structures
4. Landscaping requirements of this Ordinance apply, with the following exception:
 - a. Perimeter landscaping shall be as approved by staff in order to preserve existing vegetation.
5. Minimum of 150 acres under common ownership.

C. Special Exceptions for Hunting, Shooting and Fishing Clubs²⁰

1. Limits exceeding requirements outlined above can be increased with Board of Zoning Appeals approval provided that the Board of Zoning Appeals find that the increase is compatible with the neighborhood after taking into consideration neighborhood character, traffic, and buffering. Such decision shall be rendered after a public hearing as outlined in the Board of Zoning Appeals Rules of Procedure.

Section 8.9 Industrial and Commercial Uses²³

A. Industrial and commercial uses in all districts shall comply with the following standards:

1. Noise

All noise shall be muffled so as not to be objectionable due to intermitting, beat frequency, or shrillness. Noise levels shall not exceed the following sound levels dB(A). The sound-pressure level shall be measured at the property line with a sound level meter.

<u>Sound Measured In</u>	<u>DAY</u>	<u>NIGHT</u>
	<u>7 AM - 6 PM</u>	<u>6 PM - 7 AM</u>
Adjoining Agricultural or Residential Growth District	60 dB(A)	50 dB(A)
Residential Uses in R-LI-C District	65 dB(A)	55 dB(A)
Commercial Uses	70 dB(A)	60 dB(A)
Light Industrial Uses adjacent to noise source	85 dB(A)	80 dB(A)

The following sources of noise are exempt:

- a. Transportation vehicles not under the control of the industrial use.
- b. Occasionally used safety signals, warning devices and emergency pressure relief valves.
- c. Temporary construction activity between 7:00 a.m. and 7:00 p.m.

2. Odor

No operation shall result in the creation of odors of such intensity and character as to be detrimental to the health and welfare or the public or which interferes with the comfort of the public. Odor thresholds shall be in accordance with ASTM d139-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)" or its equivalent.

Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the state line, measured either at ground level or habitable elevation.

3. Smoke

No smoke, dust, fumes, or particulate matter shall be perceptible at any lot line. Further, the regulations and standards governing the control of air pollution shall be the same as those adopted by the State of West Virginia.

For the purpose of grading the density or equivalent capacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used.

The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.

The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues or other opening or any process, operation, or activity except solid waste incinerators within the boundaries of any lot, will not exceed the levels set forth below.

Particulate matter emission from materials or products subject to becoming wind borne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles or bulk material such as coal, sand, cinders, slag, sulfur, etc.

4. Ambient Air Quality Standard

Particulate Matter

Suspended

Annual Arithmetic Mean ug/m	65
24-hour Maximum b, ug/m	140

Settleable

Annual Arithmetic Average, mg/cm/	/month 0.35
Monthly Maximum	0.7

5. Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration-measuring equipment.

6. Glare and Heat

No direct or sky-reflected glare, whether from floodlights or from high temperature processes, such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. There shall be no emission or transmission of heat or heated air so as to be discernable at the lot line.

7. Toxic Matter

The ambient air quality standards for the State of West Virginia shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the State, the release of such materials shall be in accordance with the fractional quantities permitted below, of those toxic materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists.

Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hours sampling period.

The release of airborne toxic matter will not exceed one-thirteenth of the threshold limit value across lot lines.

Such materials shall include but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry derivatives; pyrotechnics and fireworks such as acetylates, tetrazoles, and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) per cent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

The storage, utilization or manufacture of materials or products which decompose by detonation is prohibited.

8. Fire Hazards

The storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system.

The total capacity of flammable liquids and gasses shall not exceed those quantities permitted in the following Table for each of the industrial districts:

<u>CAPACITY</u>	<u>STORAGE</u>
Liquids	60,000 gallons
Gasses	
- Above ground	150,000 SCF
- Below ground	300,000 SCF

SCF - Standard Cubic Feet at sixty (60) degrees Fahrenheit and 29.92 inches Mercury.¹

The following setback requirements will apply to the location of any container which holds flammable liquids or gasses:

Container Setback from Lot Lines

Water Capacity per Container (Gallons)	Containers		Between Above Ground Containers (Feet)
	Underground (Feet)	Above Ground Containers (Feet)	
0 to 2,000	25	25	3
2,000 to 30,000	50	50	5
30,000 to 60,000	50	75	
In excess of 60,000	75	100	¼ the sum of diameters of adjacent containers

9. Frontage Road

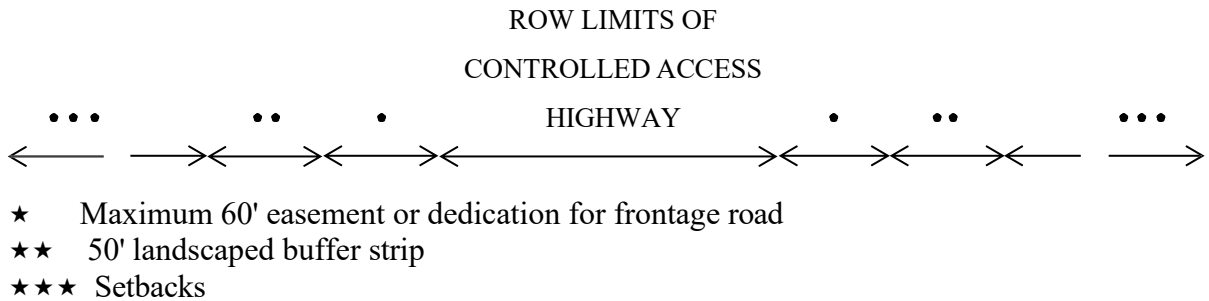
Easements or fee simple dedications will be provided along all limited access highways at the site plan or subdivision phases. Said easement/dedication shall not exceed 60 feet in width. The width may vary but must be adequate for extension, continuation or establishment of a minimum 20' wide paved frontage road.

10. Landscape Buffer

All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this Ordinance.²⁷

A fifty (50) foot wide landscape buffer strip will be provided along all limited access highways. Said buffer shall be adjacent to the frontage road. In the case where existing roads not adjacent to controlled access highway serve as frontage road the landscape buffer may be placed against the highway right-of-way.

All front setbacks (building and parking lot) are to be measured from the landscape buffer. (See diagram)



This provision shall also apply to any ramps or access roads connecting to a controlled access highway within ½ mile of a controlled access highway.⁵

Section 8.10 Model Homes/Sales Offices²³

Model homes with a staffed sales office for sales exclusively within the residential subdivision in which they are located are permitted provided that they are contained on the first lot on either or both sides of any road/right-of-way that enters the subdivision; provided also that they are so designated on the preliminary and final plats during the subdivision process.

Model homes with a staffed sales office in any other location within the subdivision must be approved or denied by the Board of Zoning Appeals after a public hearing advertised for 15 days.^{17, 21}

Model homes without staffed sales offices are permitted internally within the subdivision.¹²

Section 8.11 Petroleum Products Refining or Storage²³

Petroleum refining or storage (above ground in tanks) requires adherence to all state and federal laws, as well as National Fire Underwriters Codes.

Section 8.12 West Virginia Legal Fireworks²³

Sales of fireworks are permitted in the Industrial-Commercial, Residential-Light Industrial-Commercial, General Commercial, Highway Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.^{8, 27}

Section 8.13 Dormitory²³

A dormitory shall be located on the same property or campus as the use it is intended to serve. A dormitory shall not offer accommodations to the general public or to persons who are visiting the property or campus primarily for the purpose of being a spectator at a sporting event or other gathering held at the facility. A dormitory may include one common kitchen or dining facility and common gathering rooms for social purposes for use only by its temporary occupants.

Section 8.14 Special Event Facilities³⁹

The purpose of this sections 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. 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.
4. 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.
5. 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 backup onto public or private roads; and
- vi. Impact on adjacent properties.

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

Section 8.15 Accessory Dwelling Unit^{26, 32}

An Accessory Dwelling Unit is defined as a secondary dwelling unit that has a separate kitchen, bathroom, and sleeping area, and may be attached to the principal dwelling unit or detached and situated on the same lot as the principal dwelling unit. An accessory dwelling unit is part of the same property as the principal dwelling unit and cannot be bought or sold separately unless subdivided in accordance with the Subdivision Regulations and the Zoning Ordinance. The owner of the accessory dwelling unit is the owner of the principal dwelling unit. The property owner or immediate family member must occupy either the principal dwelling unit or the accessory dwelling unit. Such accessory dwelling unit is permitted only if it meets one of the following criteria:³²

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

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

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

One of each type of Accessory Dwelling Unit as defined in this section may be permitted administratively for each property meeting the criteria of Section 8.15 on the effective date of this Amendment. Additional units may be permitted by Special Exception in accordance with Section 6.5.^{32, 35}

RVs are prohibited as Accessory Dwelling Units.³²

Section 8.16 Short Term Rentals⁴¹

A short term rental is permitted anywhere a single family dwelling is permitted. A short term rental shall have no more effect on adjacent properties than a typical residential use. All parking shall be off-street.

A short term rental shall not operate as a special event facility (unless approval through the special event facility provisions is granted) including large gatherings such as family reunions, birthday parties, weddings, business meetings, or other similar gatherings.

All short term rentals shall obtain a Zoning Certificate to reflect compliance with the standards established herein. A sketch depicting that sufficient off-street parking or other designated parking area exists for the maximum number of occupants shall be included. One sign, not exceeding four (4) square feet in area, may be permitted and shall be included as part of the zoning certificate application. Signs within the Residential-Light Industrial-Commercial zoning district may utilize the commercial sign provisions in Article 10. Additionally, as part of the Zoning Certificate application, a copy of the state business license and documentation reflecting approval from the Health Department shall be submitted (if such approval is required).

Jefferson County shall not enforce or become involved in the enforcement of deed restrictions, covenants, easements, or any other private agreement. It is the responsibility of the property owner to research any private covenants or restrictions relating to the subject property which may be enforced by the parties to the restriction.

Section 8.17 Campgrounds³¹

Campground facilities provide tourism related accommodations for visitors of Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations. Campgrounds are identified as Principal Permitted Uses in Appendix C in the General Commercial (GC), Residential-Light Industrial-Commercial (RLIC), Industrial-Commercial (IC), and Rural (R) zoning districts.

A. The following uses are identified as permitted uses within a campground:

1. Campsites, cabins, campers, and recreational vehicle sites, which shall not be divided into individual lots for sale.
2. Campground residency shall be temporary, limited to 180 days per calendar year.
3. Caretaker residence.
4. Shelters, gathering halls, bathhouses, pools, recreational areas, and other amenities related to the campground.
5. Such campground amenities may be rented out to the general public without the rental of a campsite; however, the primary use of the amenity must be for the use and enjoyment of campers. River access shall be restricted to use by the campers and their guests unless otherwise authorized by the campground management.

Any campground wishing to host an event or activity open to the public at the campground shall process a Zoning Certificate application prior to commencement. If the facility and parking for such event was included on the Site Plan and previously included in the Zoning Certificate, such separate Zoning Certificate shall not be required.

6. A campground shall not be used as a primary residence on either a temporary or permanent basis, except as provided for a caretaker residence.

B. Development Guidelines

1. Campgrounds shall be located on properties a minimum of ten acres in size and shall meet all of the following setbacks.
2. When campsites or amenities are within 1,000 feet of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers, or other methods to prevent unintentional trespass.
3. All campgrounds shall have direct access from WV state roads or roads that meet the Jefferson County Subdivision Regulations standards.
4. All campsites shall be located a minimum setback of 50 feet from existing property lines.
5. All campsites and amenities shall be screened by a ten foot vegetative buffer utilizing the Narrow Standard Detail; provided that if the campground abuts the river or has a mountain view, no vegetative screen is required in this area. A ten foot buffer of natural vegetation (evergreen or hardwood) may be administratively approved in place of a planted buffer.
6. Section 4.13 does not apply to campgrounds, which may be located within 500 feet of the Potomac and Shenandoah Rivers.
7. Campsites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.
8. Campgrounds may be served by well and drain fields.

C. Regulatory Approval

- ~~1. Campground uses must submit a Concept Plan and be approved by the Planning Commission pursuant to a public hearing in accordance with the Jefferson County Subdivision Regulations.~~
2. ~~Upon approval of the Concept Plan, if required,~~ a Site Plan must be processed in accordance with the Jefferson County Subdivision Regulations.
3. All state regulations pertaining to the operation and licensing of a campground must be followed.

Section 8.18 Nature Center and Preserve³²

This land use is defined in Section 2.2. The purpose of this land use is to include conserved and protected habitat, wildlife sanctuaries, and may also include passive outdoor recreational features such as wildlife observation platforms and feeding stations or plots, interpretative displays, trails and walkways, outdoor research stations, and environmental study support. This land use may include related improvements or structures for visitor and student education, outdoor and nature training; and associated office, education, and operational space. This land use may also include accessory uses that facilitate active education such as day camps, classes, and other supporting events as determined to be accessory by the Zoning Administrator.

A. General Standards to operate a Nature Center and Preserve:

The land use must operate on a minimum of ten acres, which may be comprised of contiguous parcels. Single ownership is not required provided the land use is operated by a nonprofit organization, a stewardship, or a local, State, or Federal agency. Structures, parking, and other accessory uses are permitted to cross interior property lines of said contiguous parcels.

This land use may process utilizing the Rural Site Plan standards found in Section 20.203(D) of the Jefferson County Subdivision and Land Development Regulations, in any zoning district in which it is permitted.

B. Setback Standards to operate a Nature Center and Preserve:

Enclosed structures over 250 square feet that are solely for the purpose of housing animals shall be setback 50 feet.

All structures and motorized trails shall meet commercial setbacks of 25 feet with the exception that accessory structures under 250 square feet that are associated with the maintenance of the land use shall be setback ten feet.

All non-motorized trails and non-amplified outdoor activity areas shall meet a minimum ten foot setback. Motorized vehicles associated with the maintenance of the land use are permitted within the non-motorized trails.

C. Landscaping Standards to operate a Nature Center and Preserve:

In lieu of this Ordinance's landscaping standards, a ten foot woodland preservation buffer shall be required along the perimeter of the land use. This ten foot buffer is not required along the interior property lines of the land use. There shall be no clearing or cutting within the buffer with the exception of removing dead, dying, and/or diseased trees. The woodland preservation buffer may be used for passive recreation such as pedestrian, bike, or equestrian trails provided that:

1. No trees, shrubs, hedges, or walls are removed.
2. Not more than 20% of the width of the buffer is impervious surface.
3. The total width of the buffer area is maintained.

D. Noise Standards to operate a Nature Center and Preserve:

This land use is restricted to the noise standards of Section 8.9A.1 of this Ordinance. The Residential Growth District measurement shall apply when the use is adjacent to a lot that contains a residence, or is zoned Rural or Residential Growth.

Section 8.19 Crematorium³⁷

A. Crematorium, Livestock

A Livestock Crematorium shall process as a Conditional Use Permit in all zoning districts other than Rural, unless such use is determined by the Zoning Administrator to be accessory to an active agricultural use.

B. Crematorium, Pet

A Pet Crematorium shall process as a Principal Permitted or Conditional Use in zones as designated in Appendix C. In the Rural Zoning District, a Pet Crematorium may process utilizing the Site Plan Exemption for the Rural District.

Section 8.20 Solar Energy Facilities⁴³

Solar Energy Facilities shall process as a Principal Permitted Use in areas inside of the Urban Growth Boundary and the Preferred Growth Area as delineated on the Future Land Use Guide in the Comprehensive Plan. Solar Energy Facilities shall process as a Conditional Use in areas outside of the Urban Growth Boundary (UGB) and Preferred Growth Area (PGA).

~~All projects shall process a Concept Plan in accordance with the requirements listed below under Subsection B. For projects that require processing a Conditional Use Permit, a Concept Plan shall process subsequent to the Board of Zoning Appeals approval.~~

For projects that will occur across parcels located both inside and outside the County's UGB/PGA areas, an applicant may choose to process in two phases, with the first phase addressing the parcels located within the UGB/PGA areas as a Principal Permitted Use and the second phase processing a Conditional Use Permit to allow the Board to evaluate compatibility of the second the phase outside of the UGB/PGA areas. Should the Board issue a Conditional Use Permit, ~~a Concept Plan shall process and~~ application shall include an exhibit depicting the full-buildout of the entire Solar Energy Facility project.

A Pre-Proposal Conference is recommended for all solar projects, pursuant to the Jefferson County Subdivision and Land Development Regulations.

A. Process for Solar Energy Facilities as a Conditional Use

1. Projects which will occur on properties located outside of the UGB/PGA areas as delineated on the Future Land Use Guide shall process a Conditional Use in accordance with Article 6.
2. In addition to the criteria established in Article 6, the following exhibits shall be included with the Conditional Use Permit application for the Board's evaluation:
 - a. Submit a sketch depicting the location of the proposed project and delineate the distance of the panels from the external property lines.
 - b. Submit a brief description of the timeline of the lease or operating plan, and an overview of the plan for removal of the solar energy facility. The decommissioning plan and bond shall be in accordance with the West Virginia Department of Environmental Protection (WVDEP), pursuant to WV State Code §22-32-1, et. sec. or its successor.
3. Should the Board issue a Conditional Use Permit, the applicant shall proceed with application ~~for a Concept Plan,~~ pursuant to the criteria listed below under subsection B.

B. Process for Solar Energy Facilities as a Principal Permitted Use

1. ~~A Concept Plan, pursuant to the Minor Site Development Concept Plan standards established in the Jefferson County Subdivision and Land Development Regulations is required; except that after the Planning Commission direction is given, the next steps are~~ Application for a Zoning Certificate and Building Permit. ~~In addition to the Concept Plan requirements outlined in the Subdivision Regulations, the Concept Plan shall also include the following criteria:~~
 - a. Property or Properties Location;
 - b. Access Points;
 - c. Anticipated location of all proposed components of the Solar Energy Facility. ~~Each proposed solar panel is not required to be shown on the Concept Plan, if compliance with setbacks can be established by what is depicted on the Concept Plan;~~ and
 - d. Landscaping, Buffering, Ground Cover Plan, and Fencing. The landscaping plan shall include a note stating, "It will be the responsibility of the landowner to replace any trees, shrubs, or vegetation that die."

If the project is to be completed in phases, ~~the Concept Plan application~~ shall reflect phasing of the project.

2. Decommissioning Outline

- a. A narrative outlining the decommissioning of the Solar Energy Facility shall be included with the ~~application Concept Plan~~. This narrative shall include a description of the timeline of the lease or operating plan, and a general plan for removal of the Solar Energy Facility.

- b. The company shall provide to the Department of Engineering, Planning, and Zoning proof of application for a decommissioning plan and bond when such application is filed with the WVDEP as required by WV State Code §22-32-1, et. sec. or its successor.
- c. Staff shall be notified by certified mail at least 60 days in advance of the intended decommissioning of the Solar Energy Facility. Staff will place the notice on the next regularly scheduled Planning Commission meeting under “non-actionable correspondence”.
- d. Failure of the Lessee or Property Owner to meet and/or comply with the decommissioning plan as approved by the WVDEP may result in legal action pursuant to Article 3, Section 3.3 of this Ordinance and/or any applicable State Law.

C. Setbacks, Landscaping, and Buffer Standards for a Solar Energy Facility

- 1. Multiple adjacent properties under the same ownership or lease by the same company shall be considered one property for the purpose of these regulations. Internal boundary lines on adjacent properties under the same ownership or lease by the same company are not subject to the setbacks or buffer requirements provided below.
- 2. Setbacks
 - a. Solar Panels
 - i. Front, Side, and Rear Setbacks shall be 100 feet from all external/perimeter property lines and from the edge of the State ROW or Easement of any State Road.
 - ii. The above referenced setback may be decreased to 50 feet provided it includes a six foot high opaque buffer within the setback area comprised of two rows of evergreen trees that are six feet tall at the time of planting or a solid fence. Alternatively, a 50 foot strip of existing, mature woodlands may be allowed in lieu of a planted buffer or fence if documentation is submitted documenting how the existing mature woodlands complies with the required buffer standard.
 - iii. Solar panels and accessory components may be located on a common side or rear lot line of contiguous property owned by the same entity.
 - b. Accessory components, excluding solar panels and underground utilities.
 - i. Front, side, and rear setbacks shall be 25 feet from all external/perimeter property lines and from the edge of the State ROW or Easement of any State Road.
- 3. Landscaping and Buffer Standards
 - a. Solar Panels that are located within 200 feet of any residence, Category 1 Historic Resource, Institution for Human Care, Church, or similar use or structure as determined by the Zoning Administrator, shall provide a 20 foot wide buffer along common property lines. The buffer shall be provided anywhere within the 200 foot radius from the structures/uses herein and is not required to be provided along the entire length of the common property line.
 - b. The buffer screen may be either vegetative or opaque fencing and may be placed anywhere within the buffer area. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers. Existing, natural vegetation may be used in lieu of a planted buffer if documentation is submitted to the Zoning Administrator verifying how the existing natural vegetation complies with the required buffer standard.
 - c. Accessory Components (excluding solar panels) that are located within 200 feet of any residence, Category 1 Historic Resource, Institution for Human Care, Church, or similar use as determined by the Zoning Administrator, shall comply with the commercial provisions of

Section 4.11, with the exception that the Zoning Administrator can allow the use of existing, natural vegetation as appropriate to achieve the intent of the required buffering.

4. Security and Access

- a. A security fence with secured gates shall be erected around the operating areas of the Solar Energy Facility with a minimum height of six feet and a maximum height of ten feet.
 - i. Arrangements shall be made with the appropriate Fire Department for Access. A letter documenting approval of access from the Fire Department shall be provided with the Zoning Certificate application. The Fire Department shall respond within 15 days of the date of the letter. If no response is provided, the Fire Department shall be deemed by this Ordinance to have approved the access.
 - ii. Upon three business days' notice by the Department of Engineering, Planning, and Zoning, access shall be provided to Staff.

- D. A Zoning Certificate based on an approved ~~Concept Plan~~ application is required prior to initiating any use regarding Solar Energy Facilities.

In addition to the standards found in Section 8.20, any Zoning Certificate regarding Solar Energy Facilities shall be issued conditioned on all other State Regulations and approvals being granted, including, but not limited to, the WV Public Service Commission, WVDEP applicable NPDES Permits and Decommissioning Bonds, Fire Marshal approval, Building Permits through the Department of Engineering, Planning, and Zoning, and approval of the Stormwater Management Report pursuant to the Jefferson County Stormwater Management Ordinance.

E. Stormwater Management

Stormwater Management shall be required in accordance with the Jefferson County Stormwater Management Ordinance. Solar Energy Facilities may be exempt from providing stormwater management if the conditions for granting exemption under Article I.D.2.h of the Stormwater Management Ordinance are satisfied.

F. General Requirements

1. Design, construction, and installation of the Solar Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM) or other similar certifying organizations and shall comply with the West Virginia Fire and Building Codes, including compliance with the Jefferson County Building Code.
2. Prior to commencing the transmission of electricity, the Solar Energy Facility shall provide documentation evidencing an interconnection agreement or similar agreement with the applicable public utility or approved entity in accordance with applicable law.
3. Generation of electrical power shall be limited to photovoltaic panels, provided that any on-site buildings may utilize integrated photovoltaic building materials.
4. Solvents necessary for the cleaning of the Solar Panels shall be biodegradable.
5. Internal wiring, excluding that which is on or between the Solar Arrays, connected to substations or between Solar Panels, shall be located underground, except where necessary to mitigate impact to environmental and/or terrain features.
6. Onsite lighting shall be the minimum necessary for security and onsite management and maintenance and shall comply with the standards outlined in the Subdivision Regulations.

7. Photovoltaic Panels shall use antireflective glass that is designed to absorb rather than reflect light.
8. Ground Cover comprised of natural vegetation is required. Ground cover that uses native or naturalized perennial vegetation and that provides foraging habitat that is beneficial for songbirds, gamebirds, and pollinators is encouraged but not required.
9. Collocation of other agricultural activities such as small market hand-picked crops, grazing, and apiary activities are permitted and encouraged.
10. No signage or advertising is permitted on the Solar Energy Facility other than an identifying sign at the entrance of the Facility that shall be approved by the Zoning Administrator in accordance with Article 10. All other signage must be approved by Special Exception by the Board of Zoning Appeals.
11. Solar Energy Facilities shall comply with Article 8, Section 8.9 of this Ordinance.
12. The Solar Energy Facility Use is not considered abandoned until such time it is Decommissioned.
13. Damaged or unusable panels shall be repaired, replaced, or removed within 60 days from discovery of damage; provided, however, longer periods may be approved by the County Engineer due to extenuating circumstances.

ARTICLE 9: EXCEPTIONS

Section 9.1 General

The regulations specified in this ordinance shall be subject to the following exceptions, modifications and interpretations.

Section 9.2 Building Height Limitations

Building height limitations shall not apply for public utilities, agricultural uses, communication poles and towers, chimneys, steeples, water tanks, electric generating plants, electric transforming or switching equipment, flagpoles, fire or observation towers, monuments, or to tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building, hospitals, schools, colleges and public buildings. Commercial wireless communications facilities shall comply with Article 4B.^{7, 10, 22}

Section 9.3 Lot Area Modification

In any district where a single-family dwelling is permitted, a dwelling may be erected on any lot or parcel of record, despite the fact that the lot or parcel does not meet the minimum area requirements of this Ordinance, provided:

- A. The lot or parcel was lawfully created in compliance with the applicable subdivision regulations in effect at the time the lot was created; and²³
- B. Health Department regulations can be met.

Section 9.4 Setback Modifications

- A. Where the average setback line of at least two (2) existing buildings on lots which are on the same side of the street or road within 200 feet of the lot in question is less than the minimum setback prescribed by this ordinance, the minimum setback line shall be the average setback line of all buildings within 200 feet of the proposed building. However, in no case shall the setback line be less than 35 feet from the centerline of any abutting road or street.
- B. A structure may be located on a common side or rear lot line of contiguous property owned by the same entity. Provided, however, that the structure shall only be a single family dwelling or an accessory structure. Also provided, however, that the contiguous lots shall be treated as one lot for all purposes by the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations.^{5, 23}
- C. Subdivision signs, school bus shelters and/or mailboxes do not have to comply with setback restrictions provided they are shown and approved on the preliminary or final plat in the subdivision process. In subdivisions approved prior to this amendment, subdivision signs, school bus shelters and/or mailboxes can be built as shown on the plat or be replaced in the same general location.^{12, 23}

Section 9.5 Projections Into Yards⁸

- A. Projections such as bay windows, chimneys, entrances, uncovered porches, balconies, and eaves may extend into any required yard not more than four feet; provided that such projections are not over ten feet in width. All roof overhangs may extend into any required yard not more than two feet; provided that the primary structure is located entirely within the appropriate setback.²³
- B. Fences and walls over six feet in height shall meet building lines and yard requirements. A building permit is required before construction. Fences and walls six feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.²³
- C. In the Residential - Light Industrial - Commercial District and Residential Growth District, on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or

less, the rear setback of a deck for a townhouse (in addition to associated stairs or concrete slabs located beneath the deck) may be reduced to ten feet if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding 150 square feet, shall be five feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.

Section 9.7 Other Exceptions³

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:²³

Residential Growth District²³

Single Family Residences

Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

Rural Agricultural and Industrial Commercial

Single Family Residences

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8' side	and	12' rear

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.

ARTICLE 10: PROVISIONS FOR SIGNS

Section 10.1 Purpose of Sign Provisions

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

Section 10.2 General Provisions³⁶

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

- A. No sign shall be erected, hung, or placed in any district except as provided in this Ordinance.
- B. No sign erected before the enactment of this Ordinance shall be structurally altered or moved except in accordance with this Ordinance.
- C. No signs, other than subdivision signs approved by the Planning Commission, shall be located in the right-of-way of any road or on any slope or drainage easement for such road or within any stormwater, drainage, or utility easement.^{2, 17, 21, 23, 36}
- D. No sign shall be permitted which imitates or which resembles an official traffic control device, railroad sign or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal, or traffic sight lines.
- E. No sign which implies the need or requirement of stopping or this existence of danger shall be displayed.
- F. No sign shall be placed on rocks, trees, or on poles maintained by public utilities.
- G. No sign shall be permitted which becomes unsafe or endangers the safety of the building, premises, or persons and unless maintained in a good general condition.
- H. No sign shall be permitted which contains statements, words or pictures of an obscene, indecent, or immoral character.
- I. Illuminated signs shall be so constructed as to avoid glare or reflection of any portion of an adjacent highway or residential building.
- J. Animated signs, as defined by Section 2.2, are prohibited.
- K. Inflatable signs, as defined by Section 2.2, are prohibited. Residential, seasonal lawn decorations are exempt from this provision.³⁶
- L. Vehicle signs, as defined by Section 2.2, are prohibited per Section 4.4J.³⁶

Section 10.3 Signs Permitted Without A Zoning Certificate³⁶

- A. Repainting or repairing of a sign.
- B. Signs posted upon property relating to private parking or warning the public against trespassing or against dangers of animals.
- C. Plates on residential structures or premises giving the name or address of the occupant, mailboxes, papertubes, and signs customarily associated with residential uses.

- D. A sign advertising an approved home occupation or cottage industry, not exceeding the maximum size for such a sign as permitted in Article 4A of this Ordinance.³⁶
- E. A sign not exceeding 25 square feet and no more than six feet in height on a farm, advertising farm activities and/or products primarily grown on the premises.³⁶
- F. Municipal, County, State and Federal signs, including necessary traffic signs.
- G. Historical markers, monuments, or signs erected by a public authority.
- H. Directional or informational signs of a public or quasi-public nature, such as those containing the meeting date of a community or civic club, or the advertising of a public event.
- I. Temporary Signage³⁶

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

- 1. A sign not exceeding 20 square feet and no more than six feet in height that advertises:
 - a) Real estate information.
 - b) Services rendered by a contractor and/or professional person.
 - c) A short-term or limited-time sale.
- 2. A sign not exceeding 100 square feet that announces an upcoming subdivision or commercial site. Sign shall not interfere with traffic visibility.
- 3. A sign that advertises a Seasonal Use approved by the Board of Zoning Appeals.
- 4. Election signs are permitted if erected no more than 90 days before the election and removed within 15 days of announced results. Signs shall not interfere with traffic visibility.

Section 10.4 Signs Requiring a Zoning Certificate³⁶

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

A. Attached Business Signs

- 1. The total area of the sign shall be no more than two square feet for each foot in length of the frontage of the building.³⁶
- 2. Attached business signs shall not be attached to the side of the building that faces an adjoining residence.^{32, 35, 36}
- 3. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.³⁶

B. Freestanding Business Signs³⁶

Freestanding business signs related to the subject land use are permitted, provided:

- 1. The lot frontage is at least 40 feet.
- 2. One freestanding sign per street frontage is permitted. The total area for any sign or signs on one supporting structure shall not exceed 100 square feet and the maximum height of the sign structure shall not exceed 35 feet.

3. Freestanding business signs shall be located in such a manner that no part of the supporting structure is less than 25 feet from the street right-of-way, and that no part of the sign is closer than five feet to the right-of-way.
4. Freestanding business signs shall not face an adjacent residence.
5. Properties which consist of more than one land use shall be required to use a pylon sign. One pylon sign is permitted on each street frontage.^{8, 32, 35}
6. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.

Section 10.5 Signs Requiring a Special Exception Permit³⁶

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

A. Off-Premises Signs

Signs approved by the Board shall adhere to the following:

1. Off-Premises Signs shall not exceed 60 square feet and shall be no more than 25 feet in height.
2. When located in the commercial/industrial zoning districts, there shall be a minimum of 300 feet between signs.
3. When located in the Rural/residential zoning districts, there shall be 1,000 feet between signs.
4. Off-Premises Signs shall comply with front yard setback provisions in the districts in which they are permitted.
5. Off-Premises Signs shall not be located closer than 300 feet to an intersection on a dual or proposed dual highway or within 100 feet of any other intersection; however, signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
6. In addition to the provisions herein, electronic signs shall also conform to the criteria outlined in Section 10.7.

B. Billboard Signs

Signs approved by the Board shall adhere to the following:

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

C. Electronic Signs

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

Section 10.6 Conditional Use Permit (CUP) Signs³⁶

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

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

Section 10.7 Electronic Signs³⁶

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

- A. The message or image shall be static, displayed for a minimum of 15 seconds and shall not be animated by scrolling, flashing, or other similar non-static displays.
- B. The message or image change shall occur simultaneously for the entire electronic sign face without any special effects. The time to complete the change from one message to the next is a maximum of one second.
- C. Electronic signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if a malfunction occurs.
- D. An electronic sign may not be animated, play video or audio messages, or blink in any manner.
- E. Electronic signs shall not exceed a maximum illumination of 3,000 nits during daylight hours and a maximum of 100 nits for the time period between ½ hour before sunset and ½ hour after sunrise as measured from the sign's face at maximum brightness.
 1. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other appropriate methods.
 2. The change from 3,000 nits to 100 nits shall be controlled by an automatic dimmer control system.
- F. There shall be only one electronic sign on each parcel of land. Off-premises electronic signs shall be subject to Section 10.5A.

1. Community announcements, emergency alerts, weather, and time related messages are generally permitted and shall not be considered an off-premises sign.
- G. Electronic Signs shall not be located within 300 feet of a traffic light.
- H. Electronic signs shall not be located within 200 feet of the property line of a parcel with a residential structure. This setback does not apply to mixed-use buildings or residential structures located on the same parcel as a commercial development.
- I. Electronic signs proposed to locate adjacent to a lot in the Rural, Residential Growth, or Village zoning districts, or adjacent to residential structures in any zoning district, shall be oriented perpendicular to residential frontages. Electronic signs shall not be parallel to any residential structures in any zoning district.
- J. Electronic signs adjacent to lots in the Rural, Residential Growth, and Village zoning districts shall automatically shut-off by 10:00 p.m. and shall not turn on until 6:00 a.m.

Electronic signs shall be FCC certified as required by Federal Law. A valid copy of the FCC Manufacturers Testing Certificate shall be submitted to the Office of Planning and Zoning as part of the Zoning Certificate application.

ARTICLE 11: OFF-STREET PARKING STANDARDS²³

Section 11.1 Non-Residential Parking Standards

- A. To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.²³

Spaces shall be required per use and are as follows:⁵

Ambulance Facility	2 spaces per ambulance
Auto Sales and Service	1 space per 300 square feet of gross floor space
Auto Service Station	2 spaces per service bay; plus, 1 space per employee
Bank, Financial Institution ²³	1 space per 200 square feet of floor space; plus, 5 queuing spaces for each drive-up teller
Bowling Lanes	5 spaces per bowling lane
Church	1 space for each 5 persons for which seating is provided in the sanctuary
Commercial Retail Sales Less than 2,000 square foot floor space	1 space per 150 square feet retail floor space
Commercial Retail Low customer turn over, large indoor display, e.g. carpet, furniture or appliance sales	1 space per 500 square feet retail floor space
Community Center, Cultural Facility ²³	1 space per 400 square feet floor space
Private Club, Lodge	1 space for each 2 persons for which seating or lodging is provided
Educational (Schools)	1 space per employee; ample student and visitor parking
Fire Station	10 spaces minimum
Hospital ²³	1.5 spaces for each bed; plus, 1 space for every employee
Hotel, Resort	1 space per guest room; plus, 1 space per 5 employees
Manufacturing Plant	1 space per employee on maximum working shift
Medical or Dental Offices/Clinic	5 spaces per 1000 square feet of gross floor space

Mortuary or Funeral Parlor ²³	1 space per 150 square feet of floor area devoted to viewing and 1 space per vehicle used in activity; plus, 1 space per each two employees; with a minimum of 20 spaces
Motel, Tourist Home	1 space per guest room or suite
Nursing Home	1 space per 400 square feet floor space
Office Building	1 space per 300 square feet floor space
Professional Building Other than Medical	2 spaces per 300 square feet floor space
Recreational Establishment ²³ Other than theaters, swimming pools and bowling lanes	1 space per 80 square feet of floor space and/or as determined by extent of outdoor use
Restaurant, Tavern, Lounge, Nightclub	1 space per 50 square feet customer floor space
Shopping Center ²³ Retail greater than 2,000 square feet of floor space	5.5 spaces per 1,000 square feet floor space
Swimming Pool	1 space for every 7 persons permitted at any one time
Theater, Auditorium, Stadium	1 space per every 2 seats
Transportation Terminal	1 space per main shift employee
Warehouse or Wholesale Establishment	1 space per main shift employee; plus, 2 spaces per wholesale establishment

- B. Parking requirements for uses not listed in 11.1A may be either approved or established by the Office of Planning and Zoning on a case-by-case basis. Justification for said requirements must be documented.^{8, 17, 21, 23}
- C. Upon request, on a case by case basis, the Zoning Administrator may administratively waive permanent off-street automobile parking and loading requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis, and require less than 30 spaces. The applicant must provide an exhibit that demonstrates that the parking will occur on usable ground, shows the location of the parking, and identifies how handicapped accessibility (if applicable) will be addressed.²⁶

Section 11.2 Residential Parking Standards²

To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.²³

Spaces shall be required per residential uses as follows:

<u>Type of Residences</u>	<u>Parking Requirements</u>
Single Family Detached	Driveway Only
Single Family Attached (Duplex or Two-Family)	Driveway Only ²³
Single Family Attached (Townhouse)	See the Jefferson County Subdivision and Land Development Regulations, Appendix B, Division 5.0 ²³
Multi-Family	See the Jefferson County Subdivision and Land Development Regulations, Appendix B, Division 6.0 ²³

ARTICLE 12: MAP AND TEXT AMENDMENTS

Section 12.1 Purpose

- A. These regulations, restrictions, provisions, and the boundaries of districts provided herein may from time to time be amended, modified, or repealed by the County Commission. Any person, individual, board, commission or bureau of the County may petition the County Commission for such change.
- B. The County Commission shall refer any amendment or alteration of this Ordinance to the Planning Commission for analysis, study, report, and recommendations regarding compatibility with the Comprehensive Plan as well as consideration as to whether a Conditional Use Permit (CUP) or other process may be a more appropriate process.^{17, 21, 23, 25}

Section 12.2 Procedure for Amendment by County Commission^{1,25}

- A. After the enactment of the Zoning Ordinance, the governing body of the County may amend the Zoning Ordinance without holding an election.^{17, 21}
- B. Before amending the Zoning Ordinance text or map, the governing body, 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 West Virginia State Code, as amended.^{17, 21, 25}
- C. All amendments to the Zoning Ordinance 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.
 - 1. Public Notice of the Public Hearing for a Zoning Map amendment before the Planning Commission requires the following:
 - a. A legal advertisement describing the location and identification of the subject parcel for which the zoning is proposed to be changes, including the current tax district, map and parcel number, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation;
 - b. Any property affected by the proposed zoning map amendment shall be posted not less than 20 and not more than 28 days prior to the Public Hearing. The posting shall state the time, date, and location of such hearing, as well as, what new zone is being requested on the property; and²⁶
 - c. All property owners adjoining the property proposed to be rezoned shall be noticed by first class mail not less than 20 and not more than 28 days prior to the Public Hearing. The adjoiner letters shall be mailed by Staff and shall state the time, date, and location of such hearing, as well as, what new zone is being requested on this particular property. The letter shall also describe the location and identification of the subject parcel proposed to be rezoned, including the current tax district, map and parcel number.²⁶
 - 2. Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.
- D. All amendments to the Zoning Ordinance Text 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 text amendments require a Public Hearing before the County Commission prior to a final determination.

1. Public Notice of the Public Hearing for a Zoning Text Amendment before the Planning Commission requires the following:
 - a. A legal advertisement describing the Sections of the Ordinance proposed to be revised, with a summary of the revision(s), and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation.
2. Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.

Section 12.3 Procedure for Map Amendment by Petition²⁵

A. Map Amendments by Landowners³⁰

The procedure for processing a map amendment petition initiated by the owners of fifty percent or more of the real property to which the petition relates shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

The procedure for processing a map amendment petition to change the zoning map designation of a property to the Planned Neighborhood Development district shall also include the applicable requirements of Article 5.²⁷

Petitions for a map amendment initiated by landowners shall be submitted to the Planning Commission or the County Commission and shall contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch. Sketch 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, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.³²
5. Tract size
6. Discussion on:
 - a. Comprehensive Plan compatibility of the proposed change.
 - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.^{17, 21, 27}
7. A petition for a map amendment to change the zoning designation for a property to the Planned Neighborhood Development (PND) district shall include a Preliminary PND Plan for the subject property. The submittal review process for a Preliminary PND Plan is described in Article 5 of this Ordinance.²⁷

In accordance with §8A-7-9 et seq of the West Virginia State Code, the Planning Commission or the County 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 or to the County Commission at a Planning Commission or County Commission meeting, as relevant.

If a public hearing is held by the Planning Commission, it shall be at the discretion of the County Commission whether an additional public hearing is required to be held by the County Commission.

If the petition is to be presented to the Planning Commission, a complete petition and related fees shall be submitted to the Office of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented for the purpose of setting a public hearing date within 60 days of the date the petition is presented. Upon request, Staff can present the petition to the Planning Commission on behalf of the applicant for the purpose of setting the public hearing date.

If the petition is to be presented to the County Commission, a complete petition and complete agenda request form shall be submitted to the office of the County Commission for placement on the County Commission agenda no later than noon on the Thursday prior to the requested meeting date. One copy of the petition, along with relevant fees, shall be submitted to the Office of Planning and Zoning prior to appearing before the County Commission to present the petition. Before amending the Zoning Ordinance map, 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-7-9 et seq of the West Virginia State Code, as amended. To this end, the County Commission shall refer the petition to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted Comprehensive Plan. Such recommendation 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.

Notice of the Planning Commission's or County Commission's Public Hearing shall be in accordance with Section 12.2 of this Ordinance. If heard by the Planning Commission, 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 whether the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-9 et seq of the West Virginia State Code, as amended. This recommendation shall be forwarded to the County Commission within four weeks of the final Planning Commission action. The County Commission shall take action to schedule their own public hearing, if desired, or take action to approve or disapprove the requested Zoning Map amendment within the next two regularly scheduled County Commission meetings. If heard by the County Commission, at the conclusion of the County Commission's Public Hearing, or at the next regular County Commission meeting, the County Commission shall, with the advice of the Planning Commission, determine if the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-9 et seq of the West Virginia State Code, as amended. Upon making these findings, the County Commission shall approve or disapprove the petition.

B. Map Amendments by the Planning Commission

The procedure for processing a formal map amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

Petitions for a map amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for filing on the same date. On such petitions a map amendment shall be clearly labeled as "§8A-7-9 Petition" in the heading and contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch. Sketch 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, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.³²
5. Tract size
6. Discussion on:
 - a. Comprehensive Plan compatibility of the proposed change.
 - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.^{17, 21}

The County Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date of the meeting at which the petition is presented to the County Commission. The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

The Planning Commission may opt to proceed on a proposed map amendment by informal written request for action to the County Commission by submitting the same information required above styled as a "Request for Action" rather than as a "Petition."

Section 12.4 Procedure for Initiating a Zoning Ordinance Text Amendment²⁵

A. Text Amendments by Those Other Than County or Planning Commission

As WV Code §8A allows only the Planning Commission to file a formal petition for a Zoning Ordinance text amendment, the procedure for processing a Zoning Ordinance text amendment initiated by any person, board, commission or bureau of Jefferson County shall be by a written request to the County Commission at a regular meeting. The request and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

Any request for a text amendment shall include the proposed text in context with the adopted Zoning Ordinance text and shall include a statement as to why such proposal is consistent with the adopted Comprehensive Plan.

The County Commission may refer the proposed amendment to the Historical Landmarks Commission or other appropriate body for comment and shall refer the proposed amendment to the Planning Commission in accordance with §8A-7-8(b) et seq of the West Virginia State Code, as amended, to provide advice on the consistency with the Comprehensive Plan. If the County Commission decides to consider the request, a Public Hearing would be required in order to amend the Zoning Ordinance. The

Planning Commission may hold a hearing regarding the request as well in order to make an informed recommendation to the County Commission.

B. Text Amendments by Those Other Than County or Planning Commission (Alternate Process)

Any person or any board, commission or bureau of Jefferson County may submit a proposed Zoning Ordinance text amendment to the Planning Commission for consideration within its work plan at a regular Planning Commission meeting. Such a request must be submitted in writing to the Office of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the request will be presented. Any request for a text amendment shall include the proposed text in context with the adopted Zoning Ordinance text and shall include a statement as to why such proposal is consistent with the adopted Comprehensive Plan.

The Planning Commission, with the advice of staff, can determine if and when to under-take such a request in light of other work plan tasks and development review activities are currently under consideration. If the Planning Commission decides to consider the request, a Public Hearing would be required and the Planning Commission would need to determine if the request is consistent with the Comprehensive Plan in accordance with §8A-7-8(b) et seq of the West Virginia State Code, as amended. The Planning Commission would then make a recommendation regarding the potential text amendment to the County Commission who would also be required to hold a Public Hearing.

C. Text Amendments by the Planning Commission

If the Planning Commission determines that a text amendment to the Zoning Ordinance is required in accordance with its work plan, for the purpose of improving or clarifying the ordinance, or for consistency with adopted policies, the Planning Commission will develop a draft of the proposed amendment, receive public input, conduct a Public Hearing in accordance with Section 12.2D, and make a recommendation for action to the County Commission through a regular agenda request process. Any such amendment proposal will include the background and reasoning of the proposed amendment as well as a discussion of consistency with the adopted Comprehensive Plan.

With its recommendation, the Planning Commission will request that the County Commission schedule a workshop, if necessary, and a Public Hearing at dates to be determined by the County Commission to receive comment and take action on the proposed amendment.

D. Text Amendments by the Planning Commission by Petition

The Planning Commission may alternatively submit a text amendment by petition to the County Commission. The procedure for processing a formal text amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

Petitions for a text amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for filing on the same date. Such petitions for a text amendment shall be clearly labeled as “§8A-7-9 Petition” in the heading and contain the following information:

1. Substantiation for the request;
2. Notation that said text amendment applies county-wide;
3. Discussion on why such proposal is consistent with the adopted Comprehensive Plan.

The County Commission is required to set a public hearing on the proposed Zoning Text amendment within 60 days of the date upon which the petition is presented to the County Commission at a County Commission meeting. The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 42}

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft.***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/ Drive Aisle Setbacks	Screened Buffers Sec. 4.11
							Front	Side	Street Side	Rear		
Residential Growth (RG)	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"		
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"		
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20		
	Duplex Dwelling Unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20		
		Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"		
	Townhouse Dwelling ⁴²	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20		
	Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30	12 side 15 front 15 rear	12 side 15 front 15 rear
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	†	12	N/A	N/A
		30,000 sq. ft. to 40,000 sq. ft.	N/A	N/A	N/A	40	20	10	†	12		
		Under 30,000 sq. ft.	N/A	N/A	N/A	40	20	8	†	12		
Rural (R) (See Sec. 5.7)	Dwellings		40,000	N/A	100	45	40	15	†	50	N/A	N/A
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres	N/A	N/A	N/A	45	40	15	†	50		
		40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	†	12		
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	†	12		
		Under 30,000 sq. ft.	N/A	N/A	N/A	45	20	8	†	12		
	Cluster Subdivision	See RG District										
Village (V)	Residential uses	See RG District										
Residential-Light Industrial-Commercial (RLIC)	Residential uses	See RG District ^Φ										
Industrial-Commercial (IC)	Residential uses	See Rural setbacks for lots not previously stipulated by the Planning Commission.										
Neighborhood Commercial (NC)	Residential uses	See RG District										
General Commercial (GC)	Residential uses	See RG District										
Highway Commercial (HC)	Residential uses	N/A										
Light Industrial (LI)	Residential uses	N/A										
Major Industrial (MI)	Residential uses	N/A										
Office / Commercial Mixed Use (OC)	Residential uses	See RG District										
Planned Neighborhood Development (PND)	Residential uses	See RG District. Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).										

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

For all lots approved prior to Sept. 1, 1989, lots under 40,000 sq. ft. side & rear setbacks for residential accessory structures shall be 6'. NOTE: In RG district side & rear setbacks for accessory structures under 144 sq. ft. shall be 6'. See Article 8 of the Zoning and Land Development Ordinance for building setbacks for certain land uses.

All dimensions are in feet unless otherwise indicated.

Φ In the RLIC and RG districts, townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse may be reduced to 10', if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

‡ See setback requirements noted in Sec. 2.2, definition of "Lot, Corner."

* Maximum height subject to Section 9.2

** Exterior side only.

*** The balance square footage between the ADU and the MLA shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.

**** The front setback for a Small lot single-family detached dwelling may be reduced to 10' if the front yard does not contain a driveway.

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 35}

Zoning District	Development Type ⁹	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks			Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use							
												A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)				Commercial Use		Industrial Use	
						Front	Side	Rear	Front	Side	Rear	Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear	
Industrial – Commercial (IC) **	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)	
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)	
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)	
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District													
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites	N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)			
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100				N/A	N/A		N/A	N/A	N/A	N/A			
	Hospitals	10 ac	500	45	N/A	100				N/A	N/A		N/A	N/A	N/A	N/A			
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50		N/A	See I–C District for commercial or industrial use; Otherwise, N/A								
	Commercial or Industrial**	See IC District																	
Village (V)	Commercial [‡]	N/A	N/A	35	N/A	25	10	40	See IC District										
	Industrial**	See IC District			35	See IC District													
Residential Growth (RG)	Commercial or Industrial**	See IC District			35	See IC District													
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 ^E	10 ⁰	See I-C District		25	See IC District							
General Commercial (GC)	Commercial	N/A	N/A	75	80%	20	10	25	See IC District										
Highway Commercial (HC)	Commercial	N/A	N/A	75	80%	25	25	25											
Light Industrial (LI)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25											
Major Industrial (MI)	Commercial	N/A	N/A	75	90%	25	10	50											
	Industrial	3 ac***	N/A	75	90%	25	50	50											
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	15 min 25 max	10 ^E	10 ⁰											
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).																

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by "ac" (acres).

* Maximum building height is subject to Sec. 9.2.

** If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

*** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

**** Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

¥ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

⌀ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

◊ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33, 35, 37, 39, 43}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Residential Uses													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	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
Home Uses													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
Institutional Uses													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church ³⁸	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	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Industrial													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 ²	NP	NP	NP	NP	NP	CU ²	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
Industrial Manufacturing & Processing													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
Adult Uses													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses													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	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
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	P	NP	P	CU	P	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 ³¹	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	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet ³⁷	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	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
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	
Gas Station, Limited	P	P	P	P	CU	P	P	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	
Hotel/Motel	NP	P	P	P	NP	P	P	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	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	
Restaurant	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	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
Restaurant, Fast Food, Drive-Through ⁴⁰	NP	P	P	P	CU	CU	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	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 Sales Limited	P	P	P	P	NP	P	P	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	
Short Term Rental ⁴¹	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.16
Solar Energy Facility ⁴³	NP	See Section 8.20				NP	NP	See Section 8.20				NP	Sec. 8.20
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
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
Agricultural Uses*													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock ³⁷	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
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
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	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

P Permitted Uses

NP Not Permitted Uses

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

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

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

² Approval process is per the Salvage Yard Ordinance.

OC Office / Commercial Mixed-Use

R Rural

RG Residential Growth District

RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

V Village District

Subdivision and Land Development Regulations

Jefferson County, West Virginia

**Adopted October 9, 2008
Amended July 11, 2024**



Amendment Reference

This document contains additions and amendments approved by the Jefferson County Commission on the following dates. These changes are noted throughout this document with the corresponding number given to the effective date on this page.

- This document was adopted October 9, 2008 and effective November 1, 2008.
 - A comprehensive reorganization and related policy-neutral amendments were approved August 19, 2010 which are not individually noted throughout this document.
- (1) Amended by act of the County Commission, Effective April 28, 2011
 - (2) Amended by act of the County Commission, Effective November 3, 2011
 - (3) Amended by act of the County Commission, Effective January 19, 2012
 - (4) Amended by act of the County Commission, Effective January 1, 2014
 - (5) Amended by act of the County Commission, Effective May 1, 2015
 - (6) Amended by act of the County Commission, Effective January 1, 2016
 - (7) Amended by act of the County Commission, Effective September 29, 2016 (STA15-04)
 - (8) Amended by act of the County Commission, Effective February 1, 2018 (STA16-01)
 - (9) Scrivener's Error Corrected April 24, 2018 (Correction of numbering errors)
 - (10) Amended by act of the County Commission, Effective July 11, 2024 (STA24-01)

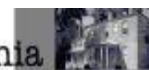


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Article 20 Jurisdiction and Development Types

Division 20.100 Authority and Jurisdiction

- A. **Authority.** These Regulations are adopted pursuant to the authority granted by the Constitution and laws of West Virginia including, but not limited to, that contained in Chapter 8A, *Land Use Planning*, of the West Virginia Code.
- B. **Jurisdiction.** Except as provided herein, all subdivision of land, all re-subdivision of land, all site development, and all land clearing except for agricultural purposes, within the unincorporated area of the County shall meet the standards of these Regulations and other County ordinances that control use (see Zoning Ordinance).

Sec. 20.101 Purpose

The purpose of the subdivision and land development regulations is to facilitate the County Government's review of proposals for development of land either by subdivision plat or site plan, to ensure that proposed subdivision plats or site plans meet the standards of the Jefferson County Zoning Ordinance and satisfy the legal requirements of the State and County for the subdivision and development of land, and to promote efficient and attractive development in a manner that reduces off-site impacts. These regulations are also designed to assure proposed development is, or will be, adequately supported by infrastructure including roads, road access, sewer and/or water facilities, stormwater management facilities and private and public utilities. These regulations also establish a review and approval process for subdivision plats and site plans, provide guidance for the preparation of subdivision plats and site plans and inform citizens of the standards that must be met for approval.

Sec. 20.102 Applicability

- A. **General.** All subdivisions, site plans, lot mergers, vacating of streets, right-of-ways, easements of access or for utilities or drainage shall be subject to the provisions of these Regulations. No recordation of such documents with the County Clerk shall be permitted until such documents have been reviewed and approved in accordance with these Regulations.
- B. **Approval Required.** Before development of the land is commenced, subdivision plats and site plans must be approved by the Planning Commission, recorded, and surety posted for required improvements in accordance with these Regulations and the Comprehensive Plan.

Sec. 20.103 Private Restrictions

The provisions of this Division are not intended to replace any deed restriction, covenant, easement, or any other private agreement regarding a parcel of land. All such restrictions shall be enforced by the parties to the restriction. The County shall not enforce or become involved in the enforcement of such private restrictions, and, in the review of development proposals, the County will apply only its regulations to evaluate the proposal. All subdividers shall submit the proposed private restrictions to the County with or before submitting the final plat or site plan. Covenants shall be consistent with the requirements of the County Zoning Ordinance and these Subdivision Regulations.

**Sec. 20.104 Exceptions⁵**

- A. **General.** There shall be no exception from these Regulations for activities that involve the creation of lots, revision of lot lines that affect other properties other than the otherwise exempted uses, the creation or abandonment of roads, the provision of access to exterior roads, the vacating of public road right-of-ways, or the creation or abandonment of other easements, unless provided for in Section 20.107, *Conservation Easements*, or in subsection “C” below.
- B. **Public Schools.** By Statute, public schools are exempt from these Regulations, but are encouraged to voluntarily conform.
- C. **Public Utilities.** Public utilities and private utility firms, including wastewater treatment and water supply facilities, regulated by the West Virginia Public Services Commission, shall also be required to conform to the standards of these Regulations; however, easements for public utilities and private utility firms, including wastewater treatment and water supply facilities, shall be exempt from this requirement, unless otherwise required as a part of a subdivision plat and/or site plan.
- D. **Land Owned by Government Entities.** Land owned by the Federal Government, State Government, or Municipal Government is exempt from the provisions of these Regulations. The County government has placed its own uses under the jurisdiction of these Regulations.

Sec. 20.105 Vested Property Rights

Commentary: Section 20.105 is based on §8A-5-12, Vested Property Right, of the West Virginia Code, without the damages language (which applies by force of state law).

- A. **Vested Rights Defined.** A vested property right is a right to undertake and complete the site development. The right is established when the Community Impact Statement (CIS, under the 1979 Subdivision Ordinance) or the Concept Plan (under these Regulations) is approved by the Planning Commission and is only applicable under the terms and conditions of the approved CIS or Concept Plan. Application of vesting a minor plat or minor site plan shall occur after the first review comments have been returned to the applicant, at which point the application is considered “approved with conditions”.
- B. **Forfeiture.** Failure to abide by the terms and conditions of the approved CIS and/or Concept Plan will result in forfeiture of the right.
- C. **Vesting Period**
 - 1. The vesting period for an approved preliminary plat or major site plan which creates the vested property right is five years from the approval of the plat or site plan by the Planning Commission.
 - 2. Without limiting the time when rights might otherwise vest, a landowner's rights vest in a land use or development plan and cannot be affected by a subsequent amendment to a zoning ordinance or action by the Planning Commission when the landowner:
 - 3. Obtains or is the beneficiary of a significant affirmative governmental act, which remains in effect allowing development of a specific project;
 - a. Relies in good faith on the significant affirmative governmental act; and



- b. Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

D. Automatic Extension

1. All requirements, for the vesting of property rights contained in an ordinance enacted pursuant to WV Code Section 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat valid under West Virginia law and outstanding as of January 1, 2010, shall be extended as provided in a resolution passed by the County Commission. The provisions of this subsection also apply to any requirement that a use authorized pursuant to a special exception, special use permit, conditional use permit or other agreement or zoning action be terminated or ended by a certain date or within a certain number of years.⁸
2. Any subdivision or land development plan or plat, whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010, shall be extended as provided in a resolution passed by the County Commission. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period. *Provided, that* the land development plan or plat has received at least preliminary approval by the Planning Commission or County Commission by March 1, 2010.⁸

Sec. 20.106 Adjustment of Lot Boundaries (Merger Plats)⁸

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

All other adjustments of boundary lines require submission and approval of a Merger Plat and shall be subject to the requirements of Appendix A Section 1.4 of these Regulations, Subsections 1 – 8, 12, 13, 14, 16, 18, 19, 26 and 31 and shall be prepared on either a Legal Size or an 18” x 24” sheet.⁹

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

- A. Access to all lots included on this plat is not adversely affected and is depicted on the plat;
- B. No new lot is created;
- C. The remaining area of the lot from which the land is taken, satisfies requirements for minimum lot size in the zone district in which it is located. Lot boundary adjustments between non-conforming lots shall be exempt from the minimum lot size criteria unless the lot(s) is (are) rendered unbuildable.
- D. The following note shall be included on this plat and in the deed:



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

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

Acreage Table		
	Parcel A	Parcel B
Existing	____ AC	____ AC
Merger	+ ____ AC	- ____ AC
Final Area	____ AC	____ AC

- F. If the merger is occurring within a previously approved subdivision, a note which references the original plat stating “See PB ____ (Plat Book) PG ____ (Page Number), for subdivision notes and restrictions” shall be added.
- G. New lot lines do not create any setback violations. A note shall be added to the plat to this effect or front, rear and side setbacks shall be designated on the Plat with any existing structures.

A deed shall be required to be recorded with the plat and shall include the Plat Book and Page Number of the recorded plat and the note from 20.106(D) above.

Sec. 20.107 Conservation Easements

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

Division 20.200 Types of Development

Unless explicitly stated within the individual sections listed in this Division, all requirements of these Regulations apply to each of the types of development listed below. Appendix A and Appendix B are included as requirements. Each development type shall comply with the requirements of the zone district in which it is located and may be limited by that zone’s restrictions. Residue parcels from which development rights have been utilized prior to the effective date of these Regulations shall remain as residue parcels. Such parcels shall be limited to the number of development rights to which the parcel was entitled prior to the effective date of these Regulations. Excluded are developments for the purpose of extraction or harvesting of resources and for roads on agricultural land for the purpose of conducting the agricultural operation.⁸

**Sec. 20.201 Minor Subdivisions**

Minor subdivisions are those that do not require the development of new off-tract infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas, and result in the creation of five (5) residential lots or less, or two (2) nonresidential lots or less, including the parent parcel or residue, from contiguously owned parcels of record. Such subdivisions are approved by the staff. Further subdivision of a parent parcel beyond the maximum lots allowed to be created via the minor process after October 5, 1988 shall be classified as a Major subdivision and processed accordingly, unless a waiver is applied for and approved by the Planning Commission. A list of all deed transfers since October 5, 1988 shall be submitted with each plat.⁸

A. Residential⁸

All minor residential subdivisions shall conform with the following:

1. A minor residential subdivision divides the property into lots and a residue parcel. The subdivision of the lots creates the residue parcel out of the original parcel.
2. All lots, regardless of the zoning district, shall have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots to either:
 - a. A WV DOH road right-of-way or easement; or
 - b. A road in a major subdivision that meets county roadway design standards (Table 2.2-1)

However, in the Rural District, lots having a minimum road frontage of 200 feet may have a single access onto an existing WV DOH right-of way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1). Shared driveway access on the adjoining property lines may be required if the distance between the driveways is less than 200 feet
3. Potable water and sanitary sewer service shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health or letters of water and sewer availability, as applicable.

B. Family Transfers⁸

When family transfers are provided for in a specific zoning district, such transfers shall conform with the following:

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

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



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

3. All lots shall have motor vehicle access via a 50’ access easement, provided that the access easement serves no more than twelve (12) family transfer lots, to either:
 - a. A WV DOH right-of way or easement; or
 - b. A road in a major subdivision that meets county roadway design standards (Table 2.2-1)

However, lots having a minimum road frontage of 200 feet may have single access on an existing WV DOH right-of-way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1). Shared driveway access on the adjoining lines may be required if the distance between the driveways is less than 200 feet.

4. Potable water and sanitary sewer service shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health or letters of water and sewer availability, as applicable.
5. As used in this subsection, the word “transfer”, as it relates to the five year provision, shall not include:
 - a. Deeds to Trustees to secure a debt, except that no foreclosure can be had thereunder except at public auction and this provision must appear in the deed of trust;
 - b. Judicial sales or tax sales;
 - c. Mortgages;
 - d. Deeds of partition under or pursuant to an order of Court;
 - e. Real estate transferred by will or intestacy.
 - f. Each individual eligible to receive a family transfer as defined in the Jefferson County Zoning and Land Development Ordinance shall receive only one such exempt lot within the County after July 19, 1979.
 - g. Parents who are married are entitled to only one such family transfer parcel.

C. Non-Residential

The re-subdividing of a lot located in an approved industrial park or existing major non-residential subdivision shall be permitted to follow the minor non-residential subdivision process. When a non-residential land use is permitted in the Rural Zoning District, such site development may utilize the minor non-residential subdivision provisions provided only one parcel is being subdivided off and only one use will be established on the lot. Additionally, any commercially zoned property may have a one-time exemption to divide off one lot utilizing the minor non-residential provisions providing that no off-site utilities are required and future connections to adjacent lots are provided. All minor non-residential subdivisions shall contain, but are not limited to, the following criteria:⁸



1. **Lots.** A minor non-residential subdivision divides the property into more than one lot.
2. **Access.** All lots shall front on an existing internal subdivision road built to county grade road standards and having a minimum right-of-way width of 50 feet. Lots having direct access to a state road are not permitted to process as a minor, except for those proposals utilizing the non-residential permitted uses in the Rural District.
3. **Water/Well or Sewer/Septic.** Potable water and sewer shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health.

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

Sec. 20.202 Major Subdivision

A major subdivision, whether residential or non-residential, is any subdivision of land that requires the development of streets (public or private) or easements of access to the lots, or common area and/or includes the creation of more than five residential lots or more than two non-residential lots and/or requires the development of new off-tract infrastructure or the extension of existing off-tract infrastructure. (See definition of "Major Subdivision.") A subdivision may be classified as major if in the judgment of staff, a proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.⁸

Sec. 20.203 Minor Site Development^{1, 3, 4, 6, 8}

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

A. Minor Site Development Determination

1. Minor Site Developments are determined using the criteria in this Section. Existing single family structures used as a single family residence and existing agricultural structures are not included in the square footage computations below. Building(s), both new and additions to existing, where new structures or new additions to structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively.
2. Commercial uses shall process administratively with no Concept Plan as detailed in Section 4.10 of the Jefferson County Zoning Ordinance. ~~Building(s), both new and additions to existing, where all new structures or new additions to structures located on the parcel total more than 5,000 and less than 250,000 square feet gross floor area (GFA) on any site shall:~~
 - a. ~~Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.~~
 - b. ~~In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such~~



~~condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.~~

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

In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.

B. Site Plan Classifications⁸

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

1. **No Site Plan or Stormwater Management Plan.** No site plan is required for additions to existing structures or structures ancillary to existing uses on a property, when:
 - a. The footprint of the addition or the new structure is less than 1,200 square feet; and
 - b. No additional parking is required per Zoning Ordinance standards; and
 - c. The disturbed area is no more than 5,000 square feet.

Note: Once the total of any additions or new structures processed under this provision since October 5, 1988 exceeds 1,200 square feet, it shall process as a Limited Site Plan or a Full Site Plan, as appropriate.



2. Limited Site Plan

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

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

3. Full Site Plan

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

C. Site Plan Exception⁸

All non-residential agricultural uses or principal permitted uses in the Rural District that require the construction of a structure other than a residence or other than a structure for private agricultural use that is not intended for public use may utilize this Site Plan Exception. All Minor Site Developments in the Rural District shall be classified per Section 20.203.B⁴ and shall meet all requirements of the Site Plan Classification except for the following:

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

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

- b. **Rural Storm Drainage and Management.** Development which is proposed in the Rural zoning district which wishes to take advantage of this Exception is required to utilize Low Impact Development (LID) techniques and provide stormwater management (quantity and quality) for the additional impervious area only.

Where, in the judgment of staff, a proposal does not meet the intent of this Exception or the intent of these Regulations, this Exception may not be utilized. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.

**Sec. 20.204 Major Site Development**

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

Division 20.300 General Review Standards

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

Sec. 20.301 Zoning Review

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

Sec. 20.302 Subdivision Plat General Review Standards⁴

- A. **General.** This section sets forth the design review criteria and the body charged with making the determination. Stormwater Management Plans may be required for inclusion based upon applicability standards defined in the Jefferson County Stormwater Management Ordinance. In conducting a review, the staff shall make a report and recommendations on design, and the Planning Commission shall make a decision, based on the following:
- B. **Natural Resources.** The subdivision plat works with the natural conditions of the property so as to minimize destruction of the natural resources (including but not limited to floodplains, hillsides, wetland, sinkholes; See environmental protection standards in the Zoning Ordinance). The subdivision plat protects the site's natural resources as required by the Zoning Ordinance and these Regulations.
 - 1. The staff shall advise whether the minimum standards are met.
 - 2. The Planning Commission may



- a. Require adjustment to the lot and street layout to better achieve the level of protection by maintaining linked open space.
 - b. Adjust the location of the open space to protect areas of the resource that are most valuable or of highest quality. The location may also be adjusted to protect water quality by better buffering streams or water bodies.
- C. Determine if it is generally desirable that one on-site resource be protected at a greater level than another on-site resource due to the unique conditions of the property. The Planning Commission may recommend the developer seek a waiver of the resource protection standards in order to provide greater protection for the identified on-site resource.
- D. **Adjoining Properties.** The subdivision plat promotes the best design for the use of the property in relation to the development's function and nearby existing or-in-process developments.
 1. Staff shall advise whether the minimum bufferyard standards of the Zoning Ordinance are met.
 2. During the concept plan stage, the Planning Commission and/or staff may review:
 - a. The lot layout to see if an alternative layout would provide greater compatibility by increasing the distance of some portion of development from neighbors where feasible.
 - b. The distribution of plant material within a bufferyard, and whether an alternative distribution would better protect a specific area.
- E. **Drainage.** The drainage shall be efficiently and unobtrusively integrated into the design and shall avoid off-site impacts. The standards for stormwater management are described in the Jefferson County Stormwater Management Ordinance. The County Engineer shall be responsible for advising whether the plan and drainage facilities meet the required standards. The Planning Commission may seek to use natural surface drainage or encourage the use of low impact development techniques (see Jefferson County Stormwater Management Ordinance) wherever possible.
- F. **Streets.** All street and circulation patterns shall provide for the safe, efficient, and convenient movement of vehicular and pedestrian traffic. Within the context of overall community development, the internal circulation system should promote and encourage the increased use of pedestrian and bicycle movement among residential areas, local shopping, schools, and other areas. Road connections shall be made to existing subdivisions or stub streets to avoid external vehicle trips.
 1. The West Virginia Division of Highways (WVDOH) is responsible for all roads, except those intended to remain private and/or maintained by a Homeowner's Association. WVDOH shall determine the safety of the roads, access locations, and off-site improvements. Staff shall coordinate with the WVDOH to make all determinations of safety. Likewise, the capacity of the adjoining roads is a technical issue to be determined by WVDOH. At the approval of concept plans, the Planning Commission may require the developer to work with WVDOH to specifically address off-site or capacity issues or concerns.



2. The Planning Commission and staff shall review the pattern of streets and blocks to advise if the design promotes pedestrian and bicycle movement, calms traffic in appropriate locations, and provides for connections to existing subdivisions or stub streets or accommodates future connections to future subdivisions to avoid unnecessary external vehicle trips.
3. Connectivity is intended to ensure an adequate movement of traffic within superblocks, provide multiple means or routes of emergency access, and reduce loadings on arterial or collector roads that bound the superblock. The Planning Commission and staff shall work with the County Engineer with regard to the safety and desirability of connections between subdivisions and/or to existing stubs.
4. Where a superblock or area currently has no internal streets, the Planning Commission shall work with the developer and the staff to develop a sound approach to connectivity within the superblock being developed by recommending a superblock street pattern to guide future development.

G. Utilities. Provisions for adequate sewer and water.

1. The determinations of adequacy or availability shall be made by the Planning Commission after consultation with appropriate agencies responsible for providing water and wastewater treatment for the area in which the proposed subdivision or development project is located.
2. The Planning Commission may request that specific problems be considered and addressed by the agencies in the recommendations of the concept plan.

H. Public Improvement. Facilitate the conformance of subdivision plats with the public improvement plans of the County, such as the proper provision of open space for recreation and other public facilities and the convenient and proper location of sites for public and community facilities and various land uses. This shall be the responsibility of staff.

I. Lots. The subdivision plat shall provide for well-proportioned and oriented lots that relate properly to the roads and open space. An awkward and irrational pattern of lots and individual lot shapes and excessive number of panhandle lots shall be avoided (See Section 21.302, *Flag Lots*). The Planning Commission may require a different lotting pattern if they determine lot shapes or pattern of lots can be improved to support their future development.

J. Landscaping. The subdivision landscaping layout shall promote the zoning classification's qualities and character and meet or exceed the landscaping standards of the Zoning Ordinance. Landscaping shall be located to achieve the screening objectives and, where possible, enhance open space objectives beyond the minimum requirements.

1. The staff shall advise whether the zoning standards are met.
2. The Planning Commission shall work to ensure that required landscaping is located to best achieve the screening, protection, and overall character to enhance the value of the property. It may authorize moving plant material around, but not require more plant material than required by zoning.



- K. **Density.** In reviewing a subdivision plat pursuant to A through I above, no requirement shall lower the density or floor area except as provided in 1 to 3 below. The review of subdivision plat is ministerial. There is no discretion to alter density downward if the plan meets all zoning standards. The preliminary or concept plan reviews are intended to encourage or require plan modifications that improve design. The Zoning Ordinance sets the maximum density and includes the environmental regulations to ensure that a site is not over-developed based on its unique conditions. The design review shall focus on revising the subdivision plat by *altering* roads, lots, landscaping, or other plat elements, but not by *altering* development intensity unless it exceeds zoning ordinance standards as indicated by the staff review.
1. A subdivision plat may be denied based on density when it exceeds that permitted by the Zoning Ordinance as indicated by the staff report and the developer is unwilling to accept modifications to bring it into conformance.
 2. A denial is also possible where the Planning Commission determines that public or community sewer and/or water facilities are required and the agencies responsible for water and sewer find that these services cannot be provided by the developer or another provider in accordance with acceptable standards.
 3. The Planning Commission may impose conditions for a lower density when proffered by the developer.
 4. The Zoning Ordinance and these subdivision and land development regulations provide flexibility and incentives for good design as well as ways to waive specific standards in certain circumstances. The Planning Commission's role is to work with the developer to achieve the best plan for the property at the densities that are permitted by the Zoning Ordinance.

Sec. 20.303 Site Plan General Review Standards⁴

The site plan process occurs on existing lot(s) with no public roads being built but where private drives, circulation, and parking will be needed. Utility systems that the County will rely on to serve the new development and drainage are also required. Site plans create an area where people will live and work. Site plan review involves the technical and engineering aspects of the proposed site plan in order to ensure that a safe and efficient neighborhood is created. The design of the site is also important to ensure that the site plan achieves the intended results. This section sets forth the design review criteria and the body charged with making the determination. Stormwater Management Plans may be required for inclusion based upon applicability standards defined in the Jefferson County Stormwater Management Ordinance. In conducting a review, the staff shall make a report and recommendations on design, and the Planning Commission shall make a decision, based on the following:

- A. **Natural Resources.** The site plan works with the natural conditions of the property so as to minimize destruction of the natural resources and maximize the value of the lots for the developer and eventual residents or users. The site plan protects the site's natural resources as required by the Zoning Ordinance.
1. Staff shall advise whether the minimum standards are met.
 2. The Planning Commission shall review:



- a. The lot and internal circulation layout to better achieve the level of protection by maintaining linked open space.
 - b. Adjust the location of the open space or landscaped surface area to protect areas of the resource that are most valuable or of highest quality. The location may also be adjusted to protect water quality by better buffering streams or water bodies.
 - c. If it is generally desirable that one on-site resource be protected at a greater level than another on-site resource due to the unique conditions of the property, the Planning Commission may recommend the developer seek a waiver of the resource protection standards in order to provide greater protection for the identified on-site resource.
- B. **Adjoining Properties.** The plan promotes the best design for the use of the property in relation to the development's function and nearby existing or in-process developments.
 1. Staff shall advise whether the minimum bufferyard standards of the Zoning Ordinance are met.
 2. During the concept plan stage, the Planning Commission may review as follows:
 - a. The site plan to see if an alternative layout would provide greater compatibility by increasing the distance of a development from neighbors where feasible.
 - b. Where an alternative distribution of plant material within a bufferyard would better protect a specific area.
- C. **Drainage.** The drainage shall be efficiently and unobtrusively integrated into the design and shall avoid off-site impacts. The standards for stormwater are described in the Jefferson County Stormwater Management Ordinance.
 1. The County Engineer shall be responsible for advising whether the Stormwater Management Plan meets the required standards described in the Jefferson County Stormwater Management Ordinance.
 2. The Planning Commission may seek to use natural surface drainage or encourage the use of Low Impact Development (LID) techniques (see the Jefferson County Stormwater Management Ordinance) wherever possible.
- D. **Internal Circulation.** All internal roads or parking lots create a circulation pattern which shall provide for the safe, efficient, and convenient movement of vehicular and pedestrian traffic. Within the context of overall community development, the internal circulation system should promote and encourage the increased use of pedestrian and bicycle movement among residential, local shopping, schools, and other areas. Where adjoining developments have stubbed streets the connections shall be made, and the Planning Commission shall require them.
- E. **Utilities.** Adequate provisions are made for sewer and water.
 1. The determinations of adequacy shall be made by the Planning Commission after consultation with appropriate agencies responsible for providing water and wastewater treatment for the area in which the proposed subdivision or development project is located.



2. The Planning Commission may request that specific problems be considered and addressed by the agencies in the recommendations of the concept plan.
- F. **Landscaping.** The site plan landscaping layout shall promote the zoning classification's qualities and character and meet or exceed the landscaping standards of the Zoning Ordinance. *Bufferyard* landscaping shall be located to achieve the screening objectives and, where possible, enhance open space objectives beyond the minimum requirements.
1. The staff shall advise whether the zoning standards are met.
 2. The Planning Commission shall work to ensure that required landscaping is located to best achieve the screening, protection, and overall character to enhance the value of the property. It may authorize moving plant material around, but not require more plant material than required by zoning.
- G. **Intensity.** In reviewing a site plan pursuant to A through G above, no requirement shall lower the permitted floor area except as provided in 1 to 3 below. The review of site plans is ministerial. There is no discretion to alter density or intensity of development downward if the plan meets all zoning standards. The concept plan reviews are intended to encourage or require site plan modifications that improve design. The Zoning Ordinance sets the maximum intensity and includes the environmental regulations to ensure that a site is not over-developed based on its unique conditions. The design review shall focus on revising the site plan by altering building configuration, circulation and parking design, landscaping, or other site plan elements, but not by altering development intensity unless it exceeds Ordinance standards as indicated by the staff review.
1. A street extension planned in existing development runs through the property.
 2. A denial is also possible where the Planning Commission determines that public or community sewer and/or water facilities are required and the agencies responsible for water and sewer find that these services cannot be provided by the developer or another provider.
 3. The Planning Commission may impose conditions for a lower intensity when proffered by the developer.
 4. The Zoning Ordinance provides flexibility and incentives for good design and provides for ways to waive specific standards in certain circumstances. The Planning Commission's role is to work with the developer to achieve the best site plan for the property at the densities or intensity of uses that are permitted by the Zoning Ordinance.



Article 21 Subdivision and Development Design

Division 21.100 Subdivision Plat Components

Sec. 21.101 Blocks

- A. **Block Length.** The *blocks* shall not, in most instances, exceed six lots in length on one side of the street. For attached units, that shall not exceed 12 lots. The length, width, and shape of blocks shall be determined with due regard to the provision of adequate sites for *buildings* of the type proposed, zoning requirements, fire *access*, emergency service, and police protection. Blocks may be longer in rural subdivisions due to topographic constraints and/or the total number of lots in the subdivision does not exceed 9 and the lots are over $\frac{3}{4}$ acre in land area each.
- B. **Block Width.** Blocks should be such width as will provide two tiers of lots, except where reverse frontage lots are located along an *arterial* or collector street or where such an arrangement is prevented by the size or other inherent site conditions of the property, as determined by Staff.
- C. **Relations to Arterials and Collectors.** Where possible, blocks shall be laid out to have their short length *abutting arterials, collectors*, or the development's major road.
- D. **Nonresidential Blocks.** Blocks for commercial, industrial and other non-residential use areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. In such cases, safe and convenient *access* to the street system shall be required. Space for off-street parking may also require similar *access* for employees and customers. Extension of streets and utilities shall be provided, as necessary.
- E. **Grid Layout.** A grid or other formal system is desirable, in which open spaces are integrated into the block design. Exceptions may be made for hillsides, green spaces along drainage or stream channels, or where other natural resources make a grid difficult or cost prohibitive. *Alleys* are considered desirable where lot sizes are less than 10,000 square feet in area.

Sec. 21.102 Streets

Streets shall be laid out to create *blocks* or, in limited conditions, cul-de-sacs. Within any *superblock* created by *arterials* or *collectors*, the objective is to provide an interconnected network of streets so that people may reach other locations within the superblock without having to access arterial or collector streets.

- A. **Access to Public Highways.** Any proposed subdivision that is not adjacent to a public highway shall be connected to a public highway by a right-of-way(s) and road(s) that meet the standards required for right-of-ways and roads within the proposed subdivision. This provision may require upgrading of right-of-ways and roads that are not owned by the subdivider and that were platted and recorded prior to the date the subdivider filed a subdivision application.
- B. **Connections to Stub Streets.** Where a stub street has been provided or the right-of-way is provided on an adjoining parcel or subdivision, the developer shall connect. The only exception to this shall be where commercial, industrial or other non-residential use takes access through a residential subdivision or development to a local street.



- C. **Access.** All subdivision plats that contain more than 30 lots shall have a minimum of two access points from existing roads. Where possible, spacing between points of access shall be a minimum of 300 feet. Where possible, all subdivisions shall connect so that developments are not cul-de-sacs with only one access to an existing road. The use of cul-de-sacs shall be limited to places where natural resources, such as streams, hillsides, *floodplains*, or *open space*, make normal blocks inefficient, environmentally damaging, or prohibitively expensive.
1. Where the frontage on existing roads does not permit two entrances to be adequately spaced, the subdivision shall provide for connections to adjoining existing stub streets or to adjoining vacant parcels to all sides;
 2. Where the connection is to an arterial or collector, and where access controls are in place to increase spacing, the second access may be skipped where a stub street on an adjoining property provides the access; or
 3. Where the single access is no more than one lot long before splitting into an internal system of connected streets, a street with a parkway may be used.
- D. **Future Connections.** Where the adjoining land is vacant, the subdivision shall provide stub streets to the property line. Connections shall be made to all properties that are not vacant or have stub streets in place. The access shall be to properties on all sides. In larger subdivisions, not all streets need to be extended. The skipping of block extensions shall not exceed three block lengths or result in no connection being made to an adjoining parcel.
- E. **Street Pattern.** The design of the street system near intersections of collectors or *arterials* should be designed so as to discourage or make difficult short-cutting through a residential area.

Sec. 21.103 Lots

Design standards for lots in subdivisions shall be as follows:

- A. **Required Frontage.** Every lot shall have frontage along the right-of-way lines of a street, except as expressly permitted by Sections 21.301, *Road Frontage*; 21.302, *Flag Lots*; and 21.303, *Lot Shapes*.
- B. **Double Frontage Lots.** Double *frontage* residential lots should be avoided. It is preferable only along *arterials* or collectors where the short end of blocks cannot be used because of the proximity to two intersecting arterials or *collectors*. It is preferable to align *blocks* with perpendicular *local streets* so as to have side lot lines adjoining the main road. Only where all the preferred orientations are impractical or where large *bufferyards* set the lots an adequate distance from the road may double frontages be considered for *approval*. Lots with double frontages shall be required to have driveway access from the internal or minor subdivision street, and the plat shall bear a notation disallowing *access* onto major roadways. Residential lots fronting on collectors or arterials shall be prohibited unless served with *alleys* and off-street parking accessed from side streets.
- C. **Side Lot Lines.** Sidelines of a lot shall be set approximately at right angles or radial to street right-of-way lines; rear lines shall be approximately parallel to *street lines*.



Different lot shapes may be permitted if necessary or desirable to relate *building* sites to the terrain or open space or if they provide better site utilization and building relationships.

- D. **Access to existing roads.** In all districts where the subdivision for residential use is to occur, lots shall only have access via internal subdivision roads, except for Rural lots as provided in Section 20.201, *Minor Subdivisions*. Lots shall take *access* to stub streets with side lot lines paralleling the public road, rather than stripping the frontage. Use of a frontage road to circumvent the intent of this provision shall be prohibited.
- E. **Lot Arrangement.** The arrangement of lots shall preserve and be sensitive to the natural features of the property. Alternative development options, such as cluster or planned developments, provide the design flexibility needed to reduce the intrusion of lot areas into floodplains and other natural resources.
- F. **Non-residential Lots.** Non-residential lots shall be designed to prevent any visually unattractive facility (such as loading platforms, material or refuse storage areas, mechanical equipment, and supply areas) from facing major streets or residential neighborhoods. Alley access or screening walls shall be utilized to shield visually unattractive facilities.
- G. **Driveway Access for Corner Lots.** Corner lots located at the intersection of major and minor streets shall have driveway access from the minor street, if possible. Driveways shall be located as far from the street intersection as practicable and shall not be permitted within the *sight distance triangle*.
- H. **Corner Lot Line Radius.** The corner of corner lots shall be designed and platted as a curve having a radius that is parallel to the radius of the adjacent street pavement and/or curb and gutter.
- I. **Minimum Lot Dimensions.** Refer to the Zoning Ordinance for the specific zone district in which the parcel is located for all required minimum lot dimensions.

Sec. 21.104 Lot Width and Frontage

Lot widths shall meet the required minimums for the specific zone district in which the parcel is located that are measured at the setback lines. Frontage is measured along the street property line. The following guidelines govern lot configuration:

- A. **Frontage.** The minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less. Flag lots and lots on cul-de-sacs may be permitted to have a minimum frontage of 24 feet based on design and engineering approval.
- B. **Lot Shape.** In general, lots should be roughly rectangular.
 - 1. Where a grid street system exists, the lots should be as close to rectangular as practicable, with the narrow side fronting the local street, as feasible. The ratio between lot depth and lot width shall not exceed 3:1. Depth to width ratios for corner lots will be based on which lot boundary is designated as the rear line. The frontage is opposite the rear line. The frontage opposite the rear line will be defined as width.
 - 2. In curvilinear street patterns, irregular lot shapes will result. The minimum lot width must be maintained between the front and rear yard setback lines; therefore, the lot



- width may not be narrower than the minimum at any point within the building envelope. The applicant may define *building* envelopes more restrictively than minimum yard setbacks on the *final plat*.
3. Where lots exceed two acres, the need for rectilinear lot shapes decreases and, provided the provisions of 2 above are met, more irregular lots may be approved where it protects natural features or resources or where it makes the lotting more efficient.
 4. Acute lot corners shall have angles of no less than sixty (60) degrees. Lot corners of less than sixty (60) degrees may be accepted by the County Engineer for lots along road turnarounds.
- C. **Difficult Properties.** Where topography, natural resources, or property shape make normal lot configurations difficult, common drives, *panhandle lots*, or shared easements may be considered to provide access in those situations. They shall not be used simply to avoid more streets.

Sec. 21.105 Requirements for Parkland

This Section is designed to satisfy needs for park facilities in future neighborhoods.

- A. **Visual Access.** Visual access to parkland shall be encouraged from both lots and streets.
- B. **Greenways.** Parkland shall be designed to provide greenways along drainage corridors, streams, or in accordance with a County trail plan. The landscaping along corridors shall be designed to enhance the filtering of surface and subsurface water flows. Trails shall provide access along the greenway and to the residents of the development.
- C. **Design.**
 1. Parkland shall be integrated into the development design to bring significant open space to the maximum number of properties. Small, odd, left-over open space areas shall be avoided. Landscaping may be required to enhance the value of such spaces where they cannot be avoided, and staff may require the concentration of required plant material. The reservation of land for park and recreation purposes shall be in a suitable, convenient location and shall be of a size, dimension, topography, and character conducive to use as a park, playground, playfield, or similar use.
 2. Land reserved for park and recreation purposes shall be reasonably level and dry and shall be maintained by the property owners' associations in a useable condition as part of an overall maintenance program for the subdivision. Land reserved for neighborhood park and recreation purposes shall be clearly identified on the final plat and shall be for the use and enjoyment of property owners within the subdivision. Land reserved for greenways and trails for public use shall be clearly identified on the Final Plat. The County Commission may accept donation of all or a portion of parkland, greenways, or trails for use by the public.
 3. Open spaces/parkland shall be designed to provide areas of focus within the development. In the Rural District, such spaces shall be minimal unless a Conditional Use Permit (CUP) has been obtained. In the Residential-Light Industrial-Commercial and Residential Growth Districts, open spaces/parkland shall be provided in accordance



with Table 21.105. Residential Land area is determined by adding the square footage of all proposed residential lots. Up to 60% of this requirement may be met with passive open space in the Residential-Light Industrial-Commercial and Residential Growth Districts. Landscaping and hardscapes that include furniture for pedestrians shall be installed to enhance the usefulness of these areas.

Table 21.105 Parkland Requirements for R-LI-C & RG Districts and Development in the Rural District with an approved CUP	
Density in Units per Acre of Residential Land Area	% of Land to be Reserved for Open Space
Less than 2 units per acre	No land required
2-4	4%
4-6	7%
6 to 10	10%
10+	15%

D. **Overlapping Easements.** Easements over environmentally sensitive resources shall not have other easements over the land that would result in the disturbance of the land, with the following exceptions:

1. Pedestrian *access easements* may be permitted anywhere.
2. In order to provide appropriate services, utility and drainage easements may be permitted along any side and rear lot lines of adjoining lots designated for development but shall be minimized in open space areas.

Division 21.200 Site Plan Components

Sec. 21.201 Access and Interconnection

The provision of safe access to adjoining roads and interconnections between adjoining developments is important to a transportation system that works. Access to the State's roads is governed by WVDOH, which is responsible for the review of the site plan for access to the adjoining road network. It is the purpose of these Regulations to encourage connectivity between adjoining uses along arterial and collector roads to reduce the need for traffic to go onto major roads to reach nearby uses. The following governs the review of access and interconnection:

- A. **Access.** The West Virginia Division of Highways (WVDOH) shall review all site plan applications and indicate whether it approves of the proposed access in terms of location and sight distances, acceleration and deceleration lanes, turn lanes, traffic signs and/or signals, and the capacity of the road to handle the proposed traffic.
- B. **Interconnections.** The Department of Engineering, Planning, & Zoning shall review the site plans to ensure that, where interconnections can be made or where adjoining properties have provided for interconnections, the site plan makes the connections. Site plans may be required to be modified to make the connections or to ensure that the interconnections between a number of properties are made in a manner that facilitates movements between sites. The Department of Engineering, Planning, & Zoning shall review the layout and engineering of such linkages to ensure that they are feasible and safe.



- C. **Strip Development.** Strip development with each use having its own access to State roads is undesirable. In consultation with WVDOH, Staff, and the Planning Commission may require connected parking areas or even a parallel access way connecting a number of parcels. The minimum access standards shall be adhered to. Should the first parcel to develop not be at the best location for access to an area, the County and WVDOH may issue a temporary curb cut permit that allows the entrance to be located there, provided that there are connections to the adjoining properties and the landowner signs an agreement giving the WVDOH permission to close the curb cut, at the landowner's expense, once the property has access to a better curb cut location.

Sec. 21.202 Internal Circulation

All site plans shall be reviewed for efficient internal circulation and safety. The Staff report shall recommend any changes. The internal circulation shall be such that it provides for smooth transit across the site for interconnecting traffic. The site plan shall be changed if the circulation pattern does not meet these criteria. Connectivity both for automobiles and pedestrians is important. Since most site plans are small to moderate sized commercial uses, this is a critical element. The following elements shall be the focus:

- A. **Connectivity.** The parking lots of small commercial developments shall be designed to be connected allowing movement through several parcels without returning to the major roads. For larger developments, an access road connecting multiple parcels shall be designed to promote easy traffic movement without difficult turns or disorienting drivers.
- B. **Pedestrian Connectivity.** Sidewalks shall be provided along the road or if a pedestrian path system can work for whole blocks it may be pulled back from the road. Connectivity from non-residential areas to adjoining residential areas shall be provided wherever there are stubs in existing development or where logical pedestrian development could be provided to vacant residential property.
- C. **Parking.** All site plans shall have a provision that permits cross parking with neighboring uses unless demonstrated to be detrimental to the use. Signs that indicate parking exclusively for customers of the use only are prohibited. Staff parking signs can be used.
- D. **Temporary Access.** Where parcels need access but currently cannot obtain adequate separation of roads and drives, the County shall permit access through a temporary connection. These properties shall have connections to adjoining properties so that when correct access spacing can be achieved, the temporary access can be closed and landscaped. The closure shall be at the landowners cost.

Sec. 21.203 Loading and Trash

Loading and trash areas shall be located and designed for loading and trash collection to be done in an efficient manner that allows trucks easy movements for delivery or pickup. Trash areas shall be located and oriented so that they do not create a nuisance to adjoining owners or an unsightly view from public or private roads. Trash container areas shall be screened on three sides with the use of fencing and plant materials.



Sec. 21.204 Pedestrian Circulation

All proposed site plans shall provide a safe, efficient, and attractive pedestrian environment. The criteria for this include:

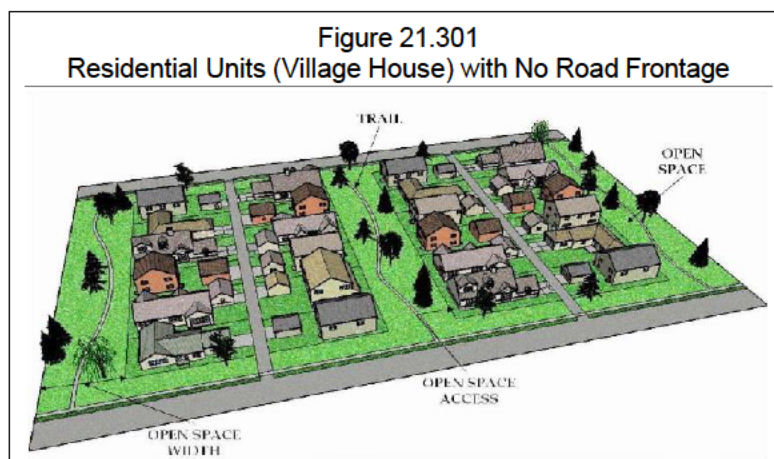
- A. **Access to Adjoining Property.** The access to adjoining properties shall provide for continued pedestrian access to adjoining commercial properties. Where the adjoining use is residential, the connections shall be to any street's or stub street's sidewalks.
- B. **Crossings.** Crossings of roads or drives shall be clearly identified and signed to provide safe pedestrian crossings. Landscaping shall not interfere with sight distances. Traffic calming measures shall be encouraged in any locations where pedestrian crossings are proposed.
- C. **Outdoor Dining.** When restaurant sites are provided, the building should be designed to encourage outdoor dining.

Division 21.300 Modification of Development Standards

Sec. 21.301 Road Frontage

Under certain circumstances, townhouses or similar types of attached units are not required to front a street. All such units shall front an open space that meets the standards in Table 21.301, *Standards for Specific Residential Units with No Road Frontage*. The maximum distance such a unit may be away from a street depends on the distance between the lot and both the open space and an alley that provides the lots with on-site parking and emergency access. The distance requirements in Table 21.301 shall be doubled if a road or emergency access alley is available at both ends of the open space. Figure 21.301 illustrates the various conditions.

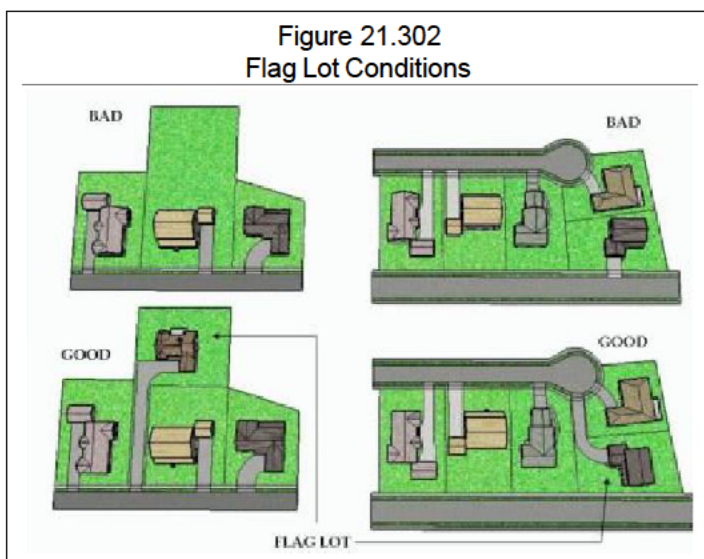
Maximum Distance from Street (ft)	
Open Space Access	Alley and Open Space Access
60	100
75	150
100	180
120	200



**Sec. 21.302 Flag Lots**

Flag lots are generally prohibited because they increase the number of curb cuts on *arterial* or collector streets. However, conditions may exist where flag lots are reasonable and acceptable. These conditions are set forth below and illustrated in Figure 21.302, *Flag Lot Conditions*. If permitted, all flag lots shall allow access for public safety vehicles and providers of public utilities or related public services.

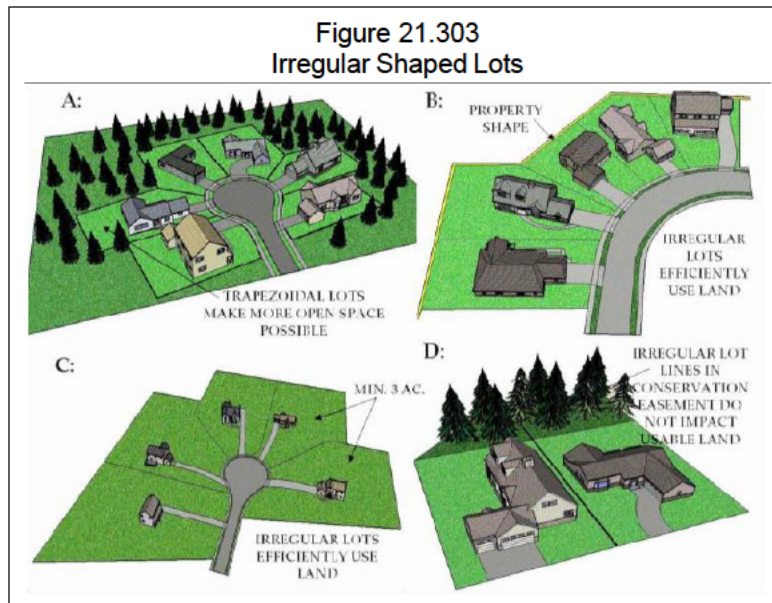
- A. **Irregular Parent Tract, Cul-De-Sac Not Feasible.** If the property to be subdivided has very irregular boundaries and a narrow street and cul-de-sac are not feasible, a flag lot may be used to serve a single lot where lots are one acre or larger.
- B. **Resource Protection.** In a resource protection area, where lots are one acre or larger, a flag lot may be used to reduce resource destruction which would have occurred by extending the cul-de-sac further into the sensitive area.
- C. **Avoidance of Access to Arterial.** A flag lot shall be used to avoid lots taking access to *arterial* or collector streets, as long as the flag lot does not take access from the arterial or collector streets.
- D. **Minimum Access Width.** The "flagpole" or "panhandle" portion of the lot shall be a minimum of 24 feet in width.
- E. **Shared Access.** A combined curb cut for the flag lot and one or more lots may be required where the County believes such design will improve traffic safety.

**Sec. 21.303 Lot Shapes**

Normally, lot shapes are rectangular or pie-shaped. This pattern works well in some cases; rectangular lots are important when lots are rather small since they provide a maximum building envelope. Pie-shaped lots can be inefficient. The most important element is that the lot contains a building construction envelope adequate for conventional house design. Lot shapes may be irregular under the following circumstances (See Figure 21.303, *Irregular Shaped Lots*):



- A. **Open Space.** Where lots are surrounded by open space, those of approximately trapezoidal shape may be used to maximize the benefits of the open space and reduce road length. (Figure 21.303A)
- B. **Irregular Parent Tract.** Where the property has a shape that makes it difficult to locate lots efficiently, the applicant shall be able to use irregular lot shapes, rather than waste land. (Figure 21.303B)
- C. **Large Lots.** Where lots exceeding three acres are provided, the lot shape that provides efficient use of the land and minimum lot size may be used. (Figure 21.303C)
- D. **Open Space Subject to Deed Restrictions and Covenants.** Portions of lots subject to deed restrictions and covenants to protect open space may have irregular shapes since they cannot be used for construction. (Figure 21.303D)
- E. **Construction Envelope.** All lot sizes and shapes shall be reviewed to ensure that houses similar to those normally built in the district can be constructed with normal patios or decks within the building envelope.



Sec. 21.304 Building Pads

Where lots are greater than one acre in size and an applicant wants to locate buildings to create a more casual layout and eliminate buildings lining up along a street on the setback line, the preliminary plat shall propose building pads for each lot that are varied as to setbacks. The plan shall be approved if the following are met:

- A. **No Loss of Privacy.** There is no loss of privacy with homes being located closer to each other than would be the case if the district setbacks were followed, unless there is a landscaped buffer provided that doubles the opacity that would be provided by adherence to the minimum district standards.
- B. **Environmentally Sensitive Locations.** Pads are located to avoid impacts on resources or to provide a better view of protected resources or open space.



- C. **Landscaping.** Landscaping is increased to materially enhance the character over that provided by the minimum standards.
- D. **Neighboring Property.** Where side lot lines or rear lot lines abut an adjacent property of similar zoning, the minimum setbacks are maintained. Where the property line is an existing residential street, the building pads may be used provided the reduction in front yards is not greater than ten percent and additional street trees or front yard landscaping is used. The Planning Commission may require building pads to be altered if it finds that they are so abruptly varied as to alter the character of the street.

Sec. 21.305 Block Length

The maximum length of blocks is set to provide connectivity between adjoining parcels as they develop separately over time. There are conditions that can exist that warrant longer lengths. Such conditions should be addressed by requesting a waiver from these requirements.

Any request for a waiver of the lengths shall meet the criteria below. Maximums shall not exceed those in A and B below, as measured on both sides of the street.

- A. **Criteria.** The following criteria shall be met in granting a waiver:
 - 1. **Existing Stubs.** If the neighboring property has provided a stub to the subject property, the connection shall be made unless there is a high quality wetland that would have to be destroyed to make the connection.
 - 2. **Natural Resources.** A connection would result in protected resources being destroyed.
- B. **Blocks.** If a modification is made pursuant to the standards in A above, the blocks shall not exceed:
 - 1. Nine lots in length on one side of the street for single family lots; and
 - 2. 18 lots in length on one side of the street for attached residential units.

Sec. 21.306 Intersections

Intersections may be permitted closer than the 300 foot centerline distances where:

- A. **Shallow Block Depth.** The depth of a block is less than these distances. An exception shall be granted unless a reasonable alternative street configuration exists which will provide the needed separation; or
- B. **Topography.** Topographic, natural resource, or ownership problems make providing the separation impractical or undesirable; or
- C. **Safety.** A narrower distance may be permitted where the Planning Commission finds the shorter distance results in safer conditions based on sight distances.

Division 21.400 Covenants and Deeds

Covenants shall be provided by the land owner to cover the operation and maintenance of a subdivision or site development. If there are associations, the covenants shall either contain all the needed rules for the association or reference a document that does. If lots or condominium ownership is contemplated, deeds for each property are required. The County shall review these



documents to ensure they do not conflict with County laws. If the covenants or deeds do not conflict with County laws they should be approved. The County in no way waives its rights to enforce violations of law later learned of or determined to exist. County approval in no way indicates County assistance in enforcing these covenants, which the County will not do.

Covenants and deed restrictions shall also serve as a means of limiting further development of lands set aside as open space to satisfy the cluster and planned development requirements or standards identified in the Zoning Ordinance.

Sec. 21.401 Private Restrictions and Easements

Design, signage, use, management, maintenance, and cost sharing may be prescribed or limited by private covenants, conditions, or restrictions, provided that such restrictions are not in violation of County law. For any subdivision or development that involves a shared access easement, no obstruction of the full use of the easement shall be permitted. A note to this effect shall be placed on the plat or plan.

Sec. 21.402 Public Easements⁴

General. All easements for all public (water, sewer, stormwater management or storm drainage facilities) or public service type facilities (telephone, electric, gas, cable) that serve the subdivision or site development shall be set forth on the plat or in the deed. Such easements shall be located in street right-of-ways, *alleys*, or side or rear yards as determined by the County in accordance with the particular plans and layout of the utility or other service providing company. All easements shall provide for access without notification to the property owner for the maintenance, repair, or other work needed in the easement or to the facility in the easement. The following standards shall apply to easements:

- A. **Utility Easements.** A utility easement shall be a minimum of 15 feet wide or a width acceptable to grantor and grantee. Easements that fall on shared side or rear lot lines, unless specifically authorized by the County, shall be of equal dimensions on both lots involved. Where attached housing types are involved and yards are enclosed or very narrow, easements shall be in front or rear yards.
- B. **Stormwater.** All stormwater facilities shall be located on open space land, on easements on the lots, or on public rights of way. Easements shall run in favor of the homeowner's association, business owner's association and any of the public service providers using the easement. Drainage easements shall be provided on all lots to ensure that stormwater channels remain clear of development. Where attached housing types are involved and yards are enclosed or very narrow, drainage easements shall be placed on lots to convey *surface water* to storm sewers located on the street or to surface drainage channels located in easements or open spaces as topography and grading dictate. Easements shall be designed for a 10 year storm event and in no case shall be less than 15 feet wide.
- C. **Open Space Deed Restrictions and Covenants.** Deed restrictions and covenants ~~to~~ shall preserve open space, protect natural resources, and protect land held in common or used for recreation and/or open space. All areas subject to deed restrictions or covenants shall be restricted from further residential development and shall run in favor of all lot owners in the development or the homeowner's association.
- D. **Encroachments, Structures and Landscaping.** No permanent encroachments, structures, fences or landscaping shall be allowed to be located within any easement area.



The homeowner's association, business owner's association and any of the public service providers shall have the right to remove any encroachment, structures, landscaping, fencing or any other improvements placed upon such public easements.

- E. **Maintenance Access Easements.** These easements shall be a minimum 15 feet wide and are primarily intended to provide access to public utilities or drainage areas that need to be maintained regularly. They are not intended to be used as access to a lot or parcel. The exception to this would be to avoid landlocking a parcel that has no other means of access. Should the homeowner's association, business owner's association, any of the public service providers or other agency with facilities in the easement need to do work in an easement, an attempt shall be made to notify the resident and owner, if feasible. If time allows, the landowner shall be permitted to remove any structure or planting. However, since the work may involve an emergency, the homeowner's association, business owner's association, any of the public service providers or other contractor may do the work, including removal or destruction of structures or landscaping. The only obligation the contractors have is to restore the ground cover if that has been disturbed in the process of the work. Any other costs shall be borne by the landowner.

Division 21.500 Mapping and Monuments

All preliminary plats shall identify the following:

- A. The location of monuments and markers according to type and whether "found," "set," or "to be set." A key to all symbols referencing such markers shall be provided.
- B. The location of benchmarks used in the survey, if available.
- C. The location and description of permanent concrete control monuments acceptable to the County Engineer. (The Engineer shall be provided with a plan of projected permanent concrete monumentation. Where possible, permanent concrete monuments shall be intervisible; at least 750 feet apart; away from future roadwork; and, at least 2 per section or block.)
- D. Lot boundary lines with distances. Lot boundaries shall be established by a network of traverse control having a relative error of closure of 1:7500 or better.
- E. A number to identify each lot.
- F. Tic marks in State Plane Coordinate System, WV North NAD83.
- G. If the survey is based on global positioning system measurements, the relative positional accuracy of the survey measurements shall not be less than that which is specified in D above.
- H. When the standards for mapping and monuments contained in this Division conflict with the standards in Appendix B, *Engineering Standards*, the provisions of Appendix B shall prevail.



Article 22 Infrastructure and Grading

Division 22.100 Purpose

The purpose of this Article is to ensure:

- A. The adequate provision of infrastructure, including streets, potable water, sewer, and fire protection to serve development;
- B. Well-designed and well-connected streets and sidewalks;
- C. Adequate lighting of public and private streets;
- D. Adequate and well-designed drainage and stormwater treatment systems to serve new development; and,
- E. The protection of environmental resources during site preparation for development, as well as during and after development.

Division 22.200 Streets

Sec. 22.201 Street Design Objectives

New streets shall be designed to achieve the following objectives:

- A. **Integration.** Integrate into the existing street pattern so as to address the area's future circulation needs, as well as County-wide traffic patterns;
- B. **Safety.** Provide a safe and convenient layout and design;
- C. **Character.** Match and enhance the community character of the respective district(s); and
- D. **Natural features.** Respect natural resources, topography, and drainage features.

Sec. 22.202 Local Circulation Plans

- A. **General.** To enhance connectivity within superblocks, to provide a choice of travel routes, to reduce traffic conflicts and vehicle miles traveled, and to promote coordination among property owners with respect to the ultimate development and alignment of collector and minor streets, the County shall develop a Local Circulation Plan when development occurs in an area for which plans for local circulation have not yet been developed. The area that is subject to the plan shall be bounded on all sides by arterial or collector streets (a "superblock"), waterways, stream systems or other similar boundaries.
- B. **Content.** The Local Circulation Plan shall identify desired collectors or streets within a *superblock*, areas for marginal access or reverse frontage roads, and preferred intersection locations. The Local Circulation Plan shall be based on policies of the Comprehensive Plan, property maps, zoning, and topographic and alignment information. At such time as the Comprehensive Plan and transportation system plan may be revised or updated, the Local Circulation Plan shall be based on, and consistent with, such plans.
- C. **Criteria.** The following criteria shall be used in developing the Local Circulation Plan:
 - 1. Collector streets shall serve only the superblock and not provide alternative or cut-through routes for regional or County-wide traffic. Where superblocks are too large, new collector alignments may be designated. Where new collectors are designated,



they shall be extensions of existing collectors or be designed to be extended through several superblocks.

2. Where possible, collectors shall be located:
 - a. on the superblock's largest parcels; or
 - b. along parcels where the cost can be distributed among several landowners.
 3. Parallel access shall be used where providing individual access to small parcels would create adverse safety conditions due to frequent access on arterial or collector roadways.
 4. The plan shall be sensitive to natural resources and topography.
- D. **Effect.** Subdivision street design and layout shall be consistent with the Local Circulation Plan in terms of the degree of access to adjoining property and existing streets.

Sec. 22.203 Classification of Streets and Highways

- A. Streets and highways shall be classified as arterial or collector according to their intended function, consistent with the West Virginia Division of Highways (WVDOH) classification system and any County-adopted thoroughfare plan, as amended from time to time.
- B. Road classifications shall anticipate long-term growth prospects so their functional capacity is not undersized in the early development stages.
- C. Other classifications shall be in accordance with the Local Circulation Plan, developed in accordance with Section 22.202, *Local Circulation Plans*.

Sec. 22.204 Residential Streets

- A. **General.** Roads to be accepted as State maintained roads shall meet the requirements of WVDOH.
- B. **Rural.** Roads in the Rural District shall be rural roads with ditch drainage and shall adhere to the standards required in Appendix B, *Engineering Standards*, Division 2.0, *Street & Parking Standards*.
- C. **All other areas.**⁴ In all other residential developments, applicability and requirements for curbs, right of ways, and pavement widths shall be in accordance with the provisions of Appendix B, Section 2.2.K, *Curb, Gutters & Sidewalks*. Width shall be measured from gutter pan to gutter pan.
- D. **Parkways.** The subdivider may choose to use parkways or landscaped medians in residential streets, in which case the right-of-way shall be enlarged so that the parkway or median width is added to the right-of-way.
- E. **Natural Areas.** In areas where resource protection is necessary or desired, narrower right-of-ways may be approved and drainage accomplished in a manner that provides for the minimum width, while accommodating the stormwater movement. The County Engineer or a designee shall assist in developing a cross-section that minimizes environmental impact.



Sec. 22.205 Non-Residential Streets

The standards contained in Appendix B, Section 2.2, *Streets*, shall govern all non-residential street construction.

Sec. 22.206 Cul-de-Sacs

- A. **General.** Cul-de-sac streets shall be carefully managed to ensure they are not over-used. Connectivity is preferred.
- B. **Where permitted.** Cul-de-sac streets may be used if:
 - 1. Natural resources, such as topography, floodplains, open space, or stream systems make standard blocks inefficient;
 - 2. Cul-de-sac streets serve no more than 24 lots or are no more than 800 feet in length, whichever results in a shorter street segment; and
 - 3. The pedestrian circulation system provides for direct, non-vehicular access between cul-de-sac ends where:
 - a. Two lots or fewer are situated between them; and
 - b. The distance between them, measured along street centerlines, is more than 650 feet.
- C. **Dimensional standards.** All cul-de-sacs shall be designed to permit vehicles to turn around without backing, except as may be provided for in Appendix B, Section 2.2, *Streets*. Cul-de-sac standards are listed in Appendix B, *Engineering Standards*, Table 2.2-1, *Roadway Design Standards*.

Sec. 22.207 Private Roads

Private roads shall be permitted in accordance with this Section.

- A. **Private Roads.** Private roads may be developed if all of the following are demonstrated:
 - 1. A homeowner's association is created that will be responsible for the ownership and maintenance of the road.
 - 2. The plat and all lot plans in the subdivision contain a note that indicates that the County shall not take ownership or be responsible for maintenance of private roads.
- B. **Gated Communities.** No gated communities shall be permitted.

Sec. 22.208 Sidewalks

- A. **Location of sidewalks.** Sidewalks shall be provided along at least one side of streets in all zone districts. In the Rural District when residential density in the proposed development is less than three (3) units per acre and/or when lot frontage is greater than 80 feet, sidewalks are not required. Sidewalks shall be located within townhouse or multi-family residential developments and any non-residential subdivisions and/or site plans. Sidewalks shall be located in the platted street right-of-way, a minimum of one foot from the property line. Walks shall also be installed in pedestrian easements as may be required by the Planning Commission.⁴



B. Modification of sidewalk requirements. Sidewalk requirements may be altered or waived if a pedestrian circulation plan that provides equal or greater pedestrian circulation is submitted to and approved by the Planning Commission. These trade-offs may be permitted:

1. In developments located in the Residential-Light Industrial-Commercial (R-LI-C), Village (V) and Residential Growth (RG) Districts where lots are greater than one-quarter (1/4) acre in land area to allow off-street trails in lieu of sidewalks, thereby meeting the needs of walkers and cyclists; or
2. In order to implement the County's Parks and Recreation Master Plan, as set out in sub-section D, below.

C. Completion of sidewalk networks within the subdivision or site development

1. In general, sidewalks shall be constructed concurrent with street construction, with special provisions to protect their condition and integrity during the process of building construction. However, this requirement may be waived at the discretion of the Planning Commission if reasonable assurances are provided that:
 - a. Sidewalk segments across individual lots will be constructed after buildings are constructed on the individual lots, but before they are occupied; and
 - b. The timing and phasing of development will result in the completion of the sidewalks on each street segment prior to release of any required construction bond amount for such improvement. Sidewalks shall be installed along street corridors on a priority basis in areas where they are not currently available.

D. Trails and bikeways

1. On-street bikeways and off-street bicycling and jogging trails shall be developed in accordance with the County's Parks and Recreation Master Plan to link major attractions and destinations throughout the community, including neighborhoods, parks, schools, churches, public libraries, community centers, major employment centers, and shopping areas.
2. Stream corridors present opportunities for future off-street bicycle and pedestrian trails to connect with existing or new sidewalks and as means of extending the County's trail system and shall be considered for trail system development in all subdivisions where such opportunities are presented.
3. In all major subdivisions, a dedicated detached trail or bikeway shall be provided along the public right-of-way for the entire width of the property. This trail or bikeway would be required to be constructed once the County trail plan is established.

Sec. 22.209 Street Lighting

The developer of any subdivision shall be required to install street lighting when lots are less than 15,000 square feet according to the following standards:

A. Underground Wires. Street lighting shall be via underground distribution.



- B. **Residential Streets.** The placement of street lighting fixtures on residential streets shall be at 400 to 600 foot intervals unless:
1. The roadway length is less than 400 feet, but more than 200 feet, in which case a street light will be provided at the end of the street; or
 2. The roadway length is less than 200 feet, a street light is placed at the intersection, no natural features interfere with the light, and no street light will be placed at the end of the roadway.
- C. **Nonresidential Streets.** The placement of street lighting along non-residential streets shall be in accordance with the latest revision of the Illuminating Engineering Society's "American National Standard for Roadway Lighting."
- D. **Intersections.** A street light shall be provided at all street intersections.
- E. **Maximum Pole Height.**
1. Residential Streets: 15 feet.
 2. Thoroughfares: 30 feet, unless the spillover from the fixture will cause *glare* in a residential area, in which case the maximum height shall be 25 feet.
- F. **Illumination Standards.** Street illumination shall satisfy the requirements of the Zoning Ordinance.
- G. **Other Designs.** A developer or Homeowner's Association (HOA) may request non-standard street lighting within a development provided:
1. Street light fixture types and locations are approved by the Planning Commission;
 2. Regardless of the nature and type of street lighting constructed, the developer and/or HOA is solely responsible for all installation, operating and maintenance costs associated with non-standard street lights.
 3. The developer and/or HOA will be solely responsible for any costs associated with removal of non-standard street lights and any costs associated with installing standard street lights if the lighting is converted in the future.
 4. The developer includes all responsibilities of the HOA pertaining to street lighting in the development covenants. The developer shall inform all purchasers of property in the development of these same responsibilities.
 5. Non-standard lighting shall not be used on thoroughfares.
 6. Developers of private streets shall be required to install private street lighting in accordance with this subsection.

Sec. 22.210 Street and Road Design Standards

When the standards for streets and roads contained in Division 22.200, *Streets*, conflict with the engineering standards in Appendix B, *Engineering Standards*, the provisions of Appendix B shall prevail.



Division 22.300 Potable Water; Sewer; Fire Hydrants

- A. **Potable water and Sewer.** Potable water service shall be provided according to the requirements of Appendix B, *Engineering Standards*.
- B. **Fire Hydrants.** If public water service is provided, then fire hydrants shall be provided at each street intersection in accordance with all West Virginia Department of Environmental Protection, Bureau for Public Health regulations Appendix B, *Engineering Standards*.
- C. **Dry Hydrants.** Where installed shall meet ISO standards as established by the Jefferson County Office of Emergency Services.

Division 22.400 Drainage

Sec. 22.401 Drainage Plan

- A. **General.** As a part of all site plans and preliminary plats, a drainage plan shall be prepared. These shall be part of the engineering drawings for the plat or plan.
- B. **Roof Drain Discharge Points.** For all non-residential sites, the building structure roof drain discharge points shall be located so as to avoid icing of walkways, driveways, and building entrances. The location of roof drain discharge points shall be shown or noted on the preliminary plat and or site plan, as applicable.

Sec. 22.402 Water Quality⁴

Water quality management measures shall be incorporated in all subdivision plats and site plans. Design and construction shall be performed in accordance with the Jefferson County Stormwater Management Ordinance. An applicant shall also apply for a construction stormwater NPDES permit from the West Virginia Department of Environmental Protection (WVDEP).

Sec. 22.403 Drainage System Design

Drainage system measures shall be incorporated in all subdivision plats and site plans. Design and construction shall be performed in accordance with the Jefferson County Stormwater Management Ordinance.

Sec. 22.404 Surface Drainage Configurations

Drainage swale grading and drainage swale details shall be provided on the preliminary plat and/or site plan, as applicable, in accordance with the Jefferson County Stormwater Management Ordinance.

Sec. 22.405 Other Systems for Retention or Detention

Low Impact Development (LID) techniques can be used to minimize the impact of impervious surfaces by reducing connected impervious surfaces to a minimum, thereby reducing the area and cost of mitigation techniques. These techniques are identified in the Jefferson County Stormwater Management Ordinance. Use of these techniques is encouraged and preferred to traditional stormwater management measures when feasible and approved by Jefferson County.

**Sec. 22.406 Drainage Design Standards**

When the standards for drainage design contained in Division 22.400, *Drainage*, conflict with the engineering standards in the West Virginia Stormwater Management and Design Guidance Manual as referenced in the Jefferson County Stormwater Management Ordinance, the provisions of the West Virginia Stormwater Management and Design Guidance Manual shall prevail.

Division 22.500 Grading⁴

All activities addressing grading issues and erosion control shall be described in the Erosion and Sediment Control Plan required as Part of the Stormwater Management Plan in the Jefferson County Stormwater Management Ordinance.

Sec. 22.501 Site Grading

- A. **Protect Streams.** Site grading shall be done in such a manner that the appropriate erosion control devices and techniques are used to protect water quality.
- B. **Prevent Erosion.** The proper precautions shall be taken to minimize erosion of disturbed soil. Sediment control will be site specific and can include vehicle tracking controls; sod buffer strips around the lower perimeter of the land disturbance; sediment barriers, filters, dikes, traps, or sediment basins; or a combination of any or all of these measures.
- C. **Minimize Exposure.** During the preliminary stages of development each site shall develop a plan to minimize soil exposure. If soils are exposed the proper seeding shall be placed down in the allotted time recommended under the Erosion and Sediment Control Plan as required in the Jefferson County Stormwater Management Ordinance.
- D. **Protect Aquifer.** All precautions shall be taken in the prevention of aquifer contamination. Proper erosion precautions shall be in place as well as consideration of other possible forms of aquifer contamination.
- E. **Extension of Time Limits.** Time may be extended as deemed necessary by the County Engineer in the event that adverse conditions prevent compliance with the stated time limitations for the completion of permanent or temporary structures.

Sec. 22.502 Residential Site Grading

The development of residential areas shall follow these considerations and recommendations on limiting the loss of natural areas (i.e., trees, native or indigenous grasses, and other vegetation).

- A. **Mass Grading.** Every step shall be taken to limit or avoid mass grading. Smaller graded areas help in reducing run-off, water quality impacts, and loss of natural areas.
- B. **Mass Cut-and-Fill.** Cut-and-fill slopes shall be designed and constructed to minimize erosion. This requires consideration of the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions, and other applicable factors. Slopes that are found to be eroding excessively will require additional slope stabilization until the problem is corrected.

Sec. 22.503 Non-Residential Site Grading

Cut-and-fill slopes shall be designed and constructed to minimize erosion. This requires consideration of the length and steepness of the slope, the soil type, upslope drainage area,



groundwater conditions, and other applicable factors. Slopes that are found to be eroding excessively will require additional slope stabilization until the problem is corrected. The following guidelines shall assist site planners and plan reviewers in developing an adequate design.

- A. **Soil Surface.** Rough soil surfaces are preferred over smooth surfaces on slopes.
- B. **Temporary slope** diversion dikes can be constructed at the top of long steep slopes, or hill slopes that have an upslope tributary drainage area over five (5) acres. Diversion dikes or terraces may also be used to reduce slope length within the disturbed area.
- C. **Channels.** Concentrated stormwater shall not be allowed to flow down cut or fill slopes unless contained within an adequately-sized temporary channel diversion, a permanent channel, or a temporary slope drain.
- D. **Seepage Planes.** Wherever a slope face crosses a water seepage plane that endangers the stability of the slope, adequate drainage shall be provided.

Sec. 22.504 Protection of Resources

The protection of natural resources shall comply with all environmental protection requirements in the Zoning Ordinance and these Regulations. Before construction begins, these areas shall be protected from siltation. Staff shall inspect the proposed means of protection prior to permitting the construction to proceed.

A. Hillside Development.

1. **General.** This section applies to all lands east of the Shenandoah River and all lands in natural conditions within 1000 feet of the Potomac and Shenandoah Rivers and Opequon Creek.

Hillsides with slopes of 10 percent or more are sensitive areas which are frequently not able to tolerate subdivision development as it is practiced on flatter land. The instability of such areas requires careful planning and design before development takes place. Natural slopes, trees, rock formations, and other features such as views can best be preserved if subdivision development is allowed to be flexible and creative. In general, the integrity and durability of a hillside is inversely related to the amount of construction activity (particularly earthwork) that takes place on the hillside.

2. **Principles and Guidelines.** Hillside subdivision proposals will be reviewed and considered on an individual, independent basis. The natural features of each hillside will determine final subdivision design configuration. The most informal development, consistent with principles of good access, proper drainage, and resource conservation, shall be considered.

Planning Commission review of hillside subdivision proposals shall be guided by the following considerations:

- a. Minimize the alteration of natural terrain and the removal of topsoil and vegetative cover.



- b. Allow flexibility in density, lot size, lot shape, and setback so that the more buildable areas of a hillside can be developed, and the less buildable areas left in a natural condition. Use of the cluster concept.
- c. Consider narrow rights-of-way and roads (possibly one-way roads with convenient pull-offs) so that earthwork may be minimized.
- d. Consider roadside parking bays.
- e. Design and construct roads that are parallel to contour lines; preferably design and construct roads on ridges and in valleys to minimize cuts and fill. Use retaining walls where possible to minimize cuts and fill.
- f. Consider lot layouts which minimize on-site (on-lot) grading and earthwork for access, parking and building construction.
- g. Design, engineer, and construct entrances to individual lots before lots are sold.
- h. Select building sites and areas for the construction of septic system drainfields before lots are sold.
- i. Include provisions within deeds of sale that require property owners to protect the hillside, woodland, etc. from destruction.

In the event a parcel subject to the provisions of this section has been cleared of trees or otherwise had its natural terrain altered beyond the percentages permitted in Table 22.504, no subdivision will be permitted until the original terrain has been restored and stabilized with healthy vegetation or until a period of five years has passed from the date that said alterations were documented and identified by the Planning Commission.

3. **Natural Areas.** Hillside subdivision developments shall include the retention of land in a natural, undisturbed condition. The following table shall be used to determine the area of land that must be maintained in a substantially natural condition (no clearing, cutting, filling):

Table 22.504 Retention of Land in Hillside Development	
Weighted Average Slope of Land Percent	Percentage of Land To Be Maintained in a Natural Condition
Less 10	No land required
10 – 14.9	25%
15 – 19.9	40%
20 – 24.9	55%
25 – 29.9	70%
30 – 34.9	85%
35+	100

The weighted average slope shall be determined using the grid cell method or other method as approved by the County Engineer. A grid of cells each scaled at 200' x 200' shall be placed over the subdivision topographic map. Within each cell the average slope shall be



determined by measurement using the longest line that can be drawn perpendicular to topographic contour lines passing through the cell. Measured slopes for the grids will be averaged to obtain the mean. If grids vary in size, the averaging will include weighting based on grid sizes.

B. Riparian Buffer. A riparian buffer is a transition zone between water and upland environments to protect the aquatic environment from pollution and sedimentation. It is measured from the top of the bank of the stream, or the wetland boundary. If wetlands or hillsides abut or are within the riparian buffer in 1 to 4 below, then they shall be included even when the distance exceeds the buffer in 1 to 4 below. The buffer width is as follows:

1. Lakes and Ponds - 75 feet.
2. Ephemeral Streams with stream channels - 50 feet (100 feet when located in the Elk Run and Elk Branch watersheds).
3. Potomac River and Shenandoah Rivers – 300 feet (unless a greater standard is required by the Zoning Ordinance)
4. Opequon Creek and Perennial Streams - 100 feet.
5. Wetlands, Marl - 75 feet.
6. Wetlands, Farmed - 10 feet.
7. Wetlands - 50 feet.
8. Hillsides 15 to 25 percent - to the top of the slope where it falls below 15 percent or 400 feet, whichever is less.
9. Hillsides 25 percent or more - to the top of the slope where it falls below 15 percent or 600 feet, whichever is less.

This buffer may overlap the Hillside Development protection standards. Where conflicts with the Jefferson County Stormwater Management Ordinance exist, the requirements of this section shall take precedence.

Sec. 22.505 Grading Design Standards

When the standards for grading design contained in Division 22.500, *Grading*, conflict with the engineering standards in Appendix B, *Engineering Standards*, the provisions of Appendix B shall prevail.

Division 22.600 Certification of Compliance with Flood and Subsidence Regulations

Staff shall verify that the proposed subdivision plat or site plan complies with the Jefferson County Floodplain management ordinance.



Article 23 Administrative Bodies

Division 23.100 Purpose

The purpose of this Article is to define the role of boards and agencies involved in the subdivision plat and site plan approval process. Participants include the County Commission, Planning Commission, Department staff, WVDOH, and other agencies responsible for the provision of public services.

Division 23.200 Administration

- A. **Discretion.** The administration of these Subdivision and Land Development Regulations provides for discretion only where specifically authorized. While West Virginia law requires a public hearing for land use proposals, there is no discretion in the review and approval process outside of the requirements of the Zoning Ordinance or the Subdivision and Land Development Regulations. A proposed plat or plan that meets the ordinance and regulatory standards must be approved. Only when there are specific findings that the application does not meet the standards of the ordinance or the regulations, is denial possible.
- B. **Relationship to Zoning Ordinance.** Both subdivision and site development approval are the points at which two separate regulations must be enforced: the Zoning Ordinance and the Subdivision and Land Development Regulations. As a result, different agencies have responsibilities to review the subdivision or site development at the same time.
- C. **Administration.** This Division specifically identifies the administrative bodies that are charged with making a determination of compliance. It is possible to improve the design of a development during the review process, and that is an important factor in the quality of the County's community character. Concerns about quality are addressed by conditional approvals, not denial.

Sec. 23.201 County Commission

The County Commission is responsible for setting in place a means of administering these Subdivision and Land Development Regulations and ensuring enforcement of the County's Zoning Ordinance. As such it has the following powers and duties:

- A. **Adoption and Amendment.** As specified in Chapter 8A of the West Virginia Code, the County Commission has sole responsibility for the adoption and amendment of the subdivision and site development regulations. It is advised in these matters by staff and the Planning Commission.
- B. **Appointment of the Planning Commission.** In accordance with W.Va. Code §8A-2-1, the County Commission shall appoint members of the Planning Commission.
- C. **Planning Staff.** In order to administer and enforce these Regulations, the County Commission shall fund and hire staff, which shall also serve as the staff of the Planning Commission.
- D. **Removal of Planning Commission Members.** Members of the Planning Commission may be removed in accordance with Chapter 6, Article 6 of the West Virginia Code, or in



accordance with any procedures which may have been established by the County Commission pursuant to W.Va. Code §8A-2-5(k).

Sec. 23.202 Department of Engineering, Planning, and Zoning⁷

The Department of Engineering, Planning, and Zoning is the County's lead in ensuring that all regulations are met in the review of subdivision plats and site plans. They are specifically charged with the following review responsibilities:

- A. **Zoning Compliance.** The Department shall review all plat or site plan applications for zoning compliance. They shall provide the Planning Commission with a written opinion as to whether the plat or site plan complies with the Zoning Ordinance. If the staff determines that waivers are appropriate, staff shall recommend approval of these waivers to the Planning Commission.
- B. **Subdivision and Site Development.** Staff shall be responsible for the following:
 - 1. Reviewing and approving applications for minor subdivisions.
 - 2. Reviewing and approving applications for minor site plans.
 - 3. Conducting pre-application and pre-proposal conferences or reviews with developers.
 - 4. Conducting submission review in accordance with Section 24.110, *Major Subdivision Concept Plan – Submission and Completeness Review*, and Section 24.113, *Major Subdivision Preliminary Plat – Submission and Completeness Review*. The Planning Commission must vote on this, but the Department shall ensure that applications are complete before sending them to the Planning Commission. A developer may request it be submitted to the Planning Commission even if the Department determines that it is an incomplete application.
 - 5. Make professional recommendations on the adequacy of submitted major subdivision plats and major site plans including all design, engineering, and landscape elements.
 - 6. Ensure written communication to the applicant of the status of the project.
 - 7. Collect input from all other agencies involved in the review process.
 - 8. Ensure public notice is provided by appropriate means for all forms of action that require notice.
- C. **Staff Report.** The Department shall provide a staff report to the Planning Commission. Such report shall accompany concept plans, preliminary plats, final plats, and major site plan submissions. The report shall indicate one of the following:
 - 1. **Approval.** If the plat or plan meets all requirements of applicable County ordinances or codes, the staff report shall recommend approval.
 - 2. **Denial.** If the plat or plan fails to meet the requirements of any applicable County ordinance or code, the staff report shall recommend denial except as provided in 3 below:
 - 3. **Approval with Conditions.** The Department may recommend approval with conditions if there are easily changed elements of the plat or plan or minor nonconformities that can be corrected.



4. **Hold.** The Department may hold the application for up for 45 days for additional information necessary to make a determination.

D. **Annual Report.** At least annually, the Planning Commission shall report to the County Commission any area where it believes the Subdivision and Land Development Regulations or the Zoning Ordinance could be improved to facilitate quality development in the county or eliminate a problem area to provide for quality development in the County. This is an advisory report.

Sec. 23.203 County Agencies⁶

The following Jefferson County agencies are involved or may be involved in the subdivision and site development review process.

- A. **On-Site Water Supply and Sanitary Waste Disposal.** The Jefferson County Health Department and West Virginia Department of Health shall be responsible for the review of any on-site water supply or sanitary waste disposal for the proposed development. Approval needed at Preliminary Plat stage.
- B. **Centralized Water Supply/Distribution and Sewage Collection/Treatment.** The Jefferson County Public Service District or other applicable local agency supplying centralized utilities, West Virginia Health Department, and WVDEP shall be responsible for the review and approval for any centralized sewer and water supply intended to serve the proposed development. Approval needed at Preliminary Plat stage.
- C. **Jefferson County Historical Landmarks Commission.** This body shall submit a report and findings on whether historical resources exist on the site of the proposed subdivision of site development. If there are, they shall submit findings on whether the proposal meets the requirement of zoning with respect to such structures or places at Concept Plan stage.
- D. **Jefferson County Parks and Recreation Department.** This body shall determine the adequacy of park, recreation, and trail facilities intended to serve a proposed residential development at Concept Plan stage. This is a courtesy review for park planning purposes.
- E. **Jefferson County GIS/Addressing Office.** This body shall verify adequacy of proposed addresses, road names, and names of subdivisions in accordance with Jefferson County E 9-1-1 Addressing Ordinance. Approval needed at either Concept Plan or Preliminary Plat stage.
- F. **Jefferson County Office of Engineering.⁴** This body shall review and either approve or deny the Stormwater Management Plan relating to stormwater management.

Sec. 23.204 Other Agencies

The following are the responsibilities of other agencies:

- A. **West Virginia Division of Highways (WVDOH).** WVDOH is responsible for reviewing the site access and potential improvements to public roads at Preliminary Plat stage.
- B. **Jefferson County Schools.** The Board of Education should determine the adequacy of school facilities intended to serve a proposed residential development at Concept Plan stage. This is a courtesy review for school planning purposes.



- C. **Emergency Services.** Fire, police, and EMS providers should determine the adequacy of emergency response and lifesaving services provided to their respective service area if potentially affected by a proposed subdivision or development project at Concept Plan stage.
- D. **WVDEP.** DEP approval for NPDES, SWPPP, GPP, and other applicable approvals (if required) are needed prior to Preliminary Plat approval.

Division 23.300 Planning Commission

The County Planning Commission shall be the agency overseeing the review of subdivisions and site development. This is a function that grants limited authority for the approval. The duties are identified in W.Va. Code §8A-2-11 and the Planning Commission By-Laws.



Article 24 Procedures and Administration

The review and approval process of subdivision plats and site developments plans is different for major and minor subdivisions and major and minor site developments.

Division 24.100 Processing of Applications

Sec. 24.101 Application and Approval Process

The review processes for subdivisions and site plans are shown in:

Figure 24.104, *Minor Subdivision Approval Process*,

Figure 24.105, *Minor Site Plan Approval Process*,

Figure 24.110A, *Major Subdivision Approval Process (Part 1)*,

Figure 24.110B, *Major Subdivision Approval Process (Part 2)*,

Figure 24.119A, *Major Site Plan Approval Process (Part 1)*,

Figure 24.119B, *Major Site Plan Approval Process (Part 2)*.

Sec. 24.102 Application Fees

Fees shall be charged for applications pursuant to these Regulations as provided in a Schedule of Fees established by the County Commission, which may be revised from time to time. Such fees shall be proportioned to the cost of processing, reviewing and verifying, and approving proposed subdivision plans or site plans for development.

Sec. 24.103 Pre-Proposal Conference or Review

For all major subdivisions and site developments, a pre-proposal conference (PPC) is optional, but highly recommended. A PPC is an informal meeting where the applicant can talk to County staff, ask questions, and get direction on preparing the plat or plan in accordance with County regulations.

- A. **Submission.** A brief form that identifies the property, describes the proposal, and a sketch plan are required. If there is a preliminary concept plan, it is strongly recommended that it also be submitted at this time as this will allow discussion at a more detailed level. Applicants who wish to have a pre-proposal review of a proposed Minor Subdivision and who submit the brief form with an eligibility checklist and sketch plan, shall waive the PPC unless specifically requested.
- B. **Scheduling.** Staff shall schedule the PPC and hold it within fifteen days from receipt of the form and sketch plan submittal.
- C. **Discussion Items.**
 - 1. Concept plans and ideas regarding land use, street and lot arrangements, and tentative lot sizes.
 - 2. Tentative proposals regarding water supply, sewage disposal, surface drainage, highway access and street improvements, and public recreational facilities.
 - 3. Presentation of tentative density calculations based on the zoning district in which it will be located.



4. Identification of potential environmental constraints and tentative mitigation measures, as required in the Zoning Ordinance and these Regulations.
 5. Anticipated timing of proposed subdivision or development project.
- D. **Conference.** The conference shall involve an informal presentation by the applicant as to the proposal. Department staff will respond to this and make any recommendations or comments that are possible with the level of detail that is submitted. Concept plan application forms will be provided by staff. A question and answer period on the submittal will follow to best inform the applicant of the process and requirements of the application.
- E. **Conference Memorandum or Review Checklist.** Within ten days, after the PPC is held, the Department shall prepare a memorandum that identifies the proposal and indicates any specific guidance given to the developer. It shall be sent to the applicant and Planning Commission. After review of any minor subdivision which utilizes the eligibility checklist, the checklist shall be returned to the applicant with a stamp of approval or disapproval. Said approval shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the approval of an eligibility checklist, then meeting the amended zoning requirements, if adopted, shall be a condition of the approval.
- F. **Effect.** The PPC is an informational meeting and has no effect other than information being exchanged. Staff approval of an eligibility checklist permits the applicant to proceed to Final Plat submission.



Figure 24.104
Minor Subdivision Approval Process

Minor Subdivision Approval Process

<u>Step Taken</u>	<u>Action Taken</u>	<u>Acting Authority</u>
<u>Final Plat Application</u>		
<u>Step 1</u> <u>Section 24.104</u>	Submission	<u>Staff</u>
<u>Step 2</u> <u>Section 24.104A</u>	Application Meeting	<u>Staff (performed in 7 days from submission)</u>
<u>Step 3</u> <u>Section 24.104B</u>	Site Inspection	<u>Staff</u>
<u>Step 4</u> <u>Section 24.104C</u>	Determination	<u>Staff (performed in 10 days from submission)</u>
<u>Step 5</u> <u>Section 24.104D</u>	Approval	<u>Staff</u>
<u>Step 6</u> <u>Section 24.104E</u>	Recordation	<u>Staff</u>

(For minor subdivision criteria see the definition, Subdivision, Minor and Sec. 20.201, Minor Subdivisions.)



Sec. 24.104 Minor Subdivision Plat Application– Determination

General. An applicant for a minor subdivision plat shall be subject to the procedures of this Section upon submittal of a final plat application and the corresponding fees to the Planning Commission. All minor subdivision plats shall follow the final plat standards in Appendix A, *Plan & Plat Standards*.

- A. **Application Meeting.** Within seven days after the submission of the final plat, the applicant and the staff shall meet to discuss the proposed subdivision and the criteria used to classify the proposal as minor. The applicant may choose to waive this meeting but shall do so upon submission.
- B. **Site Inspection.** The staff shall make a site inspection of the proposed subdivision.
- C. **Determination.** Within ten days after the submission of the subdivision final plat, the staff shall notify the applicant in writing that the proposed subdivision has or has not been classified as a minor subdivision.
- D. **Approval.** Within ten days after the subdivision has been classified a minor subdivision, the staff shall approve, approve with conditions, or deny the plat. If the plat has been approved with conditions, the applicant shall be notified in writing of the conditions. The plat shall not be considered approved until all conditions are met and documented by staff.
- E. **Recordation.** The applicant shall have 60 days after approval to file and record the final plat, together with any deed restrictions/covenants as may be required, in accordance with W.Va. Code §39-1-13. The approval shall become void if it is not filed within the 60 day period. The following documents shall be submitted to the Office of Planning and Zoning:
 - 1. One (1) Mylar copy of the Final Plat suitable for recordation and acceptable to the Clerk of Jefferson County;
 - 2. Three (3) paper copies of the Final Plat;
 - 3. One (1) digital copy of the Final Plat compatible with the Jefferson County GIS, as specified by the Jefferson County GIS requirements; and
 - 4. One (1) digital copy of any deed restrictions/covenants in a form suitable to the Department.



Figure 24.105
Minor Site Plan Approval Process

<u>Minor Site Plan Approval Process</u>		
<u>Step Taken</u>	<u>Action Taken</u>	<u>Acting Authority</u>
<u>Site Plan Application</u>		
Step 1 <u>Section 24.105A</u>	Submission	<u>Staff</u>
Step 2 <u>Section 24.105B</u>	Site Inspection	<u>Staff</u>
Step 3 <u>Section 24.105C</u>	Determination	<u>Staff (performed in 10 days from submission)</u>
Step 4 <u>Section 24.105D</u>	Approval	<u>Staff</u>

(For minor site plan criteria see the definition, Site Plan, Minor and Sec. 20.203, Minor Site Development.)



Sec. 24.105 Minor Site Plan Application – Determination⁶

- A. **General.** An applicant for a minor site plan, who does not schedule a pre-proposal conference, shall be subject to the procedures of this Section upon submittal of a copy of a site plan application and the corresponding fees to the Planning Commission. All minor site plans shall follow the site plan standards in Appendix A, *Plan & Plat Standards*. If a pre-proposal conference is held, a determination can be made by Staff as to whether a Concept Plan is required and the applicant may proceed to Section 24.106.
- B. **Site Inspection.** The staff shall make a site inspection of the site plan.
- C. **Determination.** Within ten days after the submission of the site plan, the staff shall notify the applicant in writing that the proposed site plan has or has not been classified a minor site development. If the Staff determines that the Site Plan has been classified as a minor site development and requires a Concept Plan in accordance with Section 20.203, then the project shall proceed with Section 24.106, Minor Site Plan Concept Plan. All other Minor Site Plans (under 5,000 sq. ft. and in the Industrial/Business Park) shall proceed under this section.
- D. **Approval.** Within ten days after the site plan has been classified as minor site plan, the staff shall approve, approve with conditions, or deny the site plan. If the Site Plan is approved with conditions or denied, then Staff may schedule a Staff Review Conference to discuss comments upon request by Staff or the applicant. The purpose of the Staff Review Conference is for Staff, applicant, and design consultant to exchange checklists, ideas, suggestions, and questions regarding the applicable Site Plan regulations as it related to the submitted Site Plan and support data.

(For minor site plan criteria see the definition, Site Plan, Minor and Sec. 20.203, Minor Site Development.)

Sec. 24.106 Minor Site Plan Concept Plan - Submission and Completeness Review⁶

The submission of a Concept Plan is a required step for Minor Site Plans determined in Section 24.105. The Department shall have 45 days to complete the sufficiency and completeness review. At the time of submission, the Concept Plan shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Within the 45 days, the Department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. In order to keep on the proposed schedule, the applicant shall resubmit within ten (10) days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all review material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission workshop.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for Concept Plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated by staff.



1. **General location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located in this document.
2. **Concept Plan.** A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*. Show or note if all features are addressed.
3. **Zoning Information.** This shall include:
 - a. Determination of the zoning district in which the proposed Site Plan project is situated.
 - b. Density calculations.
 - c. Site resource map (see definition).
 - d. Use designations for all adjoining and confronting parcels.
4. **Proposed Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is multifamily residential.
5. **Traffic Impact Data.** This shall include:
 - a. ADT figures for the adjoining or accessible State road.
 - b. Trip generation figures based on the following table:

USE	PEAK HOUR	AVERAGE DAILY
Townhouse	0.6	7.0 per d.u.
Mobile Home	0.6	5.0 per d.u.
Light Industrial	1.2	5.5 per 1,000 s.f.
Industrial Park	0.99	7.0 per 1,000 s.f.
Warehousing	1.63	4.9 per 1,000 s.f.
Mini-Warehousing	0.29	2.8 per 1,000 s.f.
Office	2.82	17.7 per 1,000 s.f.
Small Shopping Center	15.51	118.0 per 1,000 s.f.
Convenience Market	54.80	625/1,000 leasable s.f.

- c. Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.
 - d. “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.
 - e. If use is not listed in the table above, the most current edition of the Institute of Transportation Engineers Trip Generation Manual or Handbook shall be referenced to determine appropriate trip generation figures.
6. A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia



Division of Highways outlining the proposed improvements shall be received with the first submission of the Site Plan.

7. **Agency Reviews.** The reviewing agencies shall conduct reviews of the proposed Concept plan. Agency comments shall be received by the Department 14 days prior to the scheduled public workshop. The applicant shall distribute the Concept Plan to all reviewing agencies no later than seven (7) days after the review. Reviewing agencies are found in Sections 23.203 and 23.204. Applicant shall provide a copy of letter sent to outside agencies to the Office of Planning and Zoning within seven (7) days of submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the Plan.
 8. **Other Data.** Any other data or information the applicant believes will assist in the review.
 9. **Other Review.** Any other Staff or agency reviews of the plans.
 10. **Adjoining Property.** The applicant must provide an accurate list of all properties and owners' addresses adjoining the subject property. The adjoining and Homeowners' Association shall be notified by Staff of the date of the workshop.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in D through G below and may other areas of concern to the agencies.
- D. **Department.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission. (Landscaping, for instance, is not generally available at this stage.) Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a Site Plan submittal.
 2. Staff opinion as to whether the plan meets the Site Plan criteria of these Regulations. The Department shall review the Concept Plan for modifications that would improve the plan.
- E. **WVDOH.** WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at Preliminary Plat review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.
- F. **Traffic Impact.** The review shall indicate whether a traffic impact study will be required based on analysis required in Section 24.119.B.5.e.
- G. **Public Services.** The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type of extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.



- H. **Recommended Conditions.** All reviews shall contain recommended conditions for moving forward to a Site Plan or reasons why the Plan shall be denied.
- I. **Approval.** Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be services by public services, or provide its own utilities, or other factors that make the development impossible, Planning Staff shall accept or deny the Concept Plan as complete.
- J. **Effect.** At the time of submission, the Concept Plan shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Staff shall advertise the public workshop in a local newspaper of general circulation in the area one time at least 21 days in advances of the meeting and send notice by mail to the adjoining property owners at least 14 days prior to the meeting. The applicant shall post notice on the property at least 14 days in advance of the meeting.

Sec. 24.107 Minor Site Plan Concept Plan - Workshop⁶

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

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

Sec. 24.108 Minor Site Plan Concept Plan – Direction⁶

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

- A. **Direction.** The Planning Commission shall direct the preparation of a Site Plan subject to conditions to be addressed in the Site Plan application. The purpose of this review is to guide the developer so that when the Site Plan application is formally reviewed by the Staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.
- B. **Conditions.** In the direction, it is anticipated that there will be numerous conditions from the Department, agencies, and public comment. There may well be public comment that seeks to lower density of the project below that permitted by the Zoning Ordinance, or to deny the project because of concerns outside the scope of the Zoning Ordinance or Subdivision Regulations. The applicant may make proffers to address these concerns, but



the Planning Commission may not use them as conditions, unless they are proffered by the applicant.

- C. **Effect.** The direction is to the developer to proceed to prepare a Site Plan (Section 24.122, *Major Site Plan Application – Submission and Completeness Review*). The direction received in the Concept Plan public workshop shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the decision on the Concept Plan direction, then meeting the amended zoning requirements, if adopted, shall be a condition of the direction.

Sec. 24.109 Minor Site Plan Process After Concept Plan Direction⁶

- A. **Formal Site Plan Submission.** An application, applicable fees, two copies of a Site Plan as outlined in Appendices A and B, two copies of Stormwater Management Calculations with Stormwater Narrative and all other applicable Site Plan support material can be submitted after the Concept Plan direction is given by the Planning Commission.
- B. **Required Elements.** Within ten (10) days, Engineering Staff shall determine if the Site Plan is sufficient and support material contains at least 70 percent of the required elements of a Site Plan submission.
- C. Within ten (10) days after the Site Plan has been deemed sufficient, Staff shall approve, approve with conditions, or deny the Site Plan. If the Site Plan is approved with conditions or denied, Staff will schedule a Staff Review Conference to discuss comments.
- D. **Staff Review Conference.** If Site Plan is approved with conditions or denied, then staff will schedule a Staff Review Conference to discuss comments. The purpose of the Staff Review Conference is for Staff, applicant, and design consultant to exchange checklists, ideas, suggestions, and questions regarding the applicable Site Plan regulations as it relates to the submitted Site Plan and support data. Staff shall send out a notice through the County Alerts system noticing a Staff Review Conference will be held on the first available Staff Review Schedule, which is posted in the Office of Planning and Zoning. This Staff Review Conference shall be open to the public, but will be conducted only between Staff, applicant, and design consultant. The design consultant is required to attend, or the Staff Review Conference will be postponed to the next available Staff Review Conference meeting date.
- E. **Site Plan Approval.** Once the Staff Review Conference is held, the Site Plan will be exchanged back and forth between the design consultant and Staff via the approved checklist process until such time that the Staff believes that the Site Plan and support data meets all applicable local and state regulations. Once the Staff determines that the Site Plan meets all such regulations, the Staff shall approve the Site Plan and allow the project to proceed to bond the project under the current Jefferson County Bonding Policy. All Health Department, Highway Department, Public Service District, WVDEP, and other applicable State and local agency approvals shall be in place prior to Staff's approval.
- F. **Site Plan/Checklist Approval Process.** Under Section D above, the applicant may at any time request to be on the Planning Commission agenda pursuant to current agenda rules, in order to request that the Planning Commission approve the Site Plan if the applicant believes that the Site Plan meets the Site Plan rules and regulations.



Figure 24.110A
Major Subdivision Approval Process (Part 1)

Major Subdivision Approval Process

Step Taken

Action Taken

Acting Authority

Pre-Proposal Conference (Optional)

Step 1
Section 24.103A

Submission

Step 2
Sections 24.103B, C & D

Conference

Staff Conference within
15 days from submission

Step 3
Section 24.103E

Memorandum

Staff Memo within 10 days

Concept Plan

Step 1
Section 24.110

Submission &
Completeness
Review

Staff

Step 2
Section 24.111

Public Workshop

Planning Commission

Step 3
Section 24.112

Concept Plan
Direction

Planning Commission

(For major subdivision criteria see the definition, Subdivision, Major and Sec. 20.202, Major Subdivisions.)



Figure 24.110B
Major Subdivision Approval Process (Part 2)

Major Subdivision Approval Process

Step Taken

Action taken

Acting Authority

Preliminary Plat Application

Step 1
Section 24.113

Submission &
Completeness
Review

Staff

Step 2
Section 24.114

Public Hearing

Planning Commission

Step 3
Section 24.115

Preliminary Plat
Approval

Planning Commission

Final Plat Application

Step 1
Section 24.116

Submission &
Completeness
Review

Staff

Step 2
Section 24.117

Final Plat
Approval

Staff

Step 4
Section 24.118

Recordation

Staff



Sec. 24.110 Major Subdivision Concept Plan - Submission and Completeness Review²

The submission of a concept plan is a required step for major subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review. At the time of submission, Concept Plan shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Within the 45 days, the Department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. In order to keep on the proposed schedule, the applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission workshop.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for a concept plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated by staff.
 1. **General location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 2. **Concept Plan.** A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*. Show or note if all features are addressed.
 3. **Zoning Information.** This shall include:
 - a. Determination of the zoning district in which the proposed subdivision or development project is situated.
 - b. Density calculations.
 - c. Site resource map.
 4. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.
 5. **Traffic Impact Data.** This shall include:
 - a. Average Daily Trip figures for the adjoining or accessible State road.
 - b. Trip generation figures based on the following table:

USE	PEAK HOUR	AVERAGE DAILY
Single family	0.8	8.0 per d.u.
Detached	0.7	6.0 per d.u.
Townhouse	0.6	7.0 per d.u.
Mobile Home	0.6	5.0 per d.u.



- c. Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.
 - d. “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.
 - e. In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study may be required which includes generators, etc. or unless the West Virginia Division of Highways has created an agreement with the applicant to provide site access improvements that are typically required by a traffic study, the traffic study shall not be required. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative. The traffic study or a letter from the West Virginia Division of Highways outlining proposed improvements shall be received prior to the preliminary plat approval.⁴
- 6. **Agency Reviews.** The reviewing agencies may conduct reviews of the proposed concept plan. Agency comments, if responding, shall be received by the Department fourteen (14) days prior to the scheduled public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 7 days after review. Reviewing agencies are found in Sections 23.203 and 23.204. Applicant shall provide a copy of the letter sent to outside agencies to the Office of Planning and Zoning within seven (7) days of the submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.
- 7. **Adjoining Property.** The applicant must provide an accurate list of all properties and owners’ addresses adjoining the subject property. The adjoining and Homeowner’s Associations shall be notified by staff of the date of the workshop.
- 8. **Other Data.** Any other data or information the applicant believes will assist in the review.
- 9. **Other Reviews.** Any other staff or agency reviews of the plans.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.
- D. **Department.** The Department review shall include the following:
 - 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a preliminary plat submittal.
 - 2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.
- E. **WVDOH.** The WVDOH approval is necessary prior to preliminary plat approval. The County defers to the WVDOH requirements and approval.



- F. **Traffic Impact.** The WVDOH shall determine whether a traffic impact study will be required during the preliminary plat stage.
- G. **Public Services.** The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.
- H. **Recommended Conditions.** All reviews shall contain recommended conditions for moving forward to a preliminary plat or reasons why the plat should be denied.
- I. **Approval.** Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning Staff shall accept or deny the concept plan as complete.
- J. **Effect.** At the time of submission, the concept plan shall be placed on the 1st regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Staff shall advertise the public workshop in the local newspaper one time at least twenty-one (21) days in advance of the meeting and send notice by mail to the adjoining property owners at least fourteen (14) days prior to the meeting. The applicant shall post notice on the property at least fourteen (14) days in advance of the meeting.

Sec. 24.111 Major Subdivision Concept Plan - Public Workshop

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

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

Sec. 24.112 Major Subdivision Concept Plan - Direction

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

- A. **Direction.** The Planning Commission shall direct the preparation of a preliminary plat subject to conditions to be addressed in the preliminary plat application. The purpose of



this review is to guide the developer so that when the preliminary plat application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.

- B. **Conditions.** In the direction, it is anticipated that there will be numerous conditions from the Department, agencies, and public comment. There may well be public comment that seeks to lower density of the project below that permitted by the Zoning Ordinance, or to deny the project because of concerns outside the scope of the zoning or subdivision regulations. The applicant may make proffers to address these concerns, but the Planning Commission may not use them as conditions unless they are proffered by the applicant.
- C. **Effect.** The direction is to the developer to proceed to prepare a preliminary plat (Section 24.113). The direction received in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the decision on the concept plan direction, and then meeting the amended zoning requirements, if adopted, shall be a condition of the direction.

Sec. 24.113 Major Subdivision Preliminary Plat - Application Submission and Completeness Review⁶

The submission of a preliminary plat application is a required step for major subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the Department shall have ten (10) days to review the submission and determine whether it is sufficient (at least 70% of the required elements are addressed) in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 - 1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 - 2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.



3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
4. **Preliminary Engineering Plans.** An engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.⁶
5. **Preliminary Landscape Plans.** A landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department.
6. **Transportation Impact Study.** If required, TIS and materials agreed to at the Concept Plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review.
7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer's engineers. Capacity letters are required at completeness stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.
10. **Historic Resource Preservation.** A Phase I archaeological study is required. A historic resources impact study shall also be included.
11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.
12. **Stormwater Management Plan and Narrative.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Office of Engineering. This is a required element in the first submission or the submission will automatically be determined as incomplete.⁴
13. **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.
14. **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.



15. **Other Data.** Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.
16. **Other Agency Reviews.** Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.
- D. **Department Review.** The Department review shall include the following:
 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform to Zoning and Subdivision Ordinance standards.
 2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.
- E. **WVDOH.** The WVDOH approval is required prior to final Preliminary Plat approval by Staff.
- F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. **Approval.** If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.
- I. **Effect.** After staff concludes the completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

**Sec. 24.114 Major Subdivision Preliminary Plat - Public Hearing⁶**

Within 45 days of accepting an application as complete or essentially complete, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed preliminary subdivision plat. The public notice of the public hearing shall be advertised in a local newspaper of general circulation in the area at least twenty-one (21) days prior to the public hearing. The applicant shall post notice on the site at least fourteen (14) days prior to the public hearing. The scope of this public hearing shall be limited to whether the application meets the requirements of these Regulations and the Zoning Ordinance.

Sec. 24.115 Major Subdivision Preliminary Plat – Approval⁶

After the close of the public hearing or at any meeting within 14 days thereafter, the Planning Commission shall (1) approve the application, (2) approve the application with conditions, (3) deny the application, or (4) hold the application for up to 45 days for additional information. If the application is to be held for the additional time, a date certain for re-opening the public hearing must be set by the Planning Commission simultaneously with the vote to hold. Additional legal advertisement is not required.

A. **Approval.** The Planning Commission shall review the recommendations and opinions of the reviewing agencies, the staff's decision regarding compliance with the Zoning Ordinance, and the testimony of the public and render its decision. The Planning Commission may approve the plan if it meets the standards of the land use ordinances, deny the plan if it does not meet the standards of the land use ordinances, or approve the plan with conditions to complete any remaining items. In the event that the Preliminary Plat is approved with conditions to complete any remaining items, unless otherwise directed by the Planning Commission, Staff shall have the authority to grant final approval of the Preliminary Plat once the conditions are met. Also, if the Planning Commission conditionally approves the Preliminary Plat, then the applicant shall be required to submit a notarized document expressly and explicitly waiving the 45 day time requirement for the Planning Commission and/or Staff to act. If the applicant is unwilling to provide such document, then the Planning Commission shall proceed in the final consideration of the Preliminary Plat. In making the decision, the following rules apply:

1. **Zoning.** The preliminary plat application must be denied on zoning grounds if the staff's decision is that the proposed project does not comply with the Zoning Ordinance. If staff indicates it can meet zoning with a specific condition, these conditions shall be required by the Planning Commission. The Planning Commission cannot deny an application on the basis of zoning if the staff's decision is that the application complies with the Zoning Ordinance.
2. **Impact Fees.** The County has adopted impact fee requirements that apply to parks and recreation, schools, law enforcement, fire protection, and emergency services. All fees are collected from individual landowners or builders in conjunction with the building permit process. For this reason, the preliminary plat application cannot be denied on the grounds of adverse impact on these services.
3. **Roads.** The Planning Commission shall defer to the WVDOH on final requirements and approvals for improvements to the public roads. Staff, applicant, and WVDOH are encouraged to work together for an acceptable final approval by WVDOH.



4. **Sewer and Water Systems.** All sewer and water systems, whether privately owned or publicly owned shall be permitted only on the recommendation of the Jefferson County Public Service District (JCPSD), and/or the City of Charles Town or private utilities, depending on the service area within which they are proposed. The Planning Commission shall not make a decision contrary to the agency provider recommendation unless there is compelling professional evidence that its recommendation is in error.
 5. **On-Site Water Supplies and Sanitary Waste Disposal.** The Jefferson County Health Department shall make a determination regarding the feasibility of on-site wells and septic tanks (or other means of on-site disposal), where applicable.
 6. **Engineering and Landscaping.** The plan being reviewed consists of substantial sediment and erosion control, stormwater management and sewer or water system engineering, landscaping, and site development plan. There will be adjustments in additional work that needs to be done for final engineering, landscaping, and site development plan. The preliminary plat application cannot be denied based on engineering considerations that have not been addressed at this stage of the proceedings. The Planning Commission and County Engineer may attach conditions to ensure that specific issues are addressed.
 7. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the preliminary plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved.
- B. **Conditions.** It is anticipated that there will be conditions for slight site adjustments and many conditions from the Department and agencies on engineering and landscaping that must be met in the preparation of the final plat, final engineering, and final landscaping. In addition, there will be conditions on surety, payment of impact fees, and any proffers made by the developer and accepted by the Planning Commission or agency benefiting from the proffer. In no event shall a condition require the developer to reduce the density below the requirements of the Zoning Ordinance or what is shown on the proposal unless the reduction is proffered by the applicant.
- C. **Effect.** The approval of the preliminary plat, with or without conditions, allows the applicant to proceed to prepare a final plat, final engineering, and final landscape plan. The approval shall be good for a period of five years, with the provision that any zoning changes that have been advertised for public hearing prior to the date of approval may be made a condition of approval if adopted prior to submission of final plat including all engineering and landscaping.

Sec. 24.116 Major Subdivision Final Plat - Application - Submission and Completeness Review^{4 & 6}

The submission of a final recordable plat, bonding estimate, and application is a required step for all subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the Department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission



is insufficient, it shall be returned to the applicant. Approval of the Final Plat shall be administrative, pursuant to Section 24.116E.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for final plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 1. **Final Plat.** The final plat shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 2. **Density Calculation.** The final recordable plat shall include a current density calculation note or table.
 3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 4. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, their location on the site shall be indicated.
 5. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the final plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
 6. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*.
 7. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.
- C. **Endorsements on Final Plats.** The following certificates shall be placed on all final plats:
 1. **Surveyor.** Certificate of accuracy and mapping by professional licensed surveyor signed and sealed.
 2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, and corporations, and lenders with financial security interests.
- D. **Additional Information.** The Department shall:
 1. Review and approve all matters under its jurisdiction.
 2. Issue a zoning compliance letter.
 3. Certify that all proffers have been satisfied.
- E. **Approval.** Based on the Planning Commission's approval or conditional approval of the final Preliminary Plat, the approval of the final recording plat shall be an administrative function of Staff unless there is a disagreement between Staff and the applicant. Staff or applicant can request that the final recording document be addressed by the Planning Commission by having the matter placed on the next available meeting agenda.



Sec. 24.117 Major Subdivision Final Plat - Approval ⁶

- A. **Approval.** If the final plat application is consistent with the preliminary plat application and meets all other requirements of these Regulations and the Zoning Ordinance, the County Planner shall approve the subdivision application.
- B. **Denial.** Denial can only be done on the following basis:
 - 1. The plat (plan) is inconsistent with the approved preliminary plat or conditions of said approval.
 - 2. Failure to provide approved surety.
- C. **Plat Signing.** The County Planner or their representative shall sign the plat.
- D. **Effect and Vesting.** The approval of the final plat application and signing of the plat makes the document recordable.

Sec. 24.118 Major Subdivision Final Plat – Recording⁶

The applicant shall have 180 days after approval to file and record the final plat for lots to be recorded, together with any deed restrictions as may be required, in accordance with W.Va. Code §39-1-13. The approval shall become void if it is not recorded within the 180 day period. The Planning Commission may grant a waiver to this provision pursuant to the waiver process. The following documents shall be submitted to the Office of Planning and Zoning:

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



Figure 24.119A Major Site Plan Approval Process (Part 1)		
<i>Major Site Plan Approval Process</i>		
<u>Step Taken</u>	<u>Action Taken</u>	<u>Acting Authority</u>
<u>Pre-Proposal Conference (Optional)</u>		
Step 1 <u>Section 24.102A</u>	Submission	
Step 2 <u>Sections 24.102B, C & D</u>	Conference	<u>Staff Conference within 15 days from submission</u>
Step 3 <u>Section 24.103E</u>	Memorandum	<u>Staff Memo within 5 days</u>
<u>Concept Plan</u>		
Step 1 <u>Section 24.119</u>	Submission & Completeness Review	<u>Staff</u>
Step 2 <u>Section 24.120</u>	Public Workshop	<u>Planning Commission</u>
Step 3 <u>Section 24.121</u>	Concept Plan Direction	<u>Planning Commission</u>

(For major site plan criteria see the definition, Site Plan, Major and Sec. 20.204, Major Site Development.)



Figure 24.119B
Major Site Plan Approval Procedure (Part 2)

<i>Major Site Plan Approval Process</i>		
Step Taken	Action taken	Acting Authority
<u>Site Plan Application</u>		
<u>Step 1</u> <u>Section 24.122</u>	Submission & Completeness Review	<u>Staff</u>
<u>Step 2</u> <u>Section 24.123</u>	Public Hearing	<u>Planning Commission</u>
<u>Step 3</u> <u>Section 24.124</u>	Site Plan Approval	<u>Planning Commission</u>

Sec. 24.119 Major Site Plan Concept Plan - Submission and Completeness Review^{2, 4}

The submission of a concept plan is a required step for major site plans. The Department shall have 45 days to complete the sufficiency and completeness review. At the time of submission, Concept Plan shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Within the 45 days, the Department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. In order to keep on the proposed schedule, the applicant shall resubmit within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission workshop.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for concept plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated by staff.
 1. **General location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.



2. **Concept Plan.** A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*. Show or note if all features are addressed.
3. **Zoning Information.** This shall include:
 - a. Determination of the zoning district in which the proposed site plan project is situated.
 - b. Density calculations.
 - c. Site resource map. (See definition)
 - d. Use designations for all adjoining and confronting parcels.
4. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is multifamily residential.
5. **Traffic Impact Data.** This shall include:
 - a. ADT figures for the adjoining or accessible State road.
 - b. Trip generation figures based on the following table:

USE	PEAK HOUR	AVERAGE DAILY
Townhouse	0.6	7.0 per d.u.
Mobile Home	0.6	5.0 per d.u.
Light Industrial	1.2	5.5 per 1000 s.f.
Industrial Park	0.99	7.0 per 1000 s.f.
Warehousing	1.63	4.9 per 1000 s.f.
Mini-warehousing	0.29	2.8 per 1000 s.f.
Office	2.82	17.7 per 1000 s.f.
Small Shopping Center	15.51	118.0 per 1000 s.f.
Convenience Market	54.80	625/1000 leasable s.f.

- c. Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.
 - d. “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.
 - e. If a use is not listed in the table above, the most current edition of the Institute of Transportation Engineers Trip Generation Manual or Handbook shall be referenced to determine appropriate trip generation figures.
6. In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study will be required which includes generators, etc. or unless the West Virginia Division of Highways has created an agreement with the applicant to provide site access



- improvements that are typically required by a traffic study, the traffic study shall not be required. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative. The traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the site plan.⁴
7. **Agency Reviews.** The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department fourteen (14) days prior to the scheduled public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 7 days after the review. Reviewing agencies are found in Sections 23.203 and 23.204. Applicant shall provide copy of letter sent to outside agencies to the Office of Planning and Zoning within seven (7) days of submission of Concept Plan. If any review agency failed to respond, they shall be deemed by these Regulations to have approved the plan.
 8. **Other Data.** Any other data or information the applicant believes will assist in the review.
 9. **Other Reviews.** Any other staff or agency reviews of the plans.
 10. **Adjoining Property.** The applicant must provide an accurate list of all properties and owners' addresses adjoining the subject property. The adjoining and Homeowner's Associations shall be notified by staff of the date of the workshop.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.
- D. **Department.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a site plan submittal.
 2. Staff opinion as to whether the plan meets the site plan criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.
- E. **WVDOH.** WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plat review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.
- F. **Traffic Impact.** The review shall indicate whether a traffic impact study will be required based on analysis required in 24.119.B.5.e.



- G. **Public Services.** The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.
- H. **Recommended Conditions.** All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.
- I. **Approval.** Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning Staff shall accept or deny the concept plan as complete.
- J. **Effect.** At the time of submission, the concept plan shall be placed on the 1st regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Staff shall advertise the public workshop in a local newspaper of general circulation in the area one time at least twenty-one (21) days in advance of the meeting and send notice by mail to the adjoining property owners at least fourteen (14) days prior to the meeting. The applicant shall post notice on the property at least fourteen (14) days in advance of the meeting.

Sec. 24.120 Major Site Plan Concept Plan - Public Workshop

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

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

Sec. 24.121 Major Site Plan Concept Plan - Direction

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

- A. **Direction.** The Planning Commission shall direct the preparation of a site plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The



developer shall cite conditions and demonstrate that they have been met or otherwise addressed.

- B. **Conditions.** In the direction, it is anticipated that there will be numerous conditions from the Department, agencies, and public comment. There may well be public comment that seeks to lower density of the project below that permitted by the Zoning Ordinance, or to deny the project because of concerns outside the scope of the zoning or subdivision regulations. The applicant may make proffers to address these concerns, but the Planning Commission may not use them as conditions, unless they are proffered by the applicant.
- C. **Effect.** The direction is to the developer to proceed to prepare a site plan (Section 24.122, *Major Site Plan Application – Submission and Completeness Review*). The direction received in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the decision on the concept plan direction, then meeting the amended zoning requirements, if adopted, shall be a condition of the direction.

Sec. 24.122 Major Site Plan Application - Submission and Completeness Review⁴

The submission of a site plan application is a required step for all major site plans. The Department shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the Department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. In order for the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission. After staff concludes completeness, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for site plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 - 1. **Site Plan.** The site plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 - 2. **Density Calculation and Site Resource Map.** This map shall have the site plan superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
 - 3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.



4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Office of Engineering. If preliminary engineering plans satisfy the requirements of the Office of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Office of Planning and Zoning.
6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the concept plan approval. WVDOH approvals shall be secured prior to final approval.
7. **Water and Sewer Services.** This shall include a declaration of Public Service District's approval of plans, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.
8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system and its location on the site shall be indicated.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.
10. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the site plan. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
11. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the major site plan to be reviewed by the Office of Engineering.⁴
12. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*
13. **Other Agencies.** Required agency sign offs that the site plan is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County GIS/Addressing Office, and other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.
14. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.



15. Additional Information. The Department shall:

- a. Review and approve all matters under its jurisdiction.
- b. Issue a zoning compliance letter.
- c. Certify that all proffers have been satisfied.

C. Signature Blocks on Site Plans. The following certificates shall be placed on all site plans:

1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
3. **County Staff.** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.

D. Approval. If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

E. Effect. Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule a public hearing within 45 days and in accordance with Section 24.123. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Sec. 24.123 Major Site Plan Application - Public Hearing

Within 45 days of accepting the application as complete, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed site plan. The public notice of the public hearing shall be advertised in a local newspaper of general circulation in the area at least twenty-one (21) days prior to the public hearing. The applicant shall post notice on the site at least fourteen (14) days prior to the public hearing.

- A. **Subjects Covered.** The scope of this public hearing shall be limited to whether the site plan application meets the requirements of these Regulations and the Zoning Ordinance.
- B. **Hearing Procedure.** The hearing shall be conducted in accordance with the Bylaws of the Jefferson County Planning Commission.

Sec. 24.124 Major Site Plan Application - Approval

After the close of the public hearing or at any meeting within 14 days thereafter, the Planning commission shall (1) approve the application, (2) approve the application with conditions, (3) deny the application, or (4) hold the application for up to 45 days for additional information.

- A. **Approval.** If the site plan application is consistent with the concept plan application and meets all other requirements of these Regulations and the Zoning Ordinance and has



received sign-off from the agencies specified in Section 24.122(B)(13), *Other Agencies*, the Planning Commission shall approve the site-plan application.

B. **Denial.** Denial can only be done on the following basis:

1. The plan (plan, final engineering, or final landscaping) is inconsistent with the approved concept plan or conditions of said approval.
2. Failure to provide surety.

C. **Site Plan Signing.** The Planning Commission President shall authorize the signing of the plan.

D. **Effect and Vesting.** The approval and signing of the site plan allows the applicant to provide surety, if necessary, and begin construction.

Division 24.200 Amendments

Sec. 24.201 Amendment and Modification of Site Plans

A. **General.** Site plans shall be amended or modified in the same manner as they were originally approved.

B. **Substantial Compliance with Previous Approval.** The Zoning Administrator shall approve an application to modify a site plan where it is demonstrated that the proposed modification or elimination will result in substantial compliance with the approved site plan, as demonstrated by all of the following:

1. Development density and intensity have not materially changed, in that:
 - a. The number of buildings is not increased by more than 5 percent;
 - b. The number of stories is the same or fewer;
 - c. The height of the building(s) is the same or less;
 - d. The number of units is the same or fewer;
 - e. The lot coverage and floor area ratios are the same or less;
 - f. The number of bedrooms and corresponding parking spaces may be increased or decreased by as much as 5 percent, based on the entire plan, provided the plan complies with all other requirements of these Regulations and the Zoning Ordinance; and
 - g. Density or intensity (floor area ratio) may be transferred from one building to another or from one stage of development to another, provided that the total floor area ratio is not changed.
2. Design has not materially changed, in that:
 - a. The roadway patterns, including ingress-egress points, are in the same general location as shown on the original plans, and are no closer to the rear or interior side property lines than shown on the original plans;
 - b. The parking area is in the same general location and configuration;



- c. the building setbacks are the same or greater distance from perimeter property lines, except that the building setbacks for detached single family development, attached single family development, townhouse and cluster development may also be decreased, provided that such decrease is limited such that the resulting setback distance will be the greater of either
 - i. The underlying zoning district regulations, or
 - ii. Any condition or restrictive covenant regulating the setback for which a substantial compliance determination is sought;
 - d. The landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect;
 - e. The proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved;
 - f. Elevations and renderings of buildings, if originally provided, have substantially similar architectural expressions as those shown on the approved plans;
 - g. Recreational facilities, if shown on approved plans, either remain the same or are converted from one recreational use to another;
 - h. If recreational facilities were not shown in the approved plans, they may be added, provided there is no increase in lot coverage or decrease in required open space and such facilities are located internally within the proposed development;
 - i. If a variance for signage has been granted, the proposed sign(s) are no greater in size and are placed in the same general location on the site as originally approved. An entrance sign location may be moved the same proportional distance as a relocated entrance drive;
 - j. The proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the Zoning Ordinance that were not previously approved at public hearing, or of expanding the scope of existing variances such that they would differ to a greater degree from the strict application of the Zoning Ordinance;
3. Additional outparcels may be added where:
- a. There is no increase in the project's total floor area ratio or lot coverage;
 - b. There is no reduction in the total amount of landscaped open space; and
 - c. Addition of the outparcel does not result in noncompliance with any other provision of these Regulations or the Zoning Ordinance on any other portion of the subject property.
4. Reductions in the number of parking spaces on the site are permitted if sufficient parking spaces are provided to satisfy the requirements of the Zoning Ordinance.

**Sec. 24.202 Amendment, Modification, and the Vacating of Subdivision Plats**

- A. **Amendment.** The Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat in the same manner as the plat was originally approved, provided:
1. All of the property that is affected by the amendment is under the ownership of the applicant;
 2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
 3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.
- B. **Minor Modification.** The Zoning Administrator may authorize minor modifications to a plat if no lots have been sold as follows.
1. Design has not materially changed, in that:
 - a. The roadway patterns, including ingress-egress points, are not moved more than five feet (centerline) from their indicated location on the original plat, and are no closer to the rear or interior side property lines than shown on the original plat;
 - b. Parking areas are in the same general location and configuration;
 - c. The landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect;
 - d. The proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved;
 - e. recreational facilities, if shown on the plat, either remain the same or are converted from one recreational use to another;
 - f. If recreational facilities were not shown in the approved plat, they may be added, provided there is no increase in lot coverage or decrease in required open space and such facilities are located internally within the proposed development;
 - g. The proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the Zoning Ordinance that were not previously approved at public hearing, or of expanding the scope of existing variances such that they would differ to a greater degree from the strict application of the Zoning Ordinance;
 2. If lots have been sold, the minor modification process shall only be used for the relocation of septic reserve locations on individual lots.
- C. **Vacating All or Part of Plat.** The Planning Commission may vacate a subdivision plat either in whole or in part if it is demonstrated that:
1. The persons making application for vacating a property own the fee simple title to the whole tract, or the entirety of that part of the tract covered by the plat which is sought to be vacated;



2. Vacating the property will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
3. All easement holders whose easements are indicated only on the plat (and not by separate recorded instrument) provide written consent to the vacating of the property.

Sec. 24.203 Reformation of Approved Site Plans or Subdivision Plats to Correct Clerical or Scrivener's Errors

- A. **Reformation by Application.** The Zoning Administrator shall approve an application to reform a clerical or scrivener's error in a subdivision plat or site plan approval, including an error in an application or notice, which error causes the approval to not accurately reflect the approving body's intent, and where it is demonstrated that all of the following requirements are met:
1. The reformation does not include a change of judgment, policy, or prior intent of the approving body;
 2. Prior to the conclusion of the public hearing at which the approval for which reformation is sought was taken (if a public hearing was required), the current applicant either did not know of the error, or knew of the error and made it known to the adopting board;
 3. The reformation is essential to ensure that the approved subdivision plat or site plan reflects the intent of the approving body;
 4. The record, including but not limited to the staff recommendation, minutes, and motion, evidences the clear intent of the approving body;
 5. The substance of the decision of the approving body was evident at the time of the approval, and there was no intent to deceive the public or the approving body on the part of the current applicant at any time;
 6. Failure to approve the reformation would lead to an unjust result;
 7. The error in the prior approval did not mislead anyone in a way that would cause them to be prejudiced by the reformation; and
 8. Any errors related to public notice did not affect the legal sufficiency of the required notice.
- B. **Reformation by Zoning Administrator.** Notwithstanding the foregoing provisions, the Zoning Administrator, within 30 days of the approval of a subdivision plat or site plan, may reform a clerical or scrivener's error without public notice, if:
1. The error is not related to public notice, and
 2. The error causes the approval as written to inaccurately reflect the clear decision of the approving body.
- C. **Relation Back.** A reformed approval shall relate back to the original approval and the effective date of the corrected language shall be deemed to be the same as the effective date of the previous approval.

**Division 24.300 Waivers^{5, 10}**

Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria: (1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature; (2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents; (3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and (4) that the waiver if granted will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

- A. **Applicant.** An application for a waiver may be made by anyone with a financial interest in a property. The owner is responsible for providing all information and justification for the waiver request.
- B. **Application.** An application for a waiver shall be filed with the Planning Commission. An application for the waiver shall be submitted, along with the required fee, on the appropriate form. In addition to that basic information, the following information shall be submitted to support the application:
 - 1. Plat or plan of the property depicting parcel information, proposed layout, and, where applicable, all proposed modifications.
 - 2. A description of the physical features of the property, total acreage, present use, the use of the property at the time of the adoption of these Regulations, and any known prior uses;
 - 3. A description of the specific portions of these Regulations for which relief is being sought;
 - 4. A narrative describing how the proposed waiver will improve the public benefits.; and
 - 5. An accurate list of all properties and owners' addresses adjoining the subject property.
- C. **Public Notice.** The applicant shall post the property fourteen (14) days prior to the scheduled Public Hearing. The adjoining property owners shall be noticed by staff via mailed letter fourteen (14) days prior to the scheduled Public Hearing.
- D. **Public Hearing.** On the date of the scheduled Public Hearing, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed waiver to the Subdivision Regulations. The scope of this public hearing shall be limited to whether the application meets the criteria to modify the requirements of these Regulations and may be approved with conditions.
- E. **Action.** The Planning Commission shall make a decision within 30 days of the receipt of the request for waiver.



- F. **Conditions of Approval.** In granting a waiver, the Planning Commission may prescribe any conditions and safeguards that it finds are appropriate and in conformity with these Regulations.
- G. All waivers and/or conditions of approval associated with the waiver shall be documented on all subsequent plats or plans.

Division 24.400 Appeals

An appeal of a decision of the Planning Commission or staff regarding subdivision or site development decisions shall be taken directly to Circuit Court of Jefferson County, West Virginia, pursuant to W.Va. Code §8A-5-10 and §8A-9-1, et seq.

Division 24.500 Surety

All major subdivisions and all site developments shall be required to provide security that meets the approval of the Department, agencies responsible for accepting the improvements, and in accordance with the County Commission Bonding Policy. Surety is a financial guarantee that the improvements proposed in the subdivision or site development are made as planned if, for some reason, the developer fails to make the required improvements.

Sec. 24.501 Improvements Requiring Surety

- A. **Requirement.** Each of the following elements or systems requires surety:
 - 1. Clearing, Grading, and Site Preparation.
 - 2. Stormwater Facilities.
 - 3. Water and Sewer Utilities or facilities.
 - 4. Streets, Sidewalks, Parking, Curbs, Street Drainage, and Lighting.
 - 5. Landscaping and Recreation Facilities.
 - 6. Other Utilities.
- B. **Exception.** Utilities that install their own infrastructure (such as telephone, electric, gas, and cable companies) will not require surety.

Sec. 24.503 Amount of Surety

- A. **Cost Estimates.** The developer shall submit cost estimates from the project engineer for the cost of such installation.
- B. **Review and Approval.** Staff shall review the cost estimates and make upward adjustments if they find the cost estimates below those the County is currently experiencing.
- C. **Amount.** The surety shall be in the amount of 115 percent of the approved estimate. This covers inflation, the cost of inspecting, and rebidding if the developer defaults and the County has to take over construction or construction supervision.

Sec. 24.504 Funding of Improvements

- A. **On-Site Infrastructure.** All on-site infrastructure shall be provided by the developer.



- B. **Off-Site Infrastructure.** Generally, off-site infrastructure that is necessitated by the development shall be funded by applicable impact fees or proffers (if proffers are made). The County may also approve developer construction of off-site infrastructure.

Sec. 24.505 Improvement Location Permit

An improvement location permit and/or building permit is required prior to the erection, relocation, or alteration of a building or structure, prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use, and prior to any land altering activity in a flood prone area.



Article 25 Enforcement and Penalties

Division 25.100 Enforcement and Penalties

Sec. 25.101 Authority

The planning commission, governing body, ordinance compliance officer, or any authorized employee or agent may enforce these Regulations in the manner provided for in this section and by applicable law, including but not limited to W.Va. Code § 8A-6-3 and W.Va. Code § 8A-10-1, *et seq.*

Sec. 25.102 Procedure

1. Upon learning of a potential violation of these Regulations, the ordinance compliance officer or staff shall investigate to determine whether a violation has occurred.
2. When it appears after investigation that a violation of these Regulations has occurred, the ordinance compliance officer or staff shall notify the violator by means of a written violation notice. The violation notice shall specify the nature of the violation and request that the violation cease within fifteen (15) days from the date appearing on the notice. Failure to terminate the violation within this time period shall be cause for the planning commission, governing body, ordinance compliance officer, or other authorized employee or agent to:
 - a. Seek an injunction in the Circuit Court of Jefferson County to restrain the violator from continuing the violation, including but not limited to requests for the removal of structures or land uses from the property involved; and
 - b. Seek a misdemeanor conviction in magistrate court or circuit court.

Sec. 25.103 Penalties

Any person who violates any provision of these Regulations shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty dollars nor more than five hundred dollars. Each day during which any violation of these Regulations occurs shall constitute a separate offense.



Article 26 Terminology

Division 26.100 Word Usage and Abbreviations

Sec. 26.101 Word Usage

This Division's provisions and rules shall be observed and applied when interpreting these Regulations, except when the context clearly requires otherwise. Words used or defined in one tense or form shall include other tenses or forms.

- A. Words in the singular number shall include the plural number. Words in the plural number shall include the singular number.
- B. The masculine gender shall include the feminine. The feminine gender shall include the masculine.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The word "person" includes individuals, partnerships, firms, corporations, associations, trusts, and any other similar entities or combination of individuals.
- F. The word "Attorney" shall mean the Office of the Prosecuting Attorney of Jefferson County or any individual attorney therein.
- G. The phrase "Board of Zoning Appeals" shall mean the Board of Zoning Appeals of Jefferson County. It may be abbreviated BZA.
- H. The phrase "Comprehensive Plan" shall mean the Comprehensive Plan of Jefferson County. It includes all adopted maps, charts, and explanatory materials and subsequent amendments.
- I. The word "Commissioners" shall mean the Jefferson County, County Commission.
- J. The word "County" shall mean Jefferson County, West Virginia.
- K. The word "Department" shall mean the Jefferson County Department of Engineering, Planning, and Zoning.⁷
- L. The phrase "Landmarks Commission" shall mean the Jefferson County Historic Landmarks Commission.
- M. The word "Owner" shall mean or include the person holding title to the property, lessees, occupant, or person in charge of the property for management or construction.
- N. The phrase "Planning Commission" shall mean the Jefferson County Planning Commission.
- O. The phrase "County Clerk" shall mean the Jefferson County Office of County Clerk.
- P. The phrase "Professional Engineer" shall mean an engineer licensed in the State of West Virginia.
- Q. The word "staff" shall mean the Jefferson County Department of Engineering, Planning, and Zoning, Zoning Administrator, and such other employees or consultants designated by the County Commission.



- R. The word “State” shall mean the State of West Virginia.
- S. The phrase “Department of Health” or “Health Department” shall mean the Jefferson County Health Department. Sec. 26.102 Abbreviations

The following abbreviations are used in these Regulations:

AASHTO	American Association of State Highway and Transportation Officials
ac.	Acre
DBH	diameter at breast height for a tree
du or dus	dwelling unit(s)
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
ft.	feet
C&G	concrete and gravel
GD	gross density
GIS	Geographic Information Systems
LSR	landscape surface ratio
max.	maximum
min.	minimum
na.	not applicable
ND	net density
OSR	open space ratio
sf.	square feet
S.F.	single-family
SPCS	State Plane Coordinate System
SWM	stormwater management
USGS	United States Geological Survey

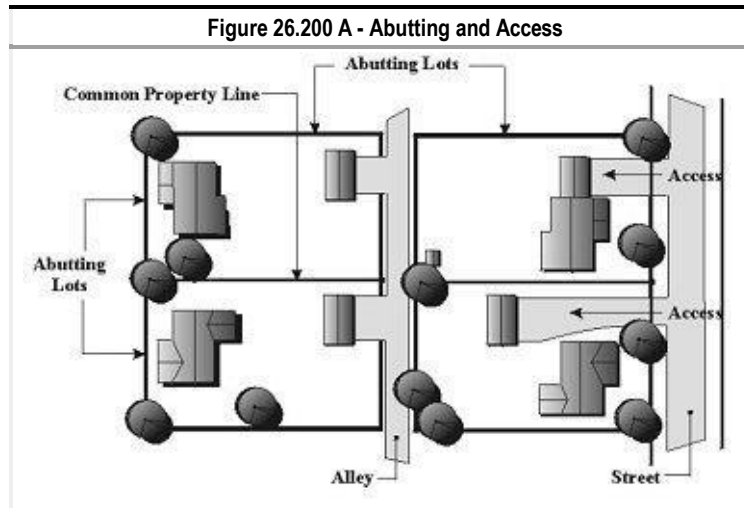


Division 26.200 Definitions of Terms

The following definitions describe the meaning of the terms used in these Regulations. Appendices may contain additional definitions which are specific to the particular appendix in which they are located.

A

Abutting. Two lots sharing the same or common property lines, including lots separated by an alley.



Access Easement. That portion of a lot used for ingress/egress to an *abutting* lot and shown on a final plat by a recorded easement declaration. In no case shall a street right-of-way be construed to mean an easement.

Access. An area designated as a way for vehicles to enter or leave a property or lot to a public or private street or *alley*. Access is intended to permit residents to bring their vehicles onto the property, to allow customers or tenants to park, and to provide for public access in emergencies. See Figure 27.301A, *Abutting and Access*.

Adequate Infrastructure. This includes water, sewer, roads, parks and recreation, emergency services, and stormwater facilities. To be adequate, they shall meet all construction requirements of these Regulations and the County. In addition, the County shall require that there is adequate capacity where the connection is made to the system and in mains, interceptors, or other off-site facilities, including treatment facilities and storage facilities.

Administrator. Refers to the Planner or Zoning Administrator, designated by the County Commission, who shall enforce and interpret the provisions of these Regulations.

Agency. The governmental entity, department, office or administrative unit responsible for carrying out regulations.

Alley. See *Street, Service*.

Appeal. A way to obtain review of a decision, determination, order, or act of staff or the Planning Commission pursuant to the terms of these Regulations.



Applicant. A person, firm, or governmental agency that executes the necessary forms to obtain approval or a permit for any zoning, subdivision, site development, building, land disturbance, or other activity regulated by these Regulations.

Application. The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the applicable department, board, or commission of the county for development review, approval, or permitting purposes.

Approval. Approval shall mean final action granting an application given by the appropriate administrative body specified in Article 11, *Administrative Bodies*, as having final approval responsibility.

Area of Special Flood Hazard. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Arterial Street. See *Street, Arterial*.

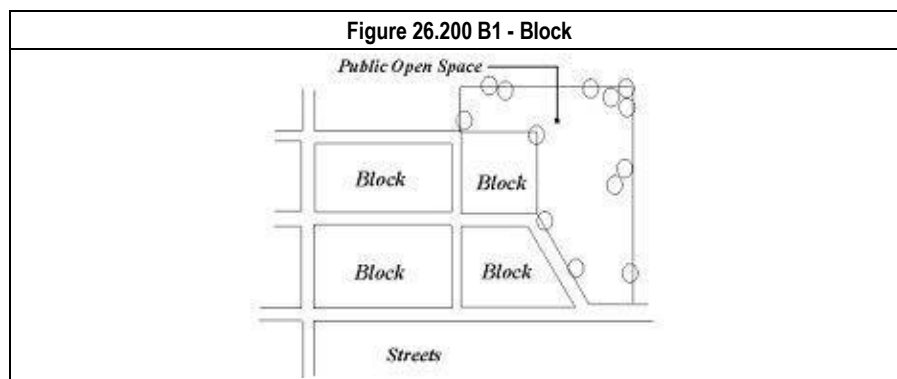
B

Base Flood. The flood having a one percent chance of being equal to or exceeded in any given year.

Base Flood Elevation. The elevation in Mean Sea Level of the Base Flood.

Best Management Practices. That combination of conservation measures, structures, vegetation, or management practices that reduces or avoids adverse impacts of development on an adjoining site's land, water, or waterways and water bodies.

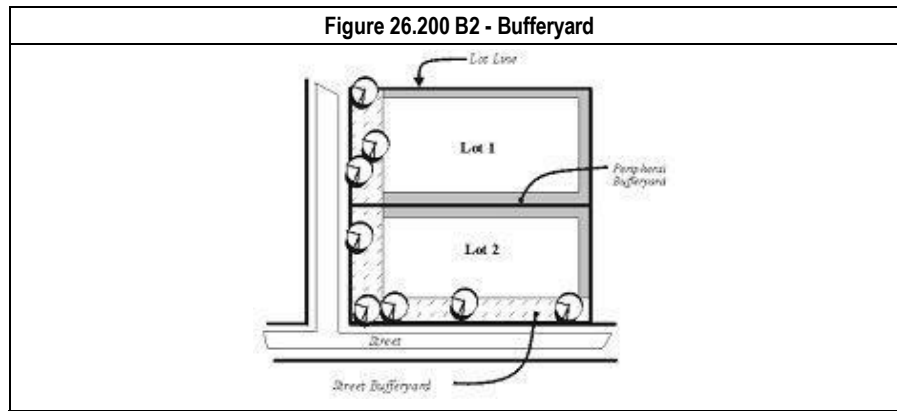
Block. An area of land surrounded on all sides by streets or other transportation right-of-ways or by physical barriers such as water bodies or public open spaces. Blocks are normally divided into lots.



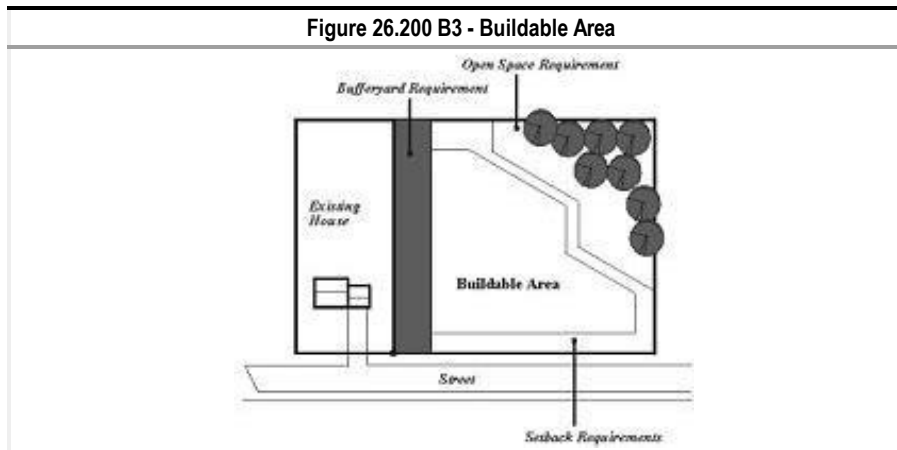
Buffer. A designated area between two uses or zoning districts deemed incompatible with each other, or along the perimeter of a natural feature to be protected from an incompatible use, or along the perimeter of that use, which will absorb or otherwise mitigate such incompatibility by some combination of construction design, vegetative plantings, fences, and/or maintenance practices which shall be permanently maintained.



Bufferyard. A strip of land on the periphery of a property created to separate one type of land use or zoning district from another when they are incompatible or in conflict. Bufferyards include street bufferyards that protect the use from road related nuisances or that screen undesirable uses.



Buildable Area. The space remaining on a lot after the minimum open space or landscape surface requirements, *bufferyards*, and setbacks have been met. See *Net Buildable Site Area*.



Building. A structure built on a lot or parcel of land, having a roof, and intended to shelter people, animals, property, or business activity. Any structure used or intended to be used for supporting or sheltering any use or occupancy. The word "building" shall be construed as if followed by the words "or part or parts thereof and all equipment therein."

Business Owner's Association (BOA). See *Homeowner's Association (HOA)*.

C

Calendar Day. Consecutive days including Saturday, Sunday, and holidays. See *Days*.

Campground.⁷ An area or premises located on a single lot, operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by customers occupying camping units. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in the Zoning Ordinance). All campgrounds shall comply with the defined uses and regulations in Sections 2.2 and 8.17 of the Zoning Ordinance and relevant sections of these Subdivision Regulations.



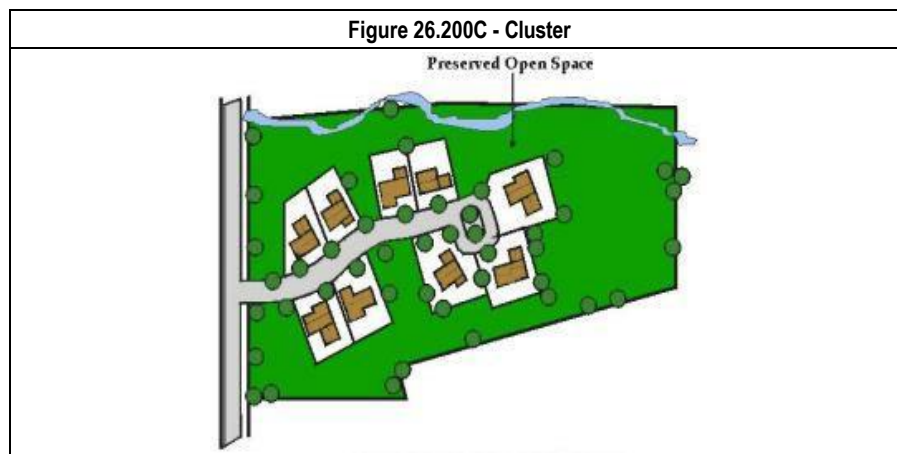
Centralized Sewer System. A sanitary sewage collection and treatment system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal system serving a community and owned and/or operated and maintained by a Public or Private Utility.

Certificate of Occupancy. A statement signed by the Building Official setting forth that a building, structure, or use legally complies with the Zoning Ordinance and the applicable Building Codes and that the building, structure, or use may be used for the purposes stated therein.

Child. Any person who is a natural or legally defined offspring of the owner of a parcel of land.

Clean Fill. A non-decomposable, environmentally inert solid such as rock, soil, or gravel.

Cluster. A development pattern or design technique in which lots are grouped together, rather than spread evenly throughout a parcel as in conventional subdivision development. Cluster development allows the remaining land to be used for recreation, open space, and the preservation of natural or built resources.



Collector Street. See *Street, Collector*.

Collector, Residential. See *Street, Residential Collector*.

Commencement of Construction. Commencement of construction means that a building permit or other written permit required to be issued by the Building Official has been issued and work has commenced under such permit. This is recognizable upon an inspection of the property and which work is of a nature and character that reflects a good faith intention to continue the work until completion, such as the clearing of right-of-ways, rough-grading of the roadway, the installation of a drainage system or stormwater management facilities, and the placement and active maintenance of erosion and sediment control measures.

Community Sewer System. A sanitary sewage collection and treatment system in which sewage is carried from individual lots, by a system of pipes to a central treatment and disposal system generally serving a neighborhood and owned and/or operated and maintained by a Public or Private Utility as defined above.

Completeness Review. The completeness review determines not only whether the applicant has submitted all required information, but also includes the technical review of the material to determine whether the plan and infrastructure is properly designed and will function adequately. A submission requires roads, sewer, water, and zoning information that only a thorough review



by agencies responsible for these items can determine whether the information is present and correct. The drawing, engineering and otherwise, must work when built in the field on the conditions of the site. Agency reports on the plan are part of the required application to the Planning Commission. The developer's submission and agency review are essential to provide a complete application that can be reviewed by the Planning Commission and citizens.

Comprehensive Plan. A plan for physical development, including land use, adopted by a governing body, setting forth guidelines, goals and objectives for all activities that affect growth and development in the governing body's jurisdiction. (*Source Chapter 8A of the West Virginia Code.*)

Conservation. The planned management of a natural feature to prevent its exploitation, destruction, or neglect.

Conservation Area. An area designated on the site-plan, preliminary or final plat intended to preserve and protect natural resources or a public or private land use that preserves an area in a natural condition.

Conservation Easement. A conservation easement is a recorded document that restricts the use of land to uses that are compatible with environmental conservation, historic preservation, or open space preservation. Conservation easements do not involve transfer of fee simple title to the property to be conserved.

Construct or Construction. The erection of a new building, structure, or object upon a site.

Constructed Wetland. A low-lying area, artificially created by dredging, damming, or berming of earth for the retention of water and the establishment of a hydrophytic vegetative community.

Contiguous. Lots, parcels, municipal boundaries or county boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous. (*Source: Chapter 8A of the West Virginia Code*)

Covenant or Restrictive Covenant. A restriction on the use of land set forth in a formal binding agreement. Restrictive covenants run with the land and are binding upon subsequent owners of the property.

D

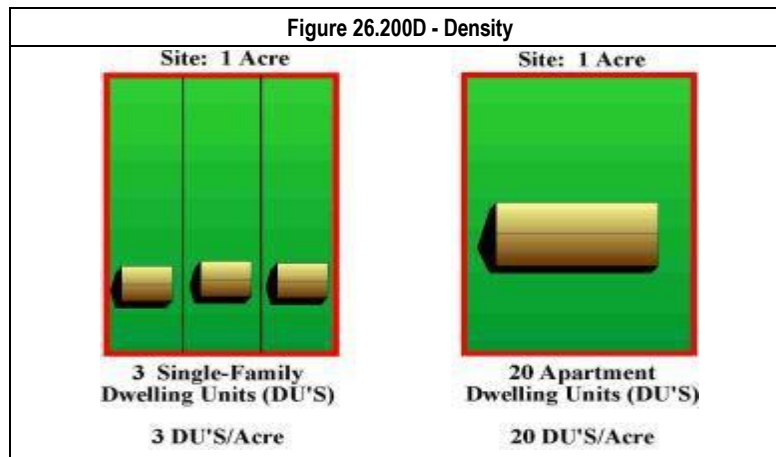
Days.⁵ Refers to calendar days and, therefore, includes all days in a month, including weekends and holidays.

Dedication. The transfer of private property to public or common ownership, such as a Homeowner's Association, for a public purpose. The transfer may be in fee simple interest or less than fee simple interest, including easements. Dedication requires the acceptance of the interest to be complete.

Deed Restriction. A restriction placed within a deed that controls the use of the property. Deed restrictions travel with the deed, and therefore with the property, and cannot generally be removed by new owners.



Density. The average number of dwelling units allowed on an acre of land. It may also measure the families, housing units, or rental rooms. For example, the figure below shows two types of land uses on an acre of land. The first shows a density of three homes per acre. The second shows a density of 20 *apartment* units per acre.



Department. See Section 26.101, *Word Usage*.

Design Storm Frequencies. Time interval in years at which a storm occurrence has a chance to exceed or equal the storm of specific duration and intensity used in design of drainage facilities.

Detention/Retention Basin. A natural or man-made structure designed as a temporary holding basin for water. Water may be detained to minimize flooding downstream or retained to increase aquifer recharge.

Developer. A person seeking to build or develop as defined in these Regulations.

Development. Construction of a new building or other structures on a lot, the relocation of an existing building on another lot, or the use of open land for a new use. In addition, it also means any man-made change to improved or unimproved real estate, including, but not limited to, parking, fences, pools, signs, temporary uses, clearing of land, dredging, filling, grading, paving, or excavation.

Disposal Field. A system of open jointed or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.

Drainage. The process by which surface water (usually from rainfall) moves across the land surface. See Division 22.400, *Drainage*.

Drainage Areas. The delineated areas that currently contribute or are proposed to contribute runoff to a specific location or point.

Drainage Facility. Any system of artificially constructed drains, including open channels and separate stormwater sewers, used to convey stormwater, surface water, or groundwater, either continuously or intermittently, to natural water courses.

Drip-line. A generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points.



Driveway. A private access way, primarily for vehicles, leading from a street to a parking or loading area.

E

Earthen Berm. A man-made mound of earth in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, highways, or noise or to control the direction of surface water flow.

Easements. Any portion of a parcel, subject to an agreement between the property owner and another party, which grants the other party the right to make limited use of that portion of the property for a specified purpose. See *Conservation Easement*.

Elevation Certificate. A FEMA form to be completed by a professional engineer or surveyor to document the elevation of the lowest floor, including *basement*, of all new and substantially improved structures.

Eligibility Checklist. A form created by the department to assist applicants in determining if they are eligible for the minor subdivision process.

Endorsement.⁷ The signature of the County Planner appended to the final plat to signify approval thereof.

Engineer, Professional. An individual technically and legally qualified to practice the profession of civil engineering and who is registered to do so in the State of West Virginia.

Environmental Report. Any study, report, or application required by these Regulations, such as critical natural areas, floodplains, riparian buffers, hillsides, water resource protection areas, and wetlands.

Environmentally Sensitive Area or Resource. Any land area containing (as an example) one, or more, of the following: (1) hillsides; (2) floodplain; (3) soils having high water tables; (4) highly erodible soils; (5) lands incapable of meeting minimum percolation standards; (6) former landfill or industrial waste areas; (7) stream corridors; (8) aquifer recharge or discharge areas; (9) wetlands; (10) scenic view corridors; (11) architectural areas of significant consequence or historic sites, districts, structures or trails; (12) mature stands of trees or vegetation; or any other area possessing environmental characteristics similar to those listed herein.

Ephemeral Stream. A channel that holds water only during or immediately after periods of precipitation. See also *Intermittent Stream*.

Erosion. The wearing away of soil or rock fragments by water, rain, wind, or earth gravity.

Essential Access. An access that must cross a resource restricted area, such as a wetland or hillside, to reach an area of the site that is otherwise buildable and would result in damage to the restricted resource.

Expressway. A limited access highway designed to carry regional traffic. All intersections shall be grade separated.

F

Filling. The depositing on land, whether submerged or not, of sand, gravel, earth, or other materials. Biodegradable materials and other materials subject to decomposition or significant settling (such as garbage and other organic matter) shall not be considered filling.



Flag Lot. See *Panhandle Lot* or Section 21.302, *Flag Lots*.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland and tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles and *water surface elevation* of the base flood, as well as the Flood Boundary-Floodway Map.

Flood Proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Flood Protection Elevation. An elevation established or defined in the Jefferson County Floodplain Management Ordinance.

Flood Protection System. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain. A relatively flat or low-lying land area adjoining a river, stream, or *watercourse* which is subject to periodic partial or complete inundation. It includes:

- A. Those areas identified by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM) as being subject to periodic inundation by a 100-year storm, including the floodway, flood fringe and areas for which no base flood elevations are available as depicted in the FEMA Flood Insurance Rate Maps for Jefferson County.
- B. Those lands where a detailed study has not been performed, but where a 100-year flood boundary has been approximated. All land subject to inundation by the 100-year flood shall be considered floodplain. The actual elevation shall be established after consideration of any flood elevation, flood line, or floodway data available from federal, state, local, or other sources. The approximate floodplain appears on flood insurance rate maps and flood boundary and floodway maps, where it may appear as Zone A.

Floodplain Administrator. A person accredited by the Board and assigned by the County to administer and implement laws and regulations relating to the management of the floodplains.

Floodplain or Flood-Prone Area. Any land area susceptible to being inundated by water from any source (see *Flood or Flooding*).



Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations. The zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications thereof, which provide standards for the purpose of flood damage prevention and reduction.

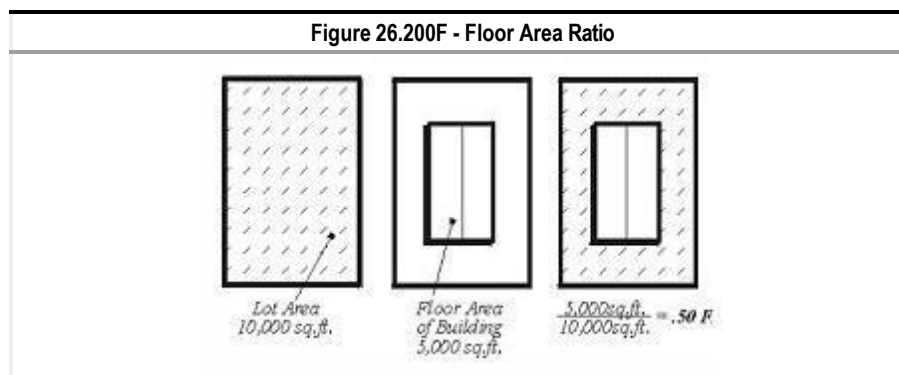
Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

Floodproofing Certificate. A FEMA form to be completed by a professional engineer or surveyor to certify that a floodproofed, nonresidential building has been constructed in accordance with NFIP requirements.

Floodway. The portion of the floodplain where water velocities are high and the majority of the discharge the waters of the 100-year flood occurs as delineated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

Floodway (Regulatory Floodway). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the *water surface elevation* more than a designated height.

Floor Area Ratio (FAR). A measure of the allowable size of floor area on a lot compared to the size of the lot. FAR gives developers flexibility in deciding whether to construct a low *building* covering most of the lot or a tall building covering only a small part of the lot, as long as the total allowable floor area coverage is not exceeded.



Freeboard. Vertical elevation between 100-year flood elevation level and the top of bank or grade.

Frontage. The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

G

Geographic Information System (GIS). A computer mapping system that collects, stores, manipulates, analyzes, and displays digital geographic data.



Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases to cause momentary blindness.

Grade. The natural level of the ground adjoining the object whose height is to be measured. Where grade refers to a street or road, it is the existing grade at that point.

Grading. The excavating, filling (including hydraulic fill), or stockpiling of earth materials, or any combination thereof, including the land in its excavated or filled condition.

Gross Area. The total land and water surface area contained within the boundaries of a lot or tract.

Gross Floor Area (GFA). The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed by applying the following criteria:

- A. The horizontal square footage is measured from the outside face of all exterior walls.
- B. Cellars, basements, penthouses, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines, and similar structures shall be included as GFA wherever at least seven feet are provided between the finished floor and the ceiling.
- C. No deduction shall apply for horizontal areas void of actual floor space (for example, elevator shafts and stairwells). The protected upper floors of open atriums and foyers shall not be included.

Groundwater. A portion of the subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated.

H

Highly Vulnerable Area. An area where the combination of soils, subsurface conditions, geologic features, hydrology, population density, and Source Water Protection Areas makes the aquifer and groundwater highly vulnerable to contamination.

Highway. Any road thoroughfare, street, *boulevard*, lane, court, trailway, right-of-way, or easement used for, or laid out and intended for, public passage of vehicles or persons.

Hillside. Land that has an average percent of slope equal to or exceeding 10 percent.

Historic District. A geographically definable area, designated as historic on a national, state or local register, possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

Historic Resource. A site, structure, area, or district possessing historic importance as defined by the U.S. Department of Interior, West Virginia State Historic Preservation Office, Jefferson County Historic Landmarks Commission, or other governmental agency.

Historic Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure and designated as historic on a national, state or local register, or individually listed on a local inventory of historic places. (*Source: Chapter 8A of the West Virginia Code*).



Historic Structure. Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Homeowner's Association (HOA) or Business Owner's Association (BOA). An incorporated nonprofit organization operating under a recorded land agreement through which: (a) each lot owner is automatically a member; and (b) each lot is automatically subject to a proportionate share of the expense for the organizations activities, such as, but not limited to maintaining drives, streets, roads, and other common property. Homeowner's Associations and the Uniform Common Interest Ownership Act of West Virginia are interchangeable and reversible terms. The most recent Uniform Common Interest Ownership Act of West Virginia shall prevail.

Hydric Soils. Soils which, in their natural, undrained state, are wet frequently enough at or near the surface to periodically produce anaerobic conditions, thereby influencing plant species' composition and/or growth.

Hydrophytic Vegetation. Those plants which are adapted to life in saturated soil conditions.

I

Impervious Surfaces. Areas that do not allow significant amounts of water to penetrate.

Impervious Surface Ratio (ISR). The proportion of a development that is impervious surface. It is determined by dividing the area in impervious surface by the base site area.

Improvement Location Permit. A permit which is required prior to the erection or relocation of a building or structure; prior to the alteration of a building or structure in a way which enlarges the exterior dimensions of such a building or structure; prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use; and, prior to any land altering activity in a flood prone area.

Individual Sewer System. A wastewater system that only serves the lot on which the sewage is generated, with the effluent disposed on that lot.

Infiltration. The passage or movement of water through the soil profile.

Infrastructure. Facilities and services needed to sustain industrial, residential, commercial, and all other land-use activities, including water, sewer lines, and other utilities, stormwater systems, streets and roads, communications, and emergency or public facilities such as fire stations, parks, and similar facilities.



Intensity. A measure of the degree of perceived level of activity as it applies to parking needs, traffic patterns, visual magnitude, or altered character on a particular parcel of land. Intensity as used in these Regulations is typically measured by the number of square feet of development or Floor Area Ratio per acre by land use type with respect to non-residential land uses.

Intermittent Stream. A well-defined channel with banks and a bed within which concentrated water flows only part of the year and is dry other parts. See also *Ephemeral Stream*.

K

Karst Feature. Karst topography is a landscape created by groundwater dissolving sedimentary rock such as limestone. Karst features include sinkholes, fissures enlarged by dissolution, and caves. Karst features may be open or filled and may have standing water or stream flow. There may be one feature alone or in groups, usually trending in linear groups along fractures or fissures.

L

Land Development. See *Major Site Plan* or *Minor Site Plan*.

Land Grading. See *Grading*.

Land, Improved. Vacant land that has been provided with power, water, sewage, streets and sidewalks, and other infrastructure.

Landowner. The holder of legal title to the land as recorded by the County Recorder.

Landscape Architect. An individual registered by the State to practice the profession of landscape architecture.

Landscape Plan. A plan associated with a subdivision, site development, or parking facility plan indicating the placement of trees, shrubs, groundcover, and affiliated structures and improvements including specifications, species, quantities, and installation as prepared by an West Virginia registered Landscape Architect.

Landscaping. The design and installation of plant material such as lawns, groundcover, trees, bushes, etc., in formal, informal, or natural arrangements.

Level of Service (LOS). A measure of traffic on a roadway segment or intersection being used during peak hours, as determined by the most current version of Report 209, the Highway Capacity Manual, prepared by the National Research Council's Transportation Research Board. Level of service is expressed on a scale of "A" to "F" with "A" indicating the best level of service and "F" indicating the worst. The definitions of levels of service "A" through "F" shall be those contained in the references cited in this definition.

Local Residential Access Street. A street that provides access to individual residential lots.

Local Street. See *Street, Local*.

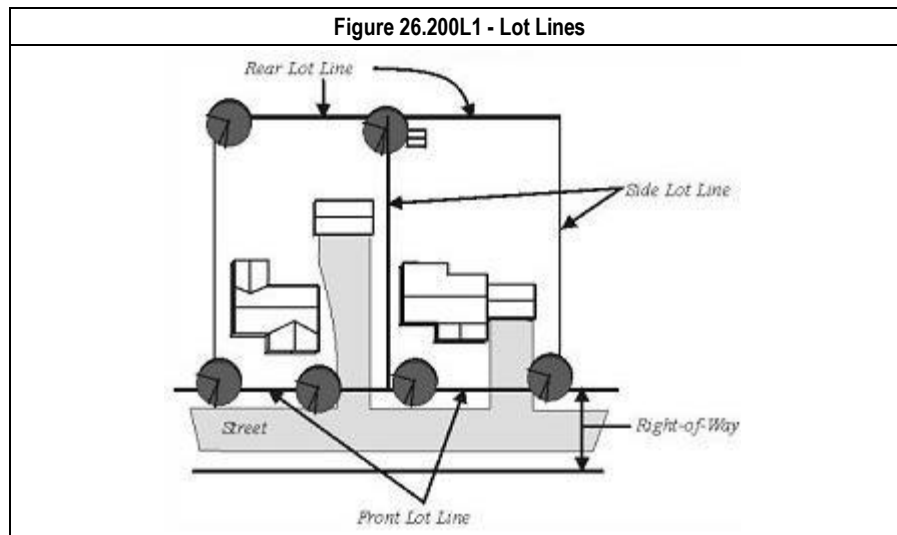
Lot. A parcel of land whose boundaries have been established by a legal instrument such as a recorded deed, court order, or a recorded plat, which is recognized as a separate legal entity for purposes of transfer of title.

Lot Area. The area of a lot taken at its perimeter, exclusive of any portion within a public or private street right-of-way.



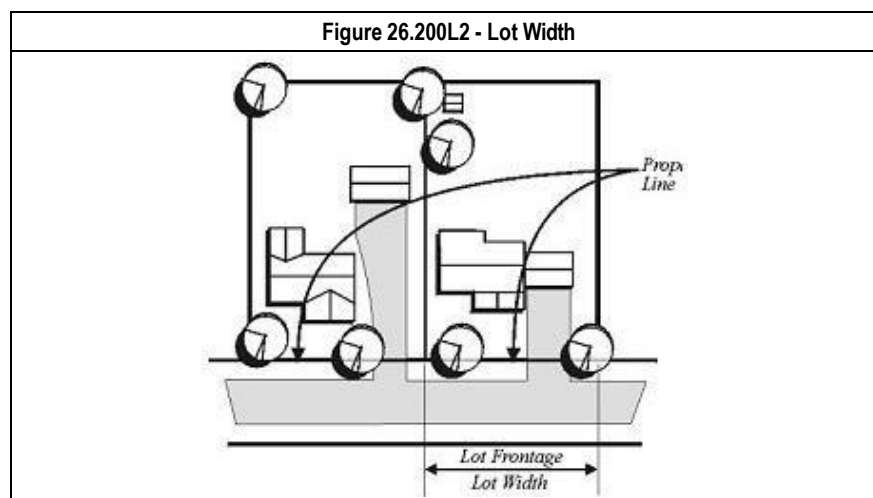
Lot Line. A line, including property line or a lease line, dividing one lot from another or from a street or other public place. There are basically four types of lot lines -- front, rear, side, and street.

- A. **Front lot line.** The street lot line from which the unit takes access; or, where more than one street yard could safely provide this access, the street serving the smallest traffic volume.
- B. **Rear lot line.** The lot line opposite the front lot line.
- C. **Side lot line.** The lot line that runs generally perpendicular or at angles to the street or any line that is not a front, street, or rear lot line.
- D. **Street lot line.** Any lot line that is also a street right-of-way line.



Lot, Panhandle. See *Panhandle Lot*.

Lot Width. The distance across the lot (side lot line to side lot line) at the minimum front setback line or at the midpoint of the buildable area, whichever is less. Lot width is also the measure of frontage for lots (see *Frontage*).





M

Maintenance Guarantee. A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to these Regulations or to maintain same.

Major Change. A change to the plan that increases density or floor area, decreases open space, *bufferyards*, or which alters the alignment or layout of streets by more than five feet. For conditional approvals granted prior to the effective date of these Regulations, any proposed use not contained in the original advertisement shall be considered a major change.

Major Site Plan^{3&6}. See *Site Plan, Major*.

Major Subdivision Plat. A plat that proposes subdivision of land, whether residential or non-residential, that requires the development of streets (public or private) or rights-of-way access to the lots, or common area and/or includes the creation of more than five lots that take access to an existing public street.

Manufactured Home. Housing built in a factory according to the federal manufactured home construction and safety standards effective June 15, 1976. (*Source: W.Va. Code §8A-1-2(r)*)

Mean Sea Level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum to which base flood elevations shown on a community's flood Insurance Rate Map are referenced.

Mean Surface Water Elevation. The observed limit of dry weather flow elevation in a *watercourse* or mean high water level in tidal areas.

Minimize. To reduce to the smallest amount possible using *Best Management Practices*. "Minimize" shall not mean complete elimination, but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action required to be minimized. With respect to activities, the conduct of which is adverse to the conservation of the natural features of land, the requirement to "minimize" shall include, but not be limited to, the requirement that the placement of dwellings and other structures and the locations of roads, sedimentation and erosion control devices, and earthmoving activities shall be planned and designed so as to permit the adverse effect of the activity in question to be reduced to the smallest amount possible under the circumstances consistent with the otherwise permitted development.

Minor Change. A change to the plan that does not increase density or floor area, does not decrease open space, bufferyards, or parking, or does not *alter* the alignment or layout of streets by more than five feet.

Minor Site Plan^{1, 3,&6}. See *Site Plan, Minor*.

Minor Subdivision Plat. A plat that will not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure, that proposes subdivision of land into five or less lots including the parent parcel.

Mitigation. Any action taken to lessen the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict, or otherwise be deemed incompatible with surrounding properties.



Moderately Vulnerable Area. An area where the combination of soils, subsurface conditions, geologic features, hydrology, population density, and Source Water Protection Areas makes the aquifer and groundwater moderately vulnerable to contamination. This area contains a lower intensity of the conditions found in a highly vulnerable area.

Monument. A stone or concrete boundary marker, as required by these Regulations, intended to fix the physical location of property lines.

N

National Geodetic Vertical Datum (NGVD). Elevations referenced to mean sea level datum of the 1929 or 1988 U.S. Geological Survey.

Natural Areas. Natural areas are areas of private lots or public land that have been created, recreated, restored, or preserved with locally indigenous plant species and are being maintained through the encouragement of locally indigenous plant species and elimination of noxious weeds as determined by the West Virginia Code.

New Construction. For the purpose of determining insurance rates, structures for which the *start of construction* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "*new construction*" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Nonconforming Structure. A *building*, structure, or parts thereof lawfully existing at the time these Regulations or a subsequent amendment to these Regulations became effective which does not conform to the dimensional requirements of the district in which it is located.

Nonconforming Lot. A lot, legally established prior to the effective date of these Regulations, which does not meet the standards of the district in which it is located. This can involve minimum area, buildable area, or dimensional requirements of the lot.

Nonconforming Use. A use of land or use of a *building* or structure lawfully existing at the time these Regulations or a subsequent amendment to these Regulations became effective which does not conform to the use requirements of the district in which it is located.

Non-delineated Floodplain. An area subject to a 100-year flood, adjacent to a watercourse that is identified by a blue line on the current United States Geological Survey (USGS) topographic maps of the County or in the detailed maps of the Jefferson County Soil Survey for which FEMA has not delineated a floodplain.

North American Datum 1983 (NAD83). The County's GIS data is mapped and stored according to this horizontal datum.

O

Occupancy. The use of land, buildings, or structures.



Open Space. Land area to be left undeveloped as part of a natural resource preservation, recreation, *bufferyards*, or other open space provision of these Regulations. Open space excludes areas in lots, street right-of-ways, or parking. Private open space is designed and intended for common use and the enjoyment of the residents. Public open space is designed and intended for common use and the enjoyment of the residents of Jefferson County.

Open Space Ratio. The proportion of a development required to be left in open space. It is determined by dividing the area in open space by the base site area. When applied to resource protection, the open space ratio shall mean that percentage of the resource feature to be protected and/or preserved in the total land area in that resource.

Ornamental Planting Areas. Ornamental planting areas of private lots or public lands that are used for the growing of herbaceous or woody plantings for ornamental purposes. Determination of plant species that may be considered ornamental is to be made by a landscape architect. Ornamental planting areas shall be free of weeds.

Outfall Points. A specific location, as defined by local topography, where stormwater runoff exits a specific land area.

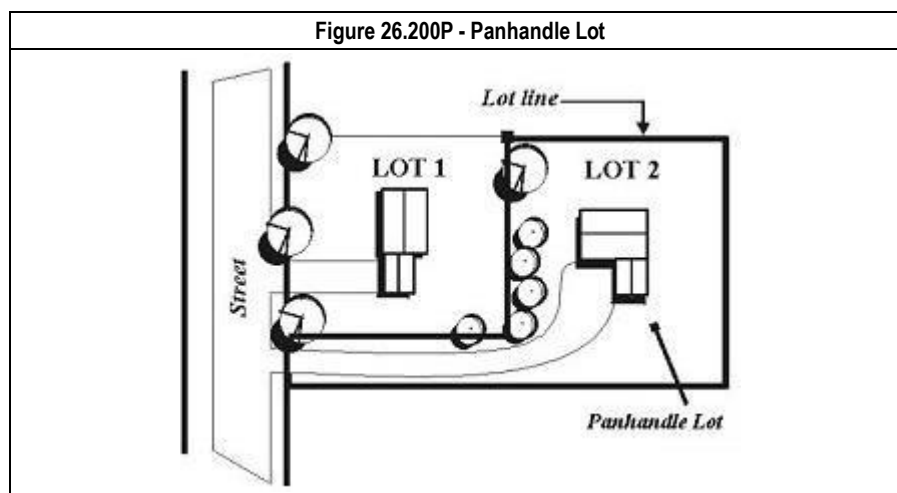
Outflow Hydrograph. Graphical representation of the runoff rate versus time for flow exiting a stormwater management facility.

Outparcel. A lot used for drainage, detention, agriculture, or open space, with distinct boundaries, which shall not be used for residential or nonresidential uses, that is created in the process of subdivision.

Owner. See *Landowner*.

P

Panhandle Lot. A tract of land having insufficient lot width along a road or at the minimum setback line to meet zoning requirements, but with sufficient area to meet all lot requirements further back on the lot. Sometimes referred to as a *flag lot*.



Parcel. See *Lot*.

Parent. Any person who is a natural or legally defined parent of the owner of a parcel of land.



Park or Parkland. An area open to the general public and reserved for recreational, educational, or scenic purposes.

Paved Area. See *Impervious Surfaces*.

Percolation Tests. See *Soil Borings and Percolation Tests*.

Perennial Stream. A channel with banks and a bed within which concentrated water flows year-round but may stop flowing during prolonged drought.

Performance Guarantee. See *Surety*.

Permit. Documents issued by the County or State allowing a person to begin an activity provided for in these Regulations or other codes, ordinances, and regulatory provisions adopted by the County Commission.

Pervious. A description of a surface that presents an opportunity for precipitation to infiltrate into the ground.

Petition. A request for text amendment or a map amendment made by a property owner, a subject property owner, or by a group of property owners acting as a private citizens' group.

Plan, Concept. An informal plan indicating salient existing features of a tract and its surroundings, including the general layout of a proposed subdivision or site development.

Planning Commission. See Division 23.300, *Planning Commission*.

Plans, Construction. The engineering drawings showing the construction details and the types of material for the physical structures and facilities (excluding dwelling units) and infrastructure to be installed in conjunction with the development of the project.

Plat. A document, prepared by a professional surveyor or licensed professional engineer, which delineates property lines and shows monuments and other landmarks for the purpose of identifying property.

Plat, Final. A complete subdivision plat for recordation, including all required supplementary data, which defines property lines, proposed streets and other improvements, and easements or a plan of private streets to be dedicated to public use.

Plat, Preliminary. A subdivision plat that includes the construction plans (as defined above) and all required supplementary data, showing the approximate proposed street and lot or site layout, or a plan of existing private streets to be dedicated to public use. A preliminary plat is required to be approved by the Planning Commission after a public hearing, but precedes the processing of a final plat.

Plot. See *Lot*.

Primary Access. The manner in which a property takes access to the public street system, ordinarily by a drive that intersects the street. Where there are several possible accesses, the one located or configured to have the most traffic is the primary access.

Private Utility. A privately owned entity regulated by West Virginia Public Service Commission and West Virginia Department of Environmental Protection, providing utility service to the general public (e.g.: water, wastewater, gas, electric, telephone, solid waste and cable).



Proffer. A voluntary offer in writing, which may be made by the owner or contract purchaser, of reasonable conditions in support of an application for rezoning, subdivision or land development approval, made prior to a public hearing before the governing body or planning commission, in addition to the regulations provided for the zoning district or requirements for subdivision or development, provided that (1) the rezoning or subdivision itself gives rise to the need for the conditions; (2) the conditions have a reasonable relation to the rezoning or impacts associated with the proposed subdivision or development; (3) all conditions are in conformity with the Jefferson County Comprehensive Plan.

Reasonable conditions may include the payment of cash for, any off-site road improvement or any off-site transportation improvement that is consistent with the comprehensive plan and/or incorporated into the capital improvements program, provided that nothing herein shall prevent a locality from accepting proffered conditions which are not normally included in a capital improvement program. For purposes of this section, "road improvement" includes construction of new roads or improvement or expansion of existing roads as required by applicable construction standards of the West Virginia Division of Highways to meet increased demand attributable to new development. For purposes of this section, "transportation improvement" means any real or personal property acquired, constructed, improved, or used for constructing, improving, or operating any (i) public mass transit system or (ii) highway, or portion or interchange thereof, including parking facilities located within a district created pursuant to this title. Such improvements shall include, without limitation, public mass transit systems, public highways, and all buildings, structures, approaches, and facilities thereof and appurtenances thereto, rights-of-way, bridges, tunnels, stations, terminals, and all related equipment and fixtures.

Property Line. See *Lot Line*.

Property Owner. A person or persons having an ownership interest in real property located within the geographic boundaries of Jefferson County, West Virginia.

Public Improvement.⁴ Any improvement, facility or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, alleys, pedestrian walks or paths, storm sewers, stormwater management facilities, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, and public utility and energy services.

Public Sewer System. A wastewater system serving two or more units that share common sewer lines and disposal facilities and owned and/or operated and maintained by a Public or Private Utility as defined above.

Public Utility. A publicly owned or privately owned entity regulated by West Virginia Public Service Commission and West Virginia Department of Environmental Protection, providing utility service to the general public (e.g.: water, wastewater, gas, electric, telephone, solid waste and cable).

Public Water Supply Well. A well from which the water is used to serve a community water system.

R

Rational Method. An engineering method of predicting peak runoff rates.



Rear Yard. A yard extending the full width of the lot between the rear lot line and the parts of the principal building erected thereon. For a corner lot, the rear yard shall not extend beyond the building setback line on the side street.

Remedy a Violation.

- A. To take action to correct a violation. This could entail stopping or discontinuing an illegal use, tearing down or altering a structure, or seeking a variation or other action to make the use legal.
- B. Bring the violating structure or other development into compliance with state or local floodplain management regulations or move the use or demolish the structure.

Required Street Yard. The street yard required by these Regulations that lies between the street and the setback line from any street - front, side, or rear.

Reserved Land(s). Lands generally set aside as farmlands to remain undeveloped unless and until such time as they may be rezoned.

Reserve Strip. A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

Residential Collector Street. See *Street, Residential Collector*.

Resource. A natural area or physical feature that is protected.

Restoration. The reasonable rehabilitation of the affected land for useful purposes and the protection of the natural resources of the surrounding area, including surface water and groundwater.

Retaining Wall. A structure which holds an earthen embankment in place.

Reverse Frontage Lot. A lot extending between and having frontage on two generally parallel streets.

Right-of-Way. An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system. In no case shall a right-of-way be construed to mean an easement.

Riparian Buffer. A transition zone between water and upland environments to protect the aquatic environment from pollution and sedimentation. It is measured from the top of the bank of the stream, or the wetland boundary. If wetlands or hillsides abut or are within the riparian buffer in A to D below, then they shall be included even when the distance exceeds the buffer in A to D below. The buffer width is as follows:

- A. Lakes and Ponds - 75 feet.
- B. Ephemeral Streams with stream channels - 50 feet (100 feet when located in the Elk Run and Elk Branch watersheds).
- C. Potomac River and Shenandoah Rivers - 300 feet (unless a greater standard is required by the Zoning Ordinance).
- D. Opequon Creek and Perennial Streams - 100 feet.
- E. Wetlands, Marl - 75 feet.



- F. Wetlands, Farmed - 10 feet.
- G. Wetlands - 50 feet.
- H. Hillsides 15 to 25 percent - to the top of the slope where it falls below 15 percent or 400 feet, whichever is less.
- I. Hillsides 25 percent or more - to the top of the slope where it falls below 15 percent or 600 feet, whichever is less.

Road, Arterial. See *Street, Arterial*.

Road, Collector. See *Street, Collector*.

Road, Major Collector. See *Major Collector Street*.

Road, Minor Collector. See *Minor Collector Street*.

Roadway. The portion of a highway including the cartway and shoulders within a *right-of-way*.

Runoff. That portion of precipitation or snow melt that has not evaporated or infiltrated into the soil, but flows on the land surface.

S

Sanitary Sewage. Any liquid discharge from a structure or animal containment area, except roof drains.

Sanitary Sewage Disposal, Community. A sanitary sewage collection system in which sewage is carried from individual lots, by a system of pipes, to a temporary central treatment and disposal plant, generally serving a neighborhood area.

Sanitary Sewage Disposal, On-lot. A system in which sanitary sewage and wastewater is collected from a single use or dwelling unit, by a system of pipes, and carried to a *septic tank* and tile disposal field located within the boundaries of an individual lot or any other system approved by the West Virginia Health Department as an on lot system.

Sanitary Sewage Disposal, Public. A system in which sanitary sewage and wastewater is collected from multiple uses or dwelling units, by a system of pipes, and carried to a central disposal facility, generally serving a region.

Sanitary Sewer Line. A sanitary sewer collection system in which sewage is carried from individual lots, by a system of pipes, to a central treatment and disposal plant, or to other pipes that run to a central treatment and disposal plant.

Sanitary Sewer System. A central treatment and disposal plant and related systems and pipes including, but not limited to, sanitary sewer lines.

Scale. A measure of intensity that relates to the size (scale) of the use.

- A. **Uses.** Scale indicates traffic volumes associated with the use and, for some uses, the distance people will travel to the use. Location of uses may be regulated by their scale.
- B. **Design.** Design standards for non-residential uses are related to scale.



SCS Method. A method of estimating runoff and peak discharges in a *watershed*, including Technical Release 20 and Technical Release 55, promulgated by the U.S. Department of Agriculture.

Sediment. Soils or other surface materials transported and/or deposited by the action of wind, water, ice, or gravity as a product of erosion.

Sediment and Erosion Control Plan.⁴ A plan for the control of soil erosion, and sedimentation, resulting from any land disturbing activity to be included as part of the Stormwater Management Plan.

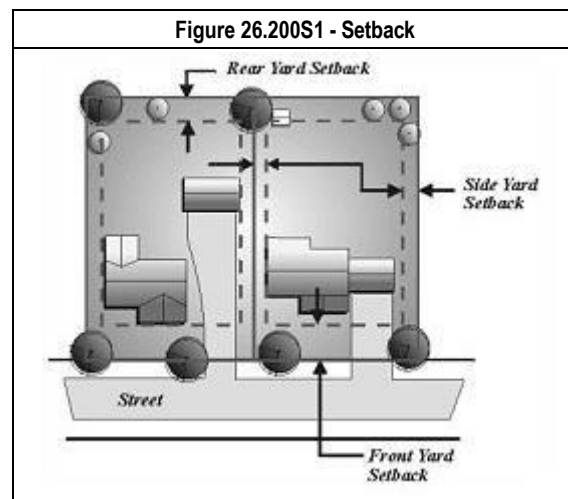
Selective Cutting. The felling of certain, but not all, trees in an area for the purpose of:

- A. Removing dead, diseased, damaged, mature, or marketable timber;
- B. Improving the quality of a tree stand or species; or
- C. Meeting personal domestic needs.

Septic Tank. A multiple compartment, watertight receptacle which receives sewage from a building and is designed and constructed so as to permit settling of solids from the sewage, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

Septic System, Individual. See *Sanitary Sewage Disposal, On-lot*.

Setback. A stated minimum distance on a lot as measured from a lot line.



Shallow Bedrock. This is an area where bedrock is within three feet of the surface, as determined by the general soil classifications found in Jefferson County. Any area where rock outcrops appears on the surface shall be considered shallow bedrock areas regardless of soil type, unless determined not to be shallow bedrock by a qualified geotechnical engineer or engineering geologist by means of soil test borings, test pits, air track drill probes, or applicable geophysical methods.

Sidewalk. A pedestrian way extending along, parallel to, and within an easement or the right-of-way of a public or private street.

Side Yard. A yard between the parts of the principal building and the adjacent side lot line and extending from the front yard to the rear yard.



Sinkhole. A landform created by subsidence of soil, sediment, or rock as underlying strata are dissolved by groundwater. A sinkhole may form by collapse into subterranean voids created by dissolution of limestone or dolostone or by subsidence as these strata are dissolved. A sinkhole is a depressional surficial feature and is generally circular in plain view. The boundary of a sinkhole is five feet beyond the point where the depression returns to the surrounding grades. There are several types of sinkholes.

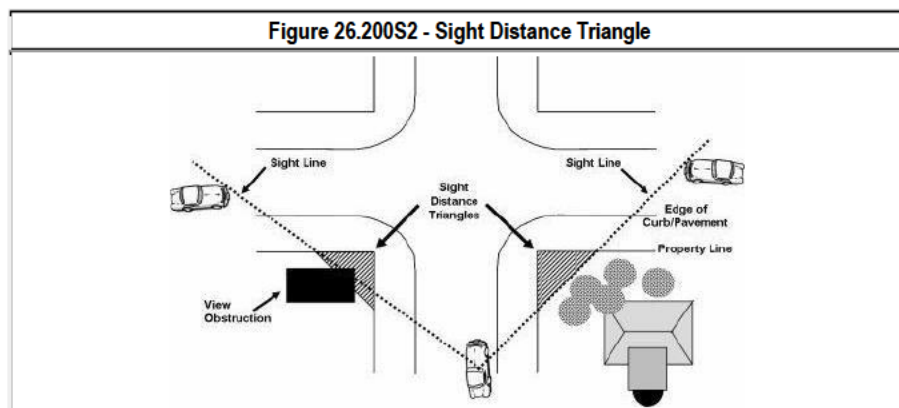
- A. **Open sinkholes.** These are open to the potentiometric surface (water table) so that water is at the surface at the bottom of the sinkhole for at least a portion of the year. These are either directly connected or most likely to be directly connected to the aquifer. Any sinkhole open to a known cave system is also an open sinkhole.
- B. **Sinkhole with stream inflow.** This is a place where streams disappear into an open sinkhole that is obvious, or voids, fractures, or other areas that allow the stream volume to flow underground. These are directly connected to the aquifer.
- C. **Large Sinkhole.** A depression that extends into the bedrock with a minimum opening into the bedrock of 20 feet diameter. A depressional area that is filled with soil does not count as a large sinkhole, even though there may be numerous filled sinkholes within it.
- D. **Filled sinkhole.** Any sinkhole not meeting definitions A through C above.

Sinkhole Buffer. An area immediately around open sinkholes, sinkholes with stream inflow, and large sinkholes extending outward for 100 feet. The sinkhole drainage area may be entirely within or partially within the sinkhole buffer. After thorough investigation and written recommendation by a qualified geoscientist, including, but not limited to, soil test borings, test pits, air-track drill probe borings, and geophysics, the buffer may be reduced to 50 feet around portions of the sinkhole where so recommended.

Sinkhole Drainage Area. This is generally a depressional area that drains to one or more sinkholes. It may, in some cases, be a watershed leading to a sinkhole with stream inflow.

Site Development. The alteration of a parcel of land or its use that requires easements for drainage or other purposes, private roads, or parking and access to public roads involved that serve one or more land uses, where there is no subdivision into separate lots. See also *Site Plan*.

Sight Distance Triangle. The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines, or a right-of-way line and the curb or edge of a driveway.





Site Plan. An engineered document depicting the site improvements proposed by a developer and required by the land development codes of Jefferson County. There are two types of detail levels, Limited and Full, depending on the complexity.

Site Plan, Major^{1, 3, & 6}. A plan that follows the major site development process and proposes one or more of the following:

- A. A new public or private street or dedication to public use of an existing street;
- B. Building(s), both new and additions to existing, where new structures or new additions located on the parcel are equal to or total more than 250,000 square feet or more of GFA on any site;
 - except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater;¹ or
- C. A heavy industrial use.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

Site Plan, Minor^{1,3, & 6}. A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure, that proposes one or more of the following:

- A. Building(s), both new and additions to existing, where new structures or new additions to structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively. **All commercial uses shall process administratively without a Concept Plan.**
- ~~B. Building(s), both new and additions to existing, where new structures or new additions to structures located on the parcel total more than 5,000 and less than 250,000 square feet gross floor area (GFA) on any site shall:

 - ~~Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.~~
 - ~~In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.~~~~
- ~~C. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Sub Section B of this definition does not apply to this provision;¹~~
- D. Apartment or multi-family development.
 - If apartment or multi-family development proposes 10 units or more, applicant shall process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.
 - In the event that any condition(s) placed upon a site plan during the concept plan



public workshop that cannot be addressed or resolved administratively, such

condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.

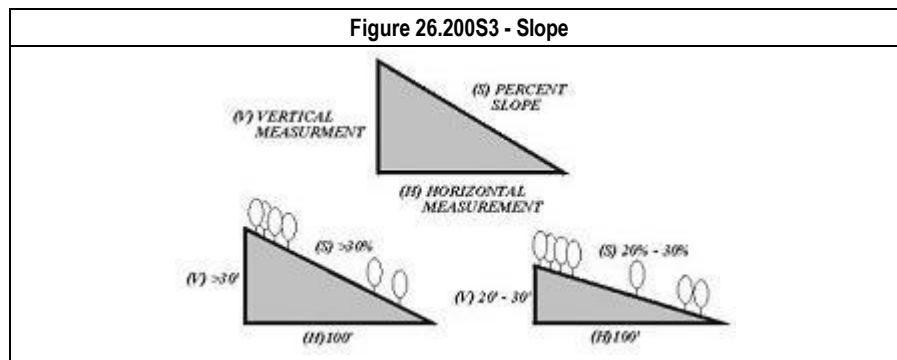
Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.³

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.³

Site Plan, Rural.⁴ A plan meeting the standards, content, submittal, and review requirements of a minor site plan with certain exceptions to allow for the preservation of the rural character of the County and the agricultural community.

Site Resource Map. A map showing contour lines as depicted on the appropriate U.S.G.S. Topographic Quadrangle map and detailing all natural features found on a parcel such as woods, watercourses, hillsides, prominent rock outcroppings, sink holes and quarries. This map shall provide a quick reference snapshot of slope delineations per Section 22.504, *Protection of Resources*, and floodplain delineation per the Jefferson County Floodplain Ordinance.

Slope. The change in the vertical measurement divided by the change in the horizontal measurement. The figure is written as a ratio or a percentage.



Soil Borings and Percolation Tests. Field tests conducted and used in judging the suitability of soil for on-site, subsurface sewerage and seepage systems. The borings indicate the soil formations penetrated and groundwater conditions. The percolation tests give an indication of the absorptive capacity of the soil and provide a basis for the design of seepage facilities.

Stabilization. The prevention of soil erosion by surface runoff or wind through the establishment of vegetative or structural soil coverage measures. Examples include, but are not limited to, straw mulch with temporary or permanent vegetation, wood chips, and stone or gravel groundcover.

Start of Construction. See *Commencement of Construction*.

State Plane Coordinate System (SPCS). The County's GIS data is mapped according to the West Virginia North State Plane Coordinate System.

Steep Slopes. See *Hillside*.

Stormwater Control and Conveyance Plan.⁴ The component of the Stormwater Management Plan which contains the details of the stormwater management facilities, Best Management



Practices, and Low-Impact Development procedures required to manage stormwater on a development or redevelopment project.

Stormwater Management. The mitigation of the hydrologic impacts of lost natural runoff storage by the use of constructed storage facilities.

- A. For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff which may be caused by land disturbing activities or activities upon the land; and
- B. For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land disturbing activities or activities upon the land.

Stormwater Management Ordinance.⁴ References the Jefferson County Stormwater Management Ordinance which is a standalone document describing the stormwater management requirements for development and redevelopment in the County.

Stormwater Management Plan.⁴ A plan containing 3 components, the Erosion and Sediment Control Plan, Stormwater Control and Conveyance Plan, and Maintenance Requirements for the HOA or property owner to follow, which must be submitted with subdivision plat and/or site plans describing the processes and details for managing stormwater and its impact on the built and natural environment. The applicability of this plan is described in the Jefferson County Stormwater Management Ordinance.

Street. A strip of land, comprising the entire area within the right-of-way, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. However, the establishment of a common driveway for access purposes for no more than five separate parcels contiguous to one another shall not be considered a street as this term is defined.

Street, Arterial. A street that serves, or is designed to serve, as a connection between uses which generate heavy traffic volumes or between other arterial streets.

Street, Boulevard. A street that is divided by a landscaped median which is continuous or exists at the development's entrance.

Street, Collector. A street that serves or is designed to serve as the connection from minor streets to the arterial street system, such as the main entrance street of a residential development, or as a secondary connection between arterial streets.

Street, Collector (Major). A street intended to gather traffic from local nonresidential access streets and convey it to higher level streets. Note: This street does not serve individual nonresidential lots. Located in nonresidential areas or developments, this street type collects and moves a high volume of traffic from local nonresidential access streets.

Street, Collector (Minor). A street intended to gather traffic from local nonresidential access streets and convey it to higher level streets. Note: This street does not serve individual, nonresidential lots. Located in nonresidential areas or developments, this street type collects and moves a low volume of traffic from local nonresidential access streets.

Street, Cul-de-sac. A short, independent, minor street having only one point of ingress and egress, terminating in a circular turn-around or other approved termination.



Street Frontage. The linear measurement of a parcel along a street line, private road, or right-of-way to which the parcel abuts.

Street, Half (Partial). A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

Street Line. A property line of a lot which coincides with a line indicating the limits of an existing or proposed right-of-way.

Street, Local. A street that serves or is designed to serve primarily as access to abutting properties.

Street, Marginal Access. A local street, parallel and adjacent to an arterial street, but separated from it by a long strip, which provides access to abutting properties and control of intersections with the major street.

Street, Private. Any street right-of-way not dedicated to public use.

Street, Public. Any street right-of-way dedicated to public use or maintained by a federal, state, or local unit of government.

Street, Residential Collector. A street intended to gather traffic from local residential access streets and convey it to higher level streets. Note: This street does not serve individual residential lots. Located in residential areas or developments, this street type collects and moves the traffic from local residential access streets whose total dwelling unit count exceeds 240.

Street Right-of-way. See *Street* and *Right-of-Way*.

Street, Service. A public or private way permanently reserved as a secondary means of access to abutting property.

Street, Stub. A nonpermanent dead-end street intended to be extended in conjunction with the subdivision and development of the adjacent unplatted land.

Structure.⁴ Anything constructed, the use of which requires fixed location on the ground; or, anything attached to something having such location. A structure does not include fences, individual driveways, or retaining walls. Structures do include prefabricated buildings even if they are not anchored to the ground. Fences 6 feet and higher shall meet building setback lines. Retaining walls 4 feet and higher shall submit building plans and do not have to meet building setback.

Subdivision.

- A. The division or re-division of a lot, tract, or parcel of land, by any means, including by means of a plan or a description by metes and bounds, into two or more lots, tracts, parcels, or other divisions of land, for the purpose, whether immediate or future, of lease, of the transfer of ownership, or of building development, exempting, however, the division of land for agricultural purposes into parcels of more than ten acres not involving any new streets or easements of access, divisions of property by testamentary or intestate provision, or divisions of property upon court order; or
- B. The division or allocation of land for the opening, widening, or extension of any street or streets, or the division or allocation of land as open spaces for common use by owners,



occupants, or leaseholders, or as easements for the extension and maintenance of public sewer, water supply, storm drainage, or other public facilities.

Subdivision, Major. See *Major Subdivision Plat*.

Subdivision, Minor. See *Minor Subdivision Plat*.

Subdivision Regulations. The Jefferson County Subdivision and Land Development Regulations, as may be amended from time to time.

Submission Review. A submission review is to determine whether all elements of a subdivision plat or site plan required by these Regulations are present. It is not a review of the merits of the submission, but an administrative determination that everything required by these Regulations and application requirements for a technical review is present. A submission is complete when all material needed by all review agencies is in the submission.

Substantial Construction.

- A. **Subdivisions.** Payment of surety, the clearing and grading of the site, installation of roads and utilities, and placing of initial foundations.
- B. **Site Developments.** Installation of parking, circulation, stormwater facilities, and foundations.

Substantial Damage. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

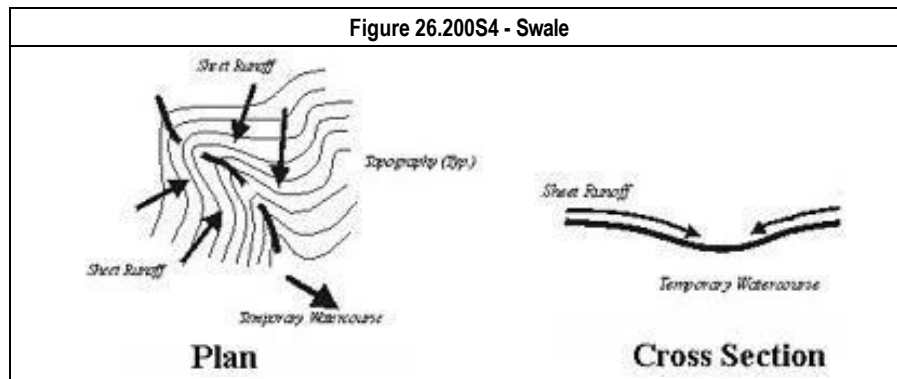
Superblock. An area bounded by arterial or collector streets.

Surety. A form of financial guarantee that requires improvements will be made by providing the County with the resources to install the improvements shall the developer fail to do so. These include bonds, cash, letters of credit, or other financial instruments approved by the County Attorney.

Surface Water. Natural or artificial bodies of water greater than one acre in extent at the normal annual water level, as determined by on-site surveys by a professional surveyor. Excluded from this definition are retention basins or other stormwater management facilities, farm ponds, or other facilities associated with agricultural operations, sewage lagoons, and other facilities for which normal maintenance and repair is necessary.

Surveyor. A land surveyor registered by and licensed to practice in the State of West Virginia.

Swale. A linear depression in the land's surface in which sheet runoff would collect and form a temporary *watercourse*. The area of a swale is determined by the following: Where the swale serves a drainage area of less than 20 acres, land on either side of and within 30 feet of the centerline is the swale area. Where the swale drains an area of 20 to 160 acres, it is the area 50 feet on either side of the centerline of the swale. For drainage areas in excess of 160 acres, the area is 80 feet on either side of the centerline of the swale.



T

Topography. The characteristics of a parcel of land with respect to elevation.

Tree, Understory. Trees located between the mature canopy trees and the shrub layer of vegetation in any forest stand (e.g. dogwood, redbud).

U

Understory Tree. See *Tree, Understory*.

Uniform Common Interest Ownership Act of West Virginia (UCIOA). See *Homeowner's Association (HOA)*.

V

Violation.

- A. **General.** A new use or structure that is not permitted, is improperly located, or is otherwise not in compliance with these Regulations.
- B. **Floodplain.** The failure of a structure or other development to be fully compliant with the County's floodplain management regulations contained in the Floodplain Ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

W

Waiver. Adjustments that may be made to the requirements of these Regulations to unusual site conditions in order to achieve a better design. Waivers may not be used to circumvent the process requirements of these Regulations.

Water Body. Any watercourse, lake, or pond defined by a bank or shore in which water can be found on a year-round basis.

Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water Table. The level below the surface at which the ground is saturated by water.



Water Quality. Those characteristics of stormwater runoff, usually from a land disturbing activity, that relate to the chemical, physical, biological, or radiological integrity of water.

Watercourse. A stream channel (perennial, intermittent, mapped, or unmapped) with banks and a bed within which concentrated water flows.

Watershed. The total or partial drainage area contributing surface runoff to a single point.

Wellhead Protection Area. This is a buffer extending 100 feet from any municipal or public well.

Wetland. Those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions; or areas that are defined and delineated in accordance with the “1987 Wetlands Delineation Manual”, and as may be amended from time to time; or as further defined and delineated by the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, or the West Virginia Department of Environmental Protection. There are several special types of wetlands that have additional or different standards:

- A. **Farmed Wetlands.** Wetlands that were drained, dredged, filled, leveled, or otherwise manipulated before December 23, 1985, for the purpose of, or to have the effect of, making the production of an agricultural commodity possible, and continue to meet specific wetland hydrology criteria (U.S. Department of Agriculture).
- B. **Marl Wetlands.** Wetlands that contain the soil series Fairplay of Lappans.

Wetland Delineation and Report. An on-site method or process for identifying wetlands as described in the Corps of Engineers Wetland Delineation Manual, Technical Report: Y-87-1, from 1987 and as may be amended from time to time. The report shall be prepared by a person with professional experience and knowledge in wetlands identification and shall analyze a site for the existence and extent of wetlands.

Y

Yard. An unoccupied space open to the sky on the same lot with a building or structure.

Yard, Rear. A yard extending the full width of the lot between the rear lot line and the parts of the principal building erected thereon. For a corner lot, the rear yard shall not extend beyond the building setback line on the side street.

Yard, Side. A yard between the parts of the principal building and the adjacent side lot line and extending from the front yard to the rear yard.

Yard, Street (Front). A yard extending the full width of the lot between the street line and the parts of the principal building erected thereon, setting back from and nearest such street line. On a corner lot, both sides abutting the streets forming the corner shall be considered street (or front) yards.

Z

Zoning. The division of a municipality or county into districts or zones which specify permitted and conditional uses and development standards for real property within the districts or zones.

Zoning District. A designation shown on the Zoning Map as being in a district enumerated in the Zoning Ordinance in which a specific set of zoning standards apply. The term may refer to



the standards or an area so mapped. The term is also analogous with "zoning classification" or "zoning designation."

Zoning Map. The map(s) showing the location and boundaries of the zoning districts established by the Zoning Ordinance. These maps are entitled, "Official Zoning Map of the Jefferson County, West Virginia."

Zoning Certificate. A written certificate issued by the Zoning Administrator in hard copy that certifies that the proposed use of the land will be in compliance with the use designations of the Zoning Ordinance.



Appendix A – Plan & Plat Standards

Division 1.0 Plan/Plat Requirements

Sec. 1.1 Sketch Plan

The Sketch Plan submitted for review at the Pre-application Conference or Review shall be on white paper and shall show in simple form the proposed layout of lots, parking areas, recreation areas, roads, building areas and other features in relation to each other and to the tract boundary. Significant natural and topographic features such as woods, watercourses, floodplain, floodway, hillsides, prominent rock outcroppings, sinkholes and quarries shall be indicated.

The Sketch Plan shall be accompanied by a tract location map and a tentative list of restrictive covenants and conditions or a tentative statement of project objectives, rules and regulations.

Sec. 1.2 Concept Plan

For subdivisions and site development projects, the Concept Plan submitted shall be on white paper and shall show in simple form the proposed layout of lots, parking areas, recreation areas, roads, building areas and other features in relation to each other and to the tract boundary. The Concept Plan shall be at a scale acceptable to the Engineer. Contour lines as shown on the appropriate U.S.G.S. Topographic Quadrangle map should be transferred to the Concept Plan. Natural features such as woods, watercourses, hillsides, prominent rock outcroppings, sinkholes and quarries should be highlighted.

The Concept Plan shall be accompanied by a tract location map and a tentative list of restrictive covenants and conditions or a tentative statement of project objectives, rules and regulations.

Sec. 1.3 Preliminary Plat or Site Plan⁴

A. Plat/Plan Requirements.

The Preliminary Plat and/or Site Plan shall be drawn or reproduced on paper at a scale of one inch (1") equals one hundred feet (100') or larger. The plat or plan shall be twenty-four inches (24") by thirty-six inches (36") in size. More than one sheet may be used provided all sheets are referenced by a sheet index on the cover sheet. The plat or plan shall be signed and sealed by a licensed professional engineer or surveyor in accordance with the West Virginia law. (Note: Final Plat size is 18" x 24")

Plats or plans are required to include Stormwater Management Plans as required and described in the Jefferson County Stormwater Management Ordinance.

The Preliminary Plat or the Site Plan is essentially the construction drawings for the subdivision or site development project. The Preliminary Plat or Site Plan shall show or be accompanied by:

1. A ½ inch border along all sides except the left side (a 24" side) which shall have a 1-¾ inch border to allow for a binder. All text and symbols shall be a minimum 1/10 of an inch tall on paper.

2. A title block in the lower right corner to include:

The Official name of the subdivision or site development.

The names: "Jefferson County, West Virginia."



Tax District, Tax Map Number and Parcel Number.

Deed book number and page number.

Property Owner's name, address and telephone number.

Developer's name, address and telephone number.

Engineer and Surveyor of record's signature, seal, name, address & telephone number.

Sheet index on cover sheet if more than one sheet.

3. Tic Marks/SPCS WV North NAD83
4. North arrow, graphic scale and date.
5. A small scale inset map showing the location of the subdivision or site development in the County. The map shall be at 1" = 2000' scale, or other scale approved by the County Engineer.
6. If applicable, a small scale inset map showing the location of the subdivision section relative to other sections of the same subdivision.
7. For Preliminary Plats the subdivision perimeter boundary described by bearings and distances. The perimeter boundary shall be established by a network of traverse control having a relative error of closure of 1:7500 or better.

For Site Plans, the lot boundary shall be described by bearings and distances. The source of said boundary description shall be noted on the site plan and either a copy of the recorded plat that created the lot, or a certification by a licensed surveyor that a traverse meeting error of closure of 1:7500 or better is provided.

If the survey is based on global positioning system measurements, the relative positional accuracy of the survey measurements shall not be less than that which is specified.

8. Lot boundary lines drawn to scale and dimensioned.
9. A number to identify each lot and numbered in logical order.
10. A key to all symbols. (Identify monuments and markers according to type and whether "found", "set", or "to be set").
11. Existing easements and right-of-ways accurately identified, located, dimensioned and drawn to scale. Provide reference to deed book and page and/or plat book and page whichever applies.
12. Proposed easements and right-of-ways (roads, sidewalks, drainage, utilities, etc.) identified, located, dimensioned and drawn to scale. Roads shall be named. Road names shall be approved by the Jefferson County GIS/Addressing Office.

Where the adjoining State Road has a right-of-way of less than 50 feet wide, either a fee simple dedication or a road improvement easement will be provided which is a minimum of 25 feet wide measured from the existing centerline of the State road right-of-way.

13. Future easements and right-of-ways that may serve at a future date to connect with adjoining properties.
14. Identification of all current adjoining properties by ownership, tax district, tax map



- number, and parcel number, deed book reference, zoning district, and use. Departure lines for adjoining properties shall be shown on the plat or plan.
15. Contour lines with minimum vertical intervals of two feet (2') shall be required. Source of contour line information shall be stated on the plat or plan reflecting the condition at time of submission. Greater contour intervals may be acceptable by the County Engineer, if compatible with surface topography. (Interpolation of U.S.G.S. contour information is not acceptable.)
 16. The location and elevation of benchmarks used in the survey, if applicable.
 17. Show existing conditions on its own separate sheet.
 18. Show existing physical features including: woods, watercourses, prominent rock outcroppings, sink holes, quarries, culverts, bridges, drains, buildings, sewer lines, water mains, fire hydrants, power lines, and telephone lines. Show locations and associated topography of any off-site man-made structure which is located up to 200 feet downstream from any drainage pipe or stormwater management facility outfall. Where access to off-site property is not allowed, then show the general location of any man-made structure on the plan. Show the limits of the 100-year floodplain and any delineated wetlands.
 19. Show adjoining roads including the right-of-way widths, road pavement widths, road names and route numbers.
 20. A tentative list of restrictive covenants. (This is not needed for site plans.)
 21. Reservations of land for public or semi-public use.
 22. Surface drainage plan and erosion control methods, including flow computations, direction of flow, culverts, bulkheads, inlets, and other related improvements to be installed. Materials and dimensions of all improvements and description of vegetative or other stabilizing materials intended for all exposed areas.
 23. Complete design and construction plans, profiles and engineering specifications for proposed water treatment and distribution facilities and proposed sewage collection and treatment facilities to be installed.
 24. Note on the plat or plan, the West Virginia Division of Highways entrance permit number and provide a copy of the entrance permit.
 25. Note on the plat or plan, the West Virginia Bureau of Health and/or Jefferson County Health Department permit numbers for water/well and septic/sanitary sewer systems; and provide a copy of the approved plans and permits.
 26. Demonstrate that appropriate agreements between the Jefferson County Public Service District and the developer are in place, if applicable.
 27. Note on the plat or plan, the West Virginia Department of Environmental Protection (DEP) permit numbers for all DEP approvals required for the project.
 28. Evidence that the West Virginia Public Service Commission has been notified in writing of intentions to construct and operate water/sewer systems, if applicable.
 - ~~29. Complete design and construction plans, profiles, cross-sections and engineering~~



- specifications for roads, sidewalks, curbs and gutters to be installed.
30. Description of soils and subsurface geology and hydrology.
 31. Show building setback lines and note the minimum building setbacks on the plat or plan.
 32. In the Rural District, all plats and plans shall provide a density calculation and a notation that contains one of the following statements:
 - A. "This subdivision, together with past subdivision of this property, has utilized all development potential or lots to which the ____ acre parent parcel is entitled under the terms of the Jefferson County Subdivision Regulations. No additional lots will be permitted subsequent to the approval of this plat of subdivision unless or until such time as the property may be rezoned or amendments to the County development regulations may permit additional subdivision."
 - B. "To date, this subdivision, together with all past subdivisions of this property, has utilized ____ development rights to which the ____ acre parent parcel is entitled to ____ under the terms of the Jefferson County Subdivision Regulations. ____ additional lots will be permitted subsequent to the approval of this plat of subdivision unless or until such time as the property may be rezoned or amendments to the County development regulations may permit additional subdivision."
 33. A Statement of Acceptance placed on the preliminary plat or site plan cover sheet, signed and dated by the developer/subdivider. The Statement shall read:

"The developer, in signing this plat, agrees to abide by all conditions, terms and specifications provided hereon; and to complete all the improvements required by the preliminary plat or site plan."
 34. Provide a Signature Block on the cover sheet for the County Engineer and the County Planner approvals. The signature bock shall read as follows:

Jefferson County, West Virginia	
☐ PRELIMINARY PLAT APPROVAL	
☐ SITE PLAN APPROVAL	
BY _____	_____
County Engineer	Date
BY _____	_____
County Planner	Date

35. General Construction Notes

In addition to the general construction notes provided by the engineer of record, the following table of construction notes and milestone inspections shall be placed on the plat or plan cover sheet:



Jefferson County
CONSTRUCTION NOTES

(Table 1.2-1)

1.	Erosion & Sediment Control Measures shall be in place and inspected prior to performing any significant earth disturbing activities and site grading.
2.	Earth Work shall be compacted to the percentages of maximum dry density in accordance with AASHTO T99C, as shown below: a. Roadways..... 98% b. Parking Lots for heavy trucks..... 98% c. Parking Lots for passenger vehicles... 95% d. Utility line trenches..... 98% e. Building Pads..... 100% The above compaction requirements shall be certified by a professional engineer or a soils technician under the direction of a professional engineer, and acceptable to the County Engineer.
3.	Changes and revisions to the construction plans and specifications shall not be made unless first submitted in writing and approved by the County Engineer and any other agencies, as deemed appropriate.
4.	Work zone temporary traffic control along a public road shall be in accordance with West Virginia Division of Highway requirements and approval.
5.	Seventy-two (72) hours prior to excavation in public right-of-ways or in areas served by underground utilities, call MISS UTILITY 1-800-245-4848.

Jefferson County
SITE WORK
MILESTONE INSPECTIONS

The developer shall request County Engineer inspections minimum of 48 hours in advance (Call 304-728-3228). Inspections shall be requested according to the Table of Milestones shown below:

1.	Installation of Sediment & Erosion Control Devices prior to beginning site grading.
2.	Roadway and/or parking lot subgrade proof roll prior to placing stone base.
3.	Roadway and/or parking lot stone base depth check prior to placing asphalt or concrete pavement.
4.	Water system and Sanitary sewer system inspection and approval by the public service district/utility prior to backfilling of trenches.
5.	Final inspection including but not limited to: seeding & mulching, roadway & parking lot paving, sidewalks, storm drainage and stormwater management systems, traffic control signs & pavement markings, landscaping, etc.
Note: The County Engineer may accept "third-party" inspection and certification reports in place of inspections performed by the Office of Engineering, upon prior approval. Third-party inspection reports shall be submitted in the format specified by the County Engineer.	



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

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

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

B. Plat/Plan Changes.

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

Sec. 1.4 Final Plat^{4, 8, 9}

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

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

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



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

If the survey is based on global positioning system measurements, the relative positional accuracy of the survey measurements shall not be less than that which is specified above.
 8. Lot boundary lines drawn to scale, dimensioned and described by bearings and distances. Lot boundaries shall be established by a network of traverse control having a relative error of closure of 1:7500 or better.
 9. Show the location and description lot markers and permanent concrete control monuments. The lot markers and permanent concrete control monuments shall be in accordance with state law. Where possible, permanent concrete monuments should be intervisible; at least 750 feet apart; away from future roadwork; and at least 2 per section or block.
 10. Show and label the building setback lines on the plat.
 11. A number to identify each lot and numbered in logical order.
 12. A key to all symbols. (Identify monuments and markers according to type and whether “found”, “set”, or “to be set”).
 13. Existing easements and right-of-ways accurately identified, located, dimensioned and drawn to scale. Provide reference to deed book and page and/or plat book and page whichever applies.
 14. Proposed easements and right-of-ways (roads, sidewalks, drainage, utilities, etc.) identified, located, dimensioned and drawn to scale. Roads shall be named. Road names shall be approved by the Jefferson County GIS/Addressing Office.
 15. Future easements and right-of-ways that may serve at a future date to connect with adjoining properties.
-



16. Identification of all current adjoining properties (including properties across any road, right-of-way, or easement) by ownership, tax district, tax map, number, parcel number, and deed book and page reference. Departure lines for adjoining properties shall be shown on the plat.
17. Show and identify reservations of land for public or semi-public use, if required.
18. Label and show existing adjoining roads including the right-of-ways widths, road names and route numbers.
19. Delineate the approximate 100-Year Floodplain and state flood plain zone and firm map number. Show any delineated wetlands that are located on or adjacent to the subdivision or site plan and reference the source of wetland degradation.
20. Area of each lot to the nearest 0.01 acre or to the nearest 100 square feet.
21. Curve data – radius, delta, arc, tangent, chord and chord bearing.
22. A computation of the total tract area and a computation of the land area included in the right-of-ways.
23. Descriptive lines existing:
 - Tract boundary - heavy dashed and two dotted lines
 - Property lines of adjacent tracts – light dashed and two dotted lines
 - Right-of-ways - light solid lines and two dashes
 - Restriction lines - light dashed lines
 - Easements and other reserved areas - light dotted lines
 - Descriptive lines are to be clearly defined in the legend.

Descriptive lines proposed:

 - Lot boundaries - heavy solid lines
 - Right-of-ways - heavy solid lines and two dash lines
 - Restriction lines - heavy dashed lines
 - Easements and other reserved areas - heavy dotted lines
 - Descriptive lines are to be clearly defined in the legend.

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

“The Seller of any lot within this subdivision shall provide the Buyer with a reasonable opportunity, before settlement, to determine that the lot is suitable for the construction of a septic disposal system. If, before settlement, the Buyer is denied a septic system construction permit by the Jefferson County Health Department, the Buyer may refuse to purchase the lot without penalty.”
25. For major subdivisions, a Statement of Acceptance placed on the plat cover sheet, signed and dated by the developer/subdivider. The Statement shall read:



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

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

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

26. Certification of the Surveyor of Record as to the preparation and accuracy of the plat, along with the Surveyor of Record’s professional seal and signature.
27. Note on the plat, the West Virginia Division of Highways (WVDOH) entrance permit number and provide a copy of the approved entrance permit. If a previously approved WV DOH permit exists, provide a copy of the updated WV DOH approval letter and the existing permit and state on the cover sheet the existing permit number and the date of the approval letter.
28. Note on the plat, the West Virginia Bureau of Health and/or Jefferson County Health Department permit numbers for water/well and septic/sanitary sewer systems; and provide a copy of the approved plans and permits.
29. Such other conditions, certificates, affidavits, endorsements, dedications or agreements as may be deemed necessary by the Planning Commission.
30. A final list of restrictive covenants and/or the declaration in accordance with the West Virginia Uniform Common Interest Ownership Act shall be submitted with the Final Plat. However, they shall not become part of the Final Plat.
31. Signature block placed on the plat cover sheet for the signature of the County Planner and the affixing of the Planning Commission’s seal.
32. Provide a list of waivers on the Final Plat cover sheet in accordance with Appendix A, Section 1.3.A.32
33. Where the adjoining State Road has a right-of-way of less than 50 feet wide, either a fee simple dedication or a road improvement easement will be provided which is a minimum of 25 feet wide measured from the existing centerline of the State road right-of-way.
34. A note shall be added to the plat detailing the road and common land maintenance agreement for the proposed subdivision. Such note shall state the road and common land is privately held and shall detail the manner in which the cost and expense of maintaining the private road easement, including snow removal, shall be shared among the lot owners and shall note that this is not a public responsibility nor the responsibility of Jefferson County, WV.
35. Add the following note to Minor Plats:

“The Jefferson County E911 Addressing Ordinance states that any easement or right-of-way legally accessed by 3 or more addressable structures (not lots) shall be named. The GIS/Addressing Office shall coordinate and oversee the naming of the common easement or right-of-way upon construction of the 3rd addressable structure that accesses the previously unnamed easement or right-if-way.”



36. Add a note that states:

“All residential and non-residential building lots shall have stabilized construction entrances installed prior to beginning construction on the lot.”

Sec. 1.5 Recordation of Final Plats for Minor or Major Subdivisions⁸

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

Sec. 1.6 Bonding

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

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

For additional site work required due to plat or plan changes approved under Appendix A, Section 1.2.B, *Plat/Plan Changes*, additional bonding shall be provided as determined by the County Engineer.



Appendix B – Engineering Standards

Division 1.0 General Engineering Requirements

Sec. 1.1 Minimum Engineering Requirements & Standards

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

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

Sec. 1.2 Surveys

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

Sec. 1.3 Construction Plans and Specifications

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

Minor changes may be submitted as marked-up "redline revisions" to the construction plans and specifications, and shall be signed, sealed and dated by the engineer or surveyor of record, as applicable. Changes are to be shown in red or with a red bubble cloud around all changes. This cloud may be placed by hand by the applicant.⁴

- C. "As built" plans, specifications and/or third-party engineer/surveyor certifications shall be submitted if requested by the County Engineer to verify the work is installed in accordance with the approved plans and specifications. As-built plans and letters of



certification shall be in a format acceptable to the County Engineer. All as-built data shall be shown in red or highlighted with a red bubble cloud. This cloud may be placed by hand by the applicant.⁴

Sec. 1.4 Construction Practices

- A. All subdivision improvements including roads, curbs, sidewalks, parks, drainage, water systems, sewer systems, and appurtenant structures and buildings shall be constructed in a workmanlike manner and true to line and grade shown on the plans.
- B. Completed improvements shall present a finished appearance as determined by the County Engineer. All disturbed and/or excavated areas shall be adequately compacted and finish/fine graded and properly stabilized. Roads, sidewalks and curbs shall be laid at a uniform width and depth and shall have clean, tooled edges. Parking areas shall also be smooth, compacted and clean at the edges. Roads, sidewalks and parking areas shall have a surface that is of a uniform material and texture. Finished surfaces that display any patchwork or repairs shall be resurfaced if so directed by the County Engineer. Any patchwork or repairs shall be performed in a manner acceptable to the County Engineer.

Appurtenant buildings and structures such as water and wastewater shall be complete and finished on the exterior with site grading and stabilization complete. All fences shall be erected vertically and shall not sag or bow. Protective fences (e.g. around water and sewage treatment plants) shall be chain link. All components shall be properly leveled and shall be housed in finished enclosures acceptable to the County Engineer.

Drainage culvert inlets and outlets shall not be ragged, bent or crushed. Catch basins, grates, bulkheads, energy dissipaters, riprap linings and other similar drainage accessories shall be constructed in a manner acceptable to the County Engineer.

- C. All work shall be properly installed, protected and/or maintained until completion of the project. Safe practices shall be used during all phases of construction to prevent off-site property damage resulting from construction operations.

Division 2.0 Street & Parking Standards

Sec. 2.1 Purpose

Any individual, developer, corporation or entity desiring to construct a road, street, or parking area within a subdivision or site development within Jefferson County, West Virginia shall follow these standards for the design and construction.

Sec. 2.2 Streets

- A. Construction Plans.

The Preliminary Plat or Site Plan shall include roadway plan and profile sheets with scale 1"=50' horizontal and 1"=5' vertical.

The plan and profiles shall include complete roadway horizontal and vertical alignment information and accurate dimensions locating the roadway, drainage structures, ditches and other incidental construction, and show existing and finished grades/contours.

Finished grade elevations shall be shown every 50' on the profiles, as well as the station and elevations for PVC, PVI and PVT. Drainage Pipes shall be shown on the profiles with inlet and outlet invert elevation information.



Roadway storm sewers and culverts shall be designed in accordance with the stormwater management regulations.

B. Specifications.

Specifications for road improvements shall be the latest edition of the West Virginia Division of Highways "Standard Specifications for Roads & Bridges."

C. Geometric & Pavement Design.

1. Geometric and pavement design shall be in accordance with Table 2.2-1, *Roadway Design Standards*; and standard details established by the Chief County Engineer. Items not covered in the standards and details shall be in accordance with West Virginia Division of Highways standards or the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, as deemed applicable by the Chief County Engineer.

2. Subdivision roadways shall be as follows:

a. Residential Subdivision with a maximum of 12 lots:

A residential subdivision with a maximum of 12 lots may have gravel roads as specified in Table 2.2-1, *Roadway Design Standards*.

Gravel roads shall be constructed on a compacted subgrade free of organic matter. The subgrade over which gravel is placed must be compacted for the top 12" to 98% of maximum density as determined using AASHTO T99C. The engineer may require compaction testing certified by an independent registered civil engineer. Such testing shall be performed at the developer's expense.

Gravel shall be a well-graded crushed stone aggregate such as 3/4 inch crush-of-run which shall be placed and rolled in a moist condition so that fines remain mixed with the more coarse material. Gravel roads shall measure a minimum of 6 inches thick after rolling. The gravel surface shall be smooth, uniform and tightly packed.

In the event that acceptable subgrade compaction cannot be achieved, additional lifts of larger sized stone may be placed prior to placement of the final 6" depth of 3/4" stone

b. Residential Subdivision with more than 12 lots:

A residential subdivision with a more than 12 lots shall have bituminous asphalt paved roads designed in accordance with Table 2.2-1, *Roadway Design Standards*.

Asphalt roads shall be placed on subgrade that is compacted to 98% of maximum density per AASHTO T99C. Asphalt shall be applied to the prepared gravel base surface following the application of a liquid asphalt prime coat. Asphalt shall consist of a plant mixed bituminous material rolled smooth to a depth per the standard details and pavement sections established by the Chief County Engineer. The asphalt surface shall be smooth, seamless and of a uniform texture. Asphalt material shall comply with the minimum specifications required by the West Virginia Division of Highways for public roads. (Concrete roads may be



substituted for asphalt roads provided the concrete roads equal or exceed asphalt roads in longevity and performance, as determined by the Chief County Engineer).

Aggregate base shall be compacted to 95% of maximum density per AASHTO T99C. The gravel base course shall extend laterally to daylight in the shoulder or in-slope of the ditch to ensure adequate drainage of the pavement base and subgrade.

The roadway pavement section shall be in accordance with standard details established by the Chief County Engineer; or may be designed specifically for a single project or parts thereof based on soil CBR test results and acceptable engineering design methodology. However, the minimum pavement section shall be as shown in the standard details. Said designs shall be sealed and signed by a licensed professional engineer.

c. Non-Residential (Commercial/Industrial/Institutional) Subdivision:

A non-residential (Commercial/Industrial/Institutional) subdivision shall have bituminous asphalt paved roads designed in accordance with Table 2.2-1, *Roadway Design Standards*, and the standard details and pavement sections established by the Chief County Engineer.

Non-Residential subdivisions (closed section road) shall have sidewalks along one side of the street and around the cul-de-sac. Sidewalks shall be no closer than one foot from the property line or four feet from the curb face or edge of roadway; and be constructed in accordance with Section 2.2.K.3, Sidewalks & Paths.



Table 2.2-1
Roadway Design Standards⁴

	Residential Local Street Maximum 12 Lot Subdivision	Residential Local Street (Max. 25 lots or units)	Residential Collector Street (Greater than 25 lots or units)	Non-Residential/ Industrial & Commercial Street
ADT	N/A	< or = to 200	>200	N/A
Minimum Turn Lane Width		-	12'	12'
Minimum Horizontal Curve Radius	100'	100'	150'	300'
Minimum Turning Flare Radius at pavement edge	30'	30'	30'	35'
Stopping sight distance	100'	100'	175'	235'
Minimum Road Grade	1.5%	1.5%	1.5%	0.5% w/C&G
	Minimum Road Grade may be 0.50% if 1-1/2' deep x 2' wide flat bottom trapezoidal road drainage ditch provided.			
Maximum Road Grade	10%	9.0%	9.0%	9.0%
Maximum Internal Subdivision Intersection Approach Grade	8%	8%	6%	6%
Pavement Width	20'	20'	22'	26'
Pavement Surface Type	6" Depth Crusher Run Stone	Bituminous Asphalt (per std. detail)	Bituminous Asphalt (per std. detail)	Bituminous Asphalt (per std. detail)
Pavement cross slope	3/8" per ft.	3/8" per ft.	3/8" per ft.	3/8" per ft.
Shoulder Width	3'	3'	3'	4'
Shoulder Type	Crusher Run Stone	Crusher Run Stone	Crusher Run Stone	-
Shoulder cross slope	3/4" per ft.	3/4" per ft.	3/4" per ft.	-
Ditch depth	1.5'	1.5'	1.5'	-
Ditch slope in:	4:1	4:1	4:1	-
Ditch slope out:	2:1	2:1	2:1	-
Ditch Line Treatment	Per Stormwater Management Regulations			-
Minimum Road R.O.W. Width	50'	50'	50'	60'
Minimum Cul-de-sac R.O.W. Radius	-	60'	60'	60'
Cul-de-sac pavement radius	-	50'	50'	50'
Cul-de-sac R.O.W. Fillet Radius		25'	25'	30'
Hammer Head or "Y" Turnaround Allowed	Yes (see std. detail)	No	No	No
Subdivision Roadway Entrance Apron (from edge of existing road).	20'x25'x2-1/2" Bituminous Asphalt Surface	-	-	25'x6" WWF Reinforced 3,000 psi Portland Cement Conc.
Sidewalk	-	-	-	Minimum 4' width; no closer than 1' from P/L or 4' from curb or edge of roadway.





D. Cut & Fill Slopes.

1. Fill slopes shall not exceed (3:1) 3' horizontal to 1' vertical slope. Fill sections need not have ditches unless the fill slope exceeds six feet in height.
2. Cut slopes shall not exceed (2:1) 2' horizontal to 1' vertical slope.
3. Open ditches shall not be flatter than 1.5 percent; however, a minimum of 0.5% vertical grade may be used for trapezoidal roadway ditch lines with minimum bottom width of 2 feet.

E. Ditch Line Stabilization.

Roadway drainage ditch lines shall be stabilized (i.e., rip-rap, sod, erosion control matting, etc.) in accordance with the Stormwater Management Regulations.

F. Drainage Culvert Pipes.

1. Driveway culvert pipes or paved driveway swales (where allowed in lieu of driveway culvert pipes) shall be sized to carry the ten-year 24-hour storm event ditch flows. However, the minimum size shall be 15 inch diameter or an equivalent elliptical pipe size. The pipe shall be corrugated metal or concrete pipe. A table of lot number and driveway culvert sizes shall be specified on the preliminary plat and the final plat.
2. Roadway culvert pipes shall be sized for the ten-year 24-hour storm event in accordance with the stormwater management regulations. However, roadway culvert pipes shall be a minimum 15 inch diameter corrugated metal or concrete pipe.
3. Roadway culvert pipes and storm drain outfalls shall have outfall protection designed in accordance with the stormwater management regulations.

G. Dead End Street Cul-de-sac.

Dead-end subdivision streets and right-of-ways shall terminate in turnarounds according to the following:

Subdivision road cul-de-sac:

Diameter of turnaround right-of-way	120 feet
Diameter of road pavement in turnaround	100 feet
Width of shoulder	3 feet
R.O.W. fillet radius	30 feet

Circular cul-de-sac may be landscaped in the center with trees, shrubs or other suitable vegetation. The maximum allowable radius for the landscaped center island is 20' with a minimum pavement width of 30'.

A 'tee' (hammerhead) or a 'y' turnaround may be used when a dead-end subdivision road and right-of-way serve no more than twelve (12) single-family lots or dwelling units. The right-of-way shall be adequate to contain the turnaround, shoulder and ditch lines.

Cul-de-sac and turnaround dimensions shall be consistent with the standard details established by the Chief County Engineer.

**H. Road Right-of-Way.**

1. Residential subdivision road right-of-way shall be a minimum of 50 feet in width.
2. Non-residential subdivision road right-of-way shall be a minimum of 60 feet in width.
3. Greater right-of-way widths may be required by the County Engineer where deemed necessary to contain the roadway, drainage ditches, ditch line return slope, fill embankment, street trees and roadway appurtenances within the road right-of-way.
4. Cut and fill slopes may extend beyond the right-of-ways if a revertible slope easement is provided and the top of cut slope is 25 feet away from any septic drain field or septic reserve area.
5. The centerline of the roadway section shall be congruous with the center of the right-of-way unless an off-set of the centerline is approved by the County Engineer for justifiable reasons.

I. Intersection Design.**1. Sight Distances at Intersections.**

Sight distances at intersections should be regulated to allow approaching drivers' sufficient time to stop. Each vehicle should be visible to the other driver when each vehicle is located on the street centerline and at a specified distance from the point of intersection of the street centerlines. Clear sight triangles should be provided at all intersections and no building, structure, grade, or planting higher than two and one-half (2 ½) feet above the centerline of the street should be permitted within such sight triangles. For intersections of either residential or non-residential (i.e., commercial or industrial) subdivision roads with state highways, sight distance shall be as required by the West Virginia Division of Highways. Otherwise, sight distance triangles shall be provided in accordance with the AASHTO's "A Policy on Geometric Design of Highways and Streets," latest edition.⁴

2. Horizontal Alignment at Intersections

- a. The preferred angle of intersection for intersecting streets is 90 degrees. The minimum angle is 60 degrees. Any change in street alignment on the side street to meet this requirement should occur no less than one hundred (100) feet from the intersection of the two streets. The point of curve for a horizontal curve on the side street shall be no closer than fifty (50) feet from the intersection of the two streets.
- b. Multiple intersections involving junctions of more than two (2) streets, is not allowed.
- c. Two (2) streets intersecting the same street from opposite sides should intersect this same street directly opposite one another; or the streets shall be off-set a minimum of one hundred fifty (150) feet between their centerlines.
- d. Minimum curb radii at street intersections should be:

Residential Subdivision	Thirty (30) feet.
Non-residential Subdivision	Thirty-five (35) feet



J. Traffic Barriers.

Guardrail is not used extensively on subdivision streets except where there is a significant risk to motorists or pedestrians, such as along sections of roadway with steep foreslopes. Guardrails and other traffic barriers should be designed in accordance with, and installed where warranted by, the latest edition of the AASHTO Roadside Design Guide, or other acceptable policy.

K. Curbs, Gutters & Sidewalks.

1. Where Required.

- a. Roadway curbs, gutters and sidewalks shall be required in residential conventional subdivisions where net residential density is equal to or greater than three dwelling units per acre of land and/or when lot frontages are 80 feet or less.
- b. Roadway curbs, gutters, and sidewalks shall be required in non-residential (i.e., commercial, industrial, etc.) conventional subdivisions unless exempt by the Planning Commission because of low traffic and pedestrian flows.

2. Roadway Curbs & Gutter.

- a. Road curbs shall be constructed of grade A (3,000 lb.) concrete to a height of no less than 6 inches above the finished road surface. The base of curbs shall be a minimum of 7-3/8 inches measured in cross-section. Curb sides may be sloped inward to join a rounded edge having a radius of one and one-half (1-1/2) inches or more. Alternative designs may be approved by the County Engineer.
- b. Drainage gutters shall be provided at the curb and road surface interface. Gutters shall be designed to carry peak water flows expected from a 10 year frequency storm occurring over the entire contributing watershed. Storm drain inlets in residential closed-section roads shall have bicycle-safe grates.

3. Sidewalks & Paths.

- a. Sidewalks shall be constructed of Portland cement concrete with a minimum depth of four inches except under driveways a minimum depth of 6 inches shall be used. Sidewalks shall be four feet wide and placed on a suitable base approved by the County Engineer. Sidewalks shall be constructed with equally spaced crack control joints and expansion joints; and the sidewalk surface shall have a light broom finish. Sidewalks shall have a 1/4" per foot cross slope. Grades on sidewalks shall not exceed (20:1) 20' horizontal to 1' vertical.
- b. Handicapped accessible walkways, stairs and ramps shall be designed and constructed in accordance with the requirements of the Americans with Disabilities Act, "ADA Standards for Accessible Design (28 CFR, Part 36)."
- c. Hiking and biking paths are not required; however, if the developer proposes to install a path, the engineer of record shall show the location of the path and easement on the plan and shall provide construction details and material specifications. Where the path crosses a roadway ditch line, a minimum 15 inch diameter drainage culvert shall be installed in the ditch line.

**L. Upgrading of Existing Subdivision Road.**

1. The subdivision of lots along any existing subdivision roadway that currently serves twelve (12) or more lots, and where the existing roadway is not a public roadway, shall require the existing roadway to be upgraded to the asphalt roadway standards. The road shall be upgraded from the location of the subdivision lots to the intersection with the public road.
2. The creation of a new subdivision with a road that enters upon another existing subdivision road that serves twelve (12) or more lots, and where the existing subdivision road is not a public roadway, shall require the existing subdivision roadway to be upgraded to the asphalt roadway standards. The existing subdivision road shall be upgraded from the entrance of the new subdivision to the public road.

M. Street Name & Traffic Control Devices.

1. All subdivision roads shall be clearly identified by permanent road name signs, in accordance with the Jefferson County E-9-1-1 Addressing Ordinance.
2. Stop signs shall be provided at all intersections and where a subdivision road meets a state highway.
3. Speed limit signs (preferably with speed limits of twenty-five (25) miles per hour or less) shall also be provided at each subdivision entrance road and other locations where deemed appropriate by the County Engineer.
4. Pavement markings for traffic control (i.e., centerline stripes, stop bars, speed hump delineation, directional arrows, cross-walks, etc.) shall be provided where deemed appropriate by the County Engineer.
5. Traffic control signs (i.e., “No Left Turn,” “One Way,” etc.) shall be provided where necessary to provide safe traffic control for subdivisions and site development projects as determined appropriate by the County Engineer.
6. All traffic control signs and pavement markings shall be installed in accordance with the latest edition of the U.S. Department of Transportation - Manual of Uniform Traffic Control Devices (MUTCD) and the Standard Highway Signs (SHS) manual. Traffic control sign and pavement marking details and specifications shall be provided on the Preliminary Plat and/or Site Plan.

Sec. 2.3 Subdivision and Site Development Access Management**A. Subdivision Access to Public Roads.**

1. Subdivision roads shall be coordinated with existing or proposed public roads. Generally, individual lots shall not have direct access to public roads. Lots must be served by internal subdivision roads unless otherwise approved by the Planning Commission. Subdivision road entrances onto public roads must be acceptable to the Planning Commission and to the West Virginia Division of Highways as to: location, number of entrances, drainage provisions, traffic safety, traffic control devices and general entrance design.
2. Non-Residential subdivision entrance access to public roads shall be designed to minimize traffic conflicts in accordance with guidelines of the latest edition of the Transportation Research Board's Access Management Manual; or as determined by



the County Engineer.

Generally, a subdivision entrance shall be spaced a minimum of 200' from the intersection of two public roads.

3. Generally, a subdivision shall be served by at least two entrances. The entrances shall be offset a minimum of 300' centerline to centerline.

For a residential subdivision, a single entrance may be used under the following conditions:

Maximum Number of Lots	Single Entrance Road Width
12	22' entire length
13 to 30	24' entire length

Residential subdivisions with more than 30 lots shall have two entrances.

4. Where a subdivision road slopes toward a public highway, the entrance slope may not exceed a three percent (3%) grade for at least 100 linear feet into the subdivision.

Where a subdivision entrance slopes away from a public highway, the entrance slope may not exceed a five percent (5%) slope for at least 100 linear feet into the subdivision.

5. Residential & Non-Residential Subdivision boulevard type entrances used at the point of connection of a subdivision road to the public highway shall be designed as follows:
 - a. Raised median minimum 4' wide with concrete curb.
 - b. Single lane width of a minimum of 13' and maximum of 17'.
 - c. The single lane width shall extend a minimum of 50' beyond the termination of the median; at which point a pavement edge transition taper of 10:1 to a two-way street pavement width shall begin.
6. Non-Residential subdivisions shall have a concrete entrance apron, as follows:

Full width of the subdivision road pavement x 25' long x 6" depth with WWF Reinforced 3,000 psi Portland cement concrete. The apron shall be designed to carry the loads imposed by the anticipated vehicular traffic.

7. Minimum curb radii at the subdivision entrance should be as follows:

Residential Subdivision	Thirty (30) feet.
Non-Residential Subdivision	Thirty-five (35) feet.

B. Site Development Access to Public Roads.

1. Site development access driveways shall be coordinated with existing subdivision streets or public roads. Generally, individual lots within a subdivision shall not have direct access to public roads unless approved by the Planning Commission. Site development access onto public roads must be acceptable to the Planning Commission and to the West Virginia Division of Highways as to: location, number of entrances, drainage provisions, traffic safety, traffic control devices and general entrance design.



2. Site development site entrance drives and site access shall be designed to minimize traffic conflicts in accordance with guidelines of the latest edition of the Transportation Research Board's Access Management Manual; or as determined by the County Engineer.

3. Entrance width limits are as follows:⁴

Minimum one-way	13'
Maximum one-way	17'
Minimum two-way	24'
Maximum two-way	35'

Length of entrance shall be a minimum of 50' long from the existing edge of pavement of the access road before beginning a 1 to 15 taper from the edge of pavement to desired width.⁴

4. Site development entrance access drives shall be spaced as follows:
 - a. A minimum of 75' centerline to centerline; and
 - b. A minimum of 75' from the centerline of an internal subdivision road intersection; and
 - c. A minimum of 150' from the intersection of a non-residential subdivision entrance road or public highway with another public highway.
5. Site development access drives to subdivision streets and public roads shall have a concrete entrance apron, as follows:

Full width of the driveway x 25' long x 6" depth with WWF Reinforced 3,000 psi Portland Cement Concrete and 4" of base stone. The apron shall be designed to carry the loads imposed by the anticipated vehicular traffic.⁴
6. Minimum fillet radii at the site development access drive intersection with the subdivision street or public highway should be thirty five (35 feet).⁴

C. Improvements to State Highways.

The minimum criteria for installation of site access improvements to State Highways shall be as listed below. In the event the West Virginia Division of Highways will not permit such improvements, and is stated accordingly in writing, the decision of the Division of Highways will prevail.

1. Traffic signals may be required when warranted in accordance with Part IV of the Manual on Uniform Traffic Control Devices; and shall be installed, if warranted by the West Virginia Division of Highways (WVDOH). If a traffic signal is needed, then installation normally will be at the developer's expense. The developer is responsible for coordinating the design and installation with West Virginia Division of Highways.
2. Left turn lanes may be required on all divided highways and on two-lane two-way State Routes having a two-way peak hour volume of 600 or more or an ADT of 6000 or more and a potential peak hour left turning movement into the development of 50 or more. Other factors, such as approach sight distances, may dictate installation where volumes are lower. The turn lane vehicle queue length and design shall be in accordance with the latest edition of the American Association of State Highway and



Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets and shall be approved by the West Virginia Division of Highways. The left turn lane shall be installed by the developer only if warranted by the West Virginia Division of Highways.

3. Deceleration lanes shall be provided on Primary and Secondary Routes where the operating speed on the State Highway is 45 miles per hour or greater. The deceleration lane design shall be in accordance with the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets and/or the requirements of the WVDOH. The deceleration lane shall be installed by the developer only if warranted by the West Virginia Division of Highways.
4. Acceleration lanes shall be provided where peak hour two-way volumes on two-lane two-way State Highways are 600 or greater. The length of the lanes will be a function of operating speed. Operating speed is the highest overall speed at which a driver can travel on a given highway under favorable, prevailing conditions without exceeding a safe speed based on design speed. The acceleration lane design shall be in accordance with the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets and/or WVDOH requirements. The acceleration lane shall be installed by the developer only if warranted by the West Virginia Division of Highways.
5. The need for reconstruction of vertical or horizontal alignments to improve site access and sight distance shall be determined based on the design speed of the road as addressed in the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets and/or requirements of the WVDOH. The roadway improvements shall be installed by the developer only if warranted by the West Virginia Division of Highways.
6. Shoulder widening shall be provided as follows:
 - a. Secondary Routes – Minimum eight (8) feet wide, paved to WVDOH specifications extending across the front of the property or a distance of six hundred feet, whichever is less.
 - b. Local Service Routes with current ADT of 2000 or greater or projected year 2000 ADT of 2500 or greater – Same as Secondary Routes.
 - c. Local Service Routes with current ADT from 1200 to 1999 or projected year 2000 ADT from 1500 to 2499 – Minimum six (6) feet wide, paved to WVDOH specifications extending across the front of the property or a distance of four hundred feet, whichever is less.
 - d. All other Local Service Routes – Minimum three (3) feet wide gravel with a 4:1 slope into a one (1) foot deep ditch and out with a 2:1 side slope.
 - e. Safety improvements such as signing and delineation at locations on the State Road adjacent to a development may be required. Said improvements must be based on either (1) a proven significant accident record or (2) an existing condition which the addition of the subject development would exacerbate actual accident experience.

Shoulder widening improvements shall be installed by the developer unless the WVDOH determines the improvements are not warranted.



Sec. 2.4 Subdivision Road & Common Area Ownership & Maintenance

- A. A Homeowner's Association or Business Owner's Association must be established without delay as soon as 50% of properties are sold. Membership in the association is mandatory for all property owners within the subdivision. The developers shall dedicate all common lands (SWM Basin, roads, right-of-ways, etc.) to the Association. A note to this effect is required on the Site Plan or Final Plat.
- B. A Common Interest Ownership Agreement must be established to provide for the maintenance of commonly owned land, including, but not limited to the private road system within the subdivision. This Common Interest Ownership Agreement must be developed in accordance with the Uniform Common Interest Ownership Act of West Virginia.

Sec. 2.5 Off-Street Parking Standards

- A. Off-street parking facilities may be parking lots, parking bays, or other types approved by the County Engineer. Parking facilities shall be designed in accordance with the design standards and details established by the County Engineer.
- B. The number of parking spaces shall be as required by the Zoning Ordinance.
- C. All parking lots and parking bays (except for parallel parking along a townhouse/condominium complex street) shall be physically separated from the street and confined by curbing, unless other suitable design is approved by the County Engineer.
- D. Any curb lines in parking areas shall have a minimum radius of curvature of five (5) feet.⁴
- E. The layout of parking areas shall permit safe and efficient internal circulation in accordance with generally accepted engineering principles and practices.
- F. All dead-end parking areas shall be designed to provide sufficient back-up area for the end stalls of the parking area; and to allow turn-around of cars without having to back out of parking bays.
- G. Handicapped parking spaces and access ramps shall be provided, designed, located and delineated in accordance with the latest edition of the Americans with Disabilities Act, ADA Standards for Accessible Design (28 CFR, Part 36). Calculations showing the required number of handicapped parking spaces shall be provided on the site plan; and details and dimensions shall be provided for the access ramps, parking spaces, pavement markings and signs, etc.
- H. Parking area and drive aisle grades shall be as follows:

Maximum	6.5%
Minimum	0.5%
- I. Parking area access driveways and entrances leading from the public road or subdivision street, and also the parking area internal access drives connecting physically separated parking bays, shall not exceed an 8% grade.
- J. The maximum embankment cut or fill-grade inside and/or adjacent to parking areas shall not exceed (3:1) 3' horizontal to 1' vertical slope. The County Engineer may accept



steeper embankment slopes up to (2:1) 2' horizontal to 1' vertical upon review and approval by a geotechnical engineer.

A minimum three foot wide strip, not to exceed (5%) five percent slope, shall be provided between parking areas, sidewalks, and parking area access drives, and the toe or top of any embankment slope.

When retaining walls are used, they shall be designed and certified by a Professional Engineer licensed in West Virginia. The construction details and specifications shall be shown on the site plan.

- K. There shall be a minimum 10' median between the end of a row of parking spaces and any parking area access drive in order to provide for adequate sight distance.
- L. All cart storage areas, parking area internal pedestrian pathways, parking spaces, directional arrows, fire lanes, and handicapped parking symbols, etc., shall be shown on the preliminary plan and delineated on the pavement with traffic grade paint.
- M. All parking areas shall be bituminous asphalt or concrete paved. Paving sections shall be as established by the County Engineer.
- N. Parking area dimensions shall be no less than those listed in Table 2.5-1, as follows:

Parking (Table 2.5-1)				
Parking Angle	Stall Width	Stall Depth	Drive Aisle One-Way	Drive Aisle Two-Way
90	9'	20'	24'	24'
60	9'	22'	18'	24'
45	9'	21'	14'	24'
Parallel	9'	22'	12'	24'

- O. The County Engineer may establish standard details as deemed necessary to depict and convey the parking requirements.

Sec. 2.6 Street and Parking Area - Outside Lighting

Street lighting is typically required in concentrated areas of pedestrians or vehicles. Areas of potential need for lighting for the safety of pedestrians and motorists include but are not limited to: schools, hospitals, churches, shopping centers, restaurants, recreation centers, self-storage centers, convenience/retail stores, industrial complex, apartment and townhouse complexes, parking lots and street intersections. Street lighting shall be provided as required by the Zoning Ordinance and Section 22.209, Street Lighting.

Whenever street or other outside lighting is required, the minimum lighting intensity shall be in accordance with the latest edition of the American National Standard Practice for Roadway Lighting, Illuminating Engineering Society, American National Standards Institute.

Light poles installed in a parking area shall be installed on a 30" high structural base (i.e., reinforced concrete pier) to protect them from vehicle damage.

Lighting shall be shielded and directed down to prevent glare and to minimize light trespass. The location, specifications and construction details for outside lighting shall be provided on the preliminary plat.



Sec. 2.7 Speed Humps

In subdivisions and site development projects, if roadway or access drive traffic calming speed bumps are proposed, they shall be designed, installed and delineated in accordance with the latest edition of the Institute of Transportation Engineers Guidelines For The Design And Application Of Speed Humps. Construction details shall be provided on the Preliminary Plat and/or Site Plan.

Division 3.0 Utilities and Water & Sanitary Sewer Systems

Sec. 3.1 Water & Sanitary Sewer Systems

A. Well & Septic Systems.

1. Individual well and/or septic systems, where allowed, shall be approved by the Jefferson County Health Department. A copy of the approved Health Department permit shall be submitted prior to approval of the Preliminary or Final Plat.
2. Location of the septic system percolation test holes and septic reserve area shall be shown on the Preliminary Plats and Final Plats. A 100' buffer separating any well from any septic reserve area and existing drain field shall be shown on the Preliminary Plats and Final Plats.
3. Effective as of March 1, 1989, in all subdivisions to be served by individual wells, all such wells shall be pressure grouted. A note shall be placed on all plats stating the following:

"Verification from a well driller that a pressure grouted well is drilled and is producing water at a quantity approved by the Jefferson County Health Department and/or the West Virginia Bureau of Health shall be submitted to the Planning Commission prior to the issuance of an Improvement Location Permit. Certification that the water is potable must be submitted to the Planning Commission Office within 6 months of the issuance of an Improvement Location Permit."
4. In subdivisions to be served by individual wells and/or septic systems a note shall be placed on the Final Plat alerting the public that:

"The Public Service District may require in the future each property owner to abandon existing well and septic systems and to connect to a centralized system when and if it becomes available."

B. Central Water & Sanitary Sewer Systems.

1. A centralized water system shall be required for all subdivisions taken from contiguously owned tracts of land which contain 100 or more lots or dwelling units. A centralized water system shall also be required for all subdivisions which create a total of 100 or more lots on a tract of land that was on record at the Clerk's Office on October 6, 1988.

Subdivisions of greater than 150 dwelling units and that are required to have central water systems shall be equipped with fire hydrants. Fire hydrants shall meet the requirements herein specified for fire hydrant installation and operation.

Non-residential subdivisions shall be served by central water systems with fire hydrants sufficient to meet all requirements of the West Virginia State Fire Marshal's regulations.



Subdivisions which contain 100 or more lots or dwelling units may request a variance from this provision. Any application for such variance shall include a hydrology study done by a “competent professional.”

2. Water and sanitary sewer systems, water treatment plants, waste water treatment plants, storage tanks, etc., shall be designed and constructed according to the regulations of the West Virginia Bureau of Health, the West Virginia Department of Environmental Protection and federal regulations, as applicable.

A copy of the approved West Virginia Bureau of Health permit and a complete set of the approved plans shall be submitted prior to approval of the Preliminary Plat. The plans shall include the utility system plan, profiles, details, and specifications necessary for construction of the system.

For waste water treatment plants, a copy of the West Virginia Department of Environmental Protection’s waste load allocation and discharge permit shall be provided prior to approval of the Preliminary Plat.

3. If a central water and/or sanitary sewer system is required, then the developer shall enter into a binding legal agreement with the appropriate Public Service District for the construction and operation of such systems. The terms and conditions of such agreement must be acceptable to the Public Service Commission and in compliance with all pertinent rules and regulations of the West Virginia Public Service Commission. Such construction and operation agreement shall be in full force and effect and guaranteed construction funding, in a form acceptable to the Planning Commission and the Jefferson County Commission, shall be committed prior to the sealing of the Final Plat by the Planning Commission.
4. Where centralized water and/or a sanitary sewer system are provided in a subdivision, a note shall be placed on the Final Plat stating:

“Private wells and/or private septic systems for domestic use are prohibited when central water and/or sanitary sewer service is available.”
5. Where possible, water and sewer lines that are installed parallel to subdivision roads shall be laid within the road right-of-ways. Otherwise, utility easements shall be provided as deemed necessary to provide for access and maintenance. A note shall be placed on the Final Plat stating:

“A blanket easement is granted to the appropriate Public Service District in all road right-of-ways for construction and maintenance of water and sanitary sewer lines.”
6. A note shall be place on the Preliminary Plats and Final Plats stating that:

“Service laterals to individual lots or sites shall be installed prior to construction of the finished road pavement surface.”
7. The installation of water and sanitary sewer utility lines and appurtenances shall be inspected and certified by the Public Service District that will own and operate the system. In the event the Public Service District is not able to perform the inspections, an independent professional engineer licensed in West Virginia shall inspect and certify that the system is installed in accordance with the approved plans and permits.
8. Fire hydrants shall be installed in subdivisions served by existing municipal water



- systems or subdivisions served by a central water system that has at least 60,000 gallons of storage capacity. The hydrant shall have a minimum flow rate of 500 gallons per minute (gpm) at a residual pressure of 20 pounds per square inch (psi).
9. Fire hydrants shall be installed at each street intersection with additional hydrants installed where necessary to provide fire hydrants at a maximum spacing interval of 500 feet or ISO standards, whichever is less. Fire hydrants shall be connected to water lines that are at least 6 inches in diameter. Fire hydrants shall have isolation valves and be designed to drain and prevent freezing.
 10. Fire hydrant specifications and thread sizes shall be acceptable to the West Virginia State Fire Marshal and the Jefferson County Volunteer Fireman's Association.
 11. Subdivisions with central water systems that do not meet the standards required for the installation and operation of fire hydrants shall provide proper tap connections at the storage site to permit water draws by pumper or tank trucks.
 12. Fire service, dry hydrants, and cisterns (underground water storage tanks), where installed, shall meet the specifications and standards as established by the Jefferson County Office of Emergency Management; and shall be acceptable to the Chief County Engineer.

Sec. 3.2 Utilities

All utility transmission lines (e.g., electric, phone, cable, water, sewer, etc.) and service lines within the subdivision or site development project shall be underground.

Division 4.0 Stormwater Management and Erosion & Sediment Control⁴

All requirements and processes for Stormwater Management and Erosion & Sediment Control for Jefferson County are contained within the Jefferson County Stormwater Management Ordinance. Development within the County, meeting the criteria described in the Stormwater Management and Erosion & Sediment Control, must conform to the standards set therein.

Division 5.0 Requirements for Townhouses

Section 5.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 5.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. The provisions of Division 5.0 are in addition to the requirements for subdivisions found in Appendix A, *Plan & Plat Standards*, and Appendix B, *Engineering Standards*. In the event of a conflict between a requirement of the Appendices and Division 5.0, then the requirement of Division 5.0 shall apply.

Section 5.2 Plat/Plan Requirements

- A. In townhouse subdivisions, the developer shall submit the necessary Preliminary Plat and Final Plat in accordance with the procedures defined in these Regulations and the Uniform Common Interest Ownership Act (UCIOA), Chapter 36B of the West Virginia Code.
- B. See Appendix A, *Plan & Plat Standards*, for general plan/plat requirements.

**Section 5.3 Design and Construction Requirements**

In addition to the requirements of Appendix B, *Engineering Standards*, the following requirements specific to townhouse subdivisions shall apply:

A. Roads and Rights-of-way Specific to Townhouse Subdivisions

1. Townhouse projects shall generally have two entrances and the access to public roads shall be in accordance with Appendix B, Section 2.3, *Subdivision and Site Development Access Management*.
2. Townhouse subdivision roads and rights-of-way that are designed as dead-end streets shall terminate in:
 - a. Parking areas with adequate turn-around area for emergency vehicles; or a
 - b. Circular cul-de-sac turn-around with a minimum right-of-way diameter of 100', a pavement diameter of 80', and a fillet radius of 20'. Turnarounds shall be landscaped in the center with trees, shrubs or other suitable vegetation.
3. Roadways/streets and rights-of-way shall be in accordance with Appendix B, Section 2.2, *Streets*. However, townhouse development roads shall be a closed section with a minimum of twenty-four (24) foot width for vehicular drives.
4. Townhouse units shall have a conveniently located minimum 1000 sq.-ft. (i.e., 10' x 100') bus/mail box cluster pull-off area. Such area shall be asphalt paved the same as the roadway pavement section.

B. Curbs, Gutters, Sidewalks Specific to Townhouse Subdivisions⁴

1. Road and parking areas must utilize curb and gutter systems in coordination with LID and BMP practices to manage stormwater in all townhouse subdivisions.
2. Sidewalks shall be constructed in all townhouse subdivisions to provide for pedestrian movement from parking areas to building entrances and for pedestrian movement between buildings.

Sidewalks will be located at or near the edge of roadway or curb behind the planting strip and in front of all dwelling units. All other areas will have sidewalk on at least one side of the road. Sidewalks will be a minimum of four (4) feet wide.

Where a sidewalk is located outside of a road right-of-way, it shall be identified by a separate platted right-of-way.

3. Roadway curbs and gutter, and sidewalks shall be constructed in accordance with Appendix B, Section 2.2.K, *Curbs, Gutters & Sidewalks*.
4. Right-of-way will be located a minimum of one (1) foot in back of the sidewalk; and a minimum of three (3) feet from the back of the curb or edge of roadway, when curbs are not present, in areas where sidewalks are not required.
5. A minimum five (5) foot public access easement shall be provided between all buildings, as approved by the County Engineer and staff.

C. Storm Drainage and Erosion Control Specific to Townhouse Subdivisions⁴

Storm water management, storm drainage and sediment and erosion control shall be provided in accordance with the Jefferson County Stormwater Management Ordinance.



D. Utilities

1. Townhouse subdivisions shall have public/central water and sanitary sewer systems.
2. Fire hydrants shall be provided in all townhouse subdivisions in accordance with Appendix B, Section 3.1.B.9 & 3.1.B.10. However, fire hydrant spacing shall be a maximum of 500 feet, or pursuant to the rating agency (ISO), whichever is less.
3. All utilities shall be underground and provided in accordance Appendix B, Division 3.0, *Utilities and Water & Sanitary Sewer Systems*.

E. Street & Parking Area Lighting

All townhouse subdivisions shall be furnished with outside lighting units to illuminate sidewalks, parking areas and roads. Lighting units shall be placed at intervals of 125 feet maximum; or as required by the Zoning Administrator. Lighting shall be in accordance with the Zoning Ordinance and Appendix B, Section 2.6, *Street and Parking Area – Outside Lighting*.

F. Lots and Setbacks.

Townhouse lot and building standards shall be consistent with the requirements of the Zoning Ordinance. In addition:

1. No more than five (5) clusters of townhouses may be located on a dead-end drive.
2. A group/cluster of townhouses shall not contain more than six (6) units with a continuous front, or eight (8) units total in a building of any geometric configuration.
3. Minimum lot size shall be 1400 square feet.
4. Minimum area of the development including lots, green space, parking areas and roads shall be 3500 square feet per dwelling unit.
5. Minimum lot width will be fourteen (14) feet.
6. The required minimum building restriction lines will be as follows:

Front	25 feet
Side (confronting end units)	12 feet
Street side (abutting internal subdivision street)	15 feet
Street side (abutting right-of-way equal to or more than 40')	15 feet
Rear	20 feet

G. Screening

1. Street trees shall be planted along the townhouse subdivision streets. Installation of street trees shall comply with standard details as established by the Chief County Engineer.
2. Buffer screening will be provided between common areas and adjoining properties with single family detached residences, in accordance with the Zoning Ordinance.



3. A landscape plan shall be submitted, in accordance with the Zoning Ordinance, for all common areas.
4. All on-site utilities (i.e., waste water treatment plant, water treatment plant, pump station etc.) and trash dumpsters shall be effectively screened; as required by the Zoning Ordinance.
5. In the event of a conflict between the provisions of Section 5.3 herein and the Zoning Ordinance, the provisions of the Zoning Ordinance shall prevail.

H. Parkland

Parkland shall be provided as required by Section 21.105, *Requirements for Parkland*, of the Subdivision Regulations.

I. Parking

1. The minimum number of spaces shall be two (2) per dwelling unit plus 1/4 space for every bedroom.
2. Fifty (50) percent of garage bays plus one driveway space for every lot may be counted toward meeting the total number of parking spaces required.
3. Parking shall be provided in accordance with Appendix B, Section 2.5, *Off-Street Parking Standards*.
4. All parking spaces, except for driveway and garage parking spaces, shall be located within the road right-of-way.

Division 6.0 Requirements for Condominium Subdivisions (Residential & Non-Residential)

Section 6.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 6.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. The provisions of Division 6.0 are in addition to the requirements for major subdivisions found in Appendix A, *Plan & Plat Standards*, and Appendix B, *Engineering Standards*. In the event of a conflict between a requirement of the Appendices and Division 6.0, then the requirement of Division 6.0 shall apply.

Section 6.2 Plan/Plat Requirements

In condominium development, the developer shall submit the necessary Preliminary Plat and Final Plat in accordance with the procedures defined in these Regulations and the Uniform Common Interest Ownership Act (UCIOA), Chapter 36B of the West Virginia Code. In the event that a specific provision in the UCIOA is inconsistent with the requirements of a commercial, industrial, institutional, multi-family or non-residential project, that specific provision shall not apply.

See Appendix A, *Plan & Plat Standards*, for general plan/plat requirements. Additional plan/plat requirements specific to condominium projects are as follows:

- A. Items specific to Condominium plats



1. A project that does not want to separate the building sites for trust, lease or sale shall not have to describe the site by metes and bounds.
2. Show a dimensioned and scaled outline of each site (building site) upon which a principal land use or a principal building is to be located. The position of each building must be referenced to a station along the centerline of an interior subdivision road right-of-way, or other horizontal control approved by the County Engineer.
3. Identify each building site as to approximate acreage, proposed use, size of building (sq. ft., height and no. of stories).
4. Show the number, location and layout of parking spaces, the location and dimensions of site access entrances and exits, and the location and dimensions of sidewalks.
5. A number to identify each building site.
6. The name and a survey or general schematic map of the entire common interest community.
7. The location and dimensions of common areas, open space or areas to remain undeveloped.
8. A legally sufficient description of any real estate subject to development rights, labeled to identify the rights applicable to each parcel.
9. The extent of any encroachments by or upon any portion of the common interest community.
10. To the extent feasible, a legally sufficient description of all easements serving or burdening any portion of the common interest community.
11. The location and dimensions of any vertical unit boundaries not shown or projected on plans recorded pursuant to subsection (d) of UCIOA and that unit's identifying number.
12. The location with reference to an established datum of any horizontal unit boundaries not shown or projected on plans recorded pursuant to subsection (d) of UCIOA and that unit's identifying number.
13. A legally sufficient description of any real estate in which the unit owners will own only an estate for years, labeled as "leasehold real estate."
14. The distance between noncontiguous parcels of real estate comprising the common interest community.
15. The location and dimensions of limited common elements, including porches, balconies and patios, other than parking spaces and the other limited common elements described in Sections 2-102(2) and (4) of Chapter 36B of the West Virginia Code.
16. In the case of real estate not subject to development rights, all other matters customarily shown on land surveys.
17. A plan/plat may also show the intended location and dimensions of any contemplated improvement to be constructed anywhere within the common interests community. Any contemplated improvement shown shall be labeled as "MUST BE BUILT" or "NEED NOT BE BUILT".



18. The location and dimensions of the vertical boundaries of each unit and that unit's identifying number.
19. Any horizontal unit boundaries, with reference to an established datum, and that unit's identifying number.
20. Any units in which the declarant has reserved the right to create additional units or common elements, identified appropriately.
21. Unless the declaration provides otherwise, the horizontal boundaries of part of a unit located outside a building have the same elevation as the horizontal boundaries of the inside part and need not be depicted on the plats and plans.
22. A final list of restrictive covenants and conditions including any special covenants and conditions requested by the Planning Commission or a final statement of project rules and regulations.
23. A final project development schedule (construction schedule) for all improvements to be installed on the tract.

Section 6.3 Design and Construction Requirements

In addition to the requirements of Appendix B, *Engineering Standards*, the following requirements specific to condominium subdivisions shall apply:

A. Roads and Rights-of-Way Specific to Condominium Subdivisions

1. Condominium projects shall generally have two entrances and the access to public roads shall be in accordance with Appendix B, Section 2.3, *Subdivision and Site Development Access Management*.
2. Condominium subdivision roads and rights-of-way that are designed as dead-end streets shall terminate in:
 - a. Parking areas with adequate turn-around area for emergency vehicles; or a
 - b. Circular cul-de-sac turn-around with a minimum right-of-way diameter of 100', a pavement diameter of 80', and a fillet radius of 20'. Turnarounds may be landscaped in the center with trees, shrubs or other suitable vegetation.
3. Roadways/streets and rights-of-way shall be in accordance with Appendix B, Section 2.2, *Streets*. However, condominium development roads shall be a closed section with a minimum of twenty-four (24) foot width for vehicular drives.
4. When condominium units are proposed for residential use, a conveniently located minimum 1000 sq. ft. (i.e., 10' x 100') bus/mail box cluster pull-off area shall be provided. Such area shall be asphalt paved the same as the roadway pavement section.

B. Curbs, Gutters, Sidewalks Specific to Condominiums⁴

1. Road and parking areas must utilize LID stormwater management practices or curb and gutter systems to manage stormwater in all condominium subdivisions.
2. Sidewalks shall be constructed in all condominium subdivisions to provide for pedestrian movement from parking areas to building entrances and for pedestrian movement between buildings. Sidewalks shall be a minimum 4 feet width.



Where a sidewalk is located outside of a road right-of-way, it shall be identified by a separate platted right-of-way.

3. Road curbs and gutter and sidewalks shall be constructed in accordance with Appendix B, Section 2.2.K, *Curbs, Gutters & Sidewalks*.
4. Right-of-way will be located a minimum of one (1) foot in back of the sidewalk; and a minimum of three (3) feet from the back of the curb or edge of the roadway, when curbs are not present, in areas where sidewalks are not required.

C. Storm Water Drainage and Erosion Control Specific to Condominiums⁴

Storm water management, storm drainage and sediment and erosion control shall be provided in accordance with the Jefferson County Stormwater Management Ordinance.

D. Utilities

1. Condominium projects shall have public/central water and sanitary sewer systems.
2. All utilities shall be underground and provided in accordance the Appendix B, Division 3.0, *Utilities and Water & Sanitary Sewer Systems*.

E. Street & Parking Area Lighting

All condominium subdivisions shall be furnished with lighting units to illuminate sidewalks, parking areas and roads. Lighting units shall be placed at intervals of 125 feet maximum; or as required by the Zoning Administrator. Lighting shall be in accordance with the Zoning Ordinance and Appendix B, Section 2.6, *Street and Parking Area – Outside Lighting*.

F. Building Sites and Setbacks

1. The ratio between building site depth and width shall not exceed 3:1. Building sites with long narrow extensions (pipestems) shall not be permitted even though average depth to width ratios may not exceed 3:1. For corner lots width will be measured parallel to the designated rear line.
2. Acute corners of building sites shall have angles of no less than sixty-degrees, unless otherwise approved by the Engineer due to site limitations or other design considerations.
3. Building site boundary lines shall not extend into road rights-of-way but shall be drawn to the edge of such road rights-of-way.
4. Every building site shall have a minimum road frontage (width) of 80 feet along a platted road right-of-way. Lesser widths may be accepted by the Engineer along road turnarounds.
5. Setbacks separating condominium buildings and adjoining properties shall comply with the Zoning Ordinance.
6. Minimum spacing between condominium buildings and adjoining properties shall comply with the Zoning Ordinance and the following standards:
 - a. Between two buildings containing multi-family residential units:
30 feet or the height of the taller of the two buildings, whichever is greater.
 - b. Between two buildings containing one single family unit in each building:



17 feet.

- c. Between two buildings containing non-residential uses:

50' or the height of the taller of the two buildings, whichever is greater.

- d. Between a building containing non-residential uses and a building containing any residential use:

100 feet.

- 7. For buildings which are attached to each other by a common fire-rated party wall (e.g. townhouses or duplexes), the combined units shall be considered a “single building” for purposes of determining minimum spacing between buildings.
- 8. Lots and setbacks for Residential and Multi-family condominium subdivisions shall be in accordance with the Zoning Ordinance.

G. Parkland

For residential condominium subdivisions, parkland shall be provided as required by Section 21.105, *Requirements for Parkland*, of the Subdivision Regulations.

H. Parking

- 1. Parking shall be provided in accordance with Appendix B, Section 2.5, *Off-Street Parking Standards*.
- 2. All parking spaces, except for driveway and garage parking spaces, shall be located within the road right-of-way.
- 3. Parking for non-residential condominium subdivisions shall be provided in accordance with the requirements of the Zoning Ordinance for the proposed use.

Parking for residential/multi-family condominium subdivisions shall be provided as follows:

Type of Dwelling Unit	Minimum Number of Parking Spaces per Dwelling Unit
Efficiency (no separate bedroom)	1.00
One Bedroom	1.25
Two Bedroom	1.50
Three Bedroom	2.00
Four-plexes	2.00

Not more than fifty percent of the total area of the minimum required side and rear yards shall be occupied by parking spaces, drives, access roads running between such spaces, turnarounds or other surfaces designed for vehicular use, and no parking spaces or vehicular uses, except entrance drives, shall be located within the minimum required front yard.

I. Surveys

Requirements for surveys shall be as required by State of West Virginia laws governing property surveys, and Appendix B, Section 1.2, *Surveys*. In the event of a conflict, State law shall prevail.

J. Construction Plans and Specifications



Construction plans and specifications shall be submitted in accordance with Appendix A, Section 1.3, *Preliminary Plat or Site Plan*; and Appendix B, Section 1.3, *Construction Plans and Specifications*.

K. Construction Practices

Construction practices shall be in accordance with Appendix B, Section 1.4, *Construction Practices*.

Section 6.4 Self-Storage Condominium Subdivisions

Self-storage (commonly referred to as mini-storage) projects that are developed with all units on one parcel, and where the units are for rent or lease, shall be processed as a non-residential Site Plan.

Division 7.0 Mobile/Manufactured Home Parks⁷

Section 7.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 7.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Mobile/Manufactured home parks are subdivisions with special requirements of their own. The provisions of Division 7.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 7.0, then the requirement of Division 7.0 shall apply.

Section 7.2 Mobile/Manufactured Home Park Requirements

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance. If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within Division 7.0 shall apply.
- B. The design, construction, installation, maintenance, and operation of a mobile/manufactured home park or a mobile/manufactured home park development shall comply with all applicable provisions of these Subdivision Regulations; and also comply with the mobile home regulations, minimum standards and engineering practices which are approved and acceptable to the West Virginia State Department of Health. All mobile/manufactured home parks shall be reviewed and approved by the West Virginia Department of Health for compliance with their regulations.
- C. The area of each mobile/manufactured home site (building site) shall be a minimum of 4,000 square feet. Each mobile/manufactured home site shall have a minimum road frontage (width) of 40 feet along a platted road right-of-way.
- D. Each mobile/manufactured home site shall provide an adequate stand for the placement of a mobile home unit.
- E. Not more than one mobile/manufactured home unit shall be placed on or above a mobile/manufactured home site. The mobile/manufactured home structure shall be set on the site in accordance with the requirements of the Jefferson County Building Code Enforcement Ordinance and applicable State Codes. The more stringent requirement shall prevail.



- F. All mobile/manufactured homes not set on permanent masonry or concrete foundation walls shall be skirted. Mobile homes shall be skirted with a uniform material; and an access door a minimum size of two feet by two feet shall be constructed in the skirting of each mobile home.
- G. Mobile/manufactured homes and accessory buildings shall be set back a minimum of 20 feet from the front mobile/manufactured home-site lines and 10 feet from rear and side mobile/manufactured home-site lines. No mobile/manufactured home shall be located within a FEMA flood-hazard area.
- H. Mobile homes, structures, and storage buildings, in a mobile/manufactured home park, shall be kept 25 feet back from all exterior property lines and right-of-way lines.
- I. Convenient off-street parking (on each mobile home site or in designated parking areas) shall be provided at the rate of two spaces per mobile home site. Each space shall have a minimum dimension of 9 feet by 20 feet.⁴
- J. Each mobile home stand shall be served by an individual sidewalk a minimum 2 feet in width. All walkways shall be constructed in accordance with Appendix B, Section 2.2.K.3, *Sidewalks & Paths*. Individual sidewalks shall connect with the common sidewalks in the mobile home park, or, to paved off-street parking spaces, or, to paved streets.
- K. Each mobile home site shall provide serviceable connections for water supply, sewage disposal and electricity. Water and sewer connections shall comply with the minimum standards of the West Virginia Department of Health. Electrical connections shall comply with service provider requirements.
- L. Each mobile home park shall be served by a central water supply system.
- M. Each mobile home park shall be served by a central sewerage system. Septic systems are prohibited.

Division 8.0 Campgrounds⁷

Section 8.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 8.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. ~~The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.~~
- B. Campgrounds are developments with special requirements of their own. ~~All campgrounds shall process as a Minor Site Plan. Campgrounds proposing more than ten (10) sites shall also process a Concept Plan.~~ The provisions of Division 8.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 8.0, then the requirement of Division 8.0 shall apply.

Section 8.2 Campground Requirements

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance.

Campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. All campground facilities shall be



designed in a manner which meets the following standards:

1. Safe access and egress to state roads (WVDOH, Jefferson County Engineering)
2. Stormwater quality and quantity control (Jefferson County Engineering)
3. Erosion and sediment control (WVDEP, Jefferson County Engineering)
4. Zoning Ordinance compliance (Jefferson County Planning and Engineering)
5. Wells and drain fields (Jefferson County Health Department)
6. Public water and sewer (Jefferson County Engineering, Jefferson County Public Service District, WV Health Department)

If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within this section shall apply. West Virginia Regulations pertaining to Campgrounds apply to all facilities.

B. Dimensional Requirements

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet the setback requirements in Section 8.17 of the Zoning Ordinance.
2. The area of each campsite shall be a minimum of 1,200 square feet not to include road rights-of-way or road easements.
3. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road easement, unless such sites are only accessible by foot.
4. No more than 15 campsites per acre are permitted.
5. All campsite pads shall be a minimum of 20 feet apart.
6. Each campsite shall provide an adequate pad for the placement of a camping unit. A campsite pad shall be at least 15 feet by 25 feet in size, shall be flat, and shall not exceed a three percent slope in any direction. This requirement does not apply to cabins.
7. No more than one camping unit shall be placed on or above a campsite.

C. Road and Access Requirements

1. Campground roads that serve less than 100 campsites shall meet the following standards:
 - a. Existing roads may be used to access campsites without meeting road standards.
 - b. May have asphalt or gravel surface.
 - c. 12 foot width with three foot pull-off areas that allow larger vehicles to pass.
 - d. Maximum slope 15%.



- e. Road section to be determined by a geotechnical engineer hired by the applicant. Alternatively, the applicant may choose to use standard Jefferson County sections.
 - f. No ditches are required. All drainage from campground roads must be managed to prevent erosion.
 2. Campground roads that serve more than 100 campsites shall meet the following standards:
 - a. May have asphalt or gravel surface.
 - b. 15 foot minimum width.
 - c. Maximum slope 15%.
 - d. Paving section to be determined by a geotechnical engineer hired by the applicant. Alternatively, the applicant may choose to use standard Jefferson County sections.
 - e. No ditches are required, all drainage from campground roads must be managed to prevent erosion.
- D. Parking Requirements
 1. Campsites accessed by vehicles shall provide one level parking area at each site.
 2. If parking is not provided at the campsite, one space per campsite shall be provided in a common parking area.
 3. Public parking shall be provided at the campground office or facilities open to the public in sufficient quantity to serve the users.
- E. Sanitation
 1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations.
 2. A campsite may contain any combination of water, sewerage, or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations within 500 feet of all campsites.
 3. Each campsite shall be provided with a sanitary, covered garbage can.
 4. A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station, and one solid waste disposal collection facility.
 5. As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed, plus capacity to accommodate any public buildings.
- F. All powerlines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.
- G. Fire pits (if provided) for campsite must be shown on the Site Plan. A detail of the fire pit must also be provided.
- H. Camping associated with short term, temporary uses, approved by Jefferson County, are not subject to these regulations.



Division 9.0 – Non-Residential Subdivisions

Section 9.1 General

Non-residential subdivisions shall be subject to all requirements of the Subdivision Regulations except for those requirements which are specifically intended for residences (e.g. Land for Parks and Schools) as determined by staff.

Division 10.0 Site Plan Requirements

Section 10.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 10.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. The provisions of Division 10.0 are in addition to the requirements for Site Plan projects found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 10.0, then the requirement of Division 10.0 shall apply.
- C. Conditions under which the site plan requirements may be waived or limited are cited in Section 20.203, *Minor Site Development*.

Section 10.2 General Information Requirements

- A. All proposed site plans for Heavy Industrial Uses, as referenced in the Zoning Ordinance, on a parcel shall process through the major site plan process. Concept plan submissions shall include the following additional material:
 - 1. Basic Information:
 - a. Solid and drainage characteristics
 - b. Existing natural or man-made features including vegetative cover, water bodies, quarries, and rock outcroppings
 - c. Existing and proposed covenants and restrictions
 - d. Intended earthwork that would alter the natural topography
 - e. Tentative development and construction schedule
 - f. Market surveys and feasibility studies
 - g. Anticipated project costs
 - h. Anticipated funding sources
 - 2. Physical Impacts. A discussion of the relationship of the proposed project to the community (County) to include the following:
 - a. Earthwork: Will project strip entire site? Will blasting be extensive? Will the project be a borrow or a waste job? Will drainage be affected?
 - b. Wildlife populations and DNR endangered species check
 - c. Groundwater and surface water resources: Number of reported water contamination problems within 1000 feet, major surface water sensitive areas, i.e. wetlands, marshes and existing ponds, within one mile of the site. Describe the storm water management concept.



- d. Compatibility of the project with the surrounding area in terms of land use and visual appearance
 - e. Impact on sensitive natural areas such as sink holes, water recharge areas, stream and river banks, hillsides, forests, wetlands and water bodies will be described. A sink hole inventory check will be requested and obtained from the local office of the Natural Resources Conservation Service. The applicant will describe the condition of channel and banks of streams on property or within 500 feet of discharge point from property.
3. Social Impacts. A discussion of the relationship of the proposed project to the community (County) to include the following:
- a. Demographic impact
 - b. Adequacy of health and emergency medical services
 - c. Adequacy of fire protection
 - d. Adequacy of police protection
 - e. Trash removal
 - f. Adequacy of electrical power service
 - g. Adequacy of telephone service
 - h. Sewer and water services
 - i. Relationship of the project to the Comprehensive Plan
 - j. Housing supply and demand
 - k. Proximity and relationship to known historic features
4. Economic Impacts. A discussion of the relationship of the proposed project to the community (County) to include the following:
- a. Property tax evaluation
 - b. Anticipated bank deposits and loans
 - c. Anticipated local spending (construction, retail, services, etc.)
 - d. Local employment implications
 - e. Expected changes in property values
- B. In the event conditions are encountered during construction which make the approved Site Plan impractical or excessively costly, field changes may be proposed, in writing, by the developer - through the developer's design consultant - to the County Engineer. The County Engineer will review the proposed changes to determine whether or not the change is major and subject to Planning Commission action. In either case, the Engineer will determine the technical acceptability of the proposed changes. Where said changes are minor, technically acceptable and in accord with the intent of the Ordinances the Engineer may grant a field change. Modified plans will be signed by the appropriate professional and filed with the Planning Commission office.

Section 10.3 Site Access

- A. Site Development access entrances, from either an internal subdivision road or a public road, shall be provided in accordance with Appendix B, Section 2.3.B, *Site Development Access to Public Roads*.



- B. For Site Development projects with site access directly onto a public road (not onto an internal subdivision road) owned and maintained by the West Virginia Division of Highways, site access improvements shall be provided in accordance with Appendix B, Section 2.3.C, *Improvements to State Highways*.

Section 10.4 Internal Vehicular Circulation & Parking

- A. For Site Development projects, internal site vehicular circulation and parking (including handicapped parking) shall be provided in accordance with Appendix B, Section 2.5, *Off-Street Parking Standards*.
- B. The number of parking spaces shall be as required by the Zoning Ordinance.
- C. All parking aisle, parking space, parking stall dimensions, parking width, and off-street loading shall be provided as required by Appendix B, Division 2.0, *Street & Parking Standards*. All parking aisle, parking space and internal site driveway setbacks shall be shown on the site plan.
- D. Shared use of parking spaces shall be permitted at the discretion of the staff. Proposals for shared use of parking spaces must be accompanied by a study and documentation of user hours to demonstrate compatibility of the proposal prepared in accordance with the Zoning Ordinance.
- E. Internal site driveways, (does not include parking area drive aisles) such as those that:
1. Lead to parking areas; or are
 2. Internal site driveways connecting separated parking bays; or
 3. Provide vehicular access to loading docks, drive-in windows, etc., shall be designed to the following standards unless other design is justified by the design consultant and approved by the County Engineer:

Table 9.4-1	
Traffic Flow	Internal Site Driveways Width
Two -Way	22' to 24'
One-Way	12' to 14'
Drive-up Window	10'

- F. Internal access driveways serving delivery truck-trailer or truck-semi-trailer combinations shall be designed for a vehicle with an inside tracking radius of 44'.
- G. Loading spaces shall be designated for all building bay door openings 6' or greater in width. The loading spaces shall not conflict with internal site driveways and parking aisle access. The loading spaces shall not be counted toward satisfying the parking space requirements.
- H. Drive-in service facilities and drive-up windows shall be located and provided with sufficient vehicle queue length such that waiting vehicles will not block internal vehicular circulation or external vehicular access to the site.

**Section 10.5 Parking Area, Entrance and Internal Driveway Paving**

- A. Site Development parking lots, entrances and internal driveways for use by the public shall be bituminous asphalt or concrete paved. Paving sections shall be approved by the Engineer. The minimum acceptable bituminous asphalt paving section is as follows:

1 ½" Bituminous Concrete Surface Course

2 ½" Bituminous Concrete Base Course

9" Graded Aggregate Base Course (placed in 2 lifts)

Heavier pavement sections may be required by the County Engineer. The consulting engineer shall take into consideration the soil subgrade strength and load bearing capacity and the type of traffic loads anticipated in preparing the concrete or bituminous asphalt pavement section design.

Section 10.6 Curbs, Gutters, & Sidewalks⁴

- A. Stormwater management using low impact development technology (LID) and landscaping or curb, and gutter systems as well as sidewalks shall be provided to support multi-family residential and non-residential subdivision/site development. On a case by case basis, the Office of Planning and Zoning will review alternatives to traditional sidewalks; such alternatives may include hard surface trails or meandering paths. Planning and Zoning Staff may allow a 10 foot pedestrian/bike easement(s) in-lieu of installation of a sidewalk, trail or path when in the judgment of Staff an easement(s) may be a preferred option. Where curbs and gutters are provided to convey stormwater from impervious areas to stormwater management facilities; they shall be in accordance with Appendix B, Section 2.2.K.2, *Roadway Curbs & Gutter*.
- B. Internal site sidewalks and ramps shall be provided where necessary to convey pedestrian traffic from parking areas to buildings; and shall be in accordance with Appendix B, Section 2.2.K, *Curbs, Gutters, & Sidewalks*.
- C. Sidewalks shall be provided where required to continue existing public sidewalks or where required to provide pedestrian conveyance between existing developments on either side of the proposed site.

Section 10.7 Site Grading

- A. Site access entrance grades shall be in accordance with Appendix B, Section 2.3.B, *Site Development Access to Public Roads*.
- B. Grades for parking areas and internal driveways shall be in accordance with Appendix B, Section 2.5, *Off-Street Parking Standards*.
- C. Grades for sidewalks shall be in accordance with Appendix B, Section 2.2.K, *Curbs, Gutters & Sidewalks*.
- D. A minimum three foot wide strip, not to exceed 3% grade, shall be provided between the edge of parking areas, internal driveways and/or sidewalks, and the toe or top of slopes that are steeper than a 4:1 slope.
- E. When retaining walls are used, the design thereof shall be certified by a Licensed Professional Engineer licensed in the State of West Virginia. All construction details and



specifications shall be provided on the Site Plan. The following note shall be placed on the Site Plan:

“Retaining walls 4 feet or greater in height require a building permit under the Jefferson County Building Code Enforcement Ordinance. The Owner/Developer is responsible for obtaining the permit.”

Section 10.8 Utilities and Water & Sanitary Sewer Systems

A. General

Utilities and water and sanitary sewer systems shall be provided in accordance with Appendix B, Division 3.0, *Utilities and Water & Sanitary Sewer Systems*.

B. Sanitary Sewer System

The following requirements specific to site plans shall apply:

1. Sanitary sewer connections will have a minimum grade of 2% for gravity flow, a minimum pipe size of 4 inches and will be a minimum of 100 feet from any water well. There is no minimum grade for a pump system.
2. A monitoring manhole will be set on the sewer connection line at the property line if, in the opinion of the local health officials, the proposed uses on the property could result, either by intent or accident, in the introduction of non-septic sewage, oils, chemicals, paint or petroleum products into the sanitary sewer system.
3. Sewer connection sizes will be justified by accompanying computations indicating the daily flow rate (gallons per day) for the proposed use and the minimum required pipe size. This information shall be shown on the land development site plan.

C. Water System

The following requirements specific to site plans shall apply:

1. Water supply demand computations shall be provided and shall be based on plumbing fixture-unit tables provided by the West Virginia Department of Health. The total daily demand flow rate (gallons per day) shall be shown on the site plan.
2. Where sprinkler systems are proposed, the water supply demand calculations shall demonstrate that an adequate supply of water is available for the sprinkler system.
3. In a non-residential or multi-family subdivision that does not have fire hydrant service installed but has adequate public water service available; the developer shall install a fire hydrant to serve the project site if a fire hydrant is not located within 1,000 feet of the site.

For a project located outside a non-residential or multi-family subdivision where it does not have fire hydrant service within 1,000 feet, but has adequate public water service available; the developer shall install a fire hydrant to serve the project site.

Calculations demonstrating adequate fire flow at the minimum residual pressure - as established by the West Virginia State Department of Health - shall be provided and shown on the site plan.

4. Fire hydrants shall be connected to water lines that are at least 6 inches in diameter. Fire hydrants shall have isolation valves and be designed to drain and prevent freezing.



5. Fire hydrant specifications and thread sizes shall be acceptable to the West Virginia Fire Marshal and the Jefferson County Volunteer Fireman's Association.
6. Fire hydrants set in the right-of-way shall be located two feet back of the sidewalk or in accordance with the standards of the controlling public service district.

D. Underground Utilities

All on-site utility service lines (e.g., electric, phone, cable, fiber optic, water, sewer, etc.) serving the Site Development project shall be underground.

Section 10.9 Stormwater Management⁴

- A. Storm water management, storm drainage and sediment and erosion control shall be provided in accordance with the Jefferson County Stormwater Management Ordinance.
- B. Site Development project on-site stormwater runoff from impervious areas shall be contained for conveyance whenever concentrated flows exceed 2.5 cubic feet per second (cfs) during the ten year event as determined using the Rational Method. Containment may be accomplished using either closed pipe or open channel systems. Open channel systems shall include pedestrian crossings spaced no further apart than 300 feet apart in areas where pedestrian traffic exists. With the approval of the County Engineer, bio-retention methods may be used to minimize the rate of flow.

Section 10.10 Landscaping, Screening and Buffer Yard Requirements

- A. Screening in the form of either vegetation or opaque fencing shall be provided on all properties along property lines in accordance with the Zoning Ordinance.
- B. Site Plans shall include a landscape plan meeting the requirements of the Zoning Ordinance
- C. All parking lots shall contain landscaping equal to a minimum of five percent (5%) of the area of parking lots and on-site driveways. Parking lots that are designated exclusively for employees only or for large trucks or vehicles owned or leased by the user of the site need not contain the landscaping if they are screened from any exterior state route. Said landscaping shall be contained within a perimeter which includes the parking lots, the on-site driveways, all islands dividing or supporting parking aisles from each other and from on-site driveways and areas bounded on at least two sides by parking lot or on-site driveways. The perimeter on the exterior of the parking lot shall follow the back curb or edge of the parking spaces or the limit of a required buffer.
- D. Opaque screen fences shall be a minimum of six (6) feet high. A sketch of the proposed screen will be submitted for approval with the site plan.
- E. Other requirements are referenced in the Jefferson County Zoning Ordinance.
- F. All on-site utilities and dumpsters shall be effectively screened.

Section 10.11 Signage

Signage shall be in conformance with all existing Ordinances in Jefferson County and/or State and Federal Law.



Division 11.0 Site Plans for Communications Towers

Section 11.1 General

- A. The provisions of Division 11.0 are in addition to the requirements for Site Development projects found in Appendix A, *Plan & Plat Standards*, Appendix B, *Engineering Standards*, and the Zoning Ordinance. In the event of a conflict between a requirement of the Appendices and Division 11.0, then the requirement of Division 11.0 shall apply.
- B. Any site developed for a communication tower shall require a Site Plan. Where the site is located on a lot to be created out of a subdivision of land, then processing through the appropriate subdivision process shall also be required.

Section 11.2 Design and Construction Requirements

- A. Entrances
 - 1. The site access road running from the public road or subdivision street to the communications tower site, and which serves no other non-residential use and no more than three residences, may be as narrow as 12 feet in width. Otherwise, the site access road shall be in accordance with Appendix B, Section 2.2, *Streets*.
 - 2. The site access road shall have an all-weather gravel surface at least six inches deep.
 - 3. Connection of the site access road to the public road shall be in accordance with West Virginia Division of Highways requirements.
- B. Parking

No delineated parking spaces need be shown on the Site Plan.
- C. Landscaping and Screening and Other Site Amenities
 - 1. Landscaping may be limited to perimeter vegetative screening suitable to the staff.
 - 2. The site is exempt from providing sidewalks.
- D. Stormwater Management and Erosion and Sediment Control

Stormwater management and erosion and sediment control shall be provided to control runoff from the access road and the tower site, in accordance with Jefferson County Stormwater Management Ordinance.
- E. The lease area for the tower structure shall tie into an existing property monument with bearing and distances referencing two corner of the lease area.⁴

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jack Hefestay

Department or Organization: County Commission

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: **September 18, 2025**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*):

Resolution to Recognize October 2025 as Breast Cancer Awareness Month in Jefferson County and to Designate October 10, 2025, as Pink Casual Day, Encouraging All County Staff to Wear Pink on that Day to Support Breast Cancer Fighters, Thrivers, and Survivors

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N No

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/**N** Internet/Wi Fi Y/**N** Telephone for conference call Y/**N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION
not applicable



JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 Fax: (304) 725-7916

Web: www.jeffersoncountywv.org

Recognition of October 2025 as Breast Cancer Awareness Month and to Designate Friday, October 10, 2025, as 'Pink Casual Day,' Encouraging All County Staff to Wear Pink on that Day to Support Breast Cancer Fighters, Thrivers, and Survivors

Approved: September 18, 2025

WHEREAS, breast cancer is a serious public health issue affecting many in West Virginia and the United States, and early detection, awareness, and support are critical to improving outcomes;

WHEREAS, while the incidence rate of female breast cancer is lower in West Virginia than the national average (121.7 per 100,000 women in West Virginia versus 130.8 per 100,000 women nationwide), the mortality rate in West Virginia is higher (21.6 per 100,000 women versus 19.1 per 100,000 women nationwide). It is important that West Virginians screen early and often in an effort to reduce the mortality rate;

WHEREAS, raising awareness and showing visible support for those impacted by breast cancer can help reduce stigma, encourage screening, support survivors, and promote community unity;

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Commission, this 18th day of September, 2025, that:

1. October 2025 is hereby designated Breast Cancer Awareness Month in Jefferson County.
2. Friday, October 10, 2025, is hereby designated Pink Casual Day.
3. All County staff are encouraged to wear pink on October 10, 2025, in support of breast cancer fighters, thrivers, and survivors, and as a visible symbol of solidarity and awareness.
4. The County urges all citizens of Jefferson County to join in this observance by raising awareness, encouraging screening, and strengthening community support.

Pasha Majdi
Jefferson County Commission President

Jacqueline C. Shadle
Jefferson County Clerk

Mike Mood
Jefferson County Commission Vice-President

Jack Hefestay
Jefferson County Commissioner

Steve Stolipher
Jefferson County Commissioner

Cara Keys
Jefferson County Commissioner

DRAFT

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Jessica James, Chief Human Resource Officer**

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 5-10 minutes

Date Requested – 1st Choice: **September 18, 2025**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*):

-  **1. Approval of Revised Employee Performance Appraisal Period**
-  **2. Revision of IT Helpdesk Level I & II Positions with Corresponding Salary Adjustments**

Please provide the County Commission with a description of your request or presentation, including any background information:

1. **Background:** In FY2025, Jefferson County implemented a new employee performance appraisal initiative that incorporates quarterly tracking of Key Performance Indicators (KPIs), professional standards, participation in continued training, and development of leadership and skills. As this was the first year of implementation, Quarters 1 and 2 were considered a learning curve period to allow for the development and refinement of KPI measures, as well as the establishment of consistent quarterly tracking practices.

Staff recommends that for the FY2025 performance appraisal cycle, only Quarters 3 and 4 be used to determine overall employee performance ratings for KPI. This adjustment ensures that evaluations are based on fully established and consistently applied KPIs while recognizing the developmental nature of the first half of the year.

Regardless of the appraisal period adjustment, employees must meet the following baseline requirements as outlined on the first page of the Quantifiable Annual Employee Review Rubric in order to be eligible for a satisfactory rating:

- **Professionalism:** Must meet or exceed expectations.
- **Constituent Relations:** Must meet or exceed expectations.
- **KPI Performance:** Must meet or exceed expectations in each Key Performance Indicator (KPI).
- **Personnel Improvement Plan (PIP):** Employee must not be on a PIP during any point in the review period.
- **HR Series Classes:** Employee must complete two (2) HR Series Classes in the review period (October 1 – October 1).

**Jefferson County
Job Description**

Position Title:	Informational Technology Specialist- I/ Junior Radio Programmer	Grade Level:	IV
Department	Information Technology/ GIS	Date:	September 2025
Reports to:	IT Deputy Director	FLSA Status	Non-Exempt

Statement of Duties: Informational Technology Specialist- I/ Junior Radio Programmer will be the first level of contact and problem resolution for all hardware, software, and application problems. This entry-level position will support users throughout the Jefferson County Commission and component agencies when required. In addition, this position will serve as a junior radio programmer for the Statewide Interoperable Radio Network (SIRN), assisting with the programming, maintenance, and troubleshooting of county communications equipment to ensure reliable public safety and government operations.

Essential Functions:

The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. Reasonable accommodations may be made to enable qualified individuals with disabilities to perform the essential functions.

- Provide first-level contact and problem resolution for all users with hardware, software, and application problems and escalate problems as appropriate.
- Prepare and configure laptops, desktops, phones, printers, radios, and other equipment as needed.
- Assist in the purchase and inventory of electronic and communications equipment.
- Support programming and maintenance of Statewide Interoperable Radio Network (SIRN) radios, including assisting with code plug updates, troubleshooting radio equipment, and coordinating with public safety staff to ensure reliable communications.
- Participate in and/or manage projects as assigned.
- Maintain in-depth knowledge of help desk–supported products, services, and radio communications systems.
- Provide training to employees on hardware, applications, systems, and basic radio operations as needed.
- Review and update Help Desk Ticketing System.
- Maintain and update Knowledge Base.

Basic Qualifications

- Strong aptitude in OS repairs, spyware and virus removal, hardware upgrades, and troubleshooting.
- Understanding of computer, printer, network, radio, and other device setup and troubleshooting.
- Knowledge of VMware virtualized environments.

Jefferson County Job Description

- Knowledge of Storage Area Networks.
- Familiarity with basic radio programming concepts and willingness to develop proficiency in SIRN programming.
- Strong communication skills.
- Ability to actively listen, ask questions, and evaluate IT- and communications-related issues.
- Ability to manage multiple priorities and follow through on projects to completion.
- Show initiative and act independently to resolve problems.
- Strong organizational skills.
- Be able to lift up to 50 lbs.

Minimum Qualifications

- Associate's degree or pursuit of same.
- CompTIA A+ or equivalent training and certification within 1 year of hire.
- Willingness to pursue additional training
- The ability to obtain certification in radio programming and communications systems as assigned.

Qualifications and Background:

Education/ Basic Knowledge:

- Associate's degree or pursuit of same.
- CompTIA A+ or equivalent training and certification within 1 year of hire.
- Willingness to pursue additional training

Experience: Entry-level applicants may apply for this positions.

Accountability: The nature of work assures that errors are usually detected in succeeding operations. Consequences of errors, missed deadlines or poor judgment may include time loss caused by back checking by others and slowdowns in the processing of the work. Errors are generally confined to a single department, such as billing or accounting errors and/or failure to check a subordinate's performance.

Judgment: Well defined or detailed rules, instructions and procedures cover all aspects of work. Judgment involves choosing the appropriate practices, procedures, regulations or guidelines to apply in each case.

Complexity: The work consists of a variety of duties which generally follow *standardized practices, procedures, regulations or guidelines*. The sequence of work and/or the procedures followed vary according to the nature of the transaction and/or the information involved, or sought, in a particular situation.

Supervision required: Under *direct supervision*, where clear, detailed and specific instructions govern the work or are explained with each assignment. The employee works as instructed and consults with the supervisor as needed on all matters not specifically covered in the guidelines or instructions. The supervisor maintains control by reviewing the work in progress or upon completion.

Jefferson County Job Description

Nature and purpose of personal contacts: Contacts are *primarily with co-workers* incidental to the purpose of the work involving giving and receiving factual information about the work. Ordinary courtesy and tact are required. Contacts with the public may be required on an occasional basis.

Physical demands: Primarily sedentary work with occasional standing, walking, or lifting light materials (occasionally around 50 lbs.).

Work environment: Typical indoor office environment with occasional off-site meetings and facility walkthroughs. Minimal exposure to adverse conditions.

Motor skills: Frequent use of computers, phones, and standard office equipment. May occasionally operate a vehicle to travel between County facilities or vendor sites.

Occupational Risks: Generally low risk, though minor injury is possible if safety protocols are not followed when handling equipment or during site inspections. (2nd degree)

Confidentiality: Regular access to sensitive information including cybersecurity data, personnel systems, and financial operations. Must maintain confidentiality to protect organizational integrity and data security. (2nd degree)

Supervisory responsibility: This position has no supervisory responsibilities.

2. **Background:**

The Jefferson County IT Department currently maintains responsibility for supporting technology infrastructure and providing front-line technical assistance through its Helpdesk staff. With the growing reliance on the *Statewide Interoperable Radio Network (SIRN)* for public safety communications and daily operations, it is critical to ensure internal capacity for programming, troubleshooting, and maintaining these radios.

These functions were located in the Emergency Communications Department and are not formally included in the Helpdesk position descriptions. This specialized responsibility requires advanced training, familiarity with communications systems, and consistent availability to support mission-critical operations across County departments.

Is this a funding request? Y/N - **NO**

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

County Commission Request

-  *I move to adopt the recommendation that FY25 employee performance appraisals be determined solely on performance in Quarters 3 and 4, provided employees meet all baseline requirements as outlines on the first page of the Quantifiable Annual County Employee Review Rubric.*

Department of IT and GIS Request

-  *I move to approve the adjusted position descriptions to the IT Helpdesk Level I and Lever II positions, and authorize the following salary adjustments once the individuals have taken the SIRN training and obtained the associated certifications:*
- *Christopher Montemurno as a Grade 4, Info Tech Specialist- I/ Junior Radio Programmer at a salary of \$45,560.00*
 - *Spencer Frazer as a Grade 5, Info Tech Specialist- II/ Senior Radio Programmer at a salary of \$52,132.80*

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information: Jessica James

Email address: jjames@jeffersoncountywv.org

Phone Number: 304-728-3282

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION
not applicable

**Jefferson County
Job Description**

Position Title:	Informational Technology Specialist- II/ Senior Radio Programmer	Grade Level:	V
Department	Information Technology/ GIS	Date:	September 2025
Reports to:	IT Deputy Director	FLSA Status	Non-Exempt

Statement of Duties: The IT Specialist II / Senior Radio Programmer will serve as the second level of contact and problem resolution for hardware, software, and application problems. This is an expanded technical position that provides advanced support to users and performs network administration tasks throughout the Jefferson County Commission and its component agencies when required.

In addition, this position will serve as the **senior radio programmer for the Statewide Interoperable Radio Network (SIRN)**. The Specialist will lead programming, maintenance, and troubleshooting of county communications equipment, coordinate with public safety staff to ensure system reliability, and provide technical guidance and oversight for radio communications across the enterprise.

Essential Functions:

The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. Reasonable accommodations may be made to enable qualified individuals with disabilities to perform the essential functions.

- Provide second-level contact and advanced problem resolution for hardware, software, and application issues, escalating to higher-level support when necessary.
- Perform network administration tasks, including user account management, system monitoring, and maintenance of server, storage, and communications systems.
- Lead programming and configuration of SIRN radios, including managing code plug development, ensuring system compatibility, and coordinating updates across agencies.
- Troubleshoot and resolve complex radio communications issues; serve as the primary resource for SIRN-related technical support.
- Collaborate with public safety and emergency services staff to ensure communications reliability for critical operations.
- Prepare and configure laptops, desktops, servers, phones, printers, radios, and other equipment as needed.
- Assist in the purchase, tracking, and inventory of IT and radio communications equipment.
- Participate in and/or manage complex technology and communications projects.
- Provide training to employees on hardware, applications, systems, and radio operations.
- Review and update Help Desk Ticketing System.
- Maintain and update Knowledge Base.

Jefferson County Job Description

Basic Qualifications

- Proficiency in OS repairs, hardware upgrades, malware remediation, and advanced troubleshooting.
- Strong knowledge of computer, network, printer, and communications device setup and troubleshooting.
- Experience with VMware virtualized environments and Storage Area Networks.
- Demonstrated expertise in radio programming, with a strong understanding of SIRN system design and operations.
- Ability to provide technical leadership and mentoring to junior staff.
- Strong communication and coordination skills, particularly in working with public safety agencies.
- Ability to manage multiple priorities, act independently, and follow through on projects to completion.
- Strong organizational skills.
- Be able to lift up to 50 lbs.

Minimum Qualifications

- At least 2 years of progressive experience supporting and implementing networked computer systems in a business or government environment.
- Excellent customer service focus with strong communication skills in phone, email, and in-person interactions.
- Ability to work independently and as part of a collaborative team.
- Strong analytical and troubleshooting skills, including the ability to resolve complex IT and communications issues.
- Ability to remain professional and effective when dealing with frustrated or high-stress situations.
- Demonstrated ability to quickly learn and apply new applications, systems, and operational requirements.
- Understanding of call flow processes, call handling, call priorities, and service level agreements.
- Ability to maintain and update accurate documentation of issues, applications, systems, and communications equipment.
- Knowledge of Windows-based server and desktop operating systems.
- Experience maintaining regular, timely contact with customers, ISPs, vendors, and public safety partners to support systems and communications.
- Practical experience with computer software packages such as Microsoft Office, Tyler Technologies, Judicial Dialogue, IBM iSeries, ShoreTel/Mitel, and other enterprise applications.
- Ability to understand customer needs and implement strategies to address them, while effectively communicating technical information to non-technical individuals.
- Demonstrated knowledge and experience in network administration, including firewalls, routers, and VMware virtualized environments.
- Advanced knowledge of radio programming and communications systems, with demonstrated ability to support and maintain SIRN interoperability.
- One or more technical certifications such as A+, MCP, MCSE, MCSA, CCNA, or

Jefferson County Job Description

equivalent; additional certifications in networking, security, or radio communications strongly preferred.

- Must be able to lift 50 lbs.
- Valid driver's license.

Qualifications and Background:

Education/ Basic Knowledge:

- Associate's degree or pursuit of same.
- CompTIA A+ or equivalent training and certification
- SIRN Radio certification
- Willingness to pursue additional training

Experience: More than three years, up to and including five years.

Accountability: The nature of work or the operation of large, complex or potentially dangerous equipment increases the probability that errors could be serious. Consequences of errors, missed deadlines or poor judgment may include significant monetary losses, waste of material, damage to buildings, equipment or personal injuries.

Judgment: The work requires *examining, analyzing and evaluating facts* and circumstances surrounding individual problems, situations or transactions, and determining actions to be taken within the limits of standard or accepted practices. Guidelines include a large body of policies, practices and precedents which may be complex or conflicting, at times. Judgment is used in analyzing specific situations to determine appropriate actions. Employee is expected to weigh efficiency and relative priorities in conjunction with procedural concerns in decision making. Requires understanding, interpreting and applying federal, state and local regulations.

Complexity: The work consists of the practical application of a variety of concepts, practices and specialized techniques relating to a *professional or technical field*. Assignments typically involve evaluation and interpretation of factors, conditions or unusual circumstances; inspecting, testing or evaluating compliance with established standards or criteria; gathering, analyzing and evaluating facts or data using specialized fact finding techniques; or determining the methods to accomplish the work.

Supervision required: Under *general supervision*, the employee is familiar with the work routine and uses initiative in carrying out recurring assignments independently with specific instruction. The supervisor provides additional, specific instruction for new, difficult or unusual assignments, including suggested work methods. The employee is expected to recognize instances which are out of the ordinary and which do not fall within existing instructions; the employee is then expected to seek advice and further instructions. Reviews and checks of the employee's work are applied to an extent sufficient to keep the supervisor aware of progress, and to insure that completed work and methods used are technically accurate and that instructions are being followed. In many cases, the work is self checking, for example, requiring accounts to balance before proceeding.

Nature and purpose of personal contacts: Contacts are *primarily with co-workers* incidental to the purpose of the work involving giving and receiving factual information about the work. Ordinary courtesy and tact are required. Contacts with the public may be required on an occasional basis.

Physical demands: Primarily sedentary work with occasional standing, walking, or lifting light

Jefferson County Job Description

materials (occasionally around 50 lbs.).

Work environment: Typical indoor office environment with occasional off-site meetings and facility walkthroughs. Minimal exposure to adverse conditions.

Motor skills: Frequent use of computers, phones, and standard office equipment. May occasionally operate a vehicle to travel between County facilities or vendor sites.

Occupational Risks: Generally low risk, though minor injury is possible if safety protocols are not followed when handling equipment or during site inspections. (2nd degree)

Confidentiality: Access to any and all *confidential information on a County-wide basis*.

Supervisory responsibility: Employee, as a regular and continuing part of the job, *leads other workers* in accomplishing assigned work and also performs non-supervisory work that is usually of the same kind and levels as is done by the group led. The work leader is responsible to his/her supervisor for assuring that the work assignments of other workers are carried out by performing duties which typically consist of most of the following: distributes and balances workload among employees in accordance with established workflow and job specialization; assures timely completion of work; instructs employees in specific tasks or explains work methods to be employed and indicated applicable reference material and guidelines; checks work progress and reviews completed work to see that instructions have been carried out; answers questions and resolves problems that arise in the work; provides on-the-job training to new employees; reports to the supervisor on disciplinary problems, performance and training needs of employees; resolves simple, informal complaints of employees and refers others to the supervisor; may approve leave for a few hours or for emergencies.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: David Bound

Department or Organization: Administration

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: **Sept. 18, 2025**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*):

Temporary assignment for approving County bills.

West Virginia Courthouse Facilities Improvement Authority's Courthouse Facilities Improvement Fund grant submission request
Chief Tax Deputy and Chief Financial Officer are requesting Read Only online access to the County's current bank accounts
Ambulance Fee exonerations

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N Y

If so, how much? \$20,000 which is 20% of the \$100,000 grant

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Requested motion to approve Jack Hefestay or Steve Stolipher as the interim approver of County financial bills

Requested motion to approve the West Virginia Courthouse Facilities Improvement Authority's Courthouse Facilities Improvement Fund grant application.

Requested motion to approve the Chief Tax Deputy and Chief Financial Officer read only online access to county bank accounts

Requested motion to approve Commission Ambulance bill exonerations as presented.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information: David Bound

Email address: DBound@JeffersonCountyWV.org

Phone Number: 304.728.3284

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION
not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Nathan Cochran**

Department or Organization: **Prosecuting Attorney's Office**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **September 18, 2025**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Report by legal counsel**

Please provide the County Commission with a description of your request or presentation, including any background information:

- A. Discussion, advice from counsel and possible action regarding ongoing opioids litigation and related issues.**
- B. Discussion and possible action regarding minor boundary issue between Berkeley and Jefferson County.**

Is this a funding request? **No**

If so, how much? **\$**

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **No** Internet/Wi Fi **No** Telephone for conference call **No**

Contact information: **Jaymee Houser**

Email address: **jhouser@jcpawv.org**

Phone Number: **304-728-3318**

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION
not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Edwina Benites-LM

Department or Organization: County Administration

Estimation of amount of time needed for appointment: 5

Date Requested – 1st Choice:

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*):

1. Letter to Ranson Building Commission regarding Parcel ID: 19-08-0008-0008-0000
2. Federal appropriations requests status
3. Upcoming events

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 **Fax:** (304) 725-7916

Web: www.jeffersoncountywv.org

PRESIDENT

Pasha Majdi

VICE PRESIDENT

Mike Mood

COMMISSIONER

Jack Hefestay

COMMISSIONER

Cara Keys

COMMISSIONER

Steve Stolipher

To: Commissioner Pasha Majdi
Commissioner Steve Stolipher
Commissioner Mike Mood
Commissioner Cara Keys
Commissioner Jack Hefestay

From: Edwina Benites-LM, county administrator

Re: County Administrator Report, September 18, 2025

Summary:

1. Letter to Ranson Building Commission regarding Parcel ID: 19-08-0008-0008-0000
2. Federal appropriations requests status
3. Upcoming events
 - a. Save a Life: Free Naloxone Day- September 25, 2025
 - b. Breast Cancer Awareness Pink Casual Day- October 10, 2025
 - c. Night for Neighbors- November 14, 2025 (Jefferson County Community Ministries Event)

Building Commission

Included in the meeting packet is a letter concerning land directly adjacent to the Jefferson County Emergency Services Building. This action was identified and approved by the Commission as part of the 2025 priorities established at the beginning of the calendar year, with projected implementation scheduled for the third and fourth quarters.

Suggested motion: motion to approve and send the letter as presented.

Federal Appropriations Update:

Two federal appropriations requests backed by Senators Shelley Moore Capito and Jim Justice have advanced into draft versions of the FY26 spending bills, marking an important first step in the process. While the federal fiscal year begins October 1, Congress is expected to pass a short-term continuing resolution to fund government operations at FY25 levels until further debate on FY26 appropriations occurs. Though final funding is not yet certain, Jefferson County's inclusion in the draft bills reflects meaningful early progress toward securing these critical investments

No action required.

Upcoming Events:

Please note the following upcoming events. Additional information is provided in the packet:

- a. Save a Life: Free Naloxone Day- September 25, 2025
- b. Breast Cancer Awareness Pink Casual Day- October 10, 2025
- c. Night for Neighbors- November 14, 2025 (Jefferson County Community Ministries Event)
- d. Town halls on the future of the fire service



Join Jefferson County Health Dept

**Pink Casual Day
Friday, October 10th**

**All proceeds benefit
Breast Cancer Awareness, Inc.**

Let's join together to support breast
cancer fighters, thrivers and
survivors this October!

**FOR MORE DETAILS
OR TO MAKE A DONATION, CONTACT:
ROBIN PENCE, LPN**

 **Donate a minimum of \$5**

 **Take a selfie wearing pink**

 **Post with hashtag #NoOneFightsAlone**

**to support our FREE programs,
ensuring #NoOneFightsAlone.**

Learn more about BCA's FREE programs: www.bcainc.org
Serving individuals in Maryland, Pennsylvania, and West Virginia

Senator Capito	WV	Agriculture, Rural Development, Food and Drug Administration, and Related Agencies	Jefferson County Commission	The Jefferson County Courthouse renovation project will update the building to house the full judiciary under one roof, improving operational efficiency and safety.	Jefferson County	WV	\$1,650,000	Website	Letter
Senator Capito	WV	Commerce, Justice, Science, and Related Agencies	Jefferson County Commission	Public Safety Equipment: The purpose of this project is to provide public safety equipment along a high-migration, interstate highway to increase the interoperability of policing operations.	Jefferson County	WV	\$120,000	Website	Letter
Senator Capito	WV	Labor, Health and Human Services, Education, and Related Agencies	Jefferson County Commission	Jefferson County seeks funding to relocate and expand its Health Department to improve access to essential health services and better serve the county's highest-need populations.	Charles Town	WV	\$345,000	Website	Letter
Senator Justice	WV	Agriculture, Rural Development, Food and Drug Administration, and Related Agencies	Jefferson County Commission	For courthouse security upgrades.	Jefferson County	WV	\$1,650,000	Website	Letter
Senator Justice	WV	Commerce, Justice, Science, and Related Agencies	Jefferson County Commission	To purchase new public safety equipment.	Jefferson County	WV	\$120,000	Website	Letter
Senator Justice	WV	Labor, Health and Human Services, Education, and Related Agencies	Jefferson County Commission	To renovate space for a dedicated public health clinic.	Jefferson County	WV	\$315,000	Website	Letter
Senator Justice	WV	Transportation, Housing and Urban Development, and Related Agencies	Jefferson County Commission	To purchase a fire truck.	Jefferson County	WV	\$1,150,000	Website	Letter

Included in Senate Appropriations Bills:

- LPR: DOJ–OJP Byrne Public Safety Equipment Jefferson County, WV Jefferson County Commission 120,000 Capito, Justice
https://www.appropriations.senate.gov/imo/media/doc/cjs_fy26_cds.pdf
- Health Department Buildout-

Labor, Health and Human Services, Education, and Related Agencies	Jefferson County Commission	Jefferson County seeks funding to relocate and expand its Health Department to improve access to essential health services and better serve the county's highest-need populations.	Charles Town	WV	\$345,000

https://www.appropriations.senate.gov/imo/media/doc/fy26_lhhs_cds.pdf

 SAVE A LIFE
FREE NALOXONE DAY
Jefferson County

Sept. 25, 2025
10 am – 5 pm

JUST STOP BY any location for a free naloxone (Narcan) kit and training. It only takes a few minutes to learn how to save a life.

✦ **Jefferson County Community Ministries**

238 W. Washington St.
Charles Town

✦ **Shepherd University Knutti Hall**

102 E. High St.
Shepherdstown

✦ **7-Eleven**

49 Patrick Henry Way
Charles Town

✦ **Appalachian Trail Conservancy**

799 Washington St.
Harper's Ferry

✦ **Black Dog Coffee**

8001 Charles Town Rd.
Shenandoah Junction



Narcan saves lives!

 bit.ly/EPSSaveALifeDay 

A NIGHT FOR NEIGHBORS

FEATURING THE
**CHAD
LAUGHLIN
BAND**

**Good music,
Good people,
Great cause!**

November 14th, 2025
at the Charles Town
Moose Lodge 948

Doors open at 6pm

Music from 7pm-11pm

Must be 21 and older

Live Music, dancing, 50/50,
selection of raffle items,
and concessions

\$20.00 per person
Tickets can be purchased
online, at JCCM, or at the
Charles Town Moose Lodge



Purchase Tickets

This event is a fundraiser for JCCM sponsored by the
Charles Town Moose Lodge 948. All proceeds benefit JCCM.

356

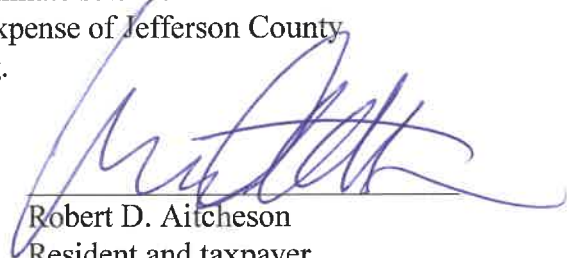


15 Sept., 2025

To: County Commission of
Jefferson County, WV

Re: Department of Energy Climate Report

Enclosed is an article by a Navy scientist evaluating dispassionately the above report. For anyone interested in the true state of climate science rather than virtue signaling or enrichment of self and family at the expense of Jefferson County taxpayers, it and the report itself are worth reading.



Robert D. Aitcheson
Resident and taxpayer
Jefferson County, WV

RECEIVED

SEP 15 2025

County Commission
of Jefferson County, WV

Finally, an Unbiased and Objective Clin

By Tim Gallaudet



The recent report released by Energy Secretary Chris Wright on the climate effects of greenhouse gas (GHG) emissions in the United States has caused quite a stir in the climate science arena. "Outrage," "pushback," and "criticized" are the words used in many of the headlines about it.

To better gauge the overall opinion of the report, two journalists from The Associated Press asked members of the climate science committee if they believed that it accurately portrayed the current “mainstream view of climate science.”

Answering this question depends on how one defines "mainstream view of climate science." If it is defined as the preponderance of climate-related articles in the journals *Science* and *Nature*, then the Department of Energy (DOE) report decidedly deviates from it, as both publications have been shown to be extremely biased toward alarmist climate narratives. Instead, Wright has performed a beneficial public service by contradicting the "mainstream view of climate science" with actual scientific evidence.

For example, the media widely asserts that extreme weather of all types is getting worse because of GHGs and climate change, yet the DOE report points to numerous expert assessments from the Intergovernmental Panel on Climate Change (IPCC) that prove that most extreme weather events in the United States do not show long-term trends and that claims of increased frequency or intensity of hurricanes, tornadoes, floods, and droughts are not supported by U.S. historical data.

However, when IPCC findings are inconsistent, the DOE report demonstrates the discipline to say so. Such was the case in the organization's Sixth Assessment Report, which is ambiguous in its assessment of the role of anthropogenic

warming, which differs between its chapters.

The value of the DOE report is holistic treatment of anthropogenic carbon dioxide (CO₂) and other greenhouse gas (GHG) emissions and their effect on the nation's climate, extreme weather events, and accepted metrics of societal well-being.

Consider the opening chapters that address anthropogenic CO₂, which is accurately described as being at a concentration of about 430 parts per million (ppm) and increasing at a rate of about 2 ppm per year. The report openly acknowledges the role of CO₂ as a GHG that alters the earth's energy balance and warms the planet, but it also documents the expansive research that confirms the net benefit that higher levels of atmospheric CO₂ have had on agriculture.

The report also takes a significant departure from what might be considered the "mainstream view of climate science" by calling the Representative Concentration Pathway

(RCP) 8.5 emission scenario what it truly is: implausible and unrealistic. RCP 8.5 was developed as an extreme worst-case, but its overuse as a “business as usual” scenario with extreme climate change impacts has resulted in many misleading studies and media reports.

Another beneficial aspect of the DOE report is that it informs the public about the facts regarding climate science. Namely, it finds fault with those who invoke process-based reasoning and simple thermodynamic arguments to assert that warming is worsening extreme weather events. Because climate is the statistical property of weather over decades, single event attribution to climate change is not possible by definition.

The AP reporters also asked members

of the climate science community. I am
believed that the DOE report is
In its entirety, the document
data, and this is especially
transparent treatment of
projections.

For example, the authors detail how the assumption of process parameterization in the significant subjectivity and uncertainty in climate model tails allow for the report's characterization of climate models. Not only do the models diverge in their projections for the future, but they are also unable to accurately replicate the past. Awareness of these shortcomings is essential if we are to effectively use climate models as tools for making public policy.

Another impartial aspect of the report regards the relatively minor economic effects of climate change that even the IPCC assessed.

Instead, the DOE report demands a complete understanding of the system by including content on the influence of solar radiation, extrinsic events in the climate system that occurred before anthropogenic influences were introduced into the atmosphere, and the inability of most climate models to accurately represent multi-decadal oscillations associated with the Pacific Decadal Oscillation, the Atlantic Multidecadal Oscillation, the El Niño Southern Oscillation, and the El Niño Oscillation.

Regarding upward trends in extreme weather and climate, the DOE report accurately assesses that population increases and economic growth have been the dominant drivers of energy demand, while technology advancements have

ed and Objective Climate Science Report

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believed that the DOE report was biased
In its entirety, the document follows the
data, and this is especially the case for its
transparent treatment of climate change
projections.

For example, the authors describe in
detail how the assumptions in fine scale
process parameterization clearly reveal
the significant subjectivity and inherent
uncertainty in climate models. Such de-
tails allow for the report's precise charac-
terization of climate model performance.
Not only do the models diverge in their
projections for the future, they also are
unable to accurately replicate the recent
past. Awareness of these shortcomings is
essential if we are to effectively use such
tools for making public policy decisions.

Another indication
of the absence of bias
in the DOE report is its
examination of natu-
ral, non-anthropogenic
forcing and variability.
The "mainstream view
of climate science"
tends to treat climate
change as the direct re-
sult of anthropogenic
GHG emissions only.

Instead, the DOE report demonstrates
a complete understanding of the Earth
system by including content regarding
the influence of solar radiation on climate,
extreme events in the climatic record that
occurred before anthropogenic GHGs
were introduced into the atmosphere, and
the inability of most climate models to
accurately represent multi-decadal climate
oscillations associated with Atlantic Mul-
tidecadal Oscillation, the Pacific Decadal
Oscillation, and the El Niño-Southern
Oscillation.

Regarding upward trends in losses from
extreme weather and climate events, the
DOE report accurately assesses that U.S.
population increases and economic growth
have been the dominant drivers, while
technology advancements and infrastruc-

ture improvements have led to dramatic
reductions in mortality.

Another impartial aspect of the report
regards the relatively minor economic
effects of climate change that even the
IPCC assessed. In fact, the authors point
out the biased nature of the social cost of
carbon concept, which fails to consider the
private marginal benefits to consumers
and society of CO₂ that derives from the
availability of fossil fuels. Public willing-
ness to pay for fuels of all types indicates
the value to society of reliable, abundant
fossil energy.

Finally, in a stark contrast with the
"mainstream view of climate science,"
the DOE report is unbiased in its objec-
tive assessment of the costs, efficacy, and
collateral impacts of any "climate action,"
considering the nation's need for reliable
and affordable energy. The fundamental
physics of the global carbon cycle dic-
tate that even if emissions were to stop
tomorrow, it would take decades to see a
meaningful reduction in the global CO₂
concentration and hence human influ-
ences on the climate. Thus, the authors
conclude that even drastic local actions to
reduce GHG emissions will have negligible
effects, such that calling unilateral U.S.
reductions "combatting climate change"
reflects a serious misunderstanding of the
scale of the issue.

For too long, the American people have
been fed an unrealistic narrative that
climate change is an existential threat that
only drastic reductions in fossil fuel use
will solve. Wright has finally got it right,
and it's about time that the United States
supports unbiased and objective climate
science.

From RealClearWire

Rear Admiral Tim Gallaudet (U.S. Navy,
ret.), PhD, is the vice chairman of the Board
of Directors for Force Blue, former acting
and deputy administrator of NOAA, acting
under secretary and assistant secretary of
commerce, and oceanographer of the Navy.

This guy
knows what
he's talking
about!

Edwina Benites

From: Daniel Lutz <p.lutz007@gmail.com>
Sent: Friday, September 12, 2025 9:24 AM
To: Lois Carr; Heather Duncan
Cc: Kent Leonhardt; Daniel Lutz; Pasha Majdi; Mike Mood; Cara Keys; Jack Hefestay; Steve Stolipher; Edwina Benites
Subject: Eastern Panhandle Activities for Region Meeting since June

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

TO: Lois Carr, Chair
Eastern Region, West Virginia Association of Conservation Districts

FROM: Eastern Panhandle Conservation District,
151 Aikens Center, S 2
Martinsburg, WV 25404

DATE: 12 September 2025

SUBJECT: Quarterly Activity Report July-Sept 2025

Lois:

Here is our Activity Report since the last quarterly Meeting for our upcoming Region Meeting on 29 September 2026

- 1) Hosted a wild birds habitat maintenance program at the farm of Floyd Kersey, Hedgesville, WV
- 2) Hosted a Forestry and grazing workshop at Grantham Farm
- 3) Had display table at Berkeley County Youth Fair
- 4) Had Display Table at Jefferson County Fair
- 5) Seeking donated items for scholarship auction
- 6) Preparing for April Quarterly Meeting 2026
- 7) Kitchen Orchards donated apples and peaches to WV State Fair
- 8) Launched Invasive Species Control Program with Cooperators
- 9) Have approached Jefferson County Commission about adopting 7-1-3u agreement. Commission has ignored certified letters and all other approaches. Jefferson County contributes \$0.00 each year to Conservation Programs in District and State.
- 10) Have requested time on agenda of Jefferson County Commission to brief Commission on District activities. This has also been ignored.
- 11) Preparing for Annual Awards banquet Oct 2025

Danny Lutz, Chair
Eastern Panhandle Conservation District

From: William Kinley <williamkinley4@gmail.com>
Sent: Monday, September 8, 2025 10:16 AM
To: JCCInfo; T. Kin
Subject: The meeting

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

You all seem intelligent and not unintelligent people so you must be blind (willfully ignoring) or just not understanding of your own fiduciary officers duties. As per your own county clerks words. "The fiduciary officer works for the executor " let me say that again they work for the executor. And Frank Hill has proven this over and over. Of course they will find reasons why the executor is stealing, lying, and doing corrupt things. He works for the estate executor. So if you don't see what's wrong with this then by God you do need to reevaluate your moral compass and you sense of justice. And as I have told many people. I shouldn't have to have a lawyer to be heard. This is America or atleast every other county in WV is. I'm starting to wonder about Jefferson Co. I fully expect some kind of communication from the commissioners on this matter. These injustice can not keep moving forward. Thank you

JCCInfo

From: William Kinley <williamkinley4@gmail.com>
Sent: Monday, September 8, 2025 11:00 AM
To: JCCInfo
Subject: Spelling

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Please excuse my spelling on my previous email. I was irate after watching the meeting. This injustice that is being put upon use gets sickening. And I type faster then I can think to spell.

My name is Richard Zigler. I reside at 1083 Roper North Fork Road Charles Town, WV. After an absence of a few months, I am here again to show support for a commercial solar facility on mine and neighboring farms. A few things have changed since I was here last.

I realize there has been a change of leadership in the county. I also know that a lot of people that wanted to "Save the Farmland" are disgruntled because they are seeing hundreds, if not thousands, of acres being developed. They now see the developing issues of road congestion, overcrowding of schools and the need for new ones in the near future, and the loss of farmland to ugly housing. The development of Commercial Solar now has more urgency.

People are realizing that residential growth will not pay for the newly, soon to be needed schools, water and sanitary infrastructure, and road congestion. The road congestion means more horrific accidents at points of commerce, like the intersections at Wal-Mart and near Home Depot. At least two times a week I hear sirens out my way and fear that some school child has been injured or maimed at the intersection by Washington High School due to the ever-growing debris field of glass and plastic.

Currently, there is a commercial solar array that is functioning in Jefferson County. If the numbers I found are correct, it is generating \$1.7 Million annually in tax revenues. That project generates a lot more than the land generated as farmland, and, on a per acre basis, more than housing generates, especially when you consider the cost of new schools and water and sanitary infrastructure that would have to be built. This project that includes parts of Zigler, Hough, and Rissler, is larger than that one and would generate a larger financial boon for the county that, again, will require no new services or infrastructure.

The project that Elawan wants to build was the former "Wild Hill" project that EDF poorly managed. EDF waited until the last moment to ask for a PILOT, after assuring those involved, especially the landowners, that they wouldn't need one. That surprise angered numerous people, including the landowners, even though a compromise was never considered by some of the then commissioners, and the fervor of a well-organized and vocal minority held sway over the public. But public support against commercial solar is waning because of the exponential growth of residential development. The idea of having a benign entity, that would basically stop residential growth on the site of the commercial array, is becoming more appealing to the community.

As I and others have stated in the past, commercial solar is a “cash cow” with only the need to have someone make sure tax revenues have been deposited. No other encumbrances are there.

The idea of neighboring land value depreciation is a myth. If anything would deter residential development, it would have been the waste processing facility on the south end of Charles Town, on Route 115. Those houses sell for comparable prices as anywhere else in the county. The new housing immediately beside the existing commercial facility are selling for the same price as elsewhere in the county as well. There is no problem of atmospheric warming (or cooling, fear of toxicity, or even the theorized international terrorists hiding under the panels, as were once claimed that would be disastrous to the environment and the community. There will be insignificant loss of public viewshed because it will be accessed by way of dead end roads on both sides, away from major public thoroughfares.

To my knowledge, all the necessary studies and plans have already been realized under the former proposal. That information has not changed just because a new entity has taken up the project. It is essentially the same project, just a new developer. There is no reason to deny or delay this project.

Richard A. Zigler

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Richard A. Zigler

Dear Board Members,

Here we are again, Farmers looking for NEEDED additional income.

Over the years, changes within the Board and County commissions have reshaped the local landscape. Notably, even individuals who once strongly opposed solar initiatives have reconsidered their positions, often moving on after reaching certain agreements. Despite these shifts, farmers in 2025 continue to struggle financially and urgently require additional sources of income.

Throughout this period, farmers have faced persistent opposition. Online media groups have voiced their protests, while some residents have offered unsolicited advice, suggesting that farmers divide their land, rent portions, or sell it outright. The challenges are further compounded by input from county residents who live considerable distances from the farms—often five or more miles away, with Shepherdstown being at least twelve miles distant. Additionally, many county residents have moved to Jefferson County but continue to shop, visit entertainment venues, and seek medical services in neighboring states like Maryland or Virginia. Despite all these factors, the core issue remains: farmers are still struggling to maintain viable livelihoods.

It is now time to respect the agriculture industry that built this county.

Our family has provided information from research in Spotsylvania, VA, to correct misinformation that was provided to the residents and commissions, regarding solar. Additionally, we provided examples of solar farm locations throughout the country to prove property values are not impacted in areas where solar farms are operating. The time has come to consider ongoing challenges faced by farmers.

Next generation family members are walking away from 14-hour days, no weekends/holidays off, limited if any possible vacation time and gambling their income with Mother Nature. The dissolving labor pool and theft of catalytic converter, broken locks along with stolen gas, tools, truck batteries, replacement parts, generators and wood from our farms. When is it going to be enough. The discounted tax rate is helpful but not enough to buy a good used tractor. Farmers know and truly understand the Farmland Protection is not a multiple year payout instead it places a permanent easement which significantly reduces the land's market value, loss of future options for the land and the farmer still pays the taxes. Farmers do not have excessive wealth to condense but we have love of land and preserve it the best we can.

Housing developments contain paved driveways and streets, so please indulge me as I provide some environmental concerns I have over asphalt.

Paved driveways and roadways reduce water infiltration in natural vegetative areas while increasing the amounts of pollutants in our water.

Does every housing development that has been built and is being built in Jefferson County, have the engineers/designs consider permeable soils and the deep-water table? Does every housing development have asphalt designed with infiltration systems? What about frost penetration depth?

Bottom line is solar panels do not need paved roads, schools, public transportation, emergency services, hospitals, child/adult daycare, gas stations or electric hook-ups to charge a car/truck, sewage or other public utilities to operate.

During a solar panel's life, it will be replaced as needed. Just as a house needs to be repainted, new windows, remodeled or repaving driveway.

Therefore, is time to decide 30 plus years of solar where bees and other vegetation can and will be grown or a house that cannot be pulled out of the ground or restored the land to its natural state because plumbing pipes, electrical wires, sewer hook ups, etc.

Sincerely,

Jean Zigler Kotch

Edwina Benites

From: Amy Burns <aburns@kingeryandcompany.com>
Sent: Friday, September 12, 2025 8:00 AM
To: bmdue@yahoo.com; roxybesaw@wvceh.org; Chelsea Garcia; sasha.k.young@wv.gov; giselle.perry@wvumedicine.org; kayla.carey@wvumedicine.org; tasia.holmes@wvumedicine.org; effiemou@comcast.net; sarah.wilt@wvumedicine.org; michaelwest@wvceh.org; ntaggart@livemillennia.com; lgrindle@eptawv.com; artcoordinator@swcinc.org; kspriggs@swcinc.org; People of Worth Inc.; lynne.corea@k12.wv.us; gshoemaker@yapinc.org; life@marysrefuge.com; dhaarberg@cityofmartinsburg.org; bccovell@wvesc.org; Robert Glenn; FRN Director; kasey@jccm.us; CRoman@cityofmartinsburg.org; ablake@cityofmartinsburg.org; SFarthing@cityofmartinsburg.org; mhovis@childhswv.org; commcoordinator@swcinc.org; Crystal.Williams@highmark.com; pporter@uwayep.org; rsnavely@region9wv.com; mealsonwheelsbcwv@gmail.com; jheath@shepherd.edu; anazarok@telamon.org; bssadmin1@berkeleyseiorservices.org; Director@bgcepwv.org; lynne.corea@k12.wv.us; iamnicoleabailey@gmail.com; jcromwell@telamon.org; Dassity Robinson; LaTonya Jay; Leslie Hill; Jennifer Lyons; Steve Stolipher; Jack Hefestay; Cara Keys; Mike Mood; Pasha Majdi; paoffice; Edwina Benites; Roger Goodwin; Jessica James; David Bound; arwhite@k12.wv.us; bridget.cohee@courtsww.gov; david.hammer@courtsww.gov; John Lyons External; Jamin Branch; Myoshia Bright; Morgan Nick; Jamie Green; Thomas Hansen; noellejoyward@gmail.com; fphillips@pdc23.com; Rebecca Hall; daniel.r.lefeber@wv.gov; danielle.hofe@courtsww.gov; Heather McIntyre; rca@blueridge.edu; mdesrochers@summitfgi.com; erin.gaertner@wvesc.org; randy@berkeleycounty.org; Natalie Cline; sean.bryner@courtsww.gov; Tasha Edwards; Jennifer Lyons; cdorr@telamon.org; rshook@telamon.org; Sabrinah Reese; Jennie Shriner; Saunsha Combs; bgregory@telamon.org; ymundy@telamon.org; tunderwood@telamon.org; jcromwell@telamon.org; Kimberly Meade; aparker@telamon.org; Heather McIntyre; Tricia Kingery; Antionette Gue
Cc: Tricia Kingery; Karissa Keen
Subject: September 12 Telamon Update

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Good Morning!

Our current survey completion numbers are:

195 Total surveys completed
143 Surveys completed from Berkeley County
33 Surveys completed from Jefferson County
19 Surveys completed from Other Counties

The survey will be closing soon, so please share and get as many completions as possible over the next week. Thank you so much for your participation!

Please share the survey at upcoming Back to School Events while you continue to forward it to your network. The survey will be open until the end of September. If you have not already done so, please

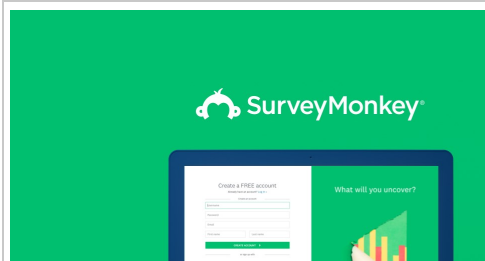
complete the survey yourself as well! You can copy and paste the following verbiage when you forward the email to others.

Telamon is conducting a Community Needs Assessment to better understand the causes of poverty, identify community needs, and align our services and resources to meet those needs. If you live or work in Berkeley and Jefferson Counties, your feedback is a key part of the needs assessment process. No one knows our community better than you. It will take approximately 10-15 minutes of your time and must be completed at one sitting because it will not save to complete later.

Thank you so much for your participation!

Amy Burns

<https://www.surveymonkey.com/r/TelamonCNA>



Telamon Community Needs Assessment
Survey

To: Jefferson County Commission
Sept. 4, 2025

We want to bring something to your attention. American Water Works is coming through the Millville area to deliver water to residents in subdivisions across the Shenandoah River. Some residents living in homes in the Millville community have been told that American Water Works will add this community to their public system.

Some residents are not interested in connecting to the water lines. They were told they do not have to connect if they don't want to.

Details of the water line that is to connect the houses to the public system are vague. It's impossible to talk to someone at this company to get answers. There weren't any meetings about it. The meeting that had been scheduled in May was cancelled. It doesn't appear this company is getting permission from some land owners to come across some properties.

We are writing this letter to ask for help in looking into this matter. The people and this community need professional representation and guidance.

We want to remain anonymous since this is a delicate subject.

Thank you.